

**SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION**

S.F. No. 2077

(SENATE AUTHORS: HAWJ)

DATE
03/03/2025

D-PG

Introduction and first reading
Referred to Environment, Climate, and Legacy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment and natural

1.3 resources; modifying fees and surcharges; modifying disposition of certain funds;

1.4 modifying permitting efficiency provisions; establishing stewardship program for

1.5 circuit boards, batteries, and electrical products; prohibiting mercury in batteries;

1.6 modifying funding considerations for water infrastructure; providing for recovery

1.7 of expenses of responding to pollutant release; modifying reimbursable costs under

1.8 Petroleum Tank Release Cleanup Act; providing for loans for regional parks and

1.9 trails projects; modifying grant programs; modifying prior appropriations; providing

1.10 civil penalties; authorizing rulemaking; amending Minnesota Statutes 2024, sections

1.11 85.055, subdivision 1; 86B.415, subdivision 7; 103G.271, subdivision 6; 103G.301,

1.12 subdivision 2; 115.01, by adding subdivisions; 115.071, subdivision 1; 115.072;

1.13 115A.121; 115A.554; 115B.421; 115C.02, subdivision 14, by adding a subdivision;

1.14 115C.09, subdivision 1; 116.03, subdivision 2b; 116.073, subdivisions 1, 2;

1.15 116.182, subdivision 5; 116.92, subdivision 6, by adding a subdivision; 168.1295,

1.16 subdivision 1; 446A.07, subdivision 8; 473.167; 473.355, subdivision 2; 473.5491,

1.17 subdivision 1; Laws 2023, chapter 60, article 1, section 2, subdivisions 2, 7;

1.18 proposing coding for new law in Minnesota Statutes, chapter 115A; repealing

1.19 Minnesota Statutes 2024, sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8,

1.20 9, 10, 11, 12, 12a, 12b, 12c, 13, 14, 15, 17, 18, 19, 20; 115A.1312; 115A.1314;

1.21 115A.1316; 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1324;

1.22 115A.1326; 115A.1328; 115A.1330; 115A.9155; 115A.9157, subdivisions 1, 2,

1.23 3, 5, 6, 7, 8, 9; 115A.961, subdivisions 1, 2, 3; 325E.125; 325E.1251.

1.24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.25 **ARTICLE 1**

1.26 **APPROPRIATIONS**

1.27 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

1.28 The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.29 and for the purposes specified in this article. The appropriations are from the general fund,

1.30 or another named fund, and are available for the fiscal years indicated for each purpose.

1.31 The figures "2026" and "2027" used in this article mean that the appropriations listed under

2.1 them are available for the fiscal year ending June 30, 2026, or June 30, 2027, respectively.
 2.2 "The first year" is fiscal year 2026. "The second year" is fiscal year 2027. "The biennium"
 2.3 is fiscal years 2026 and 2027.

APPROPRIATIONS

Available for the Year

Ending June 30

2026

2027

2.8 **Sec. 2. POLLUTION CONTROL AGENCY**

2.9	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>151,162,000</u>	<u>\$</u>	<u>157,369,000</u>
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Appropriations by Fund

2.11		<u>2026</u>	<u>2027</u>
2.12	<u>General</u>	<u>9,229,000</u>	<u>9,391,000</u>
2.13	<u>State Government</u>		
2.14	<u>Special Revenue</u>	<u>90,000</u>	<u>90,000</u>
2.15	<u>Environmental</u>	<u>120,156,000</u>	<u>126,047,000</u>
2.16	<u>Remediation</u>	<u>21,687,000</u>	<u>21,841,000</u>

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

2.20 The commissioner must present the agency's
 2.21 biennial budget for fiscal years 2028 and 2029
 2.22 to the legislature in a transparent way by
 2.23 agency division, including the proposed
 2.24 budget bill and presentations of the budget to
 2.25 committees and divisions with jurisdiction
 2.26 over the agency's budget.

2.27	<u>Subd. 2. Environmental Analysis and Outcomes</u>	<u>23,079,000</u>	<u>25,028,000</u>
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Appropriations by Fund

2.29		<u>2026</u>	<u>2027</u>
2.30	<u>General</u>	<u>562,000</u>	<u>582,000</u>
2.31	<u>Environmental</u>	<u>22,303,000</u>	<u>24,232,000</u>
2.32	<u>Remediation</u>	<u>214,000</u>	<u>214,000</u>

2.33 (a) \$128,000 the first year and \$131,000 the
 2.34 second year are for a municipal liaison to

- 3.1 assist municipalities with water quality
3.2 standards and NPDES/SDS permitting
3.3 processes, including enhanced economic
3.4 analysis in the water quality standards
3.5 rulemaking processes, identification of
3.6 cost-effective permitting opportunities,
3.7 simplifying the variance process, and
3.8 coordinating with the Public Facilities
3.9 Authority to identify and advocate for needed
3.10 resources for municipalities to achieve permit
3.11 requirements.
- 3.12 (b) \$1,182,000 the first year and \$1,191,000
3.13 the second year are from the environmental
3.14 fund for an air-monitoring program under
3.15 Minnesota Statutes, section 116.454, including
3.16 ambient air for hazardous pollutants, and for
3.17 operating a mobile emissions regulatory
3.18 monitoring trailer.
- 3.19 (c) \$144,000 the first year and \$148,000 the
3.20 second year are for monitoring water quality
3.21 and operating assistance programs.
- 3.22 (d) \$109,000 the first year and \$109,000 the
3.23 second year are from the environmental fund
3.24 for duties related to harmful chemicals in
3.25 children's products under Minnesota Statutes,
3.26 sections 116.9401 to 116.9407. Of this
3.27 amount, \$70,000 the first year and \$70,000
3.28 the second year are transferred to the
3.29 commissioner of health.
- 3.30 (e) \$137,000 the first year and \$139,000 the
3.31 second year are from the environmental fund
3.32 for registering wastewater laboratories.
- 3.33 (f) \$1,527,000 the first year and \$1,529,000
3.34 the second year are from the environmental

4.1 fund to continue perfluorochemical
4.2 biomonitoring in eastern metropolitan
4.3 communities, as recommended by the
4.4 Environmental Health Tracking and
4.5 Biomonitoring Advisory Panel, and to address
4.6 other environmental health risks, including air
4.7 quality. The communities must include Hmong
4.8 and other immigrant farming communities.
4.9 Of this amount, up to \$1,248,000 the first year
4.10 and \$1,248,000 the second year are for transfer
4.11 to the commissioner of health.

4.12 (g) \$64,000 the first year and \$65,000 the
4.13 second year are from the environmental fund
4.14 for the listing procedures for impaired waters
4.15 required under this act.

4.16 (h) \$74,000 the first year and \$74,000 the
4.17 second year are from the remediation fund for
4.18 the leaking underground storage tank program
4.19 to investigate, clean up, and prevent future
4.20 releases from underground petroleum storage
4.21 tanks and for the petroleum remediation
4.22 program for vapor assessment and
4.23 remediation. These same annual amounts are
4.24 transferred from the petroleum tank fund to
4.25 the remediation fund.

4.26 (i) \$283,000 the first year and \$296,000 the
4.27 second year are to support communities in
4.28 planning to implement projects that will allow
4.29 for adaptation for a changing climate.

4.30 (j) \$2,139,000 the first year and \$2,160,000
4.31 the second year are from the environmental
4.32 fund to develop and implement a program
4.33 related to emerging issues, including
4.34 Minnesota's PFAS Blueprint.

5.1 (k) \$1,893,000 the first year and \$1,915,000
 5.2 the second year are from the environmental
 5.3 fund to support improved management of data
 5.4 collected by the agency and its partners and
 5.5 regulated parties to facilitate decision-making
 5.6 and public access.

5.7 (l) \$7,000 the first year and \$7,000 the second
 5.8 year are to implement the requirements for
 5.9 fish kills under Minnesota Statutes, sections
 5.10 103G.216 and 103G.2165.

5.11 (m) \$1,448,000 the second year is from the
 5.12 environmental fund to adopt rules and
 5.13 implement air toxics emissions requirements
 5.14 under Minnesota Statutes, section 116.062.

5.15 (n) \$904,000 the first year and \$911,000 the
 5.16 second year are from the environmental fund
 5.17 for monitoring ambient air for hazardous air
 5.18 pollutants in Hennepin, Ramsey, Washington,
 5.19 and Olmsted Counties.

5.20 (o) \$175,000 the first year and \$175,000 the
 5.21 second year are from the environmental fund
 5.22 to address wastewater effluent limits and
 5.23 variances for backlogged permits.

5.24 Subd. 3. **Industrial** 24,638,000 27,911,000

5.25	<u>Appropriations by Fund</u>	
5.26	<u>2026</u>	<u>2027</u>
5.27	<u>General</u>	<u>782,000</u> <u>789,000</u>
5.28	<u>Environmental</u>	<u>22,076,000</u> <u>25,341,000</u>
5.29	<u>Remediation</u>	<u>1,780,000</u> <u>1,781,000</u>

5.30 (a) \$1,670,000 the first year and \$1,670,000
 5.31 the second year are from the remediation fund
 5.32 for the leaking underground storage tank
 5.33 program to investigate, clean up, and prevent
 5.34 future releases from underground petroleum

6.1 storage tanks and for the petroleum
6.2 remediation program for vapor assessment
6.3 and remediation. These same annual amounts
6.4 are transferred from the petroleum tank fund
6.5 to the remediation fund.

6.6 (b) \$149,000 the first year and \$149,000 the
6.7 second year are from the environmental fund
6.8 for transfer to the commissioner of health to
6.9 further evaluate the use and reduction of
6.10 trichloroethylene around Minnesota and
6.11 identify its potential health effects on
6.12 communities.

6.13 (c) \$257,000 the first year and \$264,000 the
6.14 second year are for implementation of the odor
6.15 management requirements under Minnesota
6.16 Statutes, section 116.064.

6.17 (d) \$148,000 the second year is from the
6.18 environmental fund for the purposes of the
6.19 public informational meeting requirements
6.20 under Minnesota Statutes, section 116.07,
6.21 subdivision 4m.

6.22 (e) \$2,698,000 the first year and \$2,718,000
6.23 the second year are from the environmental
6.24 fund for prioritizing air regulatory program
6.25 work in environmental justice areas.

6.26 (f) \$2,539,000 the second year is from the
6.27 environmental fund for implementing the
6.28 environmental justice cumulative impact
6.29 analysis and other requirements under
6.30 Minnesota Statutes, section 116.065.

6.31 (g) \$730,000 the first year and \$740,000 the
6.32 second year are from the environmental fund
6.33 to improve the coordination, effectiveness,

7.1 transparency, and accountability of the
 7.2 environmental review and permitting process.

7.3 (h) \$700,00 the first year and \$700,000 the
 7.4 second year are to address backlogged permits.

7.5 Of this amount, \$525,000 the first year and
 7.6 \$525,000 the second year are from the general
 7.7 fund and \$175,000 the first year and \$175,000
 7.8 the second year are from the environmental
 7.9 fund.

7.10 (i) \$700,000 the first year and \$700,000 the
 7.11 second year are from the environmental fund
 7.12 to prioritize regulatory services for projects
 7.13 that directly support the production of
 7.14 sustainable aviation fuel in Minnesota.

7.15 Subd. 4. **Municipal** 11,271,000 11,410,000

7.16	<u>Appropriations by Fund</u>		
7.17		<u>2026</u>	<u>2027</u>
7.18	<u>General</u>	<u>228,000</u>	<u>233,000</u>
7.19	<u>State Government</u>		
7.20	<u>Special Revenue</u>	<u>90,000</u>	<u>90,000</u>
7.21	<u>Environmental</u>	<u>10,953,000</u>	<u>11,087,000</u>

7.22 (a) \$228,000 the first year and \$233,000 the
 7.23 second year are for a municipal liaison to
 7.24 assist municipalities with water quality
 7.25 standards and NPDES/SDS permitting
 7.26 processes, including enhanced economic
 7.27 analysis in the water quality standards
 7.28 rulemaking processes, identification of
 7.29 cost-effective permitting opportunities,
 7.30 simplifying the variance process, and
 7.31 coordinating with the Public Facilities
 7.32 Authority to identify and advocate for needed
 7.33 resources for municipalities to achieve permit
 7.34 requirements.

8.1 (b) \$50,000 the first year and \$50,000 the
 8.2 second year are from the environmental fund
 8.3 for transfer to the Office of Administrative
 8.4 Hearings to establish sanitary districts.

8.5 (c) \$2,511,000 the first year and \$2,535,000
 8.6 the second year are from the environmental
 8.7 fund for subsurface sewage treatment system
 8.8 (SSTS) program administration; for
 8.9 community technical assistance and education,
 8.10 including grants and technical assistance to
 8.11 communities for water-quality protection, new
 8.12 technology review, and enforcement under
 8.13 Minnesota Statutes, sections 115.55 to 115.58;
 8.14 and to complete the requirements of Laws
 8.15 2003, chapter 128, article 1, section 165. Of
 8.16 this amount, \$350,000 each year is for
 8.17 assistance to counties through grants for SSTS
 8.18 program administration. A county receiving
 8.19 a grant from this appropriation must submit
 8.20 the results achieved with the grant to the
 8.21 commissioner as part of its annual SSTS
 8.22 report. Any unexpended balance in the first
 8.23 year does not cancel but is available in the
 8.24 second year.

8.25 (d) Notwithstanding Minnesota Statutes,
 8.26 section 16A.28, the appropriations
 8.27 encumbered on or before June 30, 2027, as
 8.28 grants or contracts for subsurface sewage
 8.29 treatment systems, surface water and
 8.30 groundwater assessments, storm water, and
 8.31 water-quality protection in this subdivision
 8.32 are available until June 30, 2030.

8.33 Subd. 5. Operations 15,321,000 15,573,000

8.34 Appropriations by Fund

8.35 2026 2027

9.1	<u>General</u>	<u>4,019,000</u>	<u>4,115,000</u>
9.2	<u>Environmental</u>	<u>8,733,000</u>	<u>8,870,000</u>
9.3	<u>Remediation</u>	<u>2,569,000</u>	<u>2,588,000</u>

9.4 (a) \$1,124,000 the first year and \$1,124,000
 9.5 the second year are from the remediation fund
 9.6 for the leaking underground storage tank
 9.7 program to investigate, clean up, and prevent
 9.8 future releases from underground petroleum
 9.9 storage tanks and for the petroleum
 9.10 remediation program for vapor assessment
 9.11 and remediation. These same annual amounts
 9.12 are transferred from the petroleum tank fund
 9.13 to the remediation fund.

9.14 (b) \$3,204,000 the first year and \$3,300,000
 9.15 the second year are to support agency
 9.16 information technology services provided at
 9.17 the enterprise and agency level.

9.18 (c) \$955,000 the first year and \$965,000 the
 9.19 second year are from the environmental fund
 9.20 to develop and maintain systems to support
 9.21 permitting and regulatory business processes
 9.22 and agency data.

9.23 (d) \$278,000 the first year and \$280,000 the
 9.24 second year are from the environmental fund
 9.25 to support current and future career pathways
 9.26 for underrepresented students.

9.27 (e) \$375,000 the first year and \$380,000 the
 9.28 second year are from the environmental fund
 9.29 to support financial planning and analysis to
 9.30 assist with risk and compliance management
 9.31 across agency programs and financial systems.

9.32 (f) \$538,000 the first year and \$542,000 the
 9.33 second year are from the environmental fund

10.1 for Operations Division legal services that
 10.2 support compliance programs.

10.3 (g) \$815,000 the first year and \$815,000 the
 10.4 second year are for developing tools to
 10.5 improve permitting issuance processes. This
 10.6 appropriation is available until June 30, 2029.

10.7 This is a onetime appropriation.

10.8 (h) The total general fund base for the
 10.9 Operations Division for fiscal year 2028 and
 10.10 later is \$3,300,000.

10.11 Subd. 6. Remediation 17,368,000 17,504,000

	<u>Appropriations by Fund</u>	
	<u>2026</u>	<u>2027</u>
10.12		
10.13		
10.14	<u>642,000</u>	<u>646,000</u>
10.15	<u>16,726,000</u>	<u>16,858,000</u>

10.16 (a) All money for environmental response,
 10.17 compensation, and compliance in the
 10.18 remediation fund not otherwise appropriated
 10.19 is appropriated to the commissioners of the
 10.20 Pollution Control Agency and agriculture for
 10.21 purposes of Minnesota Statutes, section
 10.22 115B.20, subdivision 2, clauses (1), (2), (3),
 10.23 (6), and (7). At the beginning of each fiscal
 10.24 year, the two commissioners must jointly
 10.25 submit to the commissioner of management
 10.26 and budget an annual spending plan that
 10.27 maximizes resource use and appropriately
 10.28 allocates the money between the two
 10.29 departments.

10.30 (b) \$4,622,000 the first year and \$4,622,000
 10.31 the second year are from the remediation fund
 10.32 for the leaking underground storage tank
 10.33 program to investigate, clean up, and prevent
 10.34 future releases from underground petroleum

11.1 storage tanks and for the petroleum
 11.2 remediation program for vapor assessment
 11.3 and remediation. These same annual amounts
 11.4 are transferred from the petroleum tank fund
 11.5 to the remediation fund.

11.6 (c) \$316,000 the first year and \$316,000 the
 11.7 second year are from the remediation fund for
 11.8 transfer to the commissioner of health for
 11.9 private water-supply monitoring and health
 11.10 assessment costs in areas contaminated by
 11.11 unpermitted mixed municipal solid waste
 11.12 disposal facilities and drinking water
 11.13 advisories and public information activities
 11.14 for areas contaminated by hazardous releases.

11.15 (d) \$700,000 the first year and \$700,000 the
 11.16 second year are from the remediation fund to
 11.17 review and mitigate the impacts from the
 11.18 backlog of high-priority sites in the Superfund
 11.19 site assessment program.

11.20 **Subd. 7. Resource Management and Assistance** 47,180,000 47,469,000

11.21	<u>Appropriations by Fund</u>	
11.22	<u>2026</u>	<u>2027</u>
11.23	<u>370,000</u>	<u>370,000</u>
11.24	<u>46,810,000</u>	<u>47,099,000</u>

11.25 (a) Up to \$150,000 the first year and \$150,000
 11.26 the second year may be transferred from the
 11.27 environmental fund to the small business
 11.28 environmental improvement loan account
 11.29 under Minnesota Statutes, section 116.993.

11.30 (b) \$1,000,000 the first year and \$1,000,000
 11.31 the second year are for competitive recycling
 11.32 grants under Minnesota Statutes, section
 11.33 115A.565. Of this amount, \$300,000 the first
 11.34 year and \$300,000 the second year are from

- 12.1 the general fund, and \$700,000 the first year
12.2 and \$700,000 the second year are from the
12.3 environmental fund. This appropriation is
12.4 available until June 30, 2029.
- 12.5 (c) \$694,000 the first year and \$694,000 the
12.6 second year are from the environmental fund
12.7 for emission-reduction activities and grants to
12.8 small businesses and other
12.9 nonpoint-emission-reduction efforts. Of this
12.10 amount, \$100,000 the first year and \$100,000
12.11 the second year are to continue work with
12.12 Clean Air Minnesota, and the commissioner
12.13 may enter into an agreement with
12.14 Environmental Initiative to support this effort.
- 12.15 (d) \$18,450,000 the first year and \$18,450,000
12.16 the second year are from the environmental
12.17 fund for SCORE block grants to counties.
- 12.18 (e) \$119,000 the first year and \$119,000 the
12.19 second year are from the environmental fund
12.20 for environmental assistance grants or loans
12.21 under Minnesota Statutes, section 115A.0716.
- 12.22 (f) \$400,000 the first year and \$400,000 the
12.23 second year are from the environmental fund
12.24 for grants to develop and expand recycling
12.25 markets for Minnesota businesses. This
12.26 appropriation is available until June 30, 2029.
- 12.27 (g) \$770,000 the first year and \$770,000 the
12.28 second year are from the environmental fund
12.29 for reducing and diverting food waste,
12.30 redirecting edible food for consumption, and
12.31 removing barriers to collecting and recovering
12.32 organic waste. Of this amount, \$500,000 each
12.33 year is for grants to increase food rescue and

- 13.1 waste prevention. This appropriation is
13.2 available until June 30, 2029.
- 13.3 (h) \$2,829,000 the first year and \$2,835,000
13.4 the second year are from the environmental
13.5 fund for the purposes of Minnesota Statutes,
13.6 section 473.844.
- 13.7 (i) \$479,000 the first year and \$481,000 the
13.8 second year are from the environmental fund
13.9 to address chemicals in products, including to
13.10 implement and enforce flame retardant
13.11 provisions under Minnesota Statutes, section
13.12 325F.071, and perfluoroalkyl and
13.13 polyfluoroalkyl substances in food packaging
13.14 provisions under Minnesota Statutes, section
13.15 325F.075. Of this amount, \$80,000 the first
13.16 year and \$80,000 the second year are
13.17 transferred to the commissioner of health.
- 13.18 (j) \$650,000 the first year and \$650,000 the
13.19 second year are from the environmental fund
13.20 for Minnesota GreenCorps investment.
- 13.21 (k) \$1,143,000 the first year and \$1,152,000
13.22 the second year are from the environmental
13.23 fund for implementation of the PFAS
13.24 requirements under Minnesota Statutes,
13.25 section 116.943. Of this amount, \$468,000 the
13.26 first year and \$468,000 the second year are
13.27 for transfer to the commissioner of health.
- 13.28 (l) \$175,000 the first year and \$175,000 the
13.29 second year are from the environmental fund
13.30 to address land permitting activities.
- 13.31 (m) \$215,000 the first year and \$215,000 the
13.32 second year are from the environmental fund
13.33 to enhance existing work to reduce or
13.34 eliminate mercury-containing skin-lightening

14.1 products. The base is \$195,000 in fiscal year
 14.2 2028 and thereafter.

14.3 (n) \$350,000 the first year and \$350,000 the
 14.4 second year are from the environmental fund
 14.5 to provide assistance in preventing and
 14.6 managing wasted food to state and local
 14.7 governments, food waste generators,
 14.8 not-for-profit organizations, Tribal
 14.9 governments, and the public.

14.10 (o) Any unencumbered grant and loan
 14.11 balances in the first year do not cancel but are
 14.12 available for grants and loans in the second
 14.13 year. Notwithstanding Minnesota Statutes,
 14.14 section 16A.28, the appropriations
 14.15 encumbered on or before June 30, 2027, as
 14.16 contracts or grants for environmental
 14.17 assistance awarded under Minnesota Statutes,
 14.18 section 115A.0716; technical and research
 14.19 assistance under Minnesota Statutes, section
 14.20 115A.152; technical assistance under
 14.21 Minnesota Statutes, section 115A.52; and
 14.22 pollution prevention assistance under
 14.23 Minnesota Statutes, section 115D.04, are
 14.24 available until June 30, 2029.

14.25 Subd. 8. Watershed 10,760,000 10,892,000

	<u>Appropriations by Fund</u>	
	<u>2026</u>	<u>2027</u>
14.26		
14.27		
14.28	<u>1,959,000</u>	<u>1,959,000</u>
14.29	<u>8,403,000</u>	<u>8,533,000</u>
14.30	<u>398,000</u>	<u>400,000</u>

14.31 (a) \$1,959,000 the first year and \$1,959,000
 14.32 the second year are for grants to delegated
 14.33 counties to administer the county feedlot
 14.34 program under Minnesota Statutes, section
 14.35 116.0711, subdivisions 2 and 3. Money

15.1 remaining after the first year is available for
15.2 the second year.

15.3 (b) \$129,000 the first year and \$129,000 the
15.4 second year are from the remediation fund for
15.5 the leaking underground storage tank program
15.6 to investigate, clean up, and prevent future
15.7 releases from underground petroleum storage
15.8 tanks and for the petroleum remediation
15.9 program for vapor assessment and
15.10 remediation. These same annual amounts are
15.11 transferred from the petroleum tank fund to
15.12 the remediation fund.

15.13 (c) Any unencumbered grant and loan balances
15.14 in the first year do not cancel but are available
15.15 for grants and loans in the second year.

15.16 **Subd. 9. Environmental Quality Board** 1,545,000 1,582,000

	<u>Appropriations by Fund</u>	
	<u>2026</u>	<u>2027</u>
<u>General</u>	<u>1,309,000</u>	<u>1,343,000</u>
<u>Environmental</u>	<u>236,000</u>	<u>239,000</u>

15.21 **Subd. 10. Transfers**

15.22 (a) The commissioner must transfer up to
15.23 \$24,000,000 the first year and each fiscal year
15.24 thereafter from the environmental fund to the
15.25 remediation fund for purposes of the
15.26 remediation fund under Minnesota Statutes,
15.27 section 116.155, subdivision 2.

15.28 (b) The commissioner of management and
15.29 budget must transfer \$100,000 the first year
15.30 and each fiscal year thereafter from the general
15.31 fund to the metropolitan landfill contingency
15.32 action trust account in the remediation fund
15.33 to restore the money transferred from the
15.34 account as intended under Laws 2003, chapter

16.1 128, article 1, section 10, paragraph (e), and
 16.2 Laws 2005, First Special Session chapter 1,
 16.3 article 3, section 17.

16.4 **Sec. 3. NATURAL RESOURCES**

16.5 **Subdivision 1. Total Appropriation** **\$ 398,171,000 \$ 402,631,000**

16.6 Appropriations by Fund

16.7	<u>2026</u>	<u>2027</u>
16.8 <u>General</u>	<u>133,715,000</u>	<u>135,537,000</u>
16.9 <u>Natural Resources</u>	<u>133,094,000</u>	<u>135,397,000</u>
16.10 <u>Game and Fish</u>	<u>130,525,000</u>	<u>130,848,000</u>
16.11 <u>Remediation</u>	<u>117,000</u>	<u>117,000</u>
16.12 <u>Permanent School</u>	<u>720,000</u>	<u>732,000</u>

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

16.16 **Subd. 2. Land and Mineral Resources**
 16.17 **Management**

11,399,000 11,605,000

16.18 Appropriations by Fund

16.19	<u>2026</u>	<u>2027</u>
16.20 <u>General</u>	<u>5,569,000</u>	<u>5,759,000</u>
16.21 <u>Natural Resources</u>	<u>5,259,000</u>	<u>5,270,000</u>
16.22 <u>Game and Fish</u>	<u>344,000</u>	<u>344,000</u>
16.23 <u>Permanent School</u>	<u>227,000</u>	<u>232,000</u>

16.24 (a) \$319,000 the first year and \$319,000 the
 16.25 second year are for environmental research
 16.26 relating to mine permitting, of which \$200,000
 16.27 each year is from the minerals management
 16.28 account in the natural resources fund and
 16.29 \$119,000 each year is from the general fund.

16.30 (b) \$3,639,000 the first year and \$3,650,000
 16.31 the second year are from the minerals
 16.32 management account in the natural resources
 16.33 fund for use as provided under Minnesota
 16.34 Statutes, section 93.2236, paragraph (c), for

17.1 mineral resource management, projects to
 17.2 enhance future mineral income, and projects
 17.3 to promote new mineral-resource
 17.4 opportunities.

17.5 (c) \$227,000 the first year and \$232,000 the
 17.6 second year are transferred from the forest
 17.7 suspense account to the permanent school fund
 17.8 and are appropriated from the permanent
 17.9 school fund to secure maximum long-term
 17.10 economic return from the school trust lands
 17.11 consistent with fiduciary responsibilities and
 17.12 sound natural resources conservation and
 17.13 management principles.

17.14 (d) \$573,000 the first year and \$573,000 the
 17.15 second year are from the water management
 17.16 account in the natural resources fund for only
 17.17 the purposes specified in Minnesota Statutes,
 17.18 section 103G.27, subdivision 2.

17.19 (e) \$660,000 the first year and \$660,000 the
 17.20 second year are for use as provided under
 17.21 Minnesota Statutes, chapter 93, for mineral
 17.22 resource management, including permitting
 17.23 activities associated with gas resource
 17.24 development.

17.25 (f) \$330,000 the first year and \$330,000 the
 17.26 second year are from the minerals
 17.27 management account in the natural resources
 17.28 fund for use as provided under Minnesota
 17.29 Statutes, section 93.2236, paragraph (c),
 17.30 including activities associated with leasing for
 17.31 gas exploration and development.

17.32 **Subd. 3. Ecological and Water Resources** 47,843,000 49,402,000

17.33 Appropriations by Fund
 17.34 2026 2027

18.1	<u>General</u>	<u>23,211,000</u>	<u>23,602,000</u>
18.2	<u>Natural Resources</u>	<u>18,808,000</u>	<u>19,976,000</u>
18.3	<u>Game and Fish</u>	<u>5,824,000</u>	<u>5,824,000</u>

18.4 (a) \$6,077,000 the first year and \$6,082,000
 18.5 the second year are from the invasive species
 18.6 account in the natural resources fund and
 18.7 \$2,501,000 the first year and \$2,501,000 the
 18.8 second year are from the general fund for
 18.9 management, public awareness, assessment
 18.10 and monitoring research, and water access
 18.11 inspection to prevent the spread of invasive
 18.12 species; management of invasive plants in
 18.13 public waters; and management of terrestrial
 18.14 invasive species on state-administered lands.

18.15 (b) \$7,801,000 the first year and \$8,791,000
 18.16 the second year are from the water
 18.17 management account in the natural resources
 18.18 fund for only the purposes specified in
 18.19 Minnesota Statutes, section 103G.27,
 18.20 subdivision 2.

18.21 (c) \$124,000 the first year and \$124,000 the
 18.22 second year are for a grant to the Mississippi
 18.23 Headwaters Board for up to 50 percent of the
 18.24 cost of implementing the comprehensive plan
 18.25 for the upper Mississippi within areas under
 18.26 the board's jurisdiction.

18.27 (d) \$264,000 the first year and \$264,000 the
 18.28 second year are for grants for up to 50 percent
 18.29 of the cost of implementing the Red River
 18.30 mediation agreement.

18.31 (e) \$2,598,000 the first year and \$2,598,000
 18.32 the second year are from the heritage
 18.33 enhancement account in the game and fish
 18.34 fund for only the purposes specified in

- 19.1 Minnesota Statutes, section 297A.94,
19.2 paragraph (h), clause (1).
- 19.3 (f) \$1,150,000 the first year and \$1,150,000
19.4 the second year are from the nongame wildlife
19.5 management account in the natural resources
19.6 fund for nongame wildlife management.
- 19.7 Notwithstanding Minnesota Statutes, section
19.8 290.431, \$100,000 the first year and \$100,000
19.9 the second year may be used for nongame
19.10 wildlife information, education, and
19.11 promotion.
- 19.12 (g) Notwithstanding Minnesota Statutes,
19.13 section 84.943, \$48,000 the first year and
19.14 \$48,000 the second year from the critical
19.15 habitat private sector matching account may
19.16 be used to publicize the critical habitat license
19.17 plate match program.
- 19.18 (h) \$4,555,000 the first year and \$4,555,000
19.19 the second year are for the following activities:
- 19.20 (1) financial reimbursement and technical
19.21 support to soil and water conservation districts
19.22 or other local units of government for
19.23 groundwater-level monitoring;
- 19.24 (2) surface water monitoring and analysis,
19.25 including installing monitoring gauges;
- 19.26 (3) groundwater analysis to assist with
19.27 water-appropriation permitting decisions;
- 19.28 (4) permit application review incorporating
19.29 surface water and groundwater technical
19.30 analysis;
- 19.31 (5) precipitation data and analysis to improve
19.32 irrigation use;

20.1 (6) information technology, including
 20.2 electronic permitting and integrated data
 20.3 systems; and
 20.4 (7) compliance and monitoring.
 20.5 (i) \$410,000 the first year and \$410,000 the
 20.6 second year are from the heritage enhancement
 20.7 account in the game and fish fund, \$500,000
 20.8 the first year and \$500,000 the second year
 20.9 are from the general fund, and \$1,200,000 the
 20.10 first year and \$1,200,000 the second year are
 20.11 from the invasive species account in the
 20.12 natural resources fund for the Minnesota
 20.13 Aquatic Invasive Species Research Center at
 20.14 the University of Minnesota to prioritize,
 20.15 support, and develop research-based solutions
 20.16 that can reduce the effects of aquatic invasive
 20.17 species in Minnesota by preventing spread,
 20.18 controlling populations, and managing
 20.19 ecosystems and to advance knowledge to
 20.20 inspire action by others.

20.21 **Subd. 4. Forest Management** 61,123,000 61,793,000

<u>Appropriations by Fund</u>	<u>2026</u>	<u>2027</u>
20.23 <u>General</u>	<u>43,300,000</u>	<u>43,883,000</u>
20.24 <u>Natural Resources</u>	<u>16,206,000</u>	<u>16,293,000</u>
20.25 <u>Game and Fish</u>	<u>1,617,000</u>	<u>1,617,000</u>

20.27 (a) \$7,521,000 the first year and \$7,521,000
 20.28 the second year are for prevention,
 20.29 presuppression, and suppression costs of
 20.30 emergency firefighting and other costs
 20.31 incurred under Minnesota Statutes, section
 20.32 88.12. The amount necessary to pay for
 20.33 presuppression and suppression costs during
 20.34 the biennium is appropriated from the general
 20.35 fund. By January 15 each year, the

21.1 commissioner of natural resources must submit
21.2 a report to the chairs and ranking minority
21.3 members of the house and senate committees
21.4 and divisions having jurisdiction over
21.5 environment and natural resources finance that
21.6 identifies all firefighting costs incurred and
21.7 reimbursements received in the prior fiscal
21.8 year. These appropriations may not be
21.9 transferred. Any reimbursement of firefighting
21.10 expenditures made to the commissioner from
21.11 any source other than federal mobilizations
21.12 must be deposited into the general fund.

21.13 (b) \$15,706,000 the first year and \$15,793,000
21.14 the second year are from the forest
21.15 management investment account in the natural
21.16 resources fund for only the purposes specified
21.17 in Minnesota Statutes, section 89.039,
21.18 subdivision 2.

21.19 (c) \$1,617,000 the first year and \$1,617,000
21.20 the second year are from the heritage
21.21 enhancement account in the game and fish
21.22 fund to advance ecological classification
21.23 systems (ECS), forest habitat, and invasive
21.24 species management.

21.25 (d) \$940,000 the first year and \$947,000 the
21.26 second year are for the Forest Resources
21.27 Council to implement the Sustainable Forest
21.28 Resources Act.

21.29 (e) \$500,000 the first year and \$500,000 the
21.30 second year are from the forest management
21.31 investment account in the natural resources
21.32 fund for forest road maintenance on state
21.33 forest roads.

22.1 (f) \$500,000 the first year and \$500,000 the
 22.2 second year are for forest road maintenance
 22.3 on county forest roads.

22.4 (g) \$400,000 the first year and \$400,000 the
 22.5 second year are for grants to local and Tribal
 22.6 governments and nonprofit organizations to
 22.7 enhance community forest ecosystem health
 22.8 and sustainability under Minnesota Statutes,
 22.9 section 88.82. The commissioner may use a
 22.10 reasonable amount of this appropriation for
 22.11 administering ReLeaf grants.

22.12 **Subd. 5. Parks and Trails Management** 112,770,000 113,137,000

22.13	<u>Appropriations by Fund</u>	
22.14	<u>2026</u>	<u>2027</u>
22.15	<u>General</u>	<u>35,724,000</u> <u>35,724,000</u>
22.16	<u>Natural Resources</u>	<u>74,746,000</u> <u>75,113,000</u>
22.17	<u>Game and Fish</u>	<u>2,300,000</u> <u>2,300,000</u>

22.18 (a) \$8,925,000 the first year and \$9,238,000
 22.19 the second year are from the natural resources
 22.20 fund for state trail, park, and recreation area
 22.21 operations. This appropriation is from revenue
 22.22 deposited in the natural resources fund under
 22.23 Minnesota Statutes, section 297A.94,
 22.24 paragraph (h), clause (2).

22.25 (b) \$24,311,000 the first year and \$24,365,000
 22.26 the second year are from the state parks
 22.27 account in the natural resources fund to
 22.28 operate and maintain state parks and state
 22.29 recreation areas.

22.30 (c) \$1,300,000 the first year and \$1,300,000
 22.31 the second year are from the natural resources
 22.32 fund for park and trail grants to local units of
 22.33 government on land to be maintained for at
 22.34 least 20 years for parks or trails. Priority must

23.1 be given for projects that are in underserved
23.2 communities or that increase access to persons
23.3 with disabilities. This appropriation is from
23.4 revenue deposited in the natural resources fund
23.5 under Minnesota Statutes, section 297A.94,
23.6 paragraph (h), clause (4). Any unencumbered
23.7 balance does not cancel at the end of the first
23.8 year and is available for the second year.

23.9 (d) \$9,624,000 the first year and \$9,624,000
23.10 the second year are from the snowmobile trails
23.11 and enforcement account in the natural
23.12 resources fund for the snowmobile
23.13 grants-in-aid program. Any unencumbered
23.14 balance does not cancel at the end of the first
23.15 year and is available for the second year.

23.16 (e) \$2,435,000 the first year and \$2,435,000
23.17 the second year are from the natural resources
23.18 fund for the off-highway vehicle grants-in-aid
23.19 program. Of this amount, \$1,960,000 each
23.20 year is from the all-terrain vehicle account,
23.21 \$150,000 each year is from the off-highway
23.22 motorcycle account, and \$325,000 each year
23.23 is from the off-road vehicle account. Any
23.24 unencumbered balance does not cancel at the
23.25 end of the first year and is available for the
23.26 second year.

23.27 (f) \$2,750,000 the first year and \$2,750,000
23.28 the second year are from the state land and
23.29 water conservation account in the natural
23.30 resources fund for priorities established by the
23.31 commissioner for eligible state projects and
23.32 administrative and planning activities
23.33 consistent with Minnesota Statutes, section
23.34 84.0264, and the federal Land and Water
23.35 Conservation Fund Act. Any unencumbered

24.1 balance does not cancel at the end of the first
 24.2 year and is available for the second year.

24.3 (g) \$250,000 the first year and \$250,000 the
 24.4 second year are for matching grants for local
 24.5 parks and outdoor recreation areas under
 24.6 Minnesota Statutes, section 85.019,
 24.7 subdivision 2.

24.8 (h) \$250,000 the first year and \$250,000 the
 24.9 second year are for matching grants for local
 24.10 trail connections under Minnesota Statutes,
 24.11 section 85.019, subdivision 4c.

24.12 (i) \$600,000 the first year and \$600,000 the
 24.13 second year are from the natural resources
 24.14 fund for projects and activities that connect
 24.15 diverse and underserved Minnesotans through
 24.16 expanding cultural environmental experiences,
 24.17 exploration of their environment, and outdoor
 24.18 recreational activities. This appropriation is
 24.19 from revenue deposited in the natural
 24.20 resources fund under Minnesota Statutes,
 24.21 section 297A.94, paragraph (j).

24.22 **Subd. 6. Fish and Wildlife Management** 97,164,000 98,171,000

24.23	<u>Appropriations by Fund</u>	
24.24	<u>2026</u>	<u>2027</u>
24.25 <u>General</u>	<u>8,895,000</u>	<u>9,337,000</u>
24.26 <u>Natural Resources</u>	<u>2,182,000</u>	<u>2,424,000</u>
24.27 <u>Game and Fish</u>	<u>86,087,000</u>	<u>86,410,000</u>

24.28 (a) \$12,525,000 the first year and \$12,697,000
 24.29 the second year are from the heritage
 24.30 enhancement account in the game and fish
 24.31 fund only for activities specified under
 24.32 Minnesota Statutes, section 297A.94,
 24.33 paragraph (h), clause (1). Notwithstanding
 24.34 Minnesota Statutes, section 297A.94, five

25.1 percent of this appropriation may be used for
 25.2 expanding hunter and angler recruitment and
 25.3 retention.

25.4 (b) \$8,546,000 the first year and \$8,546,000
 25.5 the second year are from the deer management
 25.6 account in the game and fish fund for the
 25.7 purposes identified in Minnesota Statutes,
 25.8 section 97A.075, subdivision 1.

25.9 (c) \$500,000 the first year and \$500,000 the
 25.10 second year are from the heritage enhancement
 25.11 account in the game and fish fund for grants
 25.12 for natural-resource-based education and
 25.13 recreation programs serving youth under
 25.14 Minnesota Statutes, section 84.976. The
 25.15 commissioner may use a reasonable amount
 25.16 of this appropriation for administering grants
 25.17 authorized under Minnesota Statutes, section
 25.18 84.976. Priority must be given to projects
 25.19 benefiting underserved communities.

25.20 (d) Up to \$2,225,000 the first year and up to
 25.21 \$2,225,000 the second year are available for
 25.22 transfer from the critical habitat private sector
 25.23 matching account to the reinvest in Minnesota
 25.24 fund for wildlife management areas
 25.25 acquisition, restoration, and enhancement
 25.26 according to Minnesota Statutes, section
 25.27 84.943, subdivision 5, paragraph (b).

25.28 Subd. 7. Enforcement 64,048,000 64,692,000

25.29	<u>Appropriations by Fund</u>	
25.30	<u>2026</u>	<u>2027</u>
25.31	<u>General</u>	<u>14,795,000</u> <u>15,011,000</u>
25.32	<u>Natural Resources</u>	<u>14,783,000</u> <u>15,211,000</u>
25.33	<u>Game and Fish</u>	<u>34,353,000</u> <u>34,353,000</u>
25.34	<u>Remediation</u>	<u>117,000</u> <u>117,000</u>

- 26.1 (a) \$1,718,000 the first year and \$1,718,000
26.2 the second year are from the general fund for
26.3 enforcement efforts to prevent the spread of
26.4 aquatic invasive species.
- 26.5 (b) \$2,980,000 the first year and \$2,980,000
26.6 the second year are from the heritage
26.7 enhancement account in the game and fish
26.8 fund for only the purposes specified under
26.9 Minnesota Statutes, section 297A.94,
26.10 paragraph (h), clause (1).
- 26.11 (c) \$1,442,000 the first year and \$1,442,000
26.12 the second year are from the water recreation
26.13 account in the natural resources fund for grants
26.14 to counties for boat and water safety. Any
26.15 unencumbered balance does not cancel at the
26.16 end of the first year and is available for the
26.17 second year.
- 26.18 (d) \$315,000 the first year and \$315,000 the
26.19 second year are from the snowmobile trails
26.20 and enforcement account in the natural
26.21 resources fund for grants to local law
26.22 enforcement agencies for snowmobile
26.23 enforcement activities. Any unencumbered
26.24 balance does not cancel at the end of the first
26.25 year and is available for the second year.
- 26.26 (e) \$250,000 the first year and \$250,000 the
26.27 second year are from the all-terrain vehicle
26.28 account in the natural resources fund for grants
26.29 to qualifying organizations to assist in safety
26.30 and environmental education and monitoring
26.31 trails on public lands under Minnesota
26.32 Statutes, section 84.9011. Grants issued under
26.33 this paragraph must be issued through a formal
26.34 agreement with the organization. By
26.35 December 15 each year, an organization

27.1 receiving a grant under this paragraph must
 27.2 report to the commissioner with details on
 27.3 expenditures and outcomes from the grant. Of
 27.4 this appropriation, \$25,000 each year is for
 27.5 administering these grants. Any unencumbered
 27.6 balance does not cancel at the end of the first
 27.7 year and is available for the second year.

27.8 (f) \$510,000 the first year and \$510,000 the
 27.9 second year are from the natural resources
 27.10 fund for grants to county law enforcement
 27.11 agencies for off-highway vehicle enforcement
 27.12 and public education activities based on
 27.13 off-highway vehicle use in the county. Of this
 27.14 amount, \$498,000 each year is from the
 27.15 all-terrain vehicle account, \$11,000 each year
 27.16 is from the off-highway motorcycle account,
 27.17 and \$1,000 each year is from the off-road
 27.18 vehicle account. The county enforcement
 27.19 agencies may use money received under this
 27.20 appropriation to make grants to other local
 27.21 enforcement agencies within the county that
 27.22 have a high concentration of off-highway
 27.23 vehicle use. Of this appropriation, \$25,000
 27.24 each year is for administering the grants. Any
 27.25 unencumbered balance does not cancel at the
 27.26 end of the first year and is available for the
 27.27 second year.

27.28 **Subd. 8. Operations Support** 2,000,000 2,000,000

27.29 \$2,000,000 the first year and \$2,000,000 the
 27.30 second year are for legal costs. This is a
 27.31 onetime appropriation and is available through
 27.32 fiscal year 2029.

27.33 **Subd. 9. Pass Through Funds** 1,824,000 1,831,000

27.34 Appropriations by Fund
 27.35 2026 2027

28.1	<u>General</u>	<u>221,000</u>	<u>221,000</u>
28.2	<u>Natural Resources</u>	<u>1,110,000</u>	<u>1,110,000</u>
28.3	<u>Permanent School</u>	<u>493,000</u>	<u>500,000</u>
28.4	<u>(a) \$510,000 the first year and \$510,000 the</u>		
28.5	<u>second year are from the natural resources</u>		
28.6	<u>fund for grants to be divided equally between</u>		
28.7	<u>the city of St. Paul for the Como Park Zoo and</u>		
28.8	<u>Conservatory and the city of Duluth for the</u>		
28.9	<u>Lake Superior Zoo. This appropriation is from</u>		
28.10	<u>revenue deposited to the natural resources fund</u>		
28.11	<u>under Minnesota Statutes, section 297A.94,</u>		
28.12	<u>paragraph (h), clause (5).</u>		
28.13	<u>(b) \$221,000 the first year and \$221,000 the</u>		
28.14	<u>second year are for the Office of School Trust</u>		
28.15	<u>Lands.</u>		
28.16	<u>(c) \$150,000 the first year and \$150,000 the</u>		
28.17	<u>second year are transferred from the forest</u>		
28.18	<u>suspense account to the permanent school fund</u>		
28.19	<u>and are appropriated from the permanent</u>		
28.20	<u>school fund for transaction and project</u>		
28.21	<u>management costs for divesting of school trust</u>		
28.22	<u>lands within Boundary Waters Canoe Area</u>		
28.23	<u>Wilderness.</u>		
28.24	<u>(d) \$343,000 the first year and \$350,000 the</u>		
28.25	<u>second year are transferred from the forest</u>		
28.26	<u>suspense account to the permanent school fund</u>		
28.27	<u>and are appropriated from the permanent</u>		
28.28	<u>school fund for the Office of School Trust</u>		
28.29	<u>Lands.</u>		
28.30	<u>(e) \$600,000 the first year and \$600,000 the</u>		
28.31	<u>second year are from the natural resources</u>		
28.32	<u>fund for parks and trails of regional</u>		
28.33	<u>significance outside the seven-county</u>		
28.34	<u>metropolitan area under Minnesota Statutes,</u>		
28.35	<u>section 85.535, based on the recommendations</u>		

29.1 from the Greater Minnesota Regional Parks
 29.2 and Trails Commission. This appropriation is
 29.3 from revenue deposited in the natural
 29.4 resources fund under Minnesota Statutes,
 29.5 section 297A.94, paragraph (i).

29.6 **Sec. 4. BOARD OF WATER AND SOIL**
 29.7 **RESOURCES**

\$ 15,945,000 \$ 16,102,000

29.8 (a) \$3,116,000 the first year and \$3,116,000
 29.9 the second year are for grants and payments
 29.10 to soil and water conservation districts for
 29.11 accomplishing the purposes of Minnesota
 29.12 Statutes, chapter 103C, and for other general
 29.13 purposes, nonpoint engineering, and
 29.14 implementation and stewardship of the
 29.15 reinvest in Minnesota reserve program.
 29.16 Expenditures may be made from this
 29.17 appropriation for supplies and services
 29.18 benefiting soil and water conservation
 29.19 districts. Any district receiving a payment
 29.20 under this paragraph must maintain a website
 29.21 that publishes, at a minimum, the district's
 29.22 annual report, annual audit, annual budget,
 29.23 and meeting notices.

29.24 (b) \$1,560,000 the first year and \$1,560,000
 29.25 the second year are for the following:

29.26 (1) \$1,460,000 the first year and \$1,460,000
 29.27 the second year are for cost-sharing programs
 29.28 of soil and water conservation districts for
 29.29 accomplishing projects and practices
 29.30 consistent with Minnesota Statutes, section
 29.31 103C.501, including perennially vegetated
 29.32 riparian buffers, erosion control, water
 29.33 retention and treatment, water quality
 29.34 cost-sharing for feedlots and nutrient and
 29.35 manure management projects in watersheds

30.1 where there are impaired waters, and other
30.2 high-priority conservation practices; and
30.3 (2) \$100,000 the first year and \$100,000 the
30.4 second year are for invasive species and weed
30.5 management programs and to restore native
30.6 plants at selected invasive species management
30.7 sites.

30.8 (c) \$166,000 the first year and \$166,000 the
30.9 second year are to provide technical assistance
30.10 to local drainage management officials and
30.11 for the costs of the Drainage Work Group. The
30.12 board must coordinate the activities of the
30.13 Drainage Work Group according to Minnesota
30.14 Statutes, section 103B.101, subdivision 13.

30.15 (d) \$100,000 the first year and \$100,000 the
30.16 second year are for a grant to the Red River
30.17 Basin Commission for water quality and
30.18 floodplain management, including program
30.19 administration. This appropriation must be
30.20 matched by nonstate funds.

30.21 (e) \$140,000 the first year and \$140,000 the
30.22 second year are for grants to Area II
30.23 Minnesota River Basin Projects for floodplain
30.24 management.

30.25 (f) \$240,000 the first year and \$240,000 the
30.26 second year are for a grant to the Lower
30.27 Minnesota River Watershed District to defray
30.28 the annual cost of sustaining the state, national,
30.29 and international commercial and recreational
30.30 navigation on the lower Minnesota River.

30.31 (g) \$203,000 the first year and \$203,000 the
30.32 second year are for soil health programming
30.33 consistent with Minnesota Statutes, section
30.34 103F.06, and for coordination with the

31.1 University of Minnesota Office for Soil
31.2 Health.

31.3 (h) \$3,423,000 the first year and \$3,423,000
31.4 the second year are for natural resources block
31.5 grants to local governments to implement the
31.6 Wetland Conservation Act and shoreland
31.7 management program under Minnesota
31.8 Statutes, chapter 103F, and local water
31.9 management responsibilities under Minnesota
31.10 Statutes, chapter 103B. The board may reduce
31.11 the amount of the natural resources block grant
31.12 to a county by an amount equal to any
31.13 reduction in the county's general services
31.14 allocation to a soil and water conservation
31.15 district from the county's previous year
31.16 allocation when the board determines that the
31.17 reduction was disproportionate.

31.18 (i) \$6,997,000 the first year and \$7,154,000
31.19 the second year are for agency administration
31.20 and operation of the Board of Water and Soil
31.21 Resources.

31.22 (j) The board may shift funds in this section
31.23 and may adjust the technical and
31.24 administrative assistance portion of the funds
31.25 to leverage federal or other nonstate funds or
31.26 to address accountability, oversight, local
31.27 government performance, or high-priority
31.28 needs.

31.29 (k) The appropriations for grants and payments
31.30 in this section are available until June 30,
31.31 2029, except returned grants and payments
31.32 are available for two years after they are
31.33 returned or regranted, whichever is later.
31.34 Funds must be used consistent with the
31.35 purposes of this section. If an appropriation

32.1 for grants in either year is insufficient, the
 32.2 appropriation in the other year is available for
 32.3 it.

32.4 (l) Notwithstanding Minnesota Statutes,
 32.5 section 16B.97, grants awarded from
 32.6 appropriations in this section are exempt from
 32.7 the Department of Administration, Office of
 32.8 Grants Management Policy 08-08 Grant
 32.9 Payments and 08-10 Grant Monitoring.

32.10 **Sec. 5. METROPOLITAN COUNCIL** **\$ 11,490,000 \$ 11,490,000**

Appropriations by Fund

	<u>2026</u>	<u>2027</u>	
<u>General</u>	<u>2,540,000</u>	<u>2,540,000</u>	
<u>Natural Resources</u>	<u>8,950,000</u>	<u>8,950,000</u>	

32.15 (a) \$2,540,000 the first year and \$2,540,000
 32.16 the second year are for metropolitan-area
 32.17 regional parks operation and maintenance
 32.18 according to Minnesota Statutes, section
 32.19 473.351.

32.20 (b) \$8,950,000 the first year and \$8,950,000
 32.21 the second year are from the natural resources
 32.22 fund for metropolitan-area regional parks and
 32.23 trails maintenance and operations. This
 32.24 appropriation is from revenue deposited in the
 32.25 natural resources fund under Minnesota
 32.26 Statutes, section 297A.94, paragraph (h),
 32.27 clause (3).

32.28 **Sec. 6. CONSERVATION CORPS**
 32.29 **MINNESOTA AND IOWA** **\$ 1,070,000 \$ 1,070,000**

Appropriations by Fund

	<u>2026</u>	<u>2027</u>	
<u>General</u>	<u>580,000</u>	<u>580,000</u>	
<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>	

33.1 Conservation Corps Minnesota and Iowa may
 33.2 receive money appropriated from the natural
 33.3 resources fund under this section only as
 33.4 provided in an agreement with the
 33.5 commissioner of natural resources.

33.6 **Sec. 7. ZOOLOGICAL BOARD** **\$ 14,180,000 \$ 14,532,000**

33.7	<u>Appropriations by Fund</u>	
33.8	<u>2026</u>	<u>2027</u>
33.9	<u>General</u>	<u>13,925,000</u> <u>14,277,000</u>
33.10	<u>Natural Resources</u>	<u>255,000</u> <u>255,000</u>

33.11 \$255,000 the first year and \$255,000 the
 33.12 second year are from the natural resources
 33.13 fund from revenue deposited under Minnesota
 33.14 Statutes, section 297A.94, paragraph (h),
 33.15 clause (5).

33.16 **Sec. 8. SCIENCE MUSEUM** **\$ 1,260,000 \$ 1,260,000**

33.17 **Sec. 9. CANCELLATION.**

33.18 Up to \$3,915,000 of the unencumbered balance of the general fund appropriation from
 33.19 Laws 2022, chapter 95, article 3, section 6, paragraph (b), cancels no later than June 30,
 33.20 2026.

33.21 **ARTICLE 2**
 33.22 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

33.23 Section 1. Minnesota Statutes 2024, section 85.055, subdivision 1, is amended to read:

33.24 Subdivision 1. **Fees.** (a) The fee for state park permits for:

- 33.25 (1) an annual use of state parks is ~~\$35~~ \$45;
- 33.26 (2) a second or subsequent vehicle state park permit is ~~\$26~~ \$35;
- 33.27 (3) a state park permit valid for one day is ~~\$7~~ \$10;
- 33.28 (4) a daily vehicle state park permit for groups is ~~\$5~~ \$8;
- 33.29 (5) an annual permit for motorcycles is ~~\$30~~ \$40;
- 33.30 (6) an employee's state park permit is without charge; and

34.1 (7) a state park permit for persons with disabilities under section 85.053, subdivision 7,
34.2 paragraph (a), clauses (1) to (3), is ~~\$12~~ \$20.

34.3 (b) The fees specified in this subdivision include any sales tax required by state law.

34.4 Sec. 2. Minnesota Statutes 2024, section 86B.415, subdivision 7, is amended to read:

34.5 Subd. 7. **Watercraft surcharge.** A ~~\$10.60~~ surcharge is placed on each watercraft licensed
34.6 under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring, and
34.7 research of aquatic invasive species such as zebra mussel, purple loosestrife, and Eurasian
34.8 watermilfoil in public waters and public wetlands. The surcharge is:

34.9 (1) for a watercraft 19 feet or less in length, other than a watercraft listed in clauses (2)
34.10 to (8), \$29;

34.11 (2) for a watercraft, other than personal watercraft, 19 feet in length or less that is offered
34.12 for rent or lease, \$25;

34.13 (3) for a sailboat 19 feet in length or less, \$20;

34.14 (4) for a watercraft used by a nonprofit corporation for teaching boat and water safety,
34.15 \$14;

34.16 (5) for a watercraft owned by a dealer under a dealer's license, \$50;

34.17 (6) for a personal watercraft, including one offered for rent or lease, \$25;

34.18 (7) for a watercraft less than 17 feet in length, other than a watercraft listed in clauses
34.19 (2) to (6), \$25;

34.20 (8) for a canoe, kayak, sailboard, paddleboard, paddleboat, or rowing shell over ten feet
34.21 in length, \$20;

34.22 (9) for a watercraft more than 19 feet but less than 26 feet in length, other than a
34.23 watercraft listed in clauses (4), (5), (8), and (12), \$38;

34.24 (10) for a watercraft 26 feet but less than 40 feet in length, other than a watercraft listed
34.25 in clauses (4), (5), (8), and (12), \$50;

34.26 (11) for a watercraft 40 feet in length or longer, other than a watercraft listed in clauses
34.27 (4), (5), (8), and (12), \$62; and

34.28 (12) for a watercraft used primarily for charter fishing, commercial fishing, commercial
34.29 passenger carrying, or other commercial operation, \$50.

34.30 **EFFECTIVE DATE.** This section is effective January 1, 2026.

35.1 Sec. 3. Minnesota Statutes 2024, section 103G.271, subdivision 6, is amended to read:

35.2 Subd. 6. **Water-use permit; processing fee.** (a) Except as described in paragraphs (b)
35.3 to (g), a water-use permit processing fee must be prescribed by the commissioner in
35.4 accordance with the schedule of fees in this subdivision for each water-use permit in force
35.5 at any time during the year. Fees collected under this paragraph are credited to the water
35.6 management account in the natural resources fund. The schedule is as follows, with the
35.7 stated fee in each clause applied to the total amount appropriated:

35.8 (1) ~~\$140~~ \$200 for amounts not exceeding 50,000,000 gallons per year;

35.9 (2) ~~\$3.50~~ \$6 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less
35.10 than 100,000,000 gallons per year;

35.11 (3) ~~\$4~~ \$7 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less
35.12 than 150,000,000 gallons per year;

35.13 (4) ~~\$4.50~~ \$8 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but
35.14 less than 200,000,000 gallons per year;

35.15 (5) ~~\$5~~ \$9 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less
35.16 than 250,000,000 gallons per year;

35.17 (6) ~~\$5.50~~ \$10 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but
35.18 less than 300,000,000 gallons per year;

35.19 (7) ~~\$6~~ \$11 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less
35.20 than 350,000,000 gallons per year;

35.21 (8) ~~\$6.50~~ \$12 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but
35.22 less than 400,000,000 gallons per year;

35.23 (9) ~~\$7~~ \$13 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less
35.24 than 450,000,000 gallons per year;

35.25 (10) ~~\$7.50~~ \$14 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but
35.26 less than 500,000,000 gallons per year; and

35.27 (11) ~~\$8~~ \$15 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per
35.28 year.

35.29 (b) For once-through cooling systems, a water-use processing fee must be prescribed
35.30 by the commissioner in accordance with the following schedule of fees for each water-use
35.31 permit in force at any time during the year:

36.1 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

36.2 (2) for all other users, \$420 per 1,000,000 gallons.

36.3 (c) The fee is payable based on the amount of water appropriated during the year and,
36.4 ~~except as provided in paragraph (f)~~, the minimum fee is \$100.

36.5 (d) For water-use processing fees other than once-through cooling systems:

36.6 (1) the fee for a city of the first class may not exceed ~~\$250,000~~ \$325,000 per year;

36.7 (2) the fee for other entities for any permitted use may not exceed:

36.8 (i) ~~\$60,000~~ \$75,000 per year for an entity holding three or fewer permits;

36.9 (ii) ~~\$90,000~~ \$125,000 per year for an entity holding four or five permits; or

36.10 (iii) ~~\$300,000~~ \$400,000 per year for an entity holding more than five permits;

36.11 (3) the fee for agricultural irrigation may not exceed ~~\$750~~ \$1,500 per year;

36.12 (4) the fee for a municipality that furnishes electric service and cogenerates steam for
36.13 home heating may not exceed \$10,000 for its permit for water use related to the cogeneration
36.14 of electricity and steam;

36.15 (5) the fee for a facility that temporarily diverts a water of the state from its natural
36.16 channel to produce hydroelectric or hydromechanical power may not exceed \$5,000 per
36.17 year. A permit for such a facility does not count toward the number of permits held by an
36.18 entity as described in this paragraph; and

36.19 (6) no fee is required for a project involving the appropriation of surface water to prevent
36.20 flood damage or to remove floodwaters during a period of flooding, as determined by the
36.21 commissioner.

36.22 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of ten
36.23 percent per month calculated from the original due date must be imposed on the unpaid
36.24 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee
36.25 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal
36.26 governmental agency holding a water appropriation permit.

36.27 (f) The minimum water-use processing fee for a permit issued for irrigation of agricultural
36.28 land is ~~\$20~~ \$100 for years in which:

36.29 (1) there is no appropriation of water under the permit; or

36.30 (2) the permit is suspended for more than seven consecutive days between May 1 and
36.31 October 1.

37.1 (g) The commissioner shall waive the water-use permit fee for installations and projects
 37.2 that use stormwater runoff or where public entities are diverting water to treat a water quality
 37.3 issue and returning the water to its source without using the water for any other purpose,
 37.4 unless the commissioner determines that the proposed use adversely affects surface water
 37.5 or groundwater.

37.6 (h) A surcharge of \$50 per million gallons in addition to the fee prescribed in paragraph
 37.7 (a) ~~shall be~~ is applied to the volume of water used in each of the months of May, June, July,
 37.8 August, and September that exceeds the volume of water used in January for municipal
 37.9 water use, irrigation of golf courses, and landscape irrigation. The surcharge for
 37.10 municipalities with more than one permit ~~shall be~~ is determined based on the total
 37.11 appropriations from all permits that supply a common distribution system.

37.12 **EFFECTIVE DATE.** This section is effective January 1, 2026.

37.13 Sec. 4. Minnesota Statutes 2024, section 103G.301, subdivision 2, is amended to read:

37.14 Subd. 2. **Permit application and notification fees.** (a) A fee to defray the costs of
 37.15 receiving, recording, and processing must be paid for a permit application authorized under
 37.16 this chapter, except for a general permit application, for each request to amend or transfer
 37.17 an existing permit, and for a notification to request authorization to conduct a project under
 37.18 a general permit. Fees established under this subdivision, unless specified in paragraph (c),
 37.19 must comply with section 16A.1285.

37.20 (b) Proposed projects that require water in excess of 100 million gallons per year must
 37.21 be assessed fees to recover the costs incurred to evaluate the project and the costs incurred
 37.22 for environmental review. Fees collected under this paragraph must be credited to an account
 37.23 in the natural resources fund and are appropriated to the commissioner.

37.24 (c) The fee to apply for a permit to appropriate water, in addition to any fee under
 37.25 paragraph (b), is ~~\$150~~ \$600. The application fee for a permit to construct or repair a dam
 37.26 that is subject to a dam safety inspection, to work in public waters, or to divert waters for
 37.27 mining must be at least \$1,200, but not more than \$12,000. The fee for a notification to
 37.28 request authorization to conduct a project under a general permit is \$400, except that the
 37.29 fee for a notification to request authorization to appropriate water under a general permit
 37.30 is \$100.

37.31 **EFFECTIVE DATE.** This section is effective January 1, 2026.

38.1 Sec. 5. Minnesota Statutes 2024, section 115.01, is amended by adding a subdivision to
38.2 read:

38.3 Subd. 2a. **Commissioner.** "Commissioner" means the commissioner of the Pollution
38.4 Control Agency.

38.5 Sec. 6. Minnesota Statutes 2024, section 115.01, is amended by adding a subdivision to
38.6 read:

38.7 Subd. 15a. **Release.** "Release" has the meaning given in section 115B.02, subdivision
38.8 15.

38.9 Sec. 7. Minnesota Statutes 2024, section 115.01, is amended by adding a subdivision to
38.10 read:

38.11 Subd. 15b. **Respond or response.** "Respond" or "response" means to remedy or a
38.12 remedial action as defined under section 115B.02, subdivision 16, or to remove or a removal
38.13 as defined under section 115B.02, subdivision 17.

38.14 Sec. 8. Minnesota Statutes 2024, section 115.071, subdivision 1, is amended to read:

38.15 Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755,
38.16 this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to ~~325E.125~~ 325E.12
38.17 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance,
38.18 and permits adopted or issued by the agency thereunder or under any other law now in force
38.19 or hereafter enacted for the prevention, control, or abatement of pollution may be enforced
38.20 by any one or any combination of the following: criminal prosecution; action to recover
38.21 civil penalties; injunction; action to compel or cease performance; or other appropriate
38.22 action, in accordance with the provisions of said chapters and this section.

38.23 **EFFECTIVE DATE.** This section is effective January 1, 2027.

38.24 Sec. 9. Minnesota Statutes 2024, section 115.072, is amended to read:

38.25 **115.072 RECOVERING LITIGATION COSTS AND EXPENSES INCURRED IN**
38.26 **RESPONDING TO A RELEASE OR THREATENED RELEASE OF POLLUTANTS**
38.27 **AND CONTAMINANTS.**

38.28 (a) In any action brought by the attorney general, in the name of the state, pursuant to
38.29 ~~the provisions of this chapter and chapters 114C, 114E, and 116,~~ for civil penalties, injunctive
38.30 relief, or in an action to compel compliance, if the state shall finally prevail, and if the

39.1 proven violation was willful, the state, in addition to other penalties provided in this chapter,
39.2 may be allowed an amount determined by the court to be the reasonable value of all or a
39.3 part of the litigation expenses incurred by the state. In determining the amount of such
39.4 litigation expenses to be allowed, the court shall give consideration to the economic
39.5 circumstances of the defendant.

39.6 (b) Amounts recovered under ~~the provisions of this section~~ paragraph (a) and section
39.7 115.071, subdivisions 3 to 5, ~~shall~~ must be paid into the environmental fund in the state
39.8 treasury to the extent provided in section 115.073.

39.9 (c) Any reasonable and necessary expenses, including all response costs, corrective
39.10 action costs, staff time, and administrative and legal expenses, incurred by the commissioner
39.11 to respond to releases or threatened releases from pollutants or contaminants that are
39.12 otherwise excluded from recovery under chapter 115B may be recovered in a civil action
39.13 brought by the attorney general against any person. The commissioner's certification of
39.14 expenses is prima facie evidence that the expenses are reasonable and necessary. Any
39.15 expenses that are recovered by the attorney general under this paragraph must be deposited
39.16 in the fund from which they were paid.

39.17 (d) Any reasonable and necessary expenses, including all response costs, corrective
39.18 action costs, staff time, and administrative and legal expenses, incurred by a local unit of
39.19 government to respond to releases or threatened releases from pollutants or contaminants
39.20 that are otherwise excluded from recovery under chapter 115B may be recovered in a civil
39.21 action brought by the local unit of government against any person.

39.22 Sec. 10. Minnesota Statutes 2024, section 115A.121, is amended to read:

39.23 **115A.121 TOXICS AND POLLUTION PREVENTION EVALUATION;**
39.24 **CONSOLIDATED REPORT.**

39.25 The commissioner shall prepare and adopt a report on pollution prevention activities
39.26 required in chapters 115A, 115D, and 325E. ~~The report must include activities required~~
39.27 ~~under section 115A.1320.~~ The commissioner must submit the report to the senate and house
39.28 of representatives committees having jurisdiction over environment and natural resources
39.29 by December 31, 2013, and every four years thereafter.

39.30 **EFFECTIVE DATE.** This section is effective January 1, 2027.

40.1 Sec. 11. [115A.1331] STEWARDSHIP PROGRAM FOR CIRCUIT BOARDS,
40.2 BATTERIES, AND ELECTRICAL PRODUCTS; DEFINITIONS.

40.3 (a) The terms used in sections 115A.1331 to 115A.1347 have the meanings given in this
40.4 section.

40.5 (b) "Battery" means a device that contains one or more voltaic or galvanic cells that are
40.6 electrically connected to produce electric energy, including any structural members, insulative
40.7 casing surrounding the cells, and electrical connectors.

40.8 (c) "Board" means the Covered Products Reimbursement Board established under section
40.9 115A.1333.

40.10 (d) "Brand" means a trademark, including both a registered and an unregistered trademark;
40.11 a logo; a name; a symbol; a word; an identifier; or a traceable mark that identifies a covered
40.12 product or other electrical product and identifies the owner or licensee of the brand as the
40.13 producer of the product.

40.14 (e) "Circuit board" means a nonconductive substrate onto which one or more layers of
40.15 conductive paths have been printed or wires attached for mounting and interconnecting
40.16 electronic components, such as resistors, capacitors, diodes, transistors, integrated circuit
40.17 chips, and connecting wires. Circuit boards include printed circuit boards, printed wiring
40.18 boards, and any other style or type of circuit board.

40.19 (f) "Collection site" means a physical location where a collector collects covered products
40.20 and other electrical products from members of the public and businesses. Collection site
40.21 includes a location regardless of whether it is operated permanently, temporarily, or for
40.22 purposes of a collection event.

40.23 (g) "Collector" means a person that collects covered products and other electrical products
40.24 on behalf of the stewardship organization and receives reimbursement from the stewardship
40.25 organization for the collector's costs to collect and manage the products.

40.26 (h) "Covered battery" means a battery of any type, physical size, or energy capacity
40.27 except a lead-acid battery with a free liquid electrolyte.

40.28 (i) "Covered circuit board" means any circuit board except a circuit board in:

40.29 (1) a major appliance;

40.30 (2) an appliance or tool powered by electrical power of greater than 240 volts alternating
40.31 current; or

41.1 (3) an appliance or tool designed, manufactured, and intended solely for use in
41.2 manufacturing, industrial, or other commercial settings.

41.3 (j) "Covered product" means:

41.4 (1) a covered circuit board;

41.5 (2) a covered battery;

41.6 (3) a cathode-ray tube; and

41.7 (4) a product that has a covered circuit board, a covered battery, or a cathode-ray tube
41.8 contained within it or otherwise attached or connected to it, except;

41.9 (i) a medical device meeting the definition of a device under United States Code, title
41.10 21, section 321, unless it is marketed for use in a household, as defined in section 115A.96;
41.11 and

41.12 (ii) a motor vehicle, as defined in section 168.002.

41.13 (k) "Covered services" means collection, sorting, storage, transport, processing, repair,
41.14 refurbishment, reuse, recycling, or disposal of covered products, other electrical products,
41.15 and residual materials.

41.16 (l) "De minimis producer" means a producer that, in the most recent calendar year, had
41.17 fewer than 100 covered products that were sold in or into the state and for which the producer
41.18 was responsible.

41.19 (m) "Facilitate a sale" means to assist a person in transferring title or possession of a
41.20 covered product or other electrical product, regardless of whether title or possession is ever
41.21 acquired by the person facilitating a sale, such as by operating an online marketplace,
41.22 publishing an offer for sale on a website, physically storing inventory of products, entering
41.23 into a contract to allow another person to list a product for sale, processing payment on
41.24 behalf of another person, entering into a contract with a buyer or a seller related to a sale,
41.25 or otherwise providing a sales process. Facilitate a sale does not include acting solely as:

41.26 (1) an advertiser;

41.27 (2) a payment processor; or

41.28 (3) a common carrier.

41.29 (n) "Independent auditor" means an independent and actively licensed certified public
41.30 accountant that is:

41.31 (1) retained by the stewardship organization;

42.1 (2) not otherwise employed by or affiliated with the stewardship organization; and

42.2 (3) qualified to conduct an audit under section 115A.1337, subdivision 5, paragraph (b),
42.3 clause (6).

42.4 (o) "Other electrical product" means an appliance or tool that is powered by electricity
42.5 provided through a flexible cord with an attached standardized plug intended for temporary,
42.6 manual connection to the electrical distribution system in a residential or commercial
42.7 structure. Other electrical product does not include:

42.8 (1) a covered product;

42.9 (2) a major appliance;

42.10 (3) an appliance or tool powered by electrical power of greater than 240 volts alternating
42.11 current; or

42.12 (4) an appliance or tool designed, manufactured, and intended solely for use in
42.13 manufacturing, industrial, or other commercial settings.

42.14 (p) "Participant" means a producer that is named by the stewardship organization as
42.15 meeting the producer's obligations under sections 115A.1331 to 115A.1347 to contract with
42.16 a stewardship organization and to pay for a stewardship program that meets the producer's
42.17 obligations on the producer's behalf.

42.18 (q) "Permanent year-round collection site" means a collection site that is open at least
42.19 12 operating hours per week, 50 weeks each calendar year.

42.20 (r) "Producer" means, with respect to a covered product or other electrical product that
42.21 is sold, including online sales; offered for sale or promotional purposes; or distributed in
42.22 or into the state:

42.23 (1) a person that manufactured:

42.24 (i) the covered product;

42.25 (ii) any component of the covered product if the component is also a covered product;

42.26 or

42.27 (iii) the other electrical product;

42.28 (2) a person that imported into the United States:

42.29 (i) the covered product;

42.30 (ii) any component of the covered product if the component is also a covered product;

42.31 or

43.1 (iii) the other electrical product; and

43.2 (3) a person that owns or controls or is licensed to use a brand under which the covered
43.3 product or other electrical product is sold, including online sales; offered for sale or
43.4 promotional purposes; or distributed in or into the state.

43.5 (s) "Responsible market" means a market for covered products and other electrical
43.6 products, for reusable or repairable components of covered products and other electrical
43.7 products, for reclaimed materials from covered products and other electrical products, or
43.8 for any other recyclable residues from covered products and other electrical products that:

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

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

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

43.16 (4) if operating in the state, recycles covered products and other electrical products to
43.17 the maximum extent practicable in accordance with section 115A.02, paragraph (b); and

43.18 (5) minimizes adverse impacts to environmental justice areas.

43.19 (t) "Stewardship organization" means a nonprofit organization as described in section
43.20 501(c)(3) of the Internal Revenue Code that enters into a contract with producers to draft
43.21 and submit a plan for, implement, and administer a stewardship program under sections
43.22 115A.1331 to 115A.1347 on the producers' behalf.

43.23 (u) "Stewardship plan" means a plan that is prepared according to section 115A.1335
43.24 and submitted to the commissioner by a stewardship organization.

43.25 (v) "Stewardship program" means a system implemented by a stewardship organization
43.26 that provides and pays for covered services and all other activities described in a stewardship
43.27 plan approved by the commissioner under section 115A.1335, subdivision 4.

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

44.1 **Sec. 12. [115A.1333] COVERED PRODUCTS REIMBURSEMENT BOARD.**

44.2 **Subdivision 1. Establishment.** The Covered Products Reimbursement Board is
44.3 established to recommend reimbursement rates to the commissioner. Except as provided in
44.4 this section, chapter 15 does not apply to the board.

44.5 **Subd. 2. Membership.** (a) By January 1, 2026, the commissioner must appoint the initial
44.6 membership of the Covered Products Reimbursement Board. Membership must consist of:

44.7 (1) two members representing household hazardous waste collection programs established
44.8 under section 115A.96;

44.9 (2) two members representing collectors, according to paragraph (c); and

44.10 (3) four members representing and nominated by the stewardship organization.

44.11 (b) In making appointments under paragraph (a), the commissioner may not appoint
44.12 persons who are:

44.13 (1) current or elected Minnesota state representatives or senators;

44.14 (2) required to register as lobbyists under section 10A.03; or

44.15 (3) employees of the agency.

44.16 (c) Initial appointments under paragraph (a), clause (2), must represent potential
44.17 collectors. After January 1, 2027, whenever the terms of these members expire according
44.18 to subdivision 3, the new appointments must represent collectors. Members appointed under
44.19 paragraph (a), clause (2), must not represent household hazardous waste collection programs
44.20 established under section 115A.96.

44.21 **Subd. 3. Terms; removal.** Members serve for a term of four years, except that one
44.22 member appointed under subdivision 2, paragraph (a), clause (1); one member appointed
44.23 under subdivision 2, paragraph (a), clause (2); and two members appointed under subdivision
44.24 2, paragraph (a), clause (3), must be appointed to serve an initial term of two years, so that
44.25 membership terms are staggered. Members may be reappointed to another term following
44.26 the end of a term. The removal of members is governed by section 15.059, subdivision 4.

44.27 **Subd. 4. Quorum; voting.** Meetings of the board must have at least a quorum of
44.28 members, consisting of six members. Recommendations of the board require the affirmative
44.29 vote of at least five members.

44.30 **Subd. 5. Administrative support; facilitator.** (a) The commissioner must provide
44.31 administrative support to the board. The commissioner must ensure that all activities of the
44.32 board that require public notice, such as notice of meetings, agendas and materials related

45.1 to agenda items, and minutes, are published on the agency's publicly accessible website.

45.2 The commissioner must provide meeting space and public access for meetings conducted
45.3 by telephone or interactive technology.

45.4 (b) The commissioner must contract for a professional facilitator for the board. The
45.5 facilitator must schedule and chair the meetings of the board but is not a member for purposes
45.6 of quorum or voting. The facilitator must ensure that all activities of the board that require
45.7 public notice are timely provided to the commissioner for publication.

45.8 Subd. 6. **Meetings.** (a) The board must meet at least biannually and as necessary to meet
45.9 the requirements of subdivisions 7 to 9. Meetings may be scheduled at the request of the
45.10 facilitator or a majority of the members.

45.11 (b) The board must comply with the Open Meeting Law under chapter 13D.

45.12 Subd. 7. **Recommendations for reimbursement rates.** (a) By July 1, 2026, and annually
45.13 thereafter, the board must submit to the commissioner a recommendation for reimbursement
45.14 rates to collectors for the following calendar year.

45.15 (b) Recommended rates may be differentiated by any methods recommended by
45.16 consensus of the board, such as local property lease or purchase costs, prevailing local
45.17 wages, or other factors.

45.18 (c) Recommended rates must cover all costs of collecting covered products and other
45.19 electrical products incurred by collectors, including at least:

45.20 (1) labor and overhead;

45.21 (2) covered services performed by a collector in accordance with section 115A.1337,
45.22 subdivision 1, paragraph (b);

45.23 (3) necessary collection and storage structures and containers as provided in section
45.24 115A.1347, subdivision 1, paragraph (d);

45.25 (4) employee training;

45.26 (5) necessary safety equipment, including appropriate fire protection and suppression
45.27 equipment and supplies; and

45.28 (6) any other costs determined necessary by the commissioner.

45.29 (b) In making determinations under paragraph (a), clause (6), the commissioner may
45.30 consider data submitted according to section 115A.1337, subdivision 5; the volume of
45.31 covered products collected; the estimated volume of covered products sold in or into the

46.1 state; the estimated volume of covered products disposed of in the state; and other information
46.2 related to the effectiveness of the stewardship program.

46.3 (c) The board must also consider any additional financial incentives necessary to induce
46.4 collectors to join the stewardship program in locations that would otherwise not be served,
46.5 so that the stewardship organization can meet or exceed the required convenience standards
46.6 under section 115A.1335, subdivision 3.

46.7 Subd. 8. **Review and approval of reimbursement rates.** (a) Within 90 days after
46.8 receiving a recommendation on reimbursement rates submitted under subdivision 7, the
46.9 commissioner must review the recommendation and approve or reject the recommendation.

46.10 (b) In conducting a review of a recommendation, the commissioner may consult with
46.11 interested parties.

46.12 (c) For at least 30 days and before approving a recommendation under this subdivision,
46.13 the commissioner must post the recommendation on the agency's publicly accessible website
46.14 for public review and comment.

46.15 (d) If the commissioner determines that a recommendation does not meet the requirements
46.16 of this section, the commissioner must reject the recommendation. The commissioner must
46.17 provide a written notice of determination describing the reasons for the rejection to the
46.18 board. The board must meet as necessary to submit a revised recommendation to the
46.19 commissioner.

46.20 (e) After consultation under paragraph (b) and review of public comments under
46.21 paragraph (c), if the commissioner determines that a recommendation meets the requirements
46.22 of this section, the commissioner may approve the recommendation. The commissioner
46.23 must provide a written notice of approval to the board and to the stewardship organization.
46.24 In the notice, the commissioner must specify the effective date of the approved reimbursement
46.25 rates.

46.26 (f) The stewardship organization must publish approved reimbursement rates on its
46.27 publicly accessible website within 30 days after receiving the commissioner's written notice
46.28 of approval. The commissioner may also publish the approved reimbursement rates on the
46.29 agency's publicly accessible website.

46.30 Subd. 9. **More-frequent rate changes.** The board may, for good cause, submit a
46.31 recommendation for reimbursement rates to the commissioner at less than an annual interval.
46.32 The commissioner must review the recommendation according to subdivision 8. If the

47.1 commissioner rejects the recommendation, then the previously approved reimbursement
47.2 rates for that calendar year continue to be in effect.

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

47.4 Sec. 13. **[115A.1335] STEWARDSHIP PLAN AND BUDGET.**

47.5 Subdivision 1. **Due date.** By October 1, 2026, all producers must contract with a single
47.6 stewardship organization to act on the producers' behalf. By that date, the stewardship
47.7 organization must submit a single stewardship plan meeting the requirements of subdivision
47.8 2 to the commissioner to review for approval or rejection.

47.9 Subd. 2. **Plan content; budget requirement.** (a) The stewardship plan must include:

47.10 (1) identification of and contact information for the stewardship organization;

47.11 (2) identification of and contact information for all participants in the stewardship
47.12 program;

47.13 (3) identification of and contact information for each collector; each person providing
47.14 covered services for covered products or other electrical products, including any collector
47.15 that will perform covered services other than collection; and each facility at which covered
47.16 products and other electrical products will be managed under the stewardship plan;

47.17 (4) the address; county of location; and, in a form prescribed by the commissioner,
47.18 geolocation data for each collection site to be used by the stewardship organization under
47.19 the stewardship program;

47.20 (5) a list of the brands covered under the stewardship program;

47.21 (6) eligibility criteria for prospective collectors of covered products and other electrical
47.22 products under the stewardship program according to section 115A.1337, subdivision 3,
47.23 paragraph (c);

47.24 (7) a description of how the stewardship program will accept and provide covered services
47.25 and reimbursement under this section to any household hazardous waste collection program
47.26 established under section 115A.96 in a manner that is equal to the services and reimbursement
47.27 provided to all other collectors, if the operator of the household hazardous waste collection
47.28 program requests covered services and reimbursement;

47.29 (8) a description of how the stewardship program will provide convenient, statewide
47.30 collection according to subdivision 3;

48.1 (9) a description of how the stewardship organization will annually monitor and ensure
48.2 continuing compliance with the convenience standards under subdivision 3;

48.3 (10) a description of how the stewardship organization will provide each collector served
48.4 by the stewardship program with the materials specified in section 115A.1337, subdivision
48.5 1, including specifications for appropriate containers, signage templates, and a copy of all
48.6 training and educational materials to be provided;

48.7 (11) a description of how collection sites will be accessible according to section
48.8 115A.1337, subdivision 2;

48.9 (12) the performance standards for persons providing covered services for covered
48.10 products and other electrical products on behalf of the stewardship organization and the
48.11 oversight methods by which the stewardship organization will ensure continuing compliance
48.12 with the performance standards. The performance standards must:

48.13 (i) meet the requirements of section 115A.1337, subdivision 3; and

48.14 (ii) ensure that covered products, other electrical products, and materials resulting from
48.15 recycling of covered products and other electrical products are managed through responsible
48.16 markets;

48.17 (13) a description of methods by which the stewardship organization will ensure that
48.18 covered products and any other electrical products that are waste for which the stewardship
48.19 organization is responsible are managed while in the state in compliance with rules adopted
48.20 under section 116.07 for managing solid waste and hazardous waste and, when outside the
48.21 state, with all federal, state, and local requirements applicable to managing solid waste and
48.22 hazardous waste, as applicable;

48.23 (14) a description of methods by which the stewardship organization will ensure that
48.24 covered products and any other electrical products for which the stewardship organization
48.25 is responsible are managed in compliance with safety and health requirements for employees
48.26 administered by the Department of Labor and Industry and with fire protection requirements
48.27 administered by the Department of Public Safety while in the state and, when outside the
48.28 state, with all federal, state, and local requirements applicable to safety and health
48.29 requirements for employees and fire protection requirements;

48.30 (15) a description of methods by which the stewardship organization will ensure that
48.31 covered products and other electrical products for which the stewardship organization is
48.32 responsible are transported in compliance with applicable regulations incorporated by
48.33 reference under section 221.033 for transporting hazardous materials while in the state and,

49.1 when outside the state, with all federal, state, and local requirements applicable to
49.2 transportation of hazardous materials;

49.3 (16) a statement of indemnification by the stewardship organization to collectors for
49.4 potential liability for improper downstream management of covered products and other
49.5 electrical products or residual materials by providers of covered services contracted for by
49.6 the stewardship organization and identified in the stewardship plan under clause (3);

49.7 (17) a description of how the stewardship organization will determine the mass of covered
49.8 products and other electrical products for which it has provided covered services under the
49.9 stewardship program by county of collection and, for covered batteries and covered products
49.10 that have covered batteries contained within them or otherwise attached or connected to
49.11 them, by battery chemistry;

49.12 (18) a description of the outreach and education methods and activities that the
49.13 stewardship organization will provide according to section 115A.1337, subdivision 4;

49.14 (19) a description of how the stewardship organization will employ at least one full-time
49.15 employee who is solely dedicated to implementing the stewardship program in this state
49.16 and serving as the primary contact between the stewardship organization and the agency;

49.17 (20) a description of the system by which the stewardship organization will provide
49.18 advance funding of or reimbursement to collectors in a manner that provides:

49.19 (i) a clear process for submitting and paying invoices;

49.20 (ii) reasonable timelines for reimbursement, at intervals no longer than monthly unless
49.21 otherwise agreed to by the person providing covered services to be reimbursed; and

49.22 (iii) a third-party mediator to resolve disputes that arise between the stewardship
49.23 organization and a person providing covered services regarding determining or paying
49.24 reimbursements;

49.25 (21) identification of groups of producers, such as by industry, covered product and
49.26 other electrical product type, or other method proposed by the stewardship organization,
49.27 and the proposed allocation of stewardship program costs among the groups of producers,
49.28 such that the costs of managing covered products or other electrical products produced by
49.29 a group of producers are not borne by other groups of producers;

49.30 (22) a description of how the stewardship organization will comply with subdivision 6,
49.31 paragraph (b);

50.1 (23) a description of how the stewardship organization will assist producers in complying
50.2 with the labeling requirements of section 115A.1347, subdivision 2, paragraph (a);

50.3 (24) a description of how the stewardship organization will ensure that covered products
50.4 and other electrical products managed under the stewardship program are recycled to the
50.5 maximum extent practicable in accordance with section 115A.02, paragraph (b);

50.6 (25) a description of how the stewardship organization will incentivize investment in
50.7 processes, product design and material use, technology, and personnel training that could
50.8 raise the future maximum extent practicable for recycling described in clause (24), including
50.9 consideration of covered product reuse, repair, and product life cycle;

50.10 (26) a description of how the stewardship organization will annually report to the
50.11 commissioner the number, type, and volume of covered products and other electrical products
50.12 collected during each calendar year, specifying the categories of the covered products and
50.13 other electrical products and the chemistries of the covered batteries collected;

50.14 (27) a description of how the stewardship organization will annually report to the
50.15 commissioner the end management, through reuse, repair, reclamation, recycling, or disposal,
50.16 of the covered products and other electrical products shipped from collection sites under
50.17 the stewardship program during each calendar year; and

50.18 (28) a description of how the stewardship organization will take action to decrease the
50.19 incidence of covered products in solid waste in the state according to section 115A.1337,
50.20 subdivision 4, paragraph (c).

50.21 (b) By January 1, 2027, and by April 1 each year thereafter, the stewardship organization
50.22 must submit an anticipated annual budget for the stewardship program, broken down into
50.23 the stewardship program's estimated costs for administration, collection, sorting, storage,
50.24 transportation, processing, refurbishment, repair, reuse, recycling, disposal, and
50.25 communication costs, including the cost of fees under section 115A.1339 but not including
50.26 costs for lobbying, costs associated with litigation against the state, or penalties imposed
50.27 by the state. The budget is not subject to review and approval under subdivisions 4 and 5.

50.28 Subd. 3. **Convenience standards.** (a) The stewardship plan must provide convenient,
50.29 statewide collection for all covered products that are offered to collectors by a person in the
50.30 state, regardless of:

50.31 (1) a covered product's brand;

50.32 (2) a covered battery's energy capacity or chemistry;

- 51.1 (3) whether the producer of a covered product is a participant in the stewardship program;
51.2 or
- 51.3 (4) whether the brand of a covered product is covered under the stewardship program.
- 51.4 (b) The stewardship plan must meet the following convenience standards:
- 51.5 (1) for each county with a population of 10,000 or less, maintain at least two permanent
51.6 year-round collection sites;
- 51.7 (2) for each county with a population greater than 10,000 but less than or equal to
51.8 100,000, maintain at least two permanent year-round collection sites and at least one
51.9 additional permanent year-round collection site for each additional 10,000 in population
51.10 above a population of 10,000;
- 51.11 (3) for each county with a population greater than 100,000, maintain at least 11 permanent
51.12 year-round collection sites and at least one additional permanent year-round collection site
51.13 for each additional 50,000 in population above a population of 100,000;
- 51.14 (4) maintain a permanent year-round collection site located within ten miles of the
51.15 household of at least 95 percent of the residents of the state; and
- 51.16 (5) any additional convenience standards that the commissioner determines are necessary
51.17 to provide convenient, statewide collection for covered products.
- 51.18 (c) In making a determination under paragraph (b), clause (5), the commissioner may
51.19 consider data submitted according to section 115A.1337, subdivision 5; the volume of
51.20 covered products collected; the estimated volume of covered products sold in or into the
51.21 state; the estimated volume of covered products disposed of in the state; and other information
51.22 related to the effectiveness of the stewardship program.
- 51.23 Subd. 4. **Review of stewardship plan; implementation.** (a) Within 120 days after
51.24 receiving a complete stewardship plan submitted under this section, the commissioner must
51.25 determine whether the stewardship plan complies with the requirements of this section and
51.26 will ensure that elements required by subdivision 2, paragraph (a), will be met to the
51.27 maximum extent practicable. The commissioner must provide a written notice of
51.28 determination according to this subdivision.
- 51.29 (b) In conducting a review of a stewardship plan, the commissioner may consult with
51.30 interested parties.

52.1 (c) For at least 30 days and before approving a stewardship plan, the commissioner must
52.2 place the stewardship plan on the agency's publicly accessible website for public review
52.3 and comment.

52.4 (d) If the commissioner determines that a stewardship plan fails to meet the requirements
52.5 of this section or will not ensure that elements required by subdivision 2, paragraph (a), will
52.6 be met to the maximum extent practicable, the commissioner must reject the stewardship
52.7 plan. The commissioner must provide a written notice of determination to the stewardship
52.8 organization describing the reasons for the rejection.

52.9 (e) After any consultation under paragraph (b) and review of public comments received
52.10 under paragraph (c), if the commissioner determines that a stewardship plan meets the
52.11 requirements of subdivision 2, the commissioner must approve the stewardship plan. The
52.12 commissioner must provide a written notice of determination to the stewardship organization.

52.13 (f) The stewardship organization must publish its approved stewardship plan on its
52.14 publicly accessible website within 30 days after receiving written notice of approval but is
52.15 not required to publish nonpublic data as defined under chapter 13. The commissioner may
52.16 publish the approved stewardship plan on the agency's publicly accessible website but must
52.17 not publish nonpublic data.

52.18 (g) The stewardship organization must implement the stewardship plan approved by the
52.19 commissioner, including any amendments to the stewardship plan that are approved by the
52.20 commissioner according to subdivision 5, within 60 days after receiving written notice of
52.21 approval.

52.22 (h) For each stewardship plan or amendment submitted to the commissioner for review,
52.23 the commissioner may consider the data submitted according to section 115A.1337,
52.24 subdivision 5, and other relevant information to establish requirements to improve the
52.25 effectiveness, performance, and awareness of the stewardship program.

52.26 **Subd. 5. Amending or terminating stewardship plan.** (a) The stewardship organization
52.27 may amend a stewardship plan approved under subdivision 4 without review or approval
52.28 by the commissioner to make the changes specified in clauses (1) to (3). Within 30 days
52.29 after adopting an amendment under this paragraph, the stewardship organization must report
52.30 the amendment to the commissioner and must publish the amended stewardship plan on the
52.31 stewardship organization's publicly accessible website. The stewardship organization must
52.32 implement amendments made to a stewardship plan under this paragraph within 60 days
52.33 after adopting the amendment. The stewardship organization may:

53.1 (1) add, terminate, or replace a collector, collection site, person providing covered
53.2 services, or facility at which covered services will be performed;

53.3 (2) add or remove participants or brands covered under the stewardship plan; or

53.4 (3) change contact staff or contact staff information for the stewardship organization,
53.5 participants, collectors, persons transporting covered products or other electrical products,
53.6 or facilities to be used for storage, processing, recycling, or disposal.

53.7 (b) Except for an amendment under paragraph (a), a proposed amendment to a
53.8 stewardship plan approved under subdivision 4 must be submitted to and reviewed and
53.9 approved by the commissioner before it may be implemented by the stewardship organization.
53.10 The commissioner must review and approve or reject the proposed amendment according
53.11 to subdivision 4.

53.12 (c) The stewardship organization with an approved stewardship plan must submit an
53.13 amended stewardship plan for review at least every five years according to this subdivision
53.14 and subdivision 4 if the stewardship organization has not during that time submitted
53.15 amendments for review under paragraph (b).

53.16 (d) The stewardship organization may terminate a stewardship plan by providing at least
53.17 90 days' written notice to the commissioner and to all participants in the stewardship program.
53.18 Before the stewardship plan is terminated, each participant must meet the requirements of
53.19 section 115A.1335, subdivision 1, by contracting with a new stewardship organization,
53.20 which must submit and obtain the commissioner's approval for a stewardship plan.

53.21 (e) The commissioner may terminate a stewardship plan for good cause, such as
53.22 significant noncompliance with this section; failure to ensure that covered products and
53.23 other electrical products collected in the state are being managed in responsible markets
53.24 and according to subdivision 2, paragraph (a), clauses (13) to (15); failure to timely submit
53.25 a stewardship plan for review according to paragraph (c); or failure to pay fees assessed
53.26 under section 115A.1339. If the commissioner terminates a stewardship plan, the
53.27 commissioner must provide the stewardship organization with written notice of termination
53.28 describing the good cause for termination. The commissioner must also notify all participants
53.29 in the stewardship program in writing using the contact information for the participants
53.30 provided in the stewardship plan.

53.31 Subd. 6. **Compliance.** (a) The stewardship organization must comply with its stewardship
53.32 plan approved by the commissioner, including any amendments to the stewardship plan
53.33 that are made according to subdivision 5, paragraph (a) or (b).

54.1 (b) The stewardship organization must comply with the reimbursement rates approved
 54.2 by the commissioner.

54.3 (c) The stewardship organization must ensure that all costs of the stewardship program
 54.4 are fully paid for by producers as a whole, except for de minimis producers. All costs of
 54.5 the stewardship program must be allocated between groups of producers without any fee,
 54.6 charge, surcharge, or any other cost to:

54.7 (1) any member of the public;

54.8 (2) any business other than a producer;

54.9 (3) any collector;

54.10 (4) any person providing covered services;

54.11 (5) the state or any political subdivision;

54.12 (6) de minimis producers; or

54.13 (7) any other person who is not a producer.

54.14 **EFFECTIVE DATE.** This section is effective January 1, 2027.

54.15 Sec. 14. **[115A.1337] STEWARDSHIP ORGANIZATION DUTIES.**

54.16 Subdivision 1. **Duties to collectors.** (a) The stewardship organization must provide the
 54.17 following to each collector:

54.18 (1) reimbursement at the rates approved by the commissioner;

54.19 (2) all covered services after the initial collection of covered products and other electrical
 54.20 products by the collector;

54.21 (3) containers as described in section 115A.1347, subdivision 1, paragraph (d);

54.22 (4) consistent signage identifying a collection site;

54.23 (5) training for collection site employees on identifying and safely handling and storing
 54.24 covered batteries and covered products that have covered batteries contained within them
 54.25 or otherwise attached or connected to them, including damaged, defective, or recalled
 54.26 batteries, also known as DDR batteries;

54.27 (6) educational materials that address the information described in subdivision 4,
 54.28 paragraph (a), clause (3), for distribution to members of the public and businesses in
 54.29 Minnesota. The educational materials must be made available in English and at least the

55.1 three most frequent languages spoken at home in the state other than English, according to
55.2 the state demographer; and

55.3 (7) direction to an alternate collector whenever a collector determines and reports to the
55.4 stewardship organization, according to section 115A.1341, subdivision 1, paragraph (d),
55.5 that the collector cannot safely collect a covered product. The stewardship organization
55.6 must ensure that the covered product is collected by another collector.

55.7 (b) The stewardship organization must allow a collector to perform covered services if
55.8 the collector meets the performance standards in the stewardship plan under section
55.9 115A.1335, subdivision 2, paragraph (a), clause (12), and the collector is identified in the
55.10 stewardship plan as providing covered services other than collection according to section
55.11 115A.1335, subdivision 2, paragraph (a), clause (3).

55.12 (c) For covered services provided under paragraph (b), the stewardship organization
55.13 must reimburse the collector for the cost of the performed covered services according to
55.14 section 115A.1335, subdivision 2, paragraph (a), clause (20).

55.15 (d) A collector may request the stewardship organization to add a person to provide
55.16 covered services to the stewardship plan as an amendment under section 115A.1335,
55.17 subdivision 5, paragraph (a), and the stewardship organization must consider the request if
55.18 the person meets the performance standards in the stewardship plan.

55.19 Subd. 2. **Accessibility.** (a) The stewardship organization must provide convenient,
55.20 equitable, and accessible service to all Minnesotans, including but not limited to people of
55.21 color; Minnesota Tribal governments as defined in section 10.65, subdivision 2; those that
55.22 are non-English speaking; immigrant and refugee communities; those with limited access
55.23 to transportation; and those in environmental justice areas.

55.24 (b) The stewardship program must include collection opportunities beyond those required
55.25 under section 115A.1335, subdivision 3, to better serve populations under paragraph (a),
55.26 such as individual pickup from households and temporary events to provide enhanced
55.27 collection availability.

55.28 (c) Where feasible, the stewardship organization must encourage establishing collection
55.29 sites in proximity to local public transit.

55.30 Subd. 3. **Oversight; collector eligibility.** (a) The stewardship organization must ensure
55.31 that:

56.1 (1) covered products and other electrical products managed under the stewardship
56.2 program are recycled to the maximum extent practicable in accordance with section 115A.02,
56.3 paragraph (b); and

56.4 (2) residual materials are managed in compliance with applicable hazardous waste or
56.5 solid waste requirements by:

56.6 (i) each person transporting covered products or other electrical products; and

56.7 (ii) each facility listed in the stewardship plan at which storage, processing, recycling,
56.8 or disposal of covered products and other electrical products is performed.

56.9 (b) To ensure that covered products and other electrical products are managed to the
56.10 maximum extent practicable in accordance with section 115A.02, paragraph (b), the
56.11 commissioner may require performance standards and oversight methods in lieu of or in
56.12 addition to the performance standards and oversight methods used by a stewardship
56.13 organization under paragraph (a) and section 115A.1335, subdivision 2, paragraph (a),
56.14 clause (12), for persons providing covered services for covered products and other electrical
56.15 products. The commissioner may consider data submitted under subdivision 5; the availability
56.16 and feasibility of technology, processes, and methods for managing covered products and
56.17 other electrical products; and other information related to the effectiveness of the stewardship
56.18 program.

56.19 (c) The stewardship organization must allow any person meeting the eligibility criteria
56.20 to serve as a collector. Except for a household hazardous waste collection program established
56.21 under section 115A.96, a stewardship organization may terminate a collector and cease
56.22 payment to the collector for good cause. Except as provided for in section 115A.1341,
56.23 subdivision 2, the eligibility criteria must include agreement by collectors to accept covered
56.24 products of any brand, any physical size, and, in the case of covered batteries and covered
56.25 products that have covered batteries contained within them or otherwise attached or connected
56.26 to them, any energy capacity or chemistry.

56.27 Subd. 4. **Stewardship program effectiveness.** (a) To support the effectiveness of the
56.28 stewardship program, the stewardship organization must provide outreach and education
56.29 to:

56.30 (1) persons that might sell, offer for sale or promotional purposes, or distribute covered
56.31 products or other electrical products in or into the state, to inform the persons of the
56.32 requirements of section 115A.1347, subdivision 2;

57.1 (2) potential collectors and persons who are collecting covered products before the
57.2 effective date of this section to inform the collectors how to request coverage by the
57.3 stewardship program; and

57.4 (3) members of the public to raise awareness of:

57.5 (i) public health and safety and environmental risks caused by improperly charging,
57.6 storing, and disposing of covered batteries and covered products that have covered batteries
57.7 contained within them or otherwise attached or connected to them;

57.8 (ii) public health and environmental risks caused by improperly disposing of covered
57.9 products;

57.10 (iii) methods to safely charge and store covered batteries and covered products that have
57.11 covered batteries contained within them or otherwise attached or connected to them;

57.12 (iv) the benefits of repairing, reusing, and recycling covered products and other electrical
57.13 products in contrast to disposal; and

57.14 (v) the existence of the stewardship program and the ability to recycle covered products
57.15 and other electrical products at no cost, including the location and convenience of collection
57.16 sites in the state.

57.17 (b) The stewardship organization must maintain a publicly accessible website to locate
57.18 collection sites through map-based and text-based searches.

57.19 (c) The stewardship organization must, in addition to the requirements of paragraphs
57.20 (a) and (b), take action to decrease the incidence of covered products in solid waste generated
57.21 in the state as soon as practicable and to the maximum extent achievable. The commissioner
57.22 may determine the effectiveness of the stewardship program using information from waste
57.23 composition studies conducted under section 115A.412 and other information available to
57.24 the commissioner and may require the stewardship organization to submit information and
57.25 implement actions to decrease the incidence of covered products in solid waste in accordance
57.26 with section 115A.1335, subdivision 2, paragraph (a), clause (28).

57.27 Subd. 5. **Reporting.** (a) The stewardship organization must report an amendment to the
57.28 stewardship plan made under section 115A.1335, subdivision 5, paragraph (a), to the
57.29 commissioner within 30 days after making the amendment.

57.30 (b) By April 1 each year, the stewardship organization must report to the commissioner,
57.31 in a form and manner prescribed by the commissioner, on the stewardship organization's
57.32 activities during the preceding calendar year. The stewardship organization must also submit
57.33 a copy of the report to the board. The report must include:

58.1 (1) the address, county of location, and geolocation data for each collection site used by
58.2 the stewardship organization under the stewardship program during the preceding calendar
58.3 year;

58.4 (2) the number, type, and volume of covered products and other electrical products
58.5 collected during each calendar year, specifying the categories of the covered products and
58.6 other electrical products and the chemistries of the covered batteries collected, in accordance
58.7 with section 115A.1335, subdivision 2, paragraph (a), clause (26);

58.8 (3) the end management, through reuse, repair, reclamation, recycling, or disposal, of
58.9 the covered products and other electrical products shipped from collection sites under the
58.10 stewardship program, in accordance with section 115A.1335, subdivision 2, paragraph (a),
58.11 clause (27);

58.12 (4) the results of the oversight according to section 115A.1335, subdivision 2, paragraph
58.13 (a), clause (12), verifying that the performance standards were met by each of the persons
58.14 providing covered services;

58.15 (5) a description of outreach and education activities performed by the stewardship
58.16 organization during the preceding calendar year according to subdivision 4;

58.17 (6) a financial report on the stewardship program, including actual costs and funding
58.18 compared to the budget for the year submitted under section 115A.1335, subdivision 2,
58.19 paragraph (b). The financial report must include an audit report of the stewardship program
58.20 by an independent auditor. The independent auditor must be selected by the stewardship
58.21 organization and approved or rejected by the commissioner. If the commissioner rejects an
58.22 independent auditor, the stewardship organization must select a different independent auditor
58.23 for approval or rejection by the commissioner. The independent audit must meet the
58.24 requirements of Accounting Standards Update 2018-08, Not-for-Profit Entities (Topic 958),
58.25 Financial Accounting Standards Board, as amended;

58.26 (7) the proposed and actual budget for the year in which the report is submitted; and

58.27 (8) starting on the second April after the stewardship organization's first stewardship
58.28 plan is approved by the commissioner, and then every third year thereafter, a performance
58.29 audit of the stewardship program. The performance audit must conform to audit standards
58.30 established by the United States Government Accountability Office; the National Association
58.31 of State Auditors, Comptrollers and Treasurers; or another nationally recognized organization
58.32 approved by the commissioner.

58.33 **EFFECTIVE DATE.** This section is effective January 1, 2027.

59.1 **Sec. 15. [115A.1339] FEES.**

59.2 Subdivision 1. **Annual fees.** (a) By January 1, 2027, and by July 1 each year thereafter,
59.3 the commissioner must calculate the sum of all costs that the agency incurs under sections
59.4 115A.1331 to 115A.1347, exclusive of recovery and management of covered products under
59.5 subdivision 2. The sum calculated for the period preceding January 1, 2027, must include
59.6 the agency's costs from enacting sections 115A.1331 to 115A.1347. For the purposes of
59.7 this paragraph, costs of the board are considered costs incurred by the agency.

59.8 (b) Notwithstanding section 16A.1283, the commissioner must assess an annual
59.9 administrative fee at an amount that is adequate to reimburse the agency's sum costs of
59.10 administering sections 115A.1331 to 115A.1347. The stewardship organization must pay
59.11 the assessed annual administrative fee by the due date set by the commissioner.

59.12 Subd. 2. **Recovery and proper management fees.** (a) When the commissioner intends
59.13 to spend money for the recovery and proper management of covered products under section
59.14 115A.1343, subdivision 1, notwithstanding section 16A.1283, the commissioner must assess
59.15 the estimated cost of recovery and proper management of covered products to the stewardship
59.16 organization.

59.17 (b) The cost under paragraph (a) must not include any subsequent remediation of the
59.18 real properties where the covered products are located nor the cost of any environmental
59.19 assessment of the properties to determine appropriate subsequent remediation under other
59.20 law. Such costs must not be paid from any funds assessed, collected, or appropriated under
59.21 this section. The stewardship organization must pay the assessed recovery and management
59.22 fee by the due date set by the commissioner.

59.23 (c) If, after the covered products have been recovered and properly managed, the actual
59.24 cost of recovery and proper management of the recovered products is less than the fee paid
59.25 by the stewardship organization, the commissioner must refund the excess payment. If the
59.26 cost of recovery and proper management exceeds the fee paid by the stewardship
59.27 organization, the commissioner must assess the stewardship organization for the deficit.
59.28 The stewardship organization must pay the assessed recovery and management fee deficit
59.29 by the due date set by the commissioner.

59.30 Subd. 3. **Disposition of fees.** The total amount of net fees collected under this section
59.31 must not exceed the amount necessary to reimburse agency costs as calculated under
59.32 subdivisions 1 and 2. All fees received under subdivisions 1 and 2 must be deposited in the
59.33 state treasury and credited to a product stewardship account in the special revenue fund.

60.1 The amount collected under this section is annually appropriated to the commissioner to
60.2 implement and enforce sections 115A.1331 to 115A.1347.

60.3 **EFFECTIVE DATE.** This section is effective January 1, 2027.

60.4 Sec. 16. **[115A.1341] COLLECTOR DUTIES.**

60.5 Subdivision 1. **Accepting covered products.** (a) A collector must accept at least ten
60.6 covered products from a person daily without imposing a fee, charge, surcharge, or other
60.7 cost to any person other than the stewardship organization. A collector may voluntarily
60.8 agree to accept any number of additional covered products daily from a person but may not
60.9 impose a fee, charge, surcharge, or other cost to any person other than the stewardship
60.10 organization to do so.

60.11 (b) A collector must accept from a person any covered product of any brand, any physical
60.12 size, and, in the case of covered batteries and covered products that have covered batteries
60.13 contained within them or otherwise attached or connected to them, any energy capacity or
60.14 chemistry, unless the collector determines a specific covered product cannot be safely
60.15 collected by the collector at a specific collection site at a specific time.

60.16 (c) Notwithstanding paragraph (a), a household hazardous waste collection program
60.17 established under section 115A.96 may limit the persons from which the collection program
60.18 accepts covered products and may limit the number of covered products the collection
60.19 program will accept daily from a person. A household hazardous waste collection program
60.20 established under section 115A.96 is not subject to paragraph (b). However, the stewardship
60.21 organization may not include the household hazardous waste collection program when
60.22 demonstrating compliance with the convenience standards of section 115A.1335, subdivision
60.23 3, unless the household hazardous waste collection program voluntarily agrees in writing
60.24 with the stewardship organization to comply with both paragraphs (a) and (b).

60.25 (d) A collector that determines that it cannot safely accept a specific covered product
60.26 must document the reason for not accepting the covered product and immediately notify
60.27 the stewardship organization of the nonacceptance in order to allow the stewardship
60.28 organization to arrange for alternate collection of the covered product under section
60.29 115A.1337, subdivision 1, paragraph (a), clause (7).

60.30 Subd. 2. **Accepting other electrical products.** A collector may accept other electrical
60.31 products from a person. If a collector accepts other electrical products, the collector may
60.32 not impose a fee, charge, surcharge, or other cost to any person other than the stewardship
60.33 organization.

61.1 Subd. 3. **Storing accepted products.** A collector must manage and store all accepted
61.2 covered products and other electrical products safely and in compliance with section
61.3 115A.1347, subdivision 1, paragraphs (c) and (d).

61.4 Subd. 4. **Training.** A collector must ensure and document that training is provided for
61.5 collection site employees on identifying and safely handling and storing covered batteries
61.6 and covered products that have covered batteries contained within them or otherwise attached
61.7 or connected to them, including damaged, defective, or recalled batteries, also known as
61.8 DDR batteries. The collector may provide the training or may receive training from the
61.9 stewardship organization or the stewardship organization's representative.

61.10 Subd. 5. **Recordkeeping.** A collector must maintain the following records for at least
61.11 three years and make them available to the commissioner for inspection:

61.12 (1) records of covered products and other electrical products accepted at a collection
61.13 site;

61.14 (2) records of covered products and other electrical products shipped from a collection
61.15 site; and

61.16 (3) documentation of employee training. The three-year record retention period for
61.17 employee documentation begins on the day following the last day the employee worked for
61.18 the collector.

61.19 **EFFECTIVE DATE.** This section is effective January 1, 2027.

61.20 Sec. 17. **[115A.1343] COVERED PRODUCTS RECOVERY AND PROPER**
61.21 **MANAGEMENT.**

61.22 Subdivision 1. **Recovery and proper management.** (a) In addition to any authority
61.23 granted by other law and without limiting that authority, whenever the commissioner
61.24 determines that covered products have been abandoned, improperly disposed of, or stored
61.25 on real property within the state in a manner not in compliance with sections 115A.1331 to
61.26 115A.1347 or with applicable rules adopted under section 116.07, subdivision 2, paragraph
61.27 (d), or 4, paragraph (g), the commissioner may issue an order under section 115.071,
61.28 subdivision 5; 116.07, subdivision 9; or 116.072, subdivision 1, requiring a person responsible
61.29 for the abandonment, improper disposal, or noncompliant storage of the covered products
61.30 to recover and properly manage the covered products according to sections 115A.1331 to
61.31 115A.1347 and applicable rules. An order under this paragraph must notify the person of
61.32 the provisions of this subdivision.

62.1 (b) If a person that receives an order under paragraph (a) fails to complete the ordered
62.2 actions to recover and properly manage the covered products within the time specified in
62.3 the order, then after that time or upon expiration of the appeal period for the order, whichever
62.4 is later, the commissioner must notify the stewardship organization in writing of:

62.5 (1) the commissioner's determination that the covered products have been abandoned,
62.6 improperly disposed of, or stored in a noncompliant manner;

62.7 (2) the name of the person that was issued the order under paragraph (a) and the location
62.8 of the covered products;

62.9 (3) the actions required to recover and properly manage the covered products; and

62.10 (4) the amount of time that the stewardship organization may attempt to complete the
62.11 actions to recover and properly manage the covered products on behalf of the person.

62.12 (c) If the stewardship organization intends to recover and properly manage the covered
62.13 products, the stewardship organization must notify the commissioner of its intent and submit
62.14 a plan to recover and properly manage the covered products to the commissioner. The
62.15 stewardship organization must comply with its submitted recovery and management plan.

62.16 (d) If, after the period specified in paragraph (b), the ordered actions to recover and
62.17 properly manage the covered products have not been completed, or upon earlier notice from
62.18 the stewardship organization that it does not intend to take the actions, the commissioner
62.19 may recover and properly manage the covered products. The commissioner must estimate
62.20 the cost for a person contracted to the agency to perform the recovery and management.
62.21 The commissioner must assess the estimated cost to the stewardship organization according
62.22 to section 115A.1339, subdivision 2. After the stewardship organization pays the assessed
62.23 fee, the commissioner may recover and properly manage the covered products. Money
62.24 appropriated to the commissioner from the product stewardship account may be spent by
62.25 the commissioner to recover and properly manage the covered products.

62.26 (e) In addition to the authority to enter upon any public or private property for the purpose
62.27 of obtaining information or conducting surveys or investigations under section 115A.06,
62.28 the commissioner or any designee or agent may enter upon the property to recover covered
62.29 products when acting under this subdivision.

62.30 **Subd. 2. Limited private right of action for recovery and proper management. (a)**
62.31 The stewardship organization that recovers and properly manages covered products under
62.32 subdivision 1, paragraph (c), may maintain a civil action against a person issued an order
62.33 to recover and properly manage those covered products under subdivision 1, paragraph (a).

63.1 The stewardship organization is entitled to damages under this paragraph of twice its actual
63.2 cost of recovery and proper management of the covered products. Additional amounts
63.3 recoverable under this paragraph include an award of reasonable attorney fees and costs.

63.4 (b) When the stewardship organization is assessed and pays the cost to recover and
63.5 properly manage covered products under subdivision 1, paragraph (d), and section
63.6 115A.1339, subdivision 2, the stewardship organization may maintain a civil action against
63.7 a person issued an order to recover and properly manage those covered products under
63.8 subdivision 1, paragraph (a). The stewardship organization is entitled to damages under this
63.9 paragraph equal to the cost of recovery and proper management of covered products assessed
63.10 by the commissioner to the stewardship organization. Additional amounts recoverable under
63.11 this paragraph include an award of reasonable attorney fees and costs.

63.12 (c) The commissioner may not be a party to or be required to provide assistance or
63.13 otherwise participate in a civil action authorized under this subdivision unless subject to a
63.14 subpoena before a court of jurisdiction.

63.15 **EFFECTIVE DATE.** This section is effective January 1, 2027.

63.16 Sec. 18. **[115A.1345] OTHER AUTHORITIES AND DUTIES.**

63.17 Subdivision 1. **Limited private right of action against producers.** (a) Except as
63.18 provided in paragraph (d), the stewardship organization may maintain a civil action against
63.19 one or more producers, except a de minimis producer, to recover a portion of the stewardship
63.20 organization's costs and additional amounts according to this subdivision.

63.21 (b) Damages recoverable under this subdivision may not exceed a fair share of the actual
63.22 costs incurred by the plaintiff stewardship organization in managing covered products or
63.23 other electrical products of a defendant producer subject to section 115A.1347, subdivision
63.24 2, paragraph (b). Additional amounts recoverable under this subdivision include an award
63.25 of reasonable attorney fees and costs. If a defendant producer did not participate in the
63.26 stewardship program established under sections 115A.1331 to 115A.1347 during the period
63.27 in which covered products or other electrical products of the defendant producer were
63.28 managed by the plaintiff stewardship organization, a punitive sum of up to three times the
63.29 damages awarded may be assessed.

63.30 (c) A plaintiff stewardship organization may establish a defendant producer's fair share
63.31 of the plaintiff's actual costs by providing the court with information establishing the process
63.32 by which the defendant producer's share of stewardship program costs would have been
63.33 allocated had the defendant producer been a participant in the program and paid its allocated

64.1 share. The plaintiff stewardship organization may use data from producers similar in covered
64.2 product, financial status, or market share to the defendant producer to provide the information.

64.3 (d) An action may not be commenced under this subdivision against a potential defendant
64.4 producer until 60 days after the plaintiff stewardship organization provides to all potential
64.5 defendants a written notice of the claim setting forth the amount of the claim and the basis
64.6 for the calculation of the amount.

64.7 (e) No action may be brought under this subdivision against a person other than a
64.8 producer.

64.9 (f) The commissioner may not be a party to or be required to provide assistance or
64.10 otherwise participate in a civil action authorized under this subdivision unless subject to a
64.11 subpoena before a court of jurisdiction.

64.12 Subd. 2. **Conduct authorized.** A producer or stewardship organization that organizes
64.13 covered services for covered products or other electrical products under sections 115A.1331
64.14 to 115A.1347 is immune from liability for the conduct under state laws relating to antitrust,
64.15 restraint of trade, unfair trade practices, and other regulation of trade or commerce only to
64.16 the extent that the conduct is necessary to plan and implement the producer's or stewardship
64.17 organization's chosen system.

64.18 Subd. 3. **Duty to provide information.** Upon request of the commissioner for purposes
64.19 of implementing sections 115A.1331 to 115A.1347, a person must furnish to the
64.20 commissioner any information that the person has or may reasonably obtain.

64.21 Subd. 4. **Contracts.** (a) Any person awarded a contract under chapter 16C for purchase
64.22 or lease of covered products or other electrical products that is found to be in violation of
64.23 sections 115A.1331 to 115A.1347 is subject to the following sanctions:

64.24 (1) the contract must be voided if the commissioner of administration determines that
64.25 the potential adverse impact to the state is exceeded by the benefit obtained from voiding
64.26 the contract; and

64.27 (2) the contractor is subject to suspension and disbarment under Minnesota Rules, part
64.28 1230.1150.

64.29 (b) If the attorney general establishes that any money, property, or benefit was obtained
64.30 by a contractor as a result of violating sections 115A.1331 to 115A.1347, the court may, in
64.31 addition to any other remedy, order the disgorgement of the unlawfully obtained money,
64.32 property, or benefit.

65.1 Subd. 5. **Multistate implementation.** The commissioner may participate in establishing
65.2 a regional multistate organization or compact to assist in carrying out the requirements of
65.3 sections 115A.1331 to 115A.1347.

65.4 Subd. 6. **Rules.** The commissioner may adopt rules to implement sections 115A.1331
65.5 to 115A.1347. The 18-month time limit under section 14.125 does not apply to rulemaking
65.6 under this subdivision.

65.7 **EFFECTIVE DATE.** This section is effective January 1, 2027.

65.8 Sec. 19. **[115A.1347] DISPOSAL PROHIBITIONS; BATTERY LABELING;**
65.9 **COVERED PRODUCT SALES RESTRICTION.**

65.10 Subdivision 1. **Disposal prohibition.** (a) A person may not place a covered product
65.11 into:

65.12 (1) solid waste; or

65.13 (2) a recycling container that a collector has not clearly marked for use for collecting
65.14 covered products.

65.15 (b) A person must manage a covered product that is discarded by delivering the covered
65.16 product to a collection site or to a recycling facility for covered products.

65.17 (c) Until recycled, covered products are not exempt from any applicable rules adopted
65.18 under section 116.07 for managing hazardous waste.

65.19 (d) Covered batteries and covered products that have covered batteries contained within
65.20 them or otherwise attached or connected to them must be stored in containers that are:

65.21 (1) designed, constructed, and used in a manner to suppress battery fires in the container
65.22 or to prevent ignition of materials outside the container; and

65.23 (2) held in structures compliant with the local fire code.

65.24 Subd. 2. **Labeling and sale; requirements.** (a) A person may not sell, including online
65.25 sales; offer for sale or promotional purposes; distribute in or into the state; or facilitate a
65.26 sale of a covered battery or covered product that has a covered battery contained within it
65.27 or otherwise attached or connected to it unless the covered battery and covered product is
65.28 labeled to identify the chemistry employed to store energy in the battery. Labeling under
65.29 this paragraph must be permanently marked on or affixed to the covered battery and covered
65.30 product and must use language or graphics sufficient to facilitate awareness by members
65.31 of the public of the battery chemistry employed. The commissioner may, by rule adopted
65.32 under section 115A.1345, subdivision 6, specify the manner of labeling.

66.1 (b) A person may not sell, including online sales; offer for sale or promotional purposes;
 66.2 distribute in or into the state; or facilitate a sale of a covered product or other electrical
 66.3 product unless the producer of the covered product or other electrical product is named as
 66.4 a participant in a stewardship plan published under section 115A.1335, subdivision 4,
 66.5 paragraph (f), or the brand is named as covered in a stewardship plan published under section
 66.6 115A.1335, subdivision 4, paragraph (f), and the stewardship plan has not been terminated
 66.7 under section 115A.1335, subdivision 5.

66.8 (c) This subdivision does not apply to isolated and occasional sales of a covered product
 66.9 or other electrical product that are not made in the normal course of business, as exempted
 66.10 from sales tax under section 297A.67, subdivision 23.

66.11 (d) This subdivision does not apply to sales, including online sales; offers for sale or
 66.12 promotional purposes; distribution; or facilitation of a sale of a used covered product or
 66.13 used other electrical product.

66.14 **EFFECTIVE DATE.** This section is effective January 1, 2027.

66.15 Sec. 20. Minnesota Statutes 2024, section 115A.554, is amended to read:

66.16 **115A.554 AUTHORITY OF SANITARY DISTRICTS.**

66.17 A sanitary district has the authorities and duties of counties within the district's boundary
 66.18 for purposes of sections 115A.0716; 115A.46, subdivisions 4 and 5; 115A.48; 115A.551;
 66.19 115A.552; 115A.553; 115A.919; 115A.929; 115A.93; 115A.96, subdivision 6; ~~115A.961;~~
 66.20 116.072; 375.18, subdivision 14; 400.04; 400.06; 400.07; 400.08; 400.16; and 400.161.

66.21 **EFFECTIVE DATE.** This section is effective January 1, 2027.

66.22 Sec. 21. Minnesota Statutes 2024, section 115B.421, is amended to read:

66.23 **115B.421 CLOSED LANDFILL INVESTMENT FUND.**

66.24 Subdivision 1. **Establishment.** (a) The closed landfill investment fund is established in
 66.25 the state treasury. The fund consists of money credited to the fund and interest and other
 66.26 earnings on money in the fund. Funds must be deposited as described in section 115B.445.
 66.27 The fund must be managed to maximize long-term gain through the State Board of
 66.28 Investment. Money in the fund is appropriated to the commissioner of the Pollution Control
 66.29 Agency and may be spent according to sections 115B.39 to 115B.444.

66.30 ~~(b) Each fiscal year, up to \$4,500,000 is appropriated from the closed landfill investment~~
 66.31 ~~fund to the commissioner for the purposes of sections 115B.39 to 115B.444.~~

67.1 ~~(e) If the commissioner determines that a release or threatened release from a qualified~~
67.2 ~~facility for which the commissioner has assumed obligations for environmental response~~
67.3 ~~actions under section 115B.40 or 115B.406 constitutes an emergency requiring immediate~~
67.4 ~~action to prevent, minimize, or mitigate damage either to the public health or welfare or the~~
67.5 ~~environment or to a system designed to protect the public health or welfare or the~~
67.6 ~~environment, up to \$9,000,000 in addition to the amount appropriated under paragraph (b)~~
67.7 ~~is appropriated to the commissioner in the first year of the biennium and may be spent by~~
67.8 ~~the commissioner to take reasonable and necessary emergency response actions. Money~~
67.9 ~~not spent in the first year of the biennium may be spent in the second year. If money is~~
67.10 ~~appropriated under this paragraph, the commissioner must notify the chairs of the senate~~
67.11 ~~and house of representatives committees having jurisdiction over environment policy and~~
67.12 ~~finance as soon as possible. The commissioner must maintain the fund balance to ensure~~
67.13 ~~long-term viability of the fund and reflect the responsibility of the landfill cleanup program~~
67.14 ~~in perpetuity.~~

67.15 ~~(d) Paragraphs (b) and (e) expire June 30, 2025.~~

67.16 (b) The commissioner of management and budget must allocate the amounts available
67.17 in a biennium to the commissioner of the Pollution Control Agency for the purposes provided
67.18 in sections 115B.39 to 115B.444 based on work plans submitted by the commissioner of
67.19 the Pollution Control Agency and may adjust the allocations if the commissioner of the
67.20 Pollution Control Agency submits revised work plans. The commissioner of the Pollution
67.21 Control Agency must submit copies of the work plans to the chairs of the legislative
67.22 committees and divisions having jurisdiction over environment policy and finance. The
67.23 commissioner of the Pollution Control Agency may submit one work plan for the landfill
67.24 cleanup program covering all funding sources to meet the work plan requirements under
67.25 this section and section 116.155.

67.26 Subd. 2. **Local notification.** If money in the closed landfill investment fund is spent or
67.27 transferred for purposes other than the purposes provided under sections 115B.39 to
67.28 115B.444, the commissioner of the Pollution Control Agency must provide written
67.29 notification to each county with a qualified facility within 30 days of the transfer or
67.30 expenditure that includes the amount, purpose, and authority used to spend or transfer the
67.31 money.

68.1 Sec. 22. Minnesota Statutes 2024, section 115C.02, is amended by adding a subdivision
68.2 to read:

68.3 Subd. 13a. **Side-mounted fuel tank.** (a) "Side-mounted fuel tank" means a liquid fuel
68.4 tank that is in commercial use, has a capacity of 50 gallons or more, and:

68.5 (1) if mounted on a truck tractor, extends outboard of the vehicle frame and outside the
68.6 plain view outline of the cab; or

68.7 (2) if mounted on a truck, extends outboard of a line parallel to the longitudinal centerline
68.8 of the truck and tangent to the outboard side of a front tire in a straight-ahead position.

68.9 (b) In determining whether a fuel tank on a truck or truck tractor is side-mounted, the
68.10 fill pipe is not considered a part of the tank.

68.11 Sec. 23. Minnesota Statutes 2024, section 115C.02, subdivision 14, is amended to read:

68.12 Subd. 14. **Tank.** (a) "Tank" means any one or a combination of containers, vessels, and
68.13 enclosures, including structures and appurtenances connected to them, that is, or has been,
68.14 used to contain, dispense, or store petroleum.

68.15 (b) "Tank" does not include:

68.16 (1) mobile tanks, except for tanks in transport; or

68.17 (2) pipeline facilities, including gathering lines, regulated under the Natural Gas Pipeline
68.18 Safety Act of 1968, United States Code, title 49, chapter 24, or the Hazardous Liquid Pipeline
68.19 Safety Act of 1979, United States Code, title 49, chapter 29.

68.20 (c) "Tank" includes a side-mounted fuel tank.

68.21 Sec. 24. Minnesota Statutes 2024, section 115C.09, subdivision 1, is amended to read:

68.22 Subdivision 1. **Reimbursable costs.** (a) The board shall provide reimbursement to
68.23 eligible applicants for reimbursable costs.

68.24 (b) The following costs are reimbursable for purposes of this chapter:

68.25 (1) corrective action costs incurred by the applicant and documented in a form prescribed
68.26 by the board. Corrective action costs incurred by the applicant include costs for physical
68.27 removal of a tank when the physical removal is part of a corrective action, regardless of
68.28 whether the tank is leaking at the time of removal, and the removal is directed or approved
68.29 by the commissioner;

69.1 (2) costs that the responsible person is legally obligated to pay as damages to third parties
69.2 for bodily injury, property damage, or corrective action costs incurred by a third party caused
69.3 by a release where the responsible person's liability for the costs has been established by a
69.4 court order or court-approved settlement; and

69.5 (3) up to 180 days of interest costs associated with the financing of corrective action
69.6 and incurred by the applicant in a written extension of credit or loan that has been signed
69.7 by the applicant and executed after July 1, 2002, provided that the applicant documents
69.8 that:

69.9 (i) the interest costs are incurred as a result of an extension of credit or loan from a
69.10 financial institution; and

69.11 (ii) the board has not considered the application within the applicable time frame specified
69.12 in subdivision 2a, paragraph (c).

69.13 (c) Interest costs meeting the requirements of paragraph (b), clause (3), are eligible only
69.14 when they are incurred between the date a complete initial application is received by the
69.15 board, or the date a complete supplemental application is received by the board, and the
69.16 date that the board first notifies the applicant of its reimbursement determination. An
69.17 application is complete when the information reasonably required or requested by the board's
69.18 staff from the applicant has been received by the board's staff. Interest costs are not eligible
69.19 for reimbursement to the extent they exceed two percentage points above the adjusted prime
69.20 rate charged by banks, as defined in section 270C.40, subdivision 5, at the time the extension
69.21 of credit or loan was executed.

69.22 (d) A cost for liability to a third party is incurred by the responsible person when an
69.23 order or court-approved settlement is entered that sets forth the specific costs attributed to
69.24 the liability. Except as provided in this paragraph, reimbursement may not be made for costs
69.25 of liability to third parties until all eligible corrective action costs have been reimbursed. If
69.26 a corrective action is expected to continue in operation for more than one year after it has
69.27 been fully constructed or installed, the board may estimate the future expense of completing
69.28 the corrective action and, after subtracting this estimate from the total reimbursement
69.29 available under subdivision 3, reimburse the costs for liability to third parties. The total
69.30 reimbursement may not exceed the limit set forth in subdivision 3.

69.31 (e) For purposes of this section, "corrective action costs incurred by the applicant" does
69.32 not include corrective action costs resulting from a release from a side-mounted fuel tank.
69.33 Corrective action costs, including staff time, cleanup costs, or damages, resulting from a
69.34 release from a side-mounted fuel tank are not reimbursable.

70.1 Sec. 25. Minnesota Statutes 2024, section 116.03, subdivision 2b, is amended to read:

70.2 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and
70.3 resource management permits be issued or denied within 90 days for tier 1 permits or 150
70.4 days for tier 2 permits following submission of a permit application. The commissioner of
70.5 the Pollution Control Agency shall establish management systems designed to achieve the
70.6 goal. For the purposes of this section, "tier 1 permits" are permits that do not require
70.7 individualized actions or public comment periods, and "tier 2 permits" are permits that
70.8 require individualized actions or public comment periods.

70.9 (b) The commissioner shall prepare an annual permitting efficiency report that includes
70.10 statistics on meeting the goal in paragraph (a) and the criteria for tier 2 by permit categories.
70.11 The report must also provide information on consultants regarding achievement of the
70.12 performance standards under paragraph (e), clauses (1) to (4). The report is due August 1
70.13 each year. For permit applications that have not met the goal, the report must state the
70.14 reasons for not meeting the goal. In stating the reasons for not meeting the goal, the
70.15 commissioner shall separately identify delays caused by the responsiveness of the proposer,
70.16 lack of staff, scientific or technical disagreements, or the level of public engagement. The
70.17 report must specify the number of days from initial submission of the application to the day
70.18 of determination that the application is complete. The report must aggregate the data for
70.19 the year and assess whether program or system changes are necessary to achieve the goal.
70.20 The report must be posted on the agency's website and submitted to the governor and the
70.21 chairs and ranking minority members of the house of representatives and senate committees
70.22 having jurisdiction over environment policy and finance.

70.23 (c) The commissioner shall allow electronic submission of environmental review and
70.24 permit documents to the agency.

70.25 (d) Within 30 business days of application for a permit subject to paragraph (a), the
70.26 commissioner of the Pollution Control Agency shall notify the permit applicant, in writing,
70.27 whether the application is complete or incomplete. If the commissioner determines that an
70.28 application is incomplete, the notice to the applicant must enumerate all deficiencies, citing
70.29 specific provisions of the applicable rules and statutes, and advise the applicant on how the
70.30 deficiencies can be remedied. If the commissioner determines that the application is complete,
70.31 the notice must confirm the application's tier 1 or tier 2 permit status. If the commissioner
70.32 believes that a complete application for a tier 2 construction permit cannot be issued within
70.33 the 150-day goal, the commissioner must provide notice to the applicant with the
70.34 commissioner's notice that the application is complete and, upon request of the applicant,
70.35 provide the permit applicant with a schedule estimating when the agency will begin drafting

71.1 the permit and issue the public notice of the draft permit. This paragraph does not apply to
71.2 an application for a permit that is subject to a grant or loan agreement under chapter 446A.

71.3 (e) The commissioner must credential consultants who meet the requirements of this
71.4 paragraph and must provide a logo or similar indicator with the credential that can be used
71.5 by a consultant in marketing their services. For purposes of this section, "consultant" means
71.6 a third-party professional representing a facility owner or operator to prepare or assist in
71.7 preparing a permit application or other similar documentation required by the commissioner
71.8 for authorizations under chapters 115 to 116. A consultant is credentialed on January 1 each
71.9 odd-numbered year if, in the preceding two years, the consultant:

71.10 (1) submitted permit applications deemed complete under paragraph (d) at a rate of at
71.11 least 80 percent;

71.12 (2) when applicable, met agreed-upon deadlines as part of a plan designed to increase
71.13 the coordination and efficiency of regulatory activities, such as a plan described under
71.14 section 116.035;

71.15 (3) did not represent an owner or operator to prepare or assist in preparing a permit
71.16 application or other similar documentation when the owner or operator received a citation
71.17 under section 116.073, subdivision 1, paragraph (b); and

71.18 (4) was not found in violation of Minnesota Rules, part 7000.0300, relating to duty of
71.19 candor.

71.20 ~~(e)~~ (f) For purposes of this subdivision, "permit professional" means an individual not
71.21 employed by the Pollution Control Agency who:

71.22 (1) has a professional license issued by the state of Minnesota in the subject area of the
71.23 permit;

71.24 (2) has at least ten years of experience in the subject area of the permit; and

71.25 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency
71.26 under agency rules and complies with all applicable requirements under chapter 326.

71.27 ~~(f)~~ (g) Upon the agency's request, an applicant relying on a permit professional must
71.28 participate in a meeting with the agency before submitting an application:

71.29 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at
71.30 least the following:

71.31 (i) project description, including, but not limited to, scope of work, primary emissions
71.32 points, discharge outfalls, and water intake points;

72.1 (ii) location of the project, including county, municipality, and location on the site;

72.2 (iii) business schedule for project completion; and

72.3 (iv) other information requested by the agency at least four weeks prior to the scheduled
72.4 meeting; and

72.5 (2) during the preapplication meeting, the agency shall provide for the applicant at least
72.6 the following:

72.7 (i) an overview of the permit review program;

72.8 (ii) a determination of which specific application or applications will be necessary to
72.9 complete the project;

72.10 (iii) a statement notifying the applicant if the specific permit being sought requires a
72.11 mandatory public hearing or comment period;

72.12 (iv) a review of the timetable established in the permit review program for the specific
72.13 permit being sought; and

72.14 (v) a determination of what information must be included in the application, including
72.15 a description of any required modeling or testing.

72.16 ~~(g)~~ (h) The applicant may select a permit professional to undertake the preparation of
72.17 the permit application and draft permit.

72.18 ~~(h)~~ (i) If a preapplication meeting was held, the agency shall, within seven business days
72.19 of receipt of an application, notify the applicant and submitting permit professional that the
72.20 application is complete or is denied, specifying the deficiencies of the application.

72.21 ~~(i)~~ (j) Upon receipt of notice that the application is complete, the permit professional
72.22 shall submit to the agency a timetable for submitting a draft permit. The permit professional
72.23 shall submit a draft permit on or before the date provided in the timetable. Within 60 days
72.24 after the close of the public comment period, the commissioner shall notify the applicant
72.25 whether the permit can be issued.

72.26 ~~(j)~~ (k) Nothing in this section shall be construed to modify:

72.27 (1) any requirement of law that is necessary to retain federal delegation to or assumption
72.28 by the state; or

72.29 (2) the authority to implement a federal law or program.

72.30 ~~(k)~~ (l) The permit application and draft permit shall identify or include as an appendix
72.31 all studies and other sources of information used to substantiate the analysis contained in

73.1 the permit application and draft permit. The commissioner shall request additional studies,
73.2 if needed, and the permit applicant shall submit all additional studies and information
73.3 necessary for the commissioner to perform the commissioner's responsibility to review,
73.4 modify, and determine the completeness of the application and approve the draft permit.

73.5 Sec. 26. Minnesota Statutes 2024, section 116.073, subdivision 1, is amended to read:

73.6 Subdivision 1. **Authority to issue.** (a) Pollution Control Agency staff designated by the
73.7 commissioner and Department of Natural Resources conservation officers may issue citations
73.8 to a person who:

73.9 (1) disposes of solid waste as defined in section 116.06, subdivision 22, at a location
73.10 not authorized by law for the disposal of solid waste without permission of the owner of
73.11 the property;

73.12 (2) fails to report or recover discharges as required under section 115.061;

73.13 (3) fails to take discharge preventive or preparedness measures required under chapter
73.14 115E;

73.15 (4) fails to install or use vapor recovery equipment during the transfer of gasoline from
73.16 a transport delivery vehicle to an underground storage tank as required in section 116.49,
73.17 subdivisions 3 and 4;

73.18 (5) performs labor or services designing, installing, constructing, inspecting, servicing,
73.19 repairing, or operating a subsurface sewage treatment system (SSTS) as defined in chapter
73.20 115 and has violated rules adopted under chapters 115 and 116 in any of the following
73.21 categories:

73.22 (i) failure to acquire or maintain a current state-issued SSTS license;

73.23 (ii) failure to acquire or maintain a current surety bond for SSTS activities;

73.24 (iii) failure to acquire or maintain a required local permit for SSTS activities; or

73.25 (iv) failure to submit SSTS as-built plans or compliance inspection forms to the local
73.26 governmental unit; or

73.27 (6) performs labor or services pumping, hauling, treating, spreading, dumping,
73.28 discharging, or land applying septage as defined in Minnesota Rules, part 7080.1100, subpart
73.29 69, and has violated rules adopted under chapters 115 and 116 or Code of Federal
73.30 Regulations, title 40, section 503, in any of the following categories:

73.31 (i) failure to acquire or maintain a current state-issued SSTS license;

- 74.1 (ii) failure to acquire or maintain a current surety bond for SSTS activities;
- 74.2 (iii) failure to provide control measures to prevent the pollution of underground waters
74.3 from the discharge of septage into the saturated or unsaturated zone;
- 74.4 (iv) failure to produce records or maintain records in accordance with Code of Federal
74.5 Regulations, title 40, section 503; or
- 74.6 (v) failure to treat septage for pathogens and vectors in accordance with Code of Federal
74.7 Regulations, title 40, section 503.
- 74.8 (b) Agency staff designated by the commissioner may issue citations to facility owners
74.9 and operators who fail to produce, within 30 days or within a reasonable alternative time
74.10 frame as determined and required by the commissioner, information or reports necessary
74.11 for developing and reissuing permits and permit amendments under chapters 114C and 115
74.12 to 116. If the owner or operator cannot produce the information or reports within 30 days
74.13 or according to an alternative time frame required by the commissioner, the owner or operator
74.14 may request an extension within 30 days of the request for information or reports. The
74.15 commissioner must keep records of citations issued under this paragraph that identify the
74.16 facility, the owner or operator, and any person hired by or representing the owner or operator
74.17 to prepare or assist in preparing the permit application or other information or report requested
74.18 by the commissioner.
- 74.19 ~~(b)~~ (c) In addition, Pollution Control Agency staff designated by the commissioner may
74.20 issue citations to owners and operators of facilities who violate sections 116.46 to 116.50
74.21 and Minnesota Rules, chapters 7150 and 7151 and parts 7001.4200 to 7001.4300. A citation
74.22 issued under this subdivision must include a requirement that the person cited remove and
74.23 properly dispose of or otherwise manage the waste or discharged oil or hazardous substance,
74.24 reimburse any government agency that has disposed of the waste or discharged oil or
74.25 hazardous substance and contaminated debris for the reasonable costs of disposal, or correct
74.26 any storage tank violations.
- 74.27 ~~(c)~~ (d) Citations for violations of sections 115E.045 and 116.46 to 116.50 and Minnesota
74.28 Rules, chapters 7150 and 7151, may be issued only after the owners and operators have had
74.29 a 60-day period to correct violations stated in writing by Pollution Control Agency staff,
74.30 unless there is a discharge associated with the violation or the violation is a repeat violation
74.31 from a previous inspection.

74.32 Sec. 27. Minnesota Statutes 2024, section 116.073, subdivision 2, is amended to read:

74.33 Subd. 2. **Penalty amount.** The citation must impose the following penalty amounts:

75.1 (1) \$100 per major appliance, as defined in section 115A.03, subdivision 17a, up to a
75.2 maximum of \$2,000;

75.3 (2) \$25 per waste tire, as defined in section 115A.90, subdivision 11, up to a maximum
75.4 of \$2,000;

75.5 (3) \$25 per lead acid battery governed by section 115A.915, up to a maximum of \$2,000;

75.6 (4) \$1 per pound of other solid waste or \$20 per cubic foot up to a maximum of \$2,000;

75.7 (5) up to \$200 for any amount of waste that escapes from a vehicle used for the
75.8 transportation of solid waste if, after receiving actual notice that waste has escaped the
75.9 vehicle, the person or company transporting the waste fails to immediately collect the waste;

75.10 (6) \$50 per violation of rules adopted under section 116.49, relating to underground
75.11 storage tank system design, construction, installation, and notification requirements, up to
75.12 a maximum of \$2,000;

75.13 (7) \$500 per violation of rules adopted under section 116.49, relating to upgrading of
75.14 existing underground storage tank systems, up to a maximum of \$2,000 per tank system;

75.15 (8) \$250 per violation of rules adopted under section 116.49, relating to underground
75.16 storage tank system general operating requirements, up to a maximum of \$2,000;

75.17 (9) \$250 per violation of rules adopted under section 116.49, relating to underground
75.18 storage tank system release detection requirements, up to a maximum of \$2,000;

75.19 (10) \$50 per violation of rules adopted under section 116.49, relating to out-of-service
75.20 underground storage tank systems and closure, up to a maximum of \$2,000;

75.21 (11) \$50 per violation of sections 116.48 to 116.491 relating to underground storage
75.22 tank system notification, monitoring, environmental protection, and tank installers training
75.23 and certification requirements, up to a maximum of \$2,000;

75.24 (12) \$25 per gallon of oil or hazardous substance discharged which is not reported or
75.25 recovered under section 115.061, up to a maximum of \$2,000;

75.26 (13) \$1 per gallon of oil or hazardous substance being stored, transported, or otherwise
75.27 handled without the prevention or preparedness measures required under chapter 115E, up
75.28 to a maximum of \$2,000;

75.29 (14) \$250 per violation of Minnesota Rules, parts 7001.4200 to 7001.4300 or chapter
75.30 7151, related to aboveground storage tank systems, up to a maximum of \$2,000;

76.1 (15) \$250 per delivery made in violation of section 116.49, subdivision 3 or 4, levied
76.2 against:

76.3 (i) the retail location if vapor recovery equipment is not installed or maintained properly;

76.4 (ii) the carrier if the transport delivery vehicle is not equipped with vapor recovery
76.5 equipment; or

76.6 (iii) the driver for failure to use supplied vapor recovery equipment;

76.7 (16) \$500 per violation of rules adopted under chapters 115 and 116 relating to failure
76.8 to comply with state subsurface sewage treatment system (SSTS) license requirements, up
76.9 to a maximum of \$2,000;

76.10 (17) \$500 per violation of rules adopted under chapters 115 and 116 relating to failure
76.11 to comply with SSTS surety bond requirements, up to a maximum of \$2,000;

76.12 (18) \$500 per violation of rules adopted under chapters 115 and 116 relating to failure
76.13 to provide control measures to prevent the pollution of underground waters from the discharge
76.14 of septage into the saturated or unsaturated zone, up to a maximum of \$2,000;

76.15 (19) \$500 per violation of rules adopted under chapters 115 and 116 or Code of Federal
76.16 Regulations, title 40, section 503, relating to failure to treat septage for pathogens and
76.17 vectors, up to a maximum of \$2,000;

76.18 (20) \$250 per violation of rules adopted under chapters 115 and 116 or Code of Federal
76.19 Regulations, title 40, section 503, relating to failure to produce records or maintain records,
76.20 up to a maximum of \$2,000;

76.21 (21) \$250 per violation of rules adopted under chapters 115 and 116 or Code of Federal
76.22 Regulations, title 40, section 503, relating to failure to submit as-built plans or compliance
76.23 inspection forms to the local governmental unit, up to a maximum of \$2,000; ~~and~~

76.24 (22) \$500 per violation of rules adopted under chapters 115 and 116 relating to failure
76.25 to obtain required local permits, up to a maximum of \$2,000; and

76.26 (23) \$50 per day under subdivision 1, paragraph (b), for each information item or report
76.27 requested for the first 30 days delinquent and \$500 per day thereafter, up to a maximum of
76.28 \$20,000 for each information item or report requested, until the commissioner determines
76.29 the request for information or report is complete.

77.1 Sec. 28. Minnesota Statutes 2024, section 116.182, subdivision 5, is amended to read:

77.2 Subd. 5. **Rules.** (a) The agency shall adopt rules for the administration of the financial
77.3 assistance program. For wastewater treatment projects, the rules must include:

77.4 (1) application requirements;

77.5 (2) criteria for the ranking of projects in order of priority based on factors including the
77.6 type of project and the degree of environmental impact, and scenic and wild river standards;
77.7 and

77.8 (3) criteria for determining essential project components.

77.9 (b) Notwithstanding any provision in Minnesota Rules, chapter 7077, to the contrary,
77.10 for purposes of Minnesota Rules, parts 7077.0117, 7077.0118, and 7077.0119, the
77.11 commissioner must assign 40 points if a municipality is proposing a project to address
77.12 emerging contaminants, as defined by the United States Environmental Protection Agency.
77.13 This paragraph expires June 30, 2030.

77.14 Sec. 29. Minnesota Statutes 2024, section 116.92, subdivision 6, is amended to read:

77.15 Subd. 6. **Mercury thermometers prohibited.** (a) A manufacturer, wholesaler, or retailer
77.16 may not sell or distribute at no cost a thermometer containing mercury that was manufactured
77.17 after June 1, 2001.

77.18 (b) Paragraph (a) does not apply to an electronic thermometer with a battery containing
77.19 mercury if the battery is in compliance with ~~section 325E.125~~ subdivision 8l.

77.20 (c) A manufacturer is in compliance with this subdivision if the manufacturer:

77.21 (1) has received an exclusion or exemption from a state that is a member of the Interstate
77.22 Mercury Education and Reduction Clearinghouse (IMERC) for replacement parts when no
77.23 alternative is available or for an application when no feasible alternative is available;

77.24 (2) submits a copy of the approved exclusion or exemption to the commissioner; and

77.25 (3) meets all of the requirements in the approved exclusion or exemption for the
77.26 manufacturer's activities within the state.

77.27 **EFFECTIVE DATE.** This section is effective January 1, 2027.

78.1 Sec. 30. Minnesota Statutes 2024, section 116.92, is amended by adding a subdivision to
78.2 read:

78.3 Subd. 81. **Ban; mercury in batteries.** A person may not sell, offer for sale, or distribute
78.4 in or into the state:

78.5 (1) an alkaline manganese battery that contains mercury that is not a button cell
78.6 nonrechargeable battery;

78.7 (2) a nonrechargeable button cell battery that contains more than 25 milligrams of
78.8 mercury; or

78.9 (3) a dry cell battery containing a mercuric oxide electrode.

78.10 **EFFECTIVE DATE.** This section is effective January 1, 2027.

78.11 Sec. 31. Minnesota Statutes 2024, section 168.1295, subdivision 1, is amended to read:

78.12 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall
78.13 issue state parks and trails plates to an applicant who:

78.14 (1) is a registered owner of a passenger automobile, recreational vehicle, one-ton pickup
78.15 truck, or motorcycle;

78.16 (2) pays a fee in the amount specified for special plates under section 168.12, subdivision
78.17 5;

78.18 (3) pays the registration tax required under section 168.013;

78.19 (4) pays the fees required under this chapter;

78.20 (5) contributes a minimum of ~~\$60~~ \$70 annually to the state parks and trails donation
78.21 account established in section 85.056; and

78.22 (6) complies with this chapter and rules governing registration of motor vehicles and
78.23 licensing of drivers.

78.24 (b) The state parks and trails plate application must indicate that the contribution specified
78.25 under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the
78.26 applicant may make an additional contribution to the account.

78.27 (c) State parks and trails plates may be personalized according to section 168.12,
78.28 subdivision 2a.

79.1 Sec. 32. Minnesota Statutes 2024, section 446A.07, subdivision 8, is amended to read:

79.2 Subd. 8. **Other uses of revolving fund.** (a) The clean water revolving fund may be used
79.3 as provided in title VI of the Federal Water Pollution Control Act, including the following
79.4 uses:

79.5 (1) to buy or refinance the debt obligation of governmental units for treatment works
79.6 where debt was incurred and construction begun after March 7, 1985, at or below market
79.7 rates;

79.8 (2) to guarantee or purchase insurance for local obligations to improve credit market
79.9 access or reduce interest rates;

79.10 (3) to provide a source of revenue or security for the payment of principal and interest
79.11 on revenue or general obligation bonds issued by the authority if the bond proceeds are
79.12 deposited in the fund;

79.13 (4) to provide loan guarantees, loans, or set-aside for similar revolving funds established
79.14 by a governmental unit other than state agencies, or state agencies under sections 17.117,
79.15 103F.725, subdivision 1a, and 116J.617;

79.16 (5) to earn interest on fund accounts; and

79.17 (6) to pay the reasonable costs incurred by the authority and the Pollution Control Agency
79.18 of administering the fund and conducting activities required under the Federal Water Pollution
79.19 Control Act, including water quality management planning under section 205(j) of the act
79.20 and water quality standards continuing planning under section 303(e) of the act; and

79.21 (b) The clean water revolving fund may be used to provide additional subsidization as
79.22 permitted under the federal Water Pollution Control Act and other federal law to provide
79.23 principal forgiveness or grants:

79.24 ~~(7) to provide principal forgiveness or grants to the extent permitted under the Federal~~
79.25 ~~Water Pollution Control Act and other federal law, (1) based on the affordability criteria~~
79.26 ~~and requirements established for the ~~wastewater~~ water infrastructure funding program under~~
79.27 ~~section 446A.072; and~~

79.28 ~~(8) to provide loans, principal forgiveness, or grants to the extent permitted under the~~
79.29 ~~Federal Water Pollution Control Act and other federal law (2) for 25 percent of project costs~~
79.30 ~~up to a maximum of \$1,000,000 for projects to address green infrastructure, water or energy~~
79.31 ~~efficiency improvements, or other environmentally innovative activities; and~~

80.1 (3) for 50 percent of project costs up to a maximum of \$3,000,000 for projects that
 80.2 address emerging contaminants as defined by the United States Environmental Protection
 80.3 Agency.

80.4 ~~(b) Amounts spent under paragraph (a), clause (6), may not exceed the amount allowed~~
 80.5 ~~under the Federal Water Pollution Control Act.~~

80.6 ~~(c) Principal forgiveness or grants provided under paragraph (a), clause (8), may not~~
 80.7 ~~exceed 25 percent of the eligible project costs as determined by the Pollution Control Agency~~
 80.8 ~~for project components directly related to green infrastructure, water or energy efficiency~~
 80.9 ~~improvements, or other environmentally innovative activities, up to a maximum of~~
 80.10 ~~\$1,000,000.~~

80.11 Sec. 33. Minnesota Statutes 2024, section 473.167, is amended to read:

80.12 **473.167 HIGHWAY PROJECTS; REGIONAL PARKS AND TRAILS PROJECTS.**

80.13 Subd. 2. **Loans for acquisition.** (a) The council may make loans to counties, towns,
 80.14 and statutory and home rule charter cities within the metropolitan area for the purchase of
 80.15 property within the right-of-way of a state trunk highway shown on an official map adopted
 80.16 pursuant to section 394.361 or 462.359 or for the purchase of property within the proposed
 80.17 right-of-way of a principal or intermediate arterial highway designated by the council as a
 80.18 part of the metropolitan highway system plan and approved by the council pursuant to
 80.19 section 473.166. The loans ~~shall~~ must be made by the council, from the fund established
 80.20 pursuant to this subdivision, for purchases approved by the council. The loans ~~shall~~ bear
 80.21 no interest.

80.22 (b) The council may make loans to regional parks implementing agencies as defined in
 80.23 section 473.351, subdivision 1, paragraph (a), for the purchase of property within the
 80.24 boundaries or corridors that are designated by the council as part of the regional recreation
 80.25 open space system, as defined in section 473.351, subdivision 1, paragraph (d), and that are
 80.26 approved by the council according to sections 473.147 and 473.313. The loans must be made
 80.27 by the council, from the fund established pursuant to this subdivision, for purchases approved
 80.28 by the council. The loans bear no interest.

80.29 ~~(b)~~ (c) The council shall make loans only:

80.30 (1) to accelerate the acquisition of primarily undeveloped property when there is a
 80.31 reasonable probability that the property will increase in value before highway construction,
 80.32 and to update an expired environmental impact statement on a project for which the
 80.33 right-of-way is being purchased;

81.1 (2) to accelerate the acquisition of primarily undeveloped property when there is a
 81.2 reasonable probability that the property will increase in value before it can be acquired for
 81.3 regional recreation open space system purposes;

81.4 ~~(2)~~ (3) to avert the imminent conversion or the granting of approvals ~~which~~ that would
 81.5 allow the conversion of property to uses ~~which~~ that would jeopardize its availability for
 81.6 highway construction;

81.7 (4) to avert the imminent conversion or the granting of approvals that would allow
 81.8 development on the property that would jeopardize its availability or increase its costs for
 81.9 regional recreation open space system purposes;

81.10 ~~(3)~~ (5) to advance planning and environmental activities on highest priority major
 81.11 metropolitan river crossing projects, under the transportation development guide
 81.12 chapter/policy plan; ~~or~~

81.13 ~~(4)~~ (6) to take advantage of open market opportunities when developed properties become
 81.14 available for sale, provided all parties involved are agreeable to the sale and funds are
 81.15 available; or

81.16 (7) to advance acquisition of property for the regional recreation open space system
 81.17 when the time frame for completing acquisition for the regional park or trail, as defined in
 81.18 the council's policy plan under section 473.147, may take many years before the property
 81.19 is made available and open to the public.

81.20 ~~(e)~~ (d) The council shall not make loans for the purchase of property at a price ~~which~~
 81.21 that exceeds the fair market value of the property or ~~which~~ that includes the costs of relocating
 81.22 or moving persons or property. The eminent domain process may be used to settle differences
 81.23 of opinion as to fair market value, provided all parties agree to the process.

81.24 ~~(d)~~ (e) A private property owner may elect to receive the purchase price either in a lump
 81.25 sum or in not more than four annual installments without interest on the deferred installments.
 81.26 If the purchase agreement provides for installment payments, the council shall make the
 81.27 loan in installments corresponding to those in the purchase agreement.

81.28 (f) The recipient of ~~an~~ a highway acquisition loan shall convey the property for the
 81.29 construction of the highway at the same price ~~which~~ that the recipient paid for the property.
 81.30 The price may include the costs of preparing environmental documents that were required
 81.31 for the acquisition and that were paid for with money that the recipient received from the
 81.32 loan fund. Upon notification by the council that the plan to construct the highway has been
 81.33 abandoned or the anticipated location of the highway changed, the recipient ~~shall sell~~ must

82.1 ~~dispose of the property at market value~~ in accordance with the council's procedures required
 82.2 ~~for the disposition~~ for disposing of the property. All rents and other money received because
 82.3 of the recipient's ownership of the property and all proceeds from the conveyance or sale
 82.4 of the property ~~shall~~ must be paid to the council. If a recipient is not permitted to include
 82.5 in the conveyance price the cost of preparing environmental documents that were required
 82.6 for the acquisition, then the recipient is not required to repay the council an amount equal
 82.7 to 40 percent of the money received from the loan fund and spent in preparing the
 82.8 environmental documents.

82.9 (g) For park conversions, upon approval of a boundary change to the regional recreation
 82.10 open space system, as evidenced by the council's approval of the master plan or plan
 82.11 amendment to make the boundary change under section 473.313, the loan recipient must
 82.12 dispose of the property according to the council's procedures for disposing of the property.
 82.13 Any remaining balance of unspent rents and other money received because of the recipient's
 82.14 ownership of the property and all proceeds from the conveyance or sale of the property
 82.15 must be paid to the council.

82.16 ~~(e)~~ (h) The proceeds of the tax authorized by subdivision 3, all money paid to the council
 82.17 by recipients of loans, and all interest on the proceeds and payments ~~shall~~ must be maintained
 82.18 as a separate fund. For administration of the loan program, the council may expend from
 82.19 the fund each year an amount no greater than three percent of the amount of the proceeds
 82.20 for that year.

82.21 Subd. 2a. **Loans for homestead acquisition and relocation.** (a) The council may make
 82.22 loans to acquiring authorities within the metropolitan area to purchase homestead property
 82.23 for regional recreation open space system purposes according to section 473.351, subdivision
 82.24 1, paragraph (d), that are approved by the council according to sections 473.147 and 473.313;
 82.25 to purchase homestead property located in a proposed state trunk highway right-of-way or
 82.26 project; and to provide relocation assistance. Acquiring authorities are authorized to accept
 82.27 the loans and to acquire the property. Except as provided in this subdivision, the loans ~~shall~~
 82.28 must be made as provided in subdivision 2. Loans ~~shall~~ must be in the amount of the fair
 82.29 market value of the homestead property plus relocation costs and less salvage value. Before
 82.30 construction of ~~the~~ a highway begins, the acquiring authority shall convey the property to
 82.31 the commissioner of transportation at the same price it paid, plus relocation costs and less
 82.32 its salvage value. Acquisition and assistance under this subdivision must conform to sections
 82.33 117.50 to 117.56.

82.34 (b) The council may make loans for highway purposes only when:

83.1 (1) the owner of affected homestead property requests acquisition and relocation
83.2 assistance from an acquiring authority;

83.3 (2) federal or state financial participation is not available;

83.4 (3) the owner is unable to sell the homestead property at its appraised market value
83.5 because the property is located in a proposed state trunk highway right-of-way or project
83.6 as indicated on an official map or plat adopted under section 160.085, 394.361, or 462.359;
83.7 and

83.8 (4) the council agrees to and approves the fair market value of the homestead property,
83.9 which approval ~~shall~~ must not be unreasonably withheld.

83.10 (c) The council may make loans for regional recreation open space system purposes
83.11 only when:

83.12 (1) the owner of affected homestead property requests acquisition and relocation
83.13 assistance from an implementing agency;

83.14 (2) funding from other sources is not available;

83.15 (3) property acquisition is in accordance with the council's policy plan and the
83.16 implementing agency's master plan approved by the council according to section 473.313;
83.17 and

83.18 (4) the council agrees to and approves the fair market value of the homestead property,
83.19 which approval must not be unreasonably withheld.

83.20 ~~(e)~~ (d) For purposes of this subdivision, the following terms have the meanings given
83.21 them.

83.22 (1) "Acquiring authority" means counties, towns, and statutory and home rule charter
83.23 cities in the metropolitan area and implementing agencies as defined in section 473.351,
83.24 subdivision 1, paragraph (a).

83.25 (2) "Homestead property" means: (i) a single-family dwelling occupied by the owner,
83.26 and the surrounding land, not exceeding a total of ten acres; or (ii) a manufactured home,
83.27 as defined in section 327B.01, subdivision 13.

83.28 (3) "Salvage value" means the probable sale price of the dwelling and other property
83.29 that is severable from the land if offered for sale on the condition that it be removed from
83.30 the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge
83.31 of the possible uses of the property, including separate use of serviceable components and
83.32 scrap when there is no other reasonable prospect of sale.

84.1 Subd. 3. **Tax.** The council may levy a tax on all taxable property in the metropolitan
 84.2 area, as defined in section 473.121, to provide funds for loans made pursuant to subdivisions
 84.3 2 and 2a. This tax for the ~~right-of-way~~ acquisition loan fund ~~shall~~ must be certified by the
 84.4 council, levied, and collected in the manner provided by section 473.13. The tax ~~shall be~~ is
 84.5 in addition to that authorized by section 473.249 and any other law and ~~shall~~ does not affect
 84.6 the amount or rate of taxes ~~which~~ that may be levied by the council or any metropolitan
 84.7 agency or local governmental unit. The amount of the levy ~~shall be~~ is as determined and
 84.8 certified by the council, ~~provided that the tax levied by the Metropolitan Council for the~~
 84.9 ~~right-of-way acquisition loan fund shall not exceed \$2,828,379 for taxes payable in 2004~~
 84.10 ~~and \$2,828,379 for taxes payable in 2005.~~ The amount of the levy for taxes payable in 2006
 84.11 and subsequent years ~~shall~~ must not exceed the product of (1) the Metropolitan Council's
 84.12 property tax levy limitation under this subdivision for the previous year, multiplied by (2)
 84.13 one plus a percentage equal to the growth in the implicit price deflator as defined in section
 84.14 275.70, subdivision 2.

84.15 Subd. 4. **State review.** The commissioner of revenue ~~shall~~ must certify the council's
 84.16 levy limitation under this section to the council by August 1 of the levy year. The council
 84.17 must certify its proposed property tax levy to the commissioner of revenue by September
 84.18 1 of the levy year. The commissioner of revenue ~~shall~~ must annually determine whether the
 84.19 property tax for the ~~right-of-way~~ acquisition loan fund certified by the Metropolitan Council
 84.20 for levy following the adoption of its proposed budget is within the levy limitation imposed
 84.21 by this section. The determination must be completed prior to September 10 of each year.
 84.22 If current information regarding market valuation in any county is not transmitted to the
 84.23 commissioner in a timely manner, the commissioner may estimate the current market
 84.24 valuation within that county for purposes of making the calculation.

84.25 Subd. 6. **Council procedures.** The council must develop procedures for implementing
 84.26 this section, including but not limited to uses of funds, property disposition, repayment, and
 84.27 other loan terms.

84.28 **EFFECTIVE DATE; APPLICABILITY.** This act is effective July 1, 2025, and applies
 84.29 in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

84.30 Sec. 34. Minnesota Statutes 2024, section 473.355, subdivision 2, is amended to read:

84.31 Subd. 2. **Grants.** (a) The Metropolitan Council must establish a grant program to provide
 84.32 grants to cities, counties, townships, Tribal governments, and implementing agencies for
 84.33 the following purposes:

84.34 (1) removing and planting shade trees on public land to provide environmental benefits;

85.1 (2) replacing trees lost to forest pests, disease, or storms; and

85.2 (3) establishing a more diverse community forest better able to withstand disease and
85.3 forest pests.

85.4 (b) Any tree planted with money granted under this section must be a climate-adapted
85.5 species to Minnesota.

85.6 Sec. 35. Minnesota Statutes 2024, section 473.5491, subdivision 1, is amended to read:

85.7 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
85.8 the meanings given.

85.9 (b) "Affordability criteria" means an inflow and infiltration project ~~service area that is~~
85.10 ~~located, in whole or in part, in a census tract where at least three of the following apply as~~
85.11 ~~determined using the most recently published data from the United States Census Bureau~~
85.12 ~~or United States Centers for Disease Control and Prevention:~~ where any part of the
85.13 construction location falls within a census tract with a supplemental demographic index
85.14 score in the 70th percentile or higher within the state.

85.15 (1) ~~20 percent or more of the residents have income below the federal poverty thresholds;~~

85.16 (2) ~~the tract has a United States Centers for Disease Control and Prevention Social~~
85.17 ~~Vulnerability Index greater than 0.80;~~

85.18 (3) ~~the upper limit of the lowest quintile of household income is less than the state upper~~
85.19 ~~limit of the lowest quintile;~~

85.20 (4) ~~the housing vacancy rate is greater than the state average; or~~

85.21 (5) ~~the percent of the population receiving Supplemental Nutrition Assistance Program~~
85.22 ~~(SNAP) benefits is greater than the state average.~~

85.23 (c) "Supplemental demographic index" means an index in the Environmental Justice
85.24 Screening and Mapping Tool developed by the United States Environmental Protection
85.25 Agency that is based on socioeconomic indicators, including low income, unemployment,
85.26 less than high school education, limited English speaking, and low life expectancy.

85.27 (e) (d) "City" means a statutory or home rule charter city located within the metropolitan
85.28 area.

85.29 Sec. 36. Laws 2023, chapter 60, article 1, section 2, subdivision 2, is amended to read:

85.30 Subd. 2. **Environmental Analysis and Outcomes** 79,311,000 72,785,000

86.1	Appropriations by Fund		
86.2	2024	2025	
86.3	General	60,103,000	53,047,000
86.4	Environmental	18,959,000	19,533,000
86.5	Remediation	249,000	205,000

86.6 (a) \$122,000 the first year and \$125,000 the
86.7 second year are from the general fund for:

86.8 (1) a municipal liaison to assist municipalities
86.9 in implementing and participating in the
86.10 rulemaking process for water quality standards
86.11 and navigating the NPDES/SDS permitting
86.12 process;

86.13 (2) enhanced economic analysis in the
86.14 rulemaking process for water quality
86.15 standards, including more-specific analysis
86.16 and identification of cost-effective permitting;

86.17 (3) developing statewide economic analyses
86.18 and templates to reduce the amount of
86.19 information and time required for
86.20 municipalities to apply for variances from
86.21 water quality standards; and

86.22 (4) coordinating with the Public Facilities
86.23 Authority to identify and advocate for the
86.24 resources needed for urban, suburban, and
86.25 Greater Minnesota municipalities to achieve
86.26 permit requirements.

86.27 (b) \$216,000 the first year and \$219,000 the
86.28 second year are from the environmental fund
86.29 for a monitoring program under Minnesota
86.30 Statutes, section 116.454.

86.31 (c) \$132,000 the first year and \$137,000 the
86.32 second year are for monitoring water quality
86.33 and operating assistance programs.

87.1 (d) \$390,000 the first year and \$399,000 the
87.2 second year are from the environmental fund
87.3 for monitoring ambient air for hazardous
87.4 pollutants.

87.5 (e) \$106,000 the first year and \$109,000 the
87.6 second year are from the environmental fund
87.7 for duties related to harmful chemicals in
87.8 children's products under Minnesota Statutes,
87.9 sections 116.9401 to 116.9407. Of this
87.10 amount, \$68,000 the first year and \$70,000
87.11 the second year are transferred to the
87.12 commissioner of health.

87.13 (f) \$128,000 the first year and \$132,000 the
87.14 second year are from the environmental fund
87.15 for registering wastewater laboratories.

87.16 (g) \$1,492,000 the first year and \$1,519,000
87.17 the second year are from the environmental
87.18 fund to continue perfluorochemical
87.19 biomonitoring in eastern metropolitan
87.20 communities, as recommended by the
87.21 Environmental Health Tracking and
87.22 Biomonitoring Advisory Panel, and to address
87.23 other environmental health risks, including air
87.24 quality. The communities must include Hmong
87.25 and other immigrant farming communities.
87.26 Of this amount, up to \$1,226,000 the first year
87.27 and \$1,248,000 the second year are for transfer
87.28 to the commissioner of health.

87.29 (h) \$61,000 the first year and \$62,000 the
87.30 second year are from the environmental fund
87.31 for the listing procedures for impaired waters
87.32 required under this act.

87.33 (i) \$72,000 the first year and \$74,000 the
87.34 second year are from the remediation fund for

88.1 the leaking underground storage tank program
88.2 to investigate, clean up, and prevent future
88.3 releases from underground petroleum storage
88.4 tanks and for the petroleum remediation
88.5 program for vapor assessment and
88.6 remediation. These same annual amounts are
88.7 transferred from the petroleum tank fund to
88.8 the remediation fund.

88.9 (j) \$500,000 the first year is to facilitate the
88.10 collaboration and modeling of greenhouse gas
88.11 impacts, costs, and benefits of strategies to
88.12 reduce statewide greenhouse gas emissions.
88.13 This is a onetime appropriation.

88.14 (k) \$50,266,000 the first year and \$50,270,000
88.15 the second year are to establish and implement
88.16 a local government climate resiliency and
88.17 water infrastructure grant program for local
88.18 governmental units and Tribal governments.
88.19 Of this amount, \$49,100,000 each year is for
88.20 grants to support communities in planning and
88.21 implementing projects that will allow for
88.22 adaptation for a changing climate. At least 40
88.23 percent of the money granted under this
88.24 paragraph must be for projects in areas that
88.25 meet environmental justice criteria. By
88.26 December 30, 2027, the commissioner must
88.27 submit a report on the use of grant money to
88.28 the chairs and ranking minority members of
88.29 the legislative committees with jurisdiction
88.30 over environment and natural resources
88.31 finance. This appropriation is available until
88.32 June 30, 2027. The base for this appropriation
88.33 in fiscal year 2026 and beyond is \$270,000.

- 89.1 (l) \$75,000 the first year is for a grant to the
89.2 city of Fergus Falls to address water-quality
89.3 concerns at Lake Alice.
- 89.4 (m) \$150,000 the first year is for a grant to
89.5 Rice County to address water-quality concerns
89.6 at French Lake.
- 89.7 (n) \$75,000 the first year is for a grant to
89.8 Ramsey County to address water-quality
89.9 concerns at Round Lake.
- 89.10 (o) Recipients of money appropriated in
89.11 paragraphs (l), (m), and (n) may use the grants
89.12 to contract for water-quality improvement
89.13 services, testing, necessary infrastructure,
89.14 training, and maintenance.
- 89.15 (p) \$2,070,000 the first year and \$2,070,000
89.16 the second year are from the environmental
89.17 fund to develop and implement a program
89.18 related to emerging issues, including
89.19 Minnesota's PFAS Blueprint.
- 89.20 (q) \$1,820,000 the first year and \$1,820,000
89.21 the second year are from the environmental
89.22 fund to support improved management of data
89.23 collected by the agency and its partners and
89.24 regulated parties to facilitate decision-making
89.25 and public access.
- 89.26 (r) \$500,000 the first year is from the general
89.27 fund for the report on firefighter turnout gear
89.28 and biomonitoring required under this act. Of
89.29 this amount, up to ~~\$250,000~~ \$425,000 may be
89.30 transferred to the commissioner of health for
89.31 biomonitoring of firefighters. This
89.32 appropriation is available until June 30, 2027.
- 89.33 (s) \$500,000 the first year is to develop
89.34 protocols to be used by agencies and

90.1 departments for sampling and testing
90.2 groundwater, surface water, public drinking
90.3 water, and private wells for microplastics and
90.4 nanoplastics and to begin implementation. The
90.5 commissioner of the Pollution Control Agency
90.6 may transfer money appropriated under this
90.7 paragraph to the commissioners of agriculture,
90.8 natural resources, and health to implement the
90.9 protocols developed. This is a onetime
90.10 appropriation and is available until June 30,
90.11 2025.

90.12 (t) \$50,000 the first year is from the
90.13 remediation fund for the work group on PFAS
90.14 manufacturer fees and report required under
90.15 this act.

90.16 (u) \$387,000 the first year and \$90,000 the
90.17 second year are to develop and implement the
90.18 requirements for fish kills under Minnesota
90.19 Statutes, sections 103G.216 and 103G.2165.
90.20 Of this amount, up to \$331,000 the first year
90.21 and \$90,000 the second year may be
90.22 transferred to the commissioners of health,
90.23 natural resources, agriculture, and public
90.24 safety and to the Board of Regents of the
90.25 University of Minnesota as necessary to
90.26 implement those sections. The base for this
90.27 appropriation for fiscal year 2026 and beyond
90.28 is \$7,000.

90.29 (v) \$63,000 the first year and \$92,000 the
90.30 second year are for transfer to the
90.31 commissioner of health for amending the
90.32 health risk limit for PFOS. This is a onetime
90.33 appropriation and is available until June 30,
90.34 2026.

91.1 (w) \$5,000,000 the first year is for community
 91.2 air-monitoring grants as provided in this act.
 91.3 This is a onetime appropriation and is
 91.4 available until June 30, 2027.

91.5 (x) \$2,333,000 the first year and \$2,333,000
 91.6 the second year are to adopt rules and
 91.7 implement air toxics emissions requirements
 91.8 under Minnesota Statutes, section 116.062.
 91.9 The general fund appropriations are onetime
 91.10 and are available until June 30, 2027. The base
 91.11 for this appropriation is \$0 in fiscal year 2026
 91.12 and \$1,400,000 from the environmental fund
 91.13 in fiscal year 2027 and beyond.

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

91.15 Sec. 37. Laws 2023, chapter 60, article 1, section 2, subdivision 7, is amended to read:

91.16 Subd. 7. **Resource Management and Assistance** 82,000,000 57,974,000

91.17	Appropriations by Fund	
91.18	2024	2025
91.19	General	38,464,000 13,850,000
91.20	Environmental	43,536,000 44,124,000

91.21 (a) Up to \$150,000 the first year and \$150,000
 91.22 the second year may be transferred from the
 91.23 environmental fund to the small business
 91.24 environmental improvement loan account
 91.25 under Minnesota Statutes, section 116.993.

91.26 (b) \$1,000,000 the first year and \$1,000,000
 91.27 the second year are for competitive recycling
 91.28 grants under Minnesota Statutes, section
 91.29 115A.565. Of this amount, \$300,000 the first
 91.30 year and \$300,000 the second year are from
 91.31 the general fund, and \$700,000 the first year
 91.32 and \$700,000 the second year are from the

92.1 environmental fund. This appropriation is
92.2 available until June 30, 2027.

92.3 (c) \$694,000 the first year and \$694,000 the
92.4 second year are from the environmental fund
92.5 for emission-reduction activities and grants to
92.6 small businesses and other
92.7 nonpoint-emission-reduction efforts. Of this
92.8 amount, \$100,000 the first year and \$100,000
92.9 the second year are to continue work with
92.10 Clean Air Minnesota, and the commissioner
92.11 may enter into an agreement with
92.12 Environmental Initiative to support this effort.

92.13 (d) \$18,450,000 the first year and \$18,450,000
92.14 the second year are from the environmental
92.15 fund for SCORE block grants to counties.

92.16 (e) \$119,000 the first year and \$119,000 the
92.17 second year are from the environmental fund
92.18 for environmental assistance grants or loans
92.19 under Minnesota Statutes, section 115A.0716.

92.20 (f) \$400,000 the first year and \$400,000 the
92.21 second year are from the environmental fund
92.22 for grants to develop and expand recycling
92.23 markets for Minnesota businesses. This
92.24 appropriation is available until June 30, 2027.

92.25 (g) \$767,000 the first year and \$770,000 the
92.26 second year are from the environmental fund
92.27 for reducing and diverting food waste,
92.28 redirecting edible food for consumption, and
92.29 removing barriers to collecting and recovering
92.30 organic waste. Of this amount, \$500,000 each
92.31 year is for grants to increase food rescue and
92.32 waste prevention. This appropriation is
92.33 available until June 30, 2027.

- 93.1 (h) \$2,797,000 the first year and \$2,811,000
93.2 the second year are from the environmental
93.3 fund for the purposes of Minnesota Statutes,
93.4 section 473.844.
- 93.5 (i) \$318,000 the first year and \$324,000 the
93.6 second year are from the environmental fund
93.7 to address chemicals in products, including to
93.8 implement and enforce flame retardant
93.9 provisions under Minnesota Statutes, section
93.10 325F.071, and perfluoroalkyl and
93.11 polyfluoroalkyl substances in food packaging
93.12 provisions under Minnesota Statutes, section
93.13 325F.075. Of this amount, \$78,000 the first
93.14 year and \$80,000 the second year are
93.15 transferred to the commissioner of health.
- 93.16 (j) \$180,000 the first year and \$140,000 the
93.17 second year are for quantifying climate-related
93.18 impacts from projects for environmental
93.19 review. This is a onetime appropriation. This
93.20 appropriation is available until June 30, 2026.
- 93.21 (k) \$1,790,000 the first year and \$70,000 the
93.22 second year are for accelerating pollution
93.23 prevention at small businesses. Of this amount,
93.24 \$1,720,000 the first year is for transfer to the
93.25 environmental fund for zero-interest loans
93.26 under Minnesota Statutes, section 116.993, to
93.27 phase out high-polluting equipment, products,
93.28 and processes and replace with new options.
93.29 This appropriation is available until June 30,
93.30 2027. This is a onetime appropriation.
- 93.31 (l) \$190,000 the first year and \$190,000 the
93.32 second year are to support the Greenstep Cities
93.33 program. This is a onetime appropriation. This
93.34 appropriation is available until June 30, 2026.

94.1 (m) \$420,000 the first year is to complete a
94.2 study on the viability of recycling solar energy
94.3 equipment. This is a onetime appropriation
94.4 and is available until June 30, 2026.

94.5 (n) \$650,000 the first year and \$650,000 the
94.6 second year are from the environmental fund
94.7 for Minnesota GreenCorps investment.

94.8 (o) \$4,210,000 the first year and \$210,000 the
94.9 second year are for PFAS reduction grants.
94.10 Of this amount, \$4,000,000 the first year is
94.11 for grants to industry and public entities to
94.12 identify sources of PFAS entering facilities
94.13 and to develop pollution prevention and
94.14 reduction initiatives to reduce PFAS entering
94.15 facilities, prevent releases, and monitor the
94.16 effectiveness of these projects. Priority must
94.17 be given to projects in underserved
94.18 communities. This is a onetime appropriation
94.19 and is available until June 30, 2027.

94.20 (p) \$12,940,000 the first year and \$12,940,000
94.21 the second year are for a waste prevention and
94.22 reduction grants and loan program. This is a
94.23 onetime appropriation and is available until
94.24 June 30, 2027. Of this amount in the first year,
94.25 \$7,950,000 is for waste prevention and
94.26 reduction grants and loans and \$3,000,000 is
94.27 for a grant to the owner of a biomass energy
94.28 generation plant in Shakopee that uses waste
94.29 heat from the generation of electricity in the
94.30 malting process to purchase a wood dehydrator
94.31 to facilitate disposal of wood that is infested
94.32 by the emerald ash borer. Of this amount in
94.33 the second year, \$10,950,000 is for waste
94.34 prevention and reduction grants and loans,
94.35 including \$1,000,000 for transfer to the

95.1 environmental fund for the purposes of
95.2 Minnesota Statutes, section 115A.0716. By
95.3 October 1, 2024, the commissioner of the
95.4 Pollution Control Agency must report to the
95.5 chairs and ranking minority members of the
95.6 legislative committees and divisions with
95.7 jurisdiction over environment and natural
95.8 resources on the use of money appropriated
95.9 for the wood dehydrator under this paragraph.

95.10 (q) \$16,562,000 the first year is for grants to
95.11 a Minnesota nonprofit corporation that owns
95.12 a cogeneration facility that serves a St. Paul
95.13 district heating and cooling system to preserve
95.14 existing biomass energy infrastructure for
95.15 purposes of local and regional emerald ash
95.16 borer response efforts. The commissioner of
95.17 the Pollution Control Agency may require the
95.18 nonprofit corporation to charge a fee per ton
95.19 of wood waste delivered to the facility. This
95.20 is a onetime appropriation and is available
95.21 until June 30, 2030.

95.22 (r) \$1,163,000 the first year and \$1,115,000
95.23 the second year are from the environmental
95.24 fund for rulemaking and implementation of
95.25 the new PFAS requirements under Minnesota
95.26 Statutes, section 116.943. Of this amount,
95.27 \$312,000 the first year and \$468,000 the
95.28 second year are for transfer to the
95.29 commissioner of health.

95.30 (s) \$680,000 the first year is for the resource
95.31 management report required in this act. This
95.32 is a onetime appropriation and is available
95.33 until June 30, 2026.

95.34 (t) \$35,000 the second year is from the
95.35 environmental fund for the compostable

96.1 labeling requirements under Minnesota
96.2 Statutes, section 325E.046. The base for this
96.3 appropriation in fiscal year 2026 and beyond
96.4 is \$68,000 from the environmental fund.

96.5 (u) \$175,000 the first year is for the
96.6 rulemaking required under this act providing
96.7 for the safe and lawful disposal of waste
96.8 treated seed. This appropriation is available
96.9 until June 30, 2025.

96.10 (v) \$1,000,000 the first year is for a lead tackle
96.11 reduction program that provides outreach,
96.12 education, and opportunities to safely dispose
96.13 of and exchange lead tackle throughout the
96.14 state. This is a onetime appropriation and is
96.15 available until June 30, 2027.

96.16 (w) \$17,000 the first year is for rulemaking
96.17 for the capital assistance program. This is a
96.18 onetime appropriation.

96.19 (x) Any unencumbered grant and loan
96.20 balances in the first year do not cancel but are
96.21 available for grants and loans in the second
96.22 year. Notwithstanding Minnesota Statutes,
96.23 section 16A.28, the appropriations
96.24 encumbered on or before June 30, 2025, as
96.25 contracts or grants for environmental
96.26 assistance awarded under Minnesota Statutes,
96.27 section 115A.0716; technical and research
96.28 assistance under Minnesota Statutes, section
96.29 115A.152; technical assistance under
96.30 Minnesota Statutes, section 115A.52; and
96.31 pollution prevention assistance under
96.32 Minnesota Statutes, section 115D.04, are
96.33 available until June 30, 2027.

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

97.1 **Sec. 38. REPEALER.**

97.2 Minnesota Statutes 2024, sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
97.3 11, 12, 12a, 12b, 12c, 13, 14, 15, 17, 18, 19, and 20; 115A.1312; 115A.1314; 115A.1316;
97.4 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1324; 115A.1326; 115A.1328;
97.5 115A.1330; 115A.9155; 115A.9157, subdivisions 1, 2, 3, 5, 6, 7, 8, and 9; 115A.961,
97.6 subdivisions 1, 2, and 3; 325E.125; and 325E.1251, are repealed.

97.7 **EFFECTIVE DATE.** This section is effective January 1, 2027.

APPENDIX
Article locations for 25-02506

ARTICLE 1 APPROPRIATIONS..... Page.Ln 1.25
ARTICLE 2 ENVIRONMENT AND NATURAL RESOURCES POLICY..... Page.Ln 33.21

115A.1310 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 115A.1310 to 115A.1330, the following terms have the meanings given.

Subd. 2. **Cathode-ray tube or CRT.** "Cathode-ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

Subd. 3. **Collection.** "Collection" means the aggregation of covered electronic devices from households and includes all the activities up to the time the covered electronic devices are delivered to a recycler.

Subd. 4. **Collector.** "Collector" means a public or private entity that receives covered electronic devices from households and arranges for the delivery of the devices to a recycler.

Subd. 5. **Computer.** "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, but does not include an automated typewriter or typesetter, a portable handheld calculator or device, or other similar device.

Subd. 6. **Computer monitor.** "Computer monitor" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to display information from a central processing unit or the Internet.

Subd. 7. **Covered electronic device.** "Covered electronic device" means computers, including tablet computers and laptop computers, peripherals, facsimile machines, DVD players, video cassette recorders, and video display devices that are sold to a household by means of retail, wholesale, or electronic commerce.

Subd. 8. **Department.** "Department" means the Department of Revenue.

Subd. 9. **Dwelling unit.** "Dwelling unit" has the meaning given in section 238.02, subdivision 21a.

Subd. 10. **Household.** "Household" means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit located in this state who has used a video display device at a dwelling unit primarily for personal use.

Subd. 11. **Manufacturer.** "Manufacturer" means a person who:

(1) manufactures video display devices to be sold under its own brand as identified by its own brand label; or

(2) sells video display devices manufactured by others under its own brand as identified by its own brand label.

Subd. 12. **Peripheral.** "Peripheral" means a keyboard, printer, or any other device sold exclusively for external use with a computer that provides input or output into or from a computer.

Subd. 12a. **Phase I recycling credits.** "Phase I recycling credits" means the number of pounds of covered electronic devices recycled by a manufacturer from households during program years one through nine, less the product of the number of pounds of video display devices sold to households during the same program year, multiplied by the proportion of sales a manufacturer is required to recycle.

Subd. 12b. **Phase II recycling credits.** "Phase II recycling credits" means an amount calculated in a program year beginning July 1, 2019, and in each program year thereafter, according to the formula $(1.5 \times A) - (B - C)$, where:

A = the number of pounds of covered electronic devices a manufacturer recycled or arranged to have collected and recycled during a program year from households located outside the 11-county metropolitan area, as defined in section 115A.1314, subdivision 2;

B = the manufacturer's recycling obligation calculated for the same program year in section 115A.1320, subdivision 1, paragraph (g); and

C = the number of pounds of covered electronic devices a manufacturer recycled or arranged to have collected and recycled, up to but not exceeding B, during the same program year from households in the 11-county metropolitan area.

APPENDIX
Repealed Minnesota Statutes: 25-02506

Subd. 12c. **Portable battery.** "Portable battery" means a rechargeable battery as defined in section 115A.9157.

Subd. 13. **Program year.** "Program year" means the period from July 1 through June 30.

Subd. 14. **Recycler.** "Recycler" means a public or private individual or entity who accepts covered electronic devices from households and collectors for the purpose of recycling. A manufacturer who takes products for refurbishment or repair is not a recycler.

Subd. 15. **Recycling.** "Recycling" means the process of collecting and preparing video display devices or covered electronic devices for use in manufacturing processes or for recovery of usable materials followed by delivery of such materials for use. Recycling does not include the destruction by incineration or other process or land disposal of recyclable materials nor reuse, repair, or any other process through which video display devices or covered electronic devices are returned to use for households in their original form.

Subd. 17. **Retailer.** "Retailer" means a person who sells, rents, or leases, through sales outlets, catalogs, or the Internet, a video display device to a household and not for resale in any form.

Subd. 18. **Sell or sale.** "Sell" or "sale" means any transfer for consideration of title or of the right to use, by lease or sales contract, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other similar electronic means either inside or outside of the state, by a person who conducts the transaction and controls the delivery of a video display device to a consumer in the state, but does not include a manufacturer's or distributor's wholesale transaction with a distributor or a retailer.

Subd. 19. **Television.** "Television" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to receive video programming via broadcast, cable, or satellite transmission or video from surveillance or other similar cameras.

Subd. 20. **Video display device.** "Video display device" means a television or computer monitor that contains a cathode-ray tube or a flat panel screen that is marketed by manufacturers for use by households. Video display device does not include any of the following:

- (1) a video display device that is part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;
- (2) a video display device, including a touch-screen display, that is functionally or physically part of a larger piece of equipment or is designed and intended for use in an industrial; commercial, including retail; library checkout; traffic control; kiosk; security, other than household security; border control; or medical setting, including diagnostic, monitoring, or control equipment;
- (3) a video display device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or
- (4) a telephone of any type.

115A.1312 REGISTRATION PROGRAM.

Subdivision 1. **Requirements for sale.** (a) On or after September 1, 2007, a manufacturer must not sell or offer for sale or deliver to retailers for subsequent sale a new video display device unless:

(1) the video display device is labeled with the manufacturer's brand, which label is permanently affixed and readily visible; and

(2) the manufacturer has filed a registration with the agency, as specified in subdivision 2.

(b) A retailer must not sell, offer for sale, rent, or lease a video display device unless the video display device is labeled according to this subdivision and listed as registered on the agency website according to subdivision 2.

(c) A retailer is not responsible for an unlawful sale under this subdivision if the manufacturer's registration expired or was revoked and the retailer took possession of the video display device prior to the expiration or revocation of the manufacturer's registration and the unlawful sale occurred within six months after the expiration or revocation.

Subd. 2. **Manufacturer registration.** (a) By August 15 each year, a manufacturer of video display devices sold or offered for sale to households in the state must submit a registration to the agency that includes:

APPENDIX
Repealed Minnesota Statutes: 25-02506

- (1) a list of the manufacturer's brands of video display devices offered for sale in this state;
 - (2) the name, address, and contact information of a person responsible for ensuring compliance with this chapter; and
 - (3) a certification that the manufacturer has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318.
- (b) A manufacturer of video display devices sold or offered for sale to a household must include in the registration submitted under paragraph (a), a statement disclosing whether:
- (1) any video display devices sold to households exceed the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB's), and polybrominated diphenyl ethers (PBDE's) under the RoHS (restricting the use of certain hazardous substances in electrical and electronic equipment) Directive 2002/95/EC of the European Parliament and Council and any amendments thereto; or
 - (2) the manufacturer has received an exemption from one or more of those maximum concentration values under the RoHS Directive that has been approved and published by the European Commission.
- (c) A manufacturer who begins to sell or offer for sale video display devices to households after August 15, 2016, and has not filed a registration under this subdivision must submit a registration to the agency within ten days of beginning to sell or offer for sale video display devices to households.
- (d) A registration must be updated within ten days after a change in the manufacturer's brands of video display devices sold or offered for sale to households.
- (e) A registration is effective upon receipt by the agency and is valid until August 15 each year.
- (f) The agency must review each registration and notify the manufacturer of any information required by this section that is omitted from the registration. Within 30 days of receipt of a notification from the agency, the manufacturer must submit a revised registration providing the information noted by the agency.
- (g) The agency must maintain on its website the names of manufacturers and the manufacturers' brands listed in registrations filed with the agency. The agency must update the website information promptly upon receipt of a new or updated registration. The website must contain prominent language stating, in effect, that sections 115A.1310 to 115A.1330 are directed at household equipment and the manufacturers' brands list is, therefore, not a list of manufacturers qualified to sell to industrial, commercial, or other markets identified as exempt from the requirements of sections 115A.1310 to 115A.1330.

Subd. 3. Collector registration. No person may operate as a collector of covered electronic devices from households unless that person has submitted a registration with the agency by July 15 each year on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of the business and a certification that the collector has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318 and any regulations adopted by a local government unit for the jurisdiction in which the collector operates. A collector must indicate any end-of-life fees that will be charged at the collection point. A registration is effective upon receipt by the agency and is valid until July 15 each year.

Subd. 4. Recycler registration. No person may recycle video display devices generated by households unless that person has submitted a registration with the agency by July 15 each year on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of all recycling facilities under the direct control of the recycler that may receive covered electronic devices from households and a certification that the recycler has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318. A registered recycler must conduct recycling activities that are consistent with this chapter. A registration is effective upon receipt by the agency and is valid until July 15 each year.

115A.1314 MANUFACTURER REGISTRATION FEE.

Subdivision 1. Registration fee. (a) Each manufacturer who registers under section 115A.1312 must, by August 15 each year, pay to the commissioner of revenue an annual registration fee, on a form and in a manner prescribed by the commissioner of revenue. The commissioner of revenue must deposit the fee in the state treasury and credit the fee to the environmental fund.

APPENDIX
Repealed Minnesota Statutes: 25-02506

(b) The registration fee for manufacturers that sell 100 or more video display devices to households in the state during the previous calendar year is \$2,500, plus a variable recycling fee. The registration fee for manufacturers that sell fewer than 100 video display devices in the state during the previous calendar year is a variable recycling fee. The variable recycling fee is calculated according to the formula:

$[A - (B + C)] \times D$, where:

A = the manufacturer's recycling obligation as determined under section 115A.1320;

B = the number of pounds of covered electronic devices that a manufacturer recycled or arranged to have collected and recycled from households during the immediately preceding program year, as reported under section 115A.1316, subdivision 1;

C = the number of phase I or phase II recycling credits a manufacturer elects to use to calculate the variable recycling fee; and

D = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for manufacturers who recycle less than 50 percent of the manufacturer's recycling obligation; \$0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent of the manufacturer's recycling obligation; \$0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the manufacturer's recycling obligation; and \$0.00 per pound for manufacturers who recycle 100 percent or more of the manufacturer's recycling obligation.

(c) A manufacturer may petition the agency to waive the per-pound cost of recycling fee, element D in the formula in paragraph (b), required under this section. The agency shall direct the commissioner of revenue to waive the per-pound cost of recycling fee if the manufacturer demonstrates to the agency's satisfaction a good faith effort to meet its recycling obligation as determined under section 115A.1320. The petition must include:

(1) documentation that the manufacturer has met at least 75 percent of its recycling obligation as determined under section 115A.1320;

(2) a list of political subdivisions and public and private collectors with whom the manufacturer had a formal contract or agreement in effect during the previous program year to recycle or collect covered electronic devices;

(3) the total amounts of covered electronic devices collected from both within and outside of the 11-county metropolitan area, as defined in subdivision 2;

(4) a description of the manufacturer's best efforts to meet its recycling obligation as determined under section 115A.1320; and

(5) any other information requested by the agency.

(d) A manufacturer may retain phase I and phase II recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, during any succeeding program year, provided that no more than 25 percent of a manufacturer's recycling obligation A for any program year may be met with phase I and phase II recycling credits, separately or in combination, generated in a prior program year. A manufacturer may sell any portion or all of its phase I and phase II recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(e) For the purpose of determining B in calculating a manufacturer's variable recycling fee using the formula under paragraph (b), starting with the program year beginning July 1, 2019, and continuing each year thereafter, the weight of covered electronic devices that a manufacturer recycled or arranged to have collected and recycled from households located outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (b), is calculated at 1.5 times their actual weight.

Subd. 2. **Use of registration fees.** (a) Registration fees may be used by the commissioner for:

(1) implementing sections 115A.1312 to 115A.1330, including transfer to the commissioner of revenue to carry out the department's duties under section 115A.1320, subdivision 2, and transfer to the commissioner of administration for responsibilities under section 115A.1324; and

(2) grants to counties outside the 11-county metropolitan area, as defined in paragraph (b), and to private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, where the collection and recycling is consistent with the respective county's solid waste plan, for the purpose of carrying out the activities under sections 115A.1312

to 115A.1330. In awarding competitive grants under this clause, the commissioner must give preference to counties and private entities that are working cooperatively with manufacturers to help them meet their recycling obligations under section 115A.1318, subdivision 1.

(b) The 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

115A.1316 REPORTING REQUIREMENTS.

Subdivision 1. **Manufacturer reporting requirements.** (a) By March 1 each year, each manufacturer must report to the agency using the form prescribed:

(1) the total weight of each specific model of its video display devices sold to households during the previous calendar year; and

(2) either:

(i) the total weight of its video display devices sold to households during the previous calendar year; or

(ii) an estimate of the total weight of its video display devices sold to households during the previous calendar year, calculated by multiplying the weight of its video display devices sold nationally times the quotient of Minnesota's population divided by the national population. All manufacturers with sales of 99 or fewer video display devices to households in the state during the previous calendar year must report using the method under this item for calculating sales.

A manufacturer must submit with the report required under this paragraph a description of how the information or estimate was calculated.

(b) By August 15 each year, each manufacturer must report to the agency:

(1) the total weight of covered electronic devices the manufacturer collected from households and recycled or arranged to have collected and recycled during the preceding program year;

(2) the number of phase I and phase II recycling credits the manufacturer has purchased and sold during the preceding program year;

(3) the number of phase I and phase II recycling credits possessed by the manufacturer that the manufacturer elects to use in the calculation of its variable recycling fee under section 115A.1314, subdivision 1; and

(4) the number of phase I and phase II recycling credits the manufacturer retains at the beginning of the current program year.

(c) Upon request of the commissioner of revenue, the agency shall provide a copy of each report to the commissioner of revenue.

Subd. 2. **Recycler reporting requirements.** (a) By July 15 each year, a recycler of covered electronic devices must report to the agency:

(1) the total weight of covered electronic devices recycled during the preceding program year and must certify that the recycler has complied with section 115A.1318, subdivision 2;

(2) the weight of video display devices recycled as part of covered electronic devices recycled during the previous program year; and

(3) an estimate of the weight of portable batteries and any mercury-containing lamps that are associated with the covered electronic devices managed.

(b) Upon request of the commissioner of revenue, the agency shall provide a copy of each report to the commissioner of revenue.

Subd. 3. **Collector reporting requirements.** By July 15 each year, a collector must report separately to the agency using the form prescribed by the commissioner:

(1) the total pounds of covered electronic devices collected in the state;

(2) a list of all recyclers to whom collectors delivered covered electronic devices; and

(3) whether the collector had a contract with a recycler or manufacturer to provide pounds toward meeting a manufacturer's obligation.

115A.1318 RESPONSIBILITIES.

Subdivision 1. **Manufacturer responsibilities.** (a) In addition to fulfilling the requirements of sections 115A.1310 to 115A.1330, a manufacturer must comply with paragraphs (b) to (f).

(b) A manufacturer must annually recycle or arrange for the collection and recycling of an amount of video display devices as determined by the agency in section 115A.1320, subdivision 1. A manufacturer must assume all financial responsibility associated with transporting and recycling covered electronic devices that are used to meet the manufacturer's recycling obligation determined under section 115A.1320 or that are counted as phase I or II recycling credits, including any necessary supplies. This excludes costs that are associated with receiving and aggregating covered electronic devices from households and all the activities up to the time that covered electronic devices are loaded for transport to a recycler or arranged for transportation to a recycler.

(c) The obligations of a manufacturer apply only to video display devices received from households and do not apply to video display devices received from sources other than households.

(d) A manufacturer must conduct and document due diligence assessments of collectors and recyclers it contracts with, including an assessment of items specified under subdivision 2. A manufacturer is responsible for maintaining, for a period of three years, documentation that all covered electronic devices recycled, partially recycled, or sent to downstream recycling operations comply with the requirements of subdivision 2.

(e) A manufacturer must provide the agency with contact information for a person who can be contacted regarding the manufacturer's activities under sections 115A.1310 to 115A.1320.

(f) Only the covered electronic devices that are recycled by a registered recycler that is certified by an ANSI-ASQ National Accreditation Board-accredited third-party certification body to an environmentally sound management standard are eligible to meet the manufacturer's obligation.

Subd. 1a. **Collector responsibilities.** (a) Collection sites must be:

(1) staffed; and

(2) open to the public at a frequency adequate to meet the needs of the area being served.

(b) A collector may limit the number of covered electronic devices or covered electronic devices by product type accepted per customer per day or per delivery at a collection site or service.

(c) A collector must use only registered recyclers.

Subd. 2. **Recycler responsibilities.** (a) As part of the report submitted under section 115A.1316, subdivision 2, a recycler must certify, except as provided in paragraph (b), that facilities that recycle covered electronic devices, including all downstream recycling operations:

(1) use only registered collectors;

(2) comply with all applicable health, environmental, safety, and financial responsibility regulations;

(3) are licensed by all applicable governmental authorities;

(4) use no prison labor to recycle video display devices;

(5) possess liability insurance of not less than \$1,000,000 for environmental releases, accidents, and other emergencies;

(6) provide a report annually to each registered collector regarding the video display devices received from that entity; and

(7) do not charge collectors for transporting, recycling, or any necessary supplies related to transporting or recycling covered electronic devices that meet a manufacturer's recycling obligation as determined under section 115A.1320, unless otherwise mutually agreed upon.

(b) A nonprofit corporation that contracts with a correctional institution to refurbish and reuse donated computers in schools is exempt from paragraph (a), clauses (4) and (5).

(c) Except to the extent otherwise required by law and unless agreed upon otherwise by the recycler or manufacturer, a recycler has no responsibility for any data that may be contained in a covered electronic device if an information storage device is included in the covered electronic device.

Subd. 3. **Retailer responsibilities.** A retailer who sells new video display devices shall provide information to households describing where and how they may recycle video display devices and advising them of opportunities and locations for the convenient collection of video display devices for the purpose of recycling. This requirement may be met by providing to households the agency's toll-free number and website address. Retailers selling through catalogs or the Internet may meet this requirement by including the information in a prominent location on the retailer's website.

115A.1320 AGENCY AND DEPARTMENT DUTIES.

Subdivision 1. **Duties of agency.** (a) The agency shall administer sections 115A.1310 to 115A.1330.

(b) The agency shall establish procedures for:

(1) receipt and maintenance of the registration statements and certifications filed with the agency under section 115A.1312; and

(2) making the statements and certifications easily available to manufacturers, retailers, and members of the public.

(c) The agency shall annually review the following variables that are used to calculate a manufacturer's annual registration fee under section 115A.1314, subdivision 1:

(1) the obligation-setting mechanism for manufacturers as specified under paragraph (g);

(2) the estimated per-pound price of recycling covered electronic devices sold to households; and

(3) the base registration fee.

(d) If the agency determines that any of these values must be changed in order to improve the efficiency or effectiveness of the activities regulated under sections 115A.1312 to 115A.1330, or if the revenues exceed the amount that the agency determines is necessary, the agency shall submit recommended changes and the reasons for them to the chairs of the senate and house of representatives committees with jurisdiction over solid waste policy.

(e) By May 1 each year, the agency shall publish a statewide recycling goal for all video display device waste that is the weight of all video display devices collected for recycling during each of the three most recently completed program years, excluding the most recently concluded program year, divided by two.

(f) By May 1 each year, the agency shall determine each registered manufacturer's market share of video display devices to be collected and recycled based on the manufacturer's percentage share of the total weight of video display devices sold as reported to the agency under section 115A.1316, subdivision 1.

(g) By May 1 each year, the agency shall provide each manufacturer with a determination of the manufacturer's share of video display devices to be collected and recycled. A manufacturer's market share of video display devices as specified in paragraph (f) is applied proportionally to the statewide recycling goal as specified in paragraph (e) to determine an individual manufacturer's recycling obligation. Upon request by the commissioner of revenue, the agency must provide the information submitted to manufacturers under this paragraph to the commissioner of revenue.

(h) The agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must examine which covered electronic devices, based on economic and environmental considerations, should be subject to the obligation-setting mechanism under paragraph (g). The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The report must be done in conjunction with the report required under section 115A.121.

(i) The agency shall promote public participation in the activities regulated under sections 115A.1312 to 115A.1330 through public education and outreach efforts.

APPENDIX
Repealed Minnesota Statutes: 25-02506

(j) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those provisions enforced by the department, as provided in subdivision 2. The agency may revoke a registration of a collector or recycler found to have violated sections 115A.1310 to 115A.1330.

(k) The agency shall facilitate communication between counties, collection and recycling centers, and manufacturers to ensure that manufacturers are aware of video display devices available for recycling.

(l) The agency shall post on its website the contact information provided by each manufacturer under section 115A.1318, subdivision 1, paragraph (e).

Subd. 2. **Additional duties.** (a) The agency must collect the data submitted to it annually by each manufacturer on the total weight of each specific model of video display device sold to households, if provided; the total weight of video display devices sold to households; the total weight of covered electronic devices collected from households that are recycled; and data on phase I and phase II recycling credits, as required under section 115A.1316. The department must use this data to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately.

(b) The agency must estimate, for each registered manufacturer, the sales of video display devices to households during the previous program year, based on:

(1) data provided by a manufacturer on sales of video display devices to households, including documentation describing how that amount was calculated and certification that the amount is accurate; or

(2) if a manufacturer does not provide the data specified in clause (1), national data on sales of video display devices.

The department must use the data specified in this subdivision to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately according to the formula in section 115A.1314, subdivision 1.

(c) The department must enforce section 115A.1314, subdivision 1. The audit, assessment, appeal, collection, enforcement, disclosure, and other administrative provisions of chapters 270B, 270C, and 289A that apply to the taxes imposed under chapter 297A apply to the fee imposed under section 115A.1314, subdivision 1. To enforce section 115A.1314, subdivision 1, the commissioner of revenue may grant extensions to pay, and impose and abate penalties and interest on, the fee due under section 115A.1314, subdivision 1, in the manner provided in chapters 270C and 289A as if the fee were a tax imposed under chapter 297A.

(d) The department may disclose nonpublic data to the agency only when necessary for the efficient and effective administration of the activities regulated under sections 115A.1310 to 115A.1330. Any data disclosed by the department to the agency retains the classification it had when in the possession of the department.

115A.1322 OTHER RECYCLING PROGRAMS.

A city, county, or other public agency may not require households to use public facilities to recycle their covered electronic devices to the exclusion of other lawful programs available. Cities, counties, and other public agencies, including those awarded contracts by the agency under section 115A.1314, subdivision 2, are encouraged to work with manufacturers to assist them in meeting their recycling obligations under section 115A.1318, subdivision 1. Nothing in sections 115A.1310 to 115A.1330 prohibits or restricts the operation of any program recycling covered electronic devices in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or recycling covered electronic devices, provided that those persons are registered under section 115A.1312.

115A.1323 ANTICOMPETITIVE CONDUCT.

(a) A manufacturer that organizes collection or recycling under sections 115A.1310 to 115A.1322 is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection or recycling system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of manufacturers, an individual manufacturer, and its officers, members, employees, and agents who cooperate with a political subdivision that organizes collection or

recycling under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection or recycling system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

115A.1324 REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.

(a) The Department of Administration must ensure that acquisitions of video display devices under chapter 16C are in compliance with or not subject to sections 115A.1310 to 115A.1318.

(b) The solicitation documents must specify that the prospective responder is required to cooperate fully in providing reasonable access to its records and documents that evidence compliance with paragraph (a) and sections 115A.1310 to 115A.1318.

(c) Any person awarded a contract under chapter 16C for purchase or lease of video display devices that is found to be in violation of paragraph (a) or sections 115A.1310 to 115A.1318 is subject to the following sanctions:

(1) the contract must be voided if the commissioner of administration determines that the potential adverse impact to the state is exceeded by the benefit obtained from voiding the contract;

(2) the contractor is subject to suspension and disbarment under Minnesota Rules, part 1230.1150; and

(3) if the attorney general establishes that any money, property, or benefit was obtained by a contractor as a result of violating paragraph (a) or sections 115A.1310 to 115A.1318, the court may, in addition to any other remedy, order the disgorgement of the unlawfully obtained money, property, or benefit.

115A.1326 REGULATING VIDEO DISPLAY DEVICES.

If the United States Environmental Protection Agency adopts regulations under the Resource Conservation and Recovery Act regarding the handling, storage, or treatment of any type of video display device being recycled, those regulations are automatically effective in this state on the same date and supersede any rules previously adopted by the agency regarding the handling, storage, or treatment of all video display devices being recycled.

115A.1328 MULTISTATE IMPLEMENTATION.

The agency and department are authorized to participate in the establishment of a regional multistate organization or compact to assist in carrying out the requirements of this chapter.

115A.1330 LIMITATIONS.

Sections 115A.1310 to 115A.1330 expire if a federal law, or combination of federal laws, take effect that is applicable to all video display devices sold in the United States and establish a program for the collection and recycling or reuse of video display devices that is applicable to all video display devices discarded by households.

115A.9155 DISPOSING OF CERTAIN DRY CELL BATTERIES.

Subdivision 1. **Prohibition.** A person may not place in mixed municipal solid waste a dry cell battery containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead-acid that was purchased for use or used by a government agency, or an industrial, communications, or medical facility.

Subd. 2. **Manufacturer responsibility.** (a) A manufacturer of batteries subject to subdivision 1 shall:

(1) ensure that a system for the proper collection, transportation, and processing of waste batteries exists for purchasers in Minnesota; and

(2) clearly inform each final purchaser of the prohibition on disposal of waste batteries and of the system or systems for proper collection, transportation, and processing of waste batteries available to the purchaser.

(b) To ensure that a system for the proper collection, transportation, and processing of waste batteries exists, a manufacturer shall:

APPENDIX
Repealed Minnesota Statutes: 25-02506

(1) identify collectors, transporters, and processors for the waste batteries and contract or otherwise expressly agree with a person or persons for the proper collection, transportation, and processing of the waste batteries; or

(2) accept waste batteries returned to its manufacturing facility.

(c) At the time of sale of a battery subject to subdivision 1, a manufacturer shall provide in a clear and conspicuous manner a telephone number that the final consumer of the battery can call to obtain information on specific procedures to follow in returning the battery for recycling or proper disposal. The manufacturer may include the telephone number and notice of return procedures on an invoice or other transaction document held by the purchaser. The manufacturer shall provide the telephone number to the commissioner of the agency.

(d) A manufacturer shall ensure that the cost of proper collection, transportation, and processing of the waste batteries is included in the sales transaction or agreement between the manufacturer and any purchaser.

(e) A manufacturer that has complied with this subdivision is not liable under subdivision 1 for improper disposal by a person other than the manufacturer of waste batteries.

115A.9157 RECHARGEABLE BATTERIES AND PRODUCTS.

Subdivision 1. **Definition.** For the purpose of this section, "rechargeable battery" means a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery, except a rechargeable battery governed by section 115A.9155 or exempted by the commissioner under subdivision 9.

Subd. 2. **Prohibition.** Effective August 1, 1991, a person may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a nonremovable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed.

Subd. 3. **Collection and management costs.** A manufacturer of rechargeable batteries or products powered by rechargeable batteries is responsible for the costs of collecting and managing its waste rechargeable batteries and waste products to ensure that the batteries are not part of the solid waste stream.

Subd. 5. **Collection and management programs.** (a) By September 20, 1995, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in Minnesota Statutes 1994, section 115A.9157, subdivision 4, that may be reasonably expected to collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

(b) In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the senate and house of representatives committees having jurisdiction over environment and natural resources and environment and natural resources finance that specifies at least the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous two years. A representative organization may report the amounts in aggregate for all the members of the organization.

Subd. 6. **List of participants.** A manufacturer or its representative organization shall inform the committees listed in subdivision 5 when they begin participating in the projects and programs and immediately if they withdraw participation.

Subd. 7. **Contracts.** A manufacturer or a representative organization of manufacturers may contract with the state or a political subdivision to provide collection services under this section. The manufacturer or organization shall fully reimburse the state or political subdivision for the value of any contractual services rendered under this subdivision.

Subd. 8. **Anticompetitive conduct.** A manufacturer or organization of manufacturers and its officers, members, employees, and agents who participate in projects or programs to collect and properly manage waste rechargeable batteries or products powered by rechargeable batteries are immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce for activities related to the collection and management of batteries and products required under this section.

Subd. 9. **Exemptions.** To ensure that new types of batteries do not add additional hazardous or toxic materials to the mixed municipal solid waste stream, the commissioner of the agency may exempt a new type of rechargeable battery from the requirements of this section if it poses no unreasonable hazard when placed in and processed or disposed of as part of a mixed municipal solid waste.

115A.961 HOUSEHOLD BATTERIES; COLLECTION, PROCESSING, AND DISPOSAL.

Subdivision 1. **Definition.** For the purposes of this section, "household batteries" means disposable or rechargeable dry cells commonly used as power sources for household or consumer products including, but not limited to, nickel-cadmium, alkaline, mercuric oxide, silver oxide, zinc oxide, lithium, and carbon-zinc batteries, but excluding lead acid batteries.

Subd. 2. **Program.** (a) The commissioner, in consultation with other state agencies, political subdivisions, and representatives of the household battery industry, may develop household battery programs. The commissioner must coordinate the programs with the Legislative-Citizen Commission on Minnesota Resources study on batteries.

(b) The commissioner shall investigate options and develop guidelines for collection, processing, and disposal of household batteries. The options the commissioner may investigate include:

(1) establishing a grant program for counties to plan and implement household battery collection, processing, and disposal projects;

(2) establishing collection and transportation systems;

(3) developing and disseminating educational materials regarding environmentally sound battery management; and

(4) developing markets for materials recovered from the batteries.

(c) The commissioner may also distribute funds to political subdivisions to develop battery management plans and implement those plans.

Subd. 3. **Participation.** A political subdivision, on its own or in cooperation with others, may implement a program to collect, process, or dispose of household batteries. A political subdivision may provide financial incentives to any person, including public or private civic groups, to collect the batteries.

325E.125 GENERAL AND SPECIAL PURPOSE BATTERY REQUIREMENTS.

Subdivision 1. **Labeling.** (a) The manufacturer of a button cell battery that is to be sold in this state shall ensure that each battery contains no intentionally introduced mercury or is labeled to clearly identify for the final consumer of the battery the type of electrode used in the battery.

(b) The manufacturer of a rechargeable battery that is to be sold in this state shall ensure that each rechargeable battery is labeled to clearly identify for the final consumer of the battery the type of electrode and the name of the manufacturer. The manufacturer of a rechargeable battery shall also provide clear instructions for properly recharging the battery.

Subd. 2. **Mercury content.** (a) Except as provided in paragraph (c), a manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery that contains more than 0.025 percent mercury by weight.

(b) On application, the commissioner of the Pollution Control Agency may exempt a specific type of battery from the requirements of paragraph (a) or (d) if there is no battery meeting the requirements that can be reasonably substituted for the battery for which the exemption is sought. A battery exempted by the commissioner under this paragraph is subject to the requirements of section 115A.9155, subdivision 2.

(c) Notwithstanding paragraph (a), a manufacturer may not sell, distribute, or offer for sale in this state a button cell nonrechargeable battery not subject to paragraph (a) that contains more than 25 milligrams of mercury.

(d) A manufacturer may not sell, distribute, or offer for sale in this state a dry cell battery containing a mercuric oxide electrode.

(e) After January 1, 1996, a manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery, except an alkaline manganese button cell, that contains mercury unless the commissioner of the Pollution Control Agency determines that compliance with this requirement is not technically and commercially feasible.

APPENDIX
Repealed Minnesota Statutes: 25-02506

Subd. 2a. **Approval of new batteries.** A manufacturer may not sell, distribute, or offer for sale in this state a nonrechargeable battery other than a zinc air, zinc carbon, silver oxide, lithium, or alkaline manganese battery, without first having received approval of the battery from the commissioner of the Pollution Control Agency. The commissioner shall approve only batteries that comply with subdivision 1 and do not pose an undue hazard when disposed of. This subdivision is intended to ensure that new types of batteries do not add additional hazardous or toxic materials to the state's mixed municipal waste stream.

Subd. 3. **Rechargeable tools and appliances.** (a) A manufacturer may not sell, distribute, or offer for sale in this state a rechargeable consumer product unless:

(1) the battery can be easily removed by the consumer or is contained in a battery pack that is separate from the product and can be easily removed; and

(2) the product and the battery are both labeled in a manner that is clearly visible to the consumer indicating that the battery must be recycled or disposed of properly and the battery must be clearly identifiable as to the type of electrode used in the battery.

(b) "Rechargeable consumer product" as used in this subdivision means any product that contains a rechargeable battery and is primarily used or purchased to be used for personal, family, or household purposes.

(c) On application by a manufacturer, the commissioner of the Pollution Control Agency may exempt a rechargeable consumer product from the requirements of paragraph (a) if:

(1) the product cannot be reasonably redesigned and manufactured to comply with the requirements prior to the effective date of Laws 1990, chapter 409, section 2;

(2) the redesign of the product to comply with the requirements would result in significant danger to public health and safety; or

(3) the type of electrode used in the battery poses no unreasonable hazards when placed in and processed or disposed of as part of mixed municipal solid waste.

(d) An exemption granted by the commissioner of the Pollution Control Agency under paragraph (c), clause (1), must be limited to a maximum of two years and may be renewed.

Subd. 4. **Rechargeable batteries and products; notice.** (a) A person who sells rechargeable batteries or products powered by rechargeable batteries governed by section 115A.9157 at retail shall post the notice in paragraph (b) in a manner clearly visible to a consumer making purchasing decisions.

(b) The notice must be at least four inches by six inches and state:

"ATTENTION USERS OF RECHARGEABLE BATTERIES AND CORDLESS PRODUCTS:

Under Minnesota law, manufacturers of rechargeable batteries, rechargeable battery packs, and products powered by nonremovable rechargeable batteries will provide a special collection system for these items by April 15, 1994. It is illegal to put rechargeable batteries in the garbage. Use the special collection system that will be provided in your area. Take care of our environment.

DO NOT PUT RECHARGEABLE BATTERIES OR PRODUCTS POWERED BY
NONREMOVABLE RECHARGEABLE BATTERIES IN THE GARBAGE."

(c) Notice is not required for home solicitation sales, as defined in section 325G.06, or for catalogue sales.

Subd. 5. **Prohibitions.** A manufacturer of rechargeable batteries or products powered by rechargeable batteries that does not participate in the pilot projects and programs required in section 115A.9157 may not sell, distribute, or offer for sale in this state rechargeable batteries or products powered by rechargeable batteries after January 1, 1992.

After January 1, 1992, a person who first purchases rechargeable batteries or products powered by rechargeable batteries for importation into the state for resale may not purchase rechargeable batteries or products powered by rechargeable batteries made by any person other than a manufacturer that participates in the projects and programs required under section 115A.9157.

325E.1251 PENALTY ENFORCEMENT.

Subdivision 1. **Penalty.** Violation of section 325E.125 is a misdemeanor. A manufacturer who violates section 325E.125 is also subject to a minimum fine of \$100 per violation.

APPENDIX
Repealed Minnesota Statutes: 25-02506

Subd. 2. **Recovery of costs.** Section 325E.125 may be enforced under section 115.071. In an enforcement action under this section in which the state prevails, the state may recover reasonable administrative expenses, court costs, and attorney fees incurred to take the enforcement action, in an amount to be determined by the court.