

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

S.F. No. 2438

(SENATE AUTHORS: HAWJ and McEwen)

DATE	D-PG	OFFICIAL STATUS
03/02/2023	1276	Introduction and first reading
		Referred to Environment, Climate, and Legacy
04/11/2023		Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act

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

1.3 resources; modifying utilities license and permit provisions; modifying

1.4 commissioner's duties; modifying disposition of certain receipts; modifying and

1.5 providing for fees; modifying provisions for water and soil conservation; modifying

1.6 requirements to notify of water pollution; modifying provisions for waste

1.7 management assistance; modifying certain environmental stewardship and grant

1.8 programs; providing for environmental justice considerations in certain permitting;

1.9 prohibiting lead and cadmium in certain consumer products; modifying report

1.10 requirements; requiring reports; requiring rulemaking; amending Minnesota Statutes

1.11 2022, sections 84.415, subdivisions 3, 6, 7, by adding a subdivision; 84D.15,

1.12 subdivision 2; 85.055, subdivision 1; 86B.005, by adding a subdivision; 86B.415,

1.13 subdivisions 1, 1a, 2, 3, 4, 5, 7; 97A.473, subdivisions 2, 2a, 2b, 5, 5a; 97A.474,

1.14 subdivision 2; 97A.475, subdivisions 6, 7, 8, 10, 10a, 11, 12, 13; 97C.087,

1.15 subdivision 2; 103B.101, subdivisions 9, 16, by adding a subdivision; 103B.103;

1.16 103C.501, subdivisions 1, 4, 5, 6; 103D.605, subdivision 5; 103F.505; 103F.511,

1.17 by adding a subdivision; 103G.2242, subdivision 1; 103G.271, subdivision 6;

1.18 103G.301, subdivision 2; 115.03, subdivision 1; 115.061; 115A.03, by adding a

1.19 subdivision; 115A.1415; 115A.49; 115A.51; 115A.54, subdivisions 1, 2, 2a;

1.20 115A.565, subdivisions 1, 3; 115B.17, subdivision 14; 115B.171, subdivision 3;

1.21 115B.52, subdivision 4; 116.06, by adding subdivisions; 116.07, subdivision 6,

1.22 by adding a subdivision; 168.1295, subdivision 1; proposing coding for new law

1.23 in Minnesota Statutes, chapters 103B; 103F; 116; 325E; repealing Minnesota

1.24 Statutes 2022, sections 103C.501, subdivisions 2, 3; 115.44, subdivision 9; 116.011;

1.25 325E.389; 325E.3891; Minnesota Rules, parts 8400.0500; 8400.0550; 8400.0600,

1.26 subparts 4, 5; 8400.0900, subparts 1, 2, 4, 5; 8400.1650; 8400.1700; 8400.1750;

1.27 8400.1800; 8400.1900.

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

1.29 **ARTICLE 1**

1.30 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

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

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

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

2.1 or another named fund, and are available for the fiscal years indicated for each purpose.
 2.2 The figures "2024" and "2025" used in this article mean that the appropriations listed under
 2.3 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.
 2.4 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"
 2.5 is fiscal years 2024 and 2025.

APPROPRIATIONS

Available for the Year

Ending June 30

2024

2025

2.10 **Sec. 2. POLLUTION CONTROL AGENCY**

2.11 <u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>322,044,000</u>	<u>\$</u>	<u>272,186,000</u>
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Appropriations by Fund

	<u>2024</u>	<u>2025</u>
2.14 <u>General</u>	<u>189,887,000</u>	<u>136,676,000</u>
2.15 <u>State Government</u>		
2.16 <u>Special Revenue</u>	<u>85,000</u>	<u>90,000</u>
2.17 <u>Environmental</u>	<u>108,027,000</u>	<u>110,673,000</u>
2.18 <u>Remediation</u>	<u>19,545,000</u>	<u>20,247,000</u>
2.19 <u>Closed Landfill</u>		
2.20 <u>Investment</u>	<u>4,500,000</u>	<u>4,500,000</u>

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

2.24 The commissioner must present the agency's
 2.25 biennial budget for fiscal years 2026 and 2027
 2.26 to the legislature in a transparent way by
 2.27 agency division, including the proposed
 2.28 budget bill and presentations of the budget to
 2.29 committees and divisions with jurisdiction
 2.30 over the agency's budget.

2.31 <u>Subd. 2. Environmental Analysis and Outcomes</u>		<u>107,973,000</u>		<u>107,550,000</u>
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Appropriations by Fund

	<u>2024</u>	<u>2025</u>
2.34 <u>General</u>	<u>87,960,000</u>	<u>87,472,000</u>

3.1	<u>Environmental</u>	<u>19,814,000</u>	<u>19,873,000</u>
3.2	<u>Remediation</u>	<u>199,000</u>	<u>205,000</u>
3.3	<u>(a) \$122,000 the first year and \$125,000 the</u>		
3.4	<u>second year are from the general fund for:</u>		
3.5	<u>(1) a municipal liaison to assist municipalities</u>		
3.6	<u>in implementing and participating in the</u>		
3.7	<u>rulemaking process for water quality standards</u>		
3.8	<u>and navigating the NPDES/SDS permitting</u>		
3.9	<u>process;</u>		
3.10	<u>(2) enhanced economic analysis in the</u>		
3.11	<u>rulemaking process for water quality</u>		
3.12	<u>standards, including more-specific analysis</u>		
3.13	<u>and identification of cost-effective permitting;</u>		
3.14	<u>(3) developing statewide economic analyses</u>		
3.15	<u>and templates to reduce the amount of</u>		
3.16	<u>information and time required for</u>		
3.17	<u>municipalities to apply for variances from</u>		
3.18	<u>water quality standards; and</u>		
3.19	<u>(4) coordinating with the Public Facilities</u>		
3.20	<u>Authority to identify and advocate for the</u>		
3.21	<u>resources needed for municipalities to achieve</u>		
3.22	<u>permit requirements.</u>		
3.23	<u>(b) \$216,000 the first year and \$219,000 the</u>		
3.24	<u>second year are from the environmental fund</u>		
3.25	<u>for a monitoring program under Minnesota</u>		
3.26	<u>Statutes, section 116.454.</u>		
3.27	<u>(c) \$132,000 the first year and \$137,000 the</u>		
3.28	<u>second year are for monitoring water quality</u>		
3.29	<u>and operating assistance programs.</u>		
3.30	<u>(d) \$390,000 the first year and \$399,000 the</u>		
3.31	<u>second year are from the environmental fund</u>		
3.32	<u>for monitoring ambient air for hazardous</u>		
3.33	<u>pollutants.</u>		

4.1 (e) \$106,000 the first year and \$109,000 the
4.2 second year are from the environmental fund
4.3 for duties related to harmful chemicals in
4.4 children's products under Minnesota Statutes,
4.5 sections 116.9401 to 116.9407. Of this
4.6 amount, \$68,000 the first year and \$70,000
4.7 the second year are transferred to the
4.8 commissioner of health.

4.9 (f) \$128,000 the first year and \$132,000 the
4.10 second year are from the environmental fund
4.11 for registering wastewater laboratories.

4.12 (g) \$1,492,000 the first year and \$1,519,000
4.13 the second year are from the environmental
4.14 fund to continue perfluorochemical
4.15 biomonitoring in eastern metropolitan
4.16 communities, as recommended by the
4.17 Environmental Health Tracking and
4.18 Biomonitoring Advisory Panel, and to address
4.19 other environmental health risks, including air
4.20 quality. The communities must include Hmong
4.21 and other immigrant farming communities.
4.22 Of this amount, up to \$1,226,000 the first year
4.23 and \$1,248,000 the second year are for transfer
4.24 to the commissioner of health.

4.25 (h) \$61,000 the first year and \$62,000 the
4.26 second year are from the environmental fund
4.27 for the listing procedures for impaired waters
4.28 required under this act.

4.29 (i) \$72,000 the first year and \$74,000 the
4.30 second year are from the remediation fund for
4.31 the leaking underground storage tank program
4.32 to investigate, clean up, and prevent future
4.33 releases from underground petroleum storage
4.34 tanks and for the petroleum remediation
4.35 program for vapor assessment and

5.1 remediation. These same annual amounts are
 5.2 transferred from the petroleum tank fund to
 5.3 the remediation fund.

5.4 (j) \$500,000 the first year is to facilitate the
 5.5 collaboration and modeling of greenhouse gas
 5.6 impacts, costs, and benefits of strategies to
 5.7 reduce statewide greenhouse gas emissions.
 5.8 This is a onetime appropriation.

5.9 (k) \$87,206,000 the first year and \$87,210,000
 5.10 the second year are to establish and implement
 5.11 a local government water infrastructure grant
 5.12 program for local governmental units and
 5.13 Tribal governments. Of this amount,
 5.14 \$86,380,000 each year is for grants to support
 5.15 communities in planning and implementing
 5.16 projects that will allow for adaptation for a
 5.17 changing climate. This appropriation is
 5.18 available until June 30, 2027. The base is
 5.19 \$1,390,000 in fiscal year 2026 and beyond.

5.20 (l) \$715,000 the first year and \$200,000 the
 5.21 second year are for developing a cumulative
 5.22 impacts framework. The base is \$200,000 in
 5.23 fiscal year 2026 and beyond.

5.24 (m) \$2,070,000 the first year and \$2,070,000
 5.25 the second year are to develop and implement
 5.26 a program related to emerging issues,
 5.27 including *Minnesota's PFAS Blueprint*.

5.28 (n) \$1,960,000 the first year and \$1,960,000
 5.29 the second year are to support improved
 5.30 management of data collected by the agency
 5.31 and its partners and regulated parties.

5.32 Subd. 3. **Industrial** 42,583,000 23,538,000

5.33 Appropriations by Fund
 5.34 2024 2025

6.1	<u>General</u>	<u>23,784,000</u>	<u>4,084,000</u>
6.2	<u>Environmental</u>	<u>17,078,000</u>	<u>17,681,000</u>
6.3	<u>Remediation</u>	<u>1,721,000</u>	<u>1,773,000</u>

6.4 (a) \$1,621,000 the first year and \$1,670,000
6.5 the second year are from the remediation fund
6.6 for the leaking underground storage tank
6.7 program to investigate, clean up, and prevent
6.8 future releases from underground petroleum
6.9 storage tanks and for the petroleum
6.10 remediation program for vapor assessment
6.11 and remediation. These same annual amounts
6.12 are transferred from the petroleum tank fund
6.13 to the remediation fund.

6.14 (b) \$448,000 the first year and \$457,000 the
6.15 second year are from the environmental fund
6.16 to further evaluate the use and reduction of
6.17 trichloroethylene around Minnesota and
6.18 identify its potential health effects on
6.19 communities. Of this amount, \$145,000 the
6.20 first year and \$149,000 the second year are
6.21 transferred to the commissioner of health.

6.22 (c) \$4,000 the first year and \$4,000 the second
6.23 year are from the environmental fund to
6.24 purchase air emissions monitoring equipment
6.25 to support compliance and enforcement
6.26 activities.

6.27 (d) \$3,200,000 the first year and \$3,200,000
6.28 the second year are to provide air emission
6.29 reduction grants. Of this amount, \$2,800,000
6.30 each year is for grants to reduce air pollution
6.31 at regulated facilities within environmental
6.32 justice areas of concern. This appropriation is
6.33 available until June 30, 2027, and is a onetime
6.34 appropriation.

7.1 (e) \$40,000 the first year and \$40,000 the
 7.2 second year are for air compliance equipment
 7.3 maintenance.

7.4 (f) \$20,000,000 the first year and \$300,000
 7.5 the second year are to support research on
 7.6 innovative technologies to treat
 7.7 difficult-to-manage pollutants and for
 7.8 implementation grants based on this research
 7.9 at taconite facilities. Of this amount,
 7.10 \$2,100,000 is for research and \$17,600,000 is
 7.11 for grants. This appropriation is available until
 7.12 June 30, 2027. The base is \$300,000 in fiscal
 7.13 year 2026 and beyond.

7.14 **Subd. 4. Municipal** 10,725,000 11,373,000

Appropriations by Fund

	<u>2024</u>	<u>2025</u>
7.16 <u>General</u>	<u>761,000</u>	<u>767,000</u>
7.17 <u>State Government</u>		
7.18 <u>Special Revenue</u>	<u>85,000</u>	<u>90,000</u>
7.19 <u>Environmental</u>	<u>9,879,000</u>	<u>10,516,000</u>

7.20
 7.21 (a) \$217,000 the first year and \$223,000 the
 7.22 second year are for:

7.23 (1) a municipal liaison to assist municipalities
 7.24 in implementing and participating in the
 7.25 rulemaking process for water quality standards
 7.26 and navigating the NPDES/SDS permitting
 7.27 process;

7.28 (2) enhanced economic analysis in the
 7.29 rulemaking process for water quality
 7.30 standards, including more-specific analysis
 7.31 and identification of cost-effective permitting;

7.32 (3) developing statewide economic analyses
 7.33 and templates to reduce the amount of
 7.34 information and time required for

8.1 municipalities to apply for variances from
8.2 water quality standards; and
8.3 (4) coordinating with the Public Facilities
8.4 Authority to identify and advocate for the
8.5 resources needed for municipalities to achieve
8.6 permit requirements.

8.7 (b) \$50,000 the first year and \$50,000 the
8.8 second year are from the environmental fund
8.9 for transfer to the Office of Administrative
8.10 Hearings to establish sanitary districts.

8.11 (c) \$1,240,000 the first year and \$1,338,000
8.12 the second year are from the environmental
8.13 fund for subsurface sewage treatment system
8.14 (SSTS) program administration and
8.15 community technical assistance and education,
8.16 including grants and technical assistance to
8.17 communities for water-quality protection. Of
8.18 this amount, \$350,000 each year is for
8.19 assistance to counties through grants for SSTS
8.20 program administration. A county receiving
8.21 a grant from this appropriation must submit
8.22 the results achieved with the grant to the
8.23 commissioner as part of its annual SSTS
8.24 report. Any unexpended balance in the first
8.25 year does not cancel but is available in the
8.26 second year.

8.27 (d) \$994,000 the first year and \$1,094,000 the
8.28 second year are from the environmental fund
8.29 to address the need for continued increased
8.30 activity in new technology review, technical
8.31 assistance for local governments, and
8.32 enforcement under Minnesota Statutes,
8.33 sections 115.55 to 115.58, and to complete the
8.34 requirements of Laws 2003, chapter 128,
8.35 article 1, section 165.

9.1 (e) Notwithstanding Minnesota Statutes,
 9.2 section 16A.28, the appropriations
 9.3 encumbered on or before June 30, 2025, as
 9.4 grants or contracts for subsurface sewage
 9.5 treatment systems, surface water and
 9.6 groundwater assessments, storm water, and
 9.7 water-quality protection in this subdivision
 9.8 are available until June 30, 2028.

9.9 **Subd. 5. Operations** 34,788,000 33,493,000

9.10	<u>Appropriations by Fund</u>	
9.11	<u>2024</u>	<u>2025</u>
9.12	<u>General</u>	<u>23,250,000</u> <u>21,859,000</u>
9.13	<u>Environmental</u>	<u>8,921,000</u> <u>9,143,000</u>
9.14	<u>Remediation</u>	<u>2,617,000</u> <u>2,491,000</u>

9.15 (a) \$1,154,000 the first year and \$1,124,000
 9.16 the second year are from the remediation fund
 9.17 for the leaking underground storage tank
 9.18 program to investigate, clean up, and prevent
 9.19 future releases from underground petroleum
 9.20 storage tanks and for the petroleum
 9.21 remediation program for vapor assessment
 9.22 and remediation. These same annual amounts
 9.23 are transferred from the petroleum tank fund
 9.24 to the remediation fund.

9.25 (b) \$3,000,000 the first year and \$3,109,000
 9.26 the second year are to support agency
 9.27 information technology services provided at
 9.28 the enterprise and agency level.

9.29 (c) \$906,000 the first year and \$919,000 the
 9.30 second year are from the environmental fund
 9.31 to develop and maintain systems to support
 9.32 permitting and regulatory business processes
 9.33 and agency data.

10.1 (d) \$2,000,000 the first year and \$2,000,000
 10.2 the second year are to provide technical
 10.3 assistance to Tribal governments.

10.4 (e) \$18,250,000 the first year and \$16,750,000
 10.5 the second year are to support modernizing
 10.6 and automating agency environmental
 10.7 programs and data systems and how the
 10.8 agency provides services to regulated parties,
 10.9 partners, and the public. This appropriation is
 10.10 available until June 30, 2027. This is a onetime
 10.11 appropriation.

10.12 (f) \$1,960,000 the first year and \$1,960,000
 10.13 the second year are for workforce innovation.

10.14 Subd. 6. Remediation 44,742,000 20,522,000

10.15	<u>Appropriations by Fund</u>	
10.16	<u>2024</u>	<u>2025</u>
10.17 <u>General</u>	<u>25,000,000</u>	<u>-0-</u>
10.18 <u>Environmental</u>	<u>607,000</u>	<u>628,000</u>
10.19 <u>Remediation</u>	<u>14,635,000</u>	<u>15,394,000</u>
10.20 <u>Closed Landfill</u>		
10.21 <u>Investment</u>	<u>4,500,000</u>	<u>4,500,000</u>

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

- 11.1 departments. This appropriation is available
11.2 until June 30, 2025.
- 11.3 (b) \$415,000 the first year and \$426,000 the
11.4 second year are from the environmental fund
11.5 to manage contaminated sediment projects at
11.6 multiple sites identified in the St. Louis River
11.7 remedial action plan to restore water quality
11.8 in the St. Louis River Area of Concern.
- 11.9 (c) \$4,476,000 the first year and \$4,622,000
11.10 the second year are from the remediation fund
11.11 for the leaking underground storage tank
11.12 program to investigate, clean up, and prevent
11.13 future releases from underground petroleum
11.14 storage tanks and for the petroleum
11.15 remediation program for vapor assessment
11.16 and remediation. These same annual amounts
11.17 are transferred from the petroleum tank fund
11.18 to the remediation fund.
- 11.19 (d) \$308,000 the first year and \$316,000 the
11.20 second year are from the remediation fund for
11.21 transfer to the commissioner of health for
11.22 private water-supply monitoring and health
11.23 assessment costs in areas contaminated by
11.24 unpermitted mixed municipal solid waste
11.25 disposal facilities and drinking water
11.26 advisories and public information activities
11.27 for areas contaminated by hazardous releases.
- 11.28 (e) \$25,000,000 the first year is for grants to
11.29 support planning, designing, and preparing for
11.30 solutions for public water treatment systems
11.31 contaminated with PFAS. The grants are to
11.32 reimburse local public water supply operators
11.33 for source investigations, sampling and
11.34 treating private drinking water wells, and
11.35 evaluating solutions for treating private

12.1 drinking water wells. This appropriation is
 12.2 available until June 30, 2027, and is a onetime
 12.3 appropriation.

12.4 **Subd. 7. Resource Management and Assistance** 68,070,000 62,474,000

12.5 Appropriations by Fund

	<u>2024</u>	<u>2025</u>
12.6		
12.7 <u>General</u>	<u>24,047,000</u>	<u>17,850,000</u>
12.8 <u>Environmental</u>	<u>44,023,000</u>	<u>44,624,000</u>

12.9 (a) Up to \$150,000 the first year and \$150,000
 12.10 the second year may be transferred from the
 12.11 environmental fund to the small business
 12.12 environmental improvement loan account
 12.13 under Minnesota Statutes, section 116.993.

12.14 (b) \$1,000,000 the first year and \$1,000,000
 12.15 the second year are for competitive recycling
 12.16 grants under Minnesota Statutes, section
 12.17 115A.565. Of this amount, \$300,000 the first
 12.18 year and \$300,000 the second year are from
 12.19 the general fund, and \$700,000 the first year
 12.20 and \$700,000 the second year are from the
 12.21 environmental fund. This appropriation is
 12.22 available until June 30, 2027.

12.23 (c) \$694,000 the first year and \$694,000 the
 12.24 second year are from the environmental fund
 12.25 for emission-reduction activities and grants to
 12.26 small businesses and other
 12.27 nonpoint-emission-reduction efforts. Of this
 12.28 amount, \$100,000 the first year and \$100,000
 12.29 the second year are to continue work with
 12.30 Clean Air Minnesota, and the commissioner
 12.31 may enter into an agreement with
 12.32 Environmental Initiative to support this effort.

- 13.1 (d) \$18,450,000 the first year and \$18,450,000
13.2 the second year are from the environmental
13.3 fund for SCORE block grants to counties.
- 13.4 (e) \$119,000 the first year and \$119,000 the
13.5 second year are from the environmental fund
13.6 for environmental assistance grants or loans
13.7 under Minnesota Statutes, section 115A.0716.
- 13.8 (f) \$400,000 the first year and \$400,000 the
13.9 second year are from the environmental fund
13.10 for grants to develop and expand recycling
13.11 markets for Minnesota businesses.
- 13.12 (g) \$767,000 the first year and \$770,000 the
13.13 second year are from the environmental fund
13.14 for reducing and diverting food waste,
13.15 redirecting edible food for consumption, and
13.16 removing barriers to collecting and recovering
13.17 organic waste. Of this amount, \$500,000 each
13.18 year is for grants to increase food rescue and
13.19 waste prevention. This appropriation is
13.20 available until June 30, 2027.
- 13.21 (h) \$2,797,000 the first year and \$2,811,000
13.22 the second year are from the environmental
13.23 fund for the purposes of Minnesota Statutes,
13.24 section 473.844.
- 13.25 (i) \$318,000 the first year and \$474,000 the
13.26 second year are from the environmental fund
13.27 to address chemicals in products, including to
13.28 implement and enforce flame retardant
13.29 provisions under Minnesota Statutes, section
13.30 325F.071, and perfluoroalkyl and
13.31 polyfluoroalkyl substances in food packaging
13.32 provisions under Minnesota Statutes, section
13.33 325F.075. Of this amount, \$78,000 the first

- 14.1 year and \$80,000 the second year are
14.2 transferred to the commissioner of health.
- 14.3 (j) \$180,000 the first year and \$140,000 the
14.4 second year are for quantifying climate-related
14.5 impacts from projects for environmental
14.6 review. The base is \$140,000 in fiscal year
14.7 2026 and beyond.
- 14.8 (k) \$1,790,000 the first year and \$70,000 the
14.9 second year are for accelerating pollution
14.10 prevention at small businesses. Of this amount,
14.11 \$1,720,000 the first year is for zero-interest
14.12 loans to phase out high-polluting equipment,
14.13 products, and processes and replace with new
14.14 options. This appropriation is available until
14.15 June 30, 2027. The base is \$70,000 in fiscal
14.16 year 2026 and beyond.
- 14.17 (l) \$190,000 the first year and \$190,000 the
14.18 second year are to support the Greenstep Cities
14.19 program.
- 14.20 (m) \$420,000 the first year is to complete a
14.21 study on the viability of recycling solar energy
14.22 equipment. This is a onetime appropriation.
- 14.23 (n) \$17,000 the first year is for rulemaking for
14.24 the capital assistance program. This is a
14.25 onetime appropriation.
- 14.26 (o) \$1,950,000 the first year and \$1,950,000
14.27 the second year are for Minnesota GreenCorps
14.28 investment.
- 14.29 (p) \$4,210,000 the first year and \$210,000 the
14.30 second year are for PFAS reduction grants.
14.31 Of this amount, \$4,000,000 the first year is
14.32 for grants to industry and public entities to
14.33 identify sources of PFAS entering facilities
14.34 and to develop pollution prevention and

15.1 reduction initiatives to reduce PFAS entering
 15.2 facilities, prevent releases, and monitor the
 15.3 effectiveness of these projects. This
 15.4 appropriation is available until June 30, 2027.
 15.5 The base is \$210,000 in fiscal year 2026 and
 15.6 is \$0 in fiscal year 2027.

15.7 (q) \$16,940,000 the first year and \$16,940,000
 15.8 the second year are for a waste prevention and
 15.9 reduction grants and loans program. Of this
 15.10 amount, \$15,960,000 each year is for grants
 15.11 and loans to reduce the generation and disposal
 15.12 of waste. This appropriation is available until
 15.13 June 30, 2027. The base is \$2,000,000 in fiscal
 15.14 year 2026 and beyond.

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

15.18 Notwithstanding Minnesota Statutes, section
 15.19 16A.28, the appropriations encumbered on or
 15.20 before June 30, 2025, as contracts or grants
 15.21 for environmental assistance awarded under
 15.22 Minnesota Statutes, section 115A.0716;
 15.23 technical and research assistance under
 15.24 Minnesota Statutes, section 115A.152;
 15.25 technical assistance under Minnesota Statutes,
 15.26 section 115A.52; and pollution prevention
 15.27 assistance under Minnesota Statutes, section
 15.28 115D.04, are available until June 30, 2027.

15.29 Subd. 8. Watershed 11,088,000 11,597,000

	<u>Appropriations by Fund</u>	
	<u>2024</u>	<u>2025</u>
15.31		
15.32	<u>3,231,000</u>	<u>3,231,000</u>
15.33	<u>7,484,000</u>	<u>7,982,000</u>
15.34	<u>373,000</u>	<u>384,000</u>

16.1 (a) \$2,959,000 the first year and \$2,959,000
 16.2 the second year are for grants to delegated
 16.3 counties to administer the county feedlot
 16.4 program under Minnesota Statutes, section
 16.5 116.0711, subdivisions 2 and 3. Money
 16.6 remaining after the first year is available for
 16.7 the second year.

16.8 (b) \$236,000 the first year and \$241,000 the
 16.9 second year are from the environmental fund
 16.10 for the costs of implementing general
 16.11 operating permits for feedlots over 1,000
 16.12 animal units.

16.13 (c) \$125,000 the first year and \$129,000 the
 16.14 second year are from the remediation fund for
 16.15 the leaking underground storage tank program
 16.16 to investigate, clean up, and prevent future
 16.17 releases from underground petroleum storage
 16.18 tanks and for the petroleum remediation
 16.19 program for vapor assessment and
 16.20 remediation. These same annual amounts are
 16.21 transferred from the petroleum tank fund to
 16.22 the remediation fund.

16.23 Subd. 9. Environmental Quality Board 2,075,000 1,639,000

16.24	<u>Appropriations by Fund</u>	
16.25	<u>2024</u>	<u>2025</u>
16.26	<u>1,854,000</u>	<u>1,413,000</u>
16.27	<u>221,000</u>	<u>226,000</u>

16.28 \$620,000 the first year and \$140,000 the
 16.29 second year are to develop a Minnesota-based
 16.30 greenhouse gas sector and source-specific
 16.31 guidance, including climate information, a
 16.32 greenhouse gas calculator, and technical
 16.33 assistance for users. This is a onetime
 16.34 appropriation.

17.1 **Subd. 10. Transfers**

17.2 The commissioner must transfer up to
 17.3 \$25,000,000 the first year and each fiscal year
 17.4 thereafter from the environmental fund to the
 17.5 remediation fund for purposes of the
 17.6 remediation fund under Minnesota Statutes,
 17.7 section 116.155, subdivision 2.

17.8 **Sec. 3. NATURAL RESOURCES**

17.9 **Subdivision 1. Total Appropriation** **\$ 403,018,000 \$ 402,257,000**

17.10	<u>Appropriations by Fund</u>		
17.11		<u>2024</u>	<u>2025</u>
17.12	<u>General</u>	<u>148,770,000</u>	<u>145,892,000</u>
17.13	<u>Natural Resources</u>	<u>123,871,000</u>	<u>124,166,000</u>
17.14	<u>Game and Fish</u>	<u>129,469,000</u>	<u>131,380,000</u>
17.15	<u>Remediation</u>	<u>117,000</u>	<u>117,000</u>
17.16	<u>Permanent School</u>	<u>791,000</u>	<u>702,000</u>

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

17.20 **Subd. 2. Land and Mineral Resources**
 17.21 **Management**

9,695,000 9,428,000

17.22	<u>Appropriations by Fund</u>		
17.23		<u>2024</u>	<u>2025</u>
17.24	<u>General</u>	<u>4,695,000</u>	<u>4,428,000</u>
17.25	<u>Natural Resources</u>	<u>4,438,000</u>	<u>4,438,000</u>
17.26	<u>Game and Fish</u>	<u>344,000</u>	<u>344,000</u>
17.27	<u>Permanent School</u>	<u>218,000</u>	<u>218,000</u>

17.28 (a) \$319,000 the first year and \$319,000 the
 17.29 second year are for environmental research
 17.30 relating to mine permitting, of which \$200,000
 17.31 each year is from the minerals management
 17.32 account in the natural resources fund and
 17.33 \$119,000 each year is from the general fund.

18.1 (b) \$3,383,000 the first year and \$3,383,000
 18.2 the second year are from the minerals
 18.3 management account in the natural resources
 18.4 fund for use as provided under Minnesota
 18.5 Statutes, section 93.2236, paragraph (c), for
 18.6 mineral resource management, projects to
 18.7 enhance future mineral income, and projects
 18.8 to promote new mineral-resource
 18.9 opportunities.

18.10 (c) \$218,000 the first year and \$218,000 the
 18.11 second year are transferred from the forest
 18.12 suspense account to the permanent school fund
 18.13 and are appropriated from the permanent
 18.14 school fund to secure maximum long-term
 18.15 economic return from the school trust lands
 18.16 consistent with fiduciary responsibilities and
 18.17 sound natural resources conservation and
 18.18 management principles.

18.19 (d) \$338,000 the first year and \$338,000 the
 18.20 second year are from the water management
 18.21 account in the natural resources fund for
 18.22 mining hydrology.

18.23 (e) \$1,052,000 the first year and \$242,000 the
 18.24 second year are for modernizing utility
 18.25 licensing for state lands and public waters.
 18.26 The first year appropriation is available
 18.27 through fiscal year 2026.

18.28 **Subd. 3. Ecological and Water Resources** 45,458,000 46,727,000

18.29	<u>Appropriations by Fund</u>	
18.30	<u>2024</u>	<u>2025</u>
18.31	<u>General</u>	<u>24,728,000</u> <u>25,972,000</u>
18.32	<u>Natural Resources</u>	<u>15,006,000</u> <u>15,031,000</u>
18.33	<u>Game and Fish</u>	<u>5,724,000</u> <u>5,724,000</u>

- 19.1 (a) \$5,397,000 the first year and \$5,422,000
19.2 the second year are from the invasive species
19.3 account in the natural resources fund and
19.4 \$2,831,000 the first year and \$2,831,000 the
19.5 second year are from the general fund for
19.6 management, public awareness, assessment
19.7 and monitoring research, and water access
19.8 inspection to prevent the spread of invasive
19.9 species; management of invasive plants in
19.10 public waters; and management of terrestrial
19.11 invasive species on state-administered lands.
- 19.12 (b) \$6,056,000 the first year and \$6,056,000
19.13 the second year are from the water
19.14 management account in the natural resources
19.15 fund for only the purposes specified in
19.16 Minnesota Statutes, section 103G.27,
19.17 subdivision 2.
- 19.18 (c) \$124,000 the first year and \$124,000 the
19.19 second year are for a grant to the Mississippi
19.20 Headwaters Board for up to 50 percent of the
19.21 cost of implementing the comprehensive plan
19.22 for the upper Mississippi within areas under
19.23 the board's jurisdiction.
- 19.24 (d) \$10,000 the first year and \$10,000 the
19.25 second year are for payment to the Leech Lake
19.26 Band of Chippewa Indians to implement the
19.27 band's portion of the comprehensive plan for
19.28 the upper Mississippi River.
- 19.29 (e) \$264,000 the first year and \$264,000 the
19.30 second year are for grants for up to 50 percent
19.31 of the cost of implementing the Red River
19.32 mediation agreement.
- 19.33 (f) \$2,498,000 the first year and \$2,498,000
19.34 the second year are from the heritage

- 20.1 enhancement account in the game and fish
20.2 fund for only the purposes specified in
20.3 Minnesota Statutes, section 297A.94,
20.4 paragraph (h), clause (1).
- 20.5 (g) \$1,150,000 the first year and \$1,150,000
20.6 the second year are from the nongame wildlife
20.7 management account in the natural resources
20.8 fund for nongame wildlife management.
- 20.9 Notwithstanding Minnesota Statutes, section
20.10 290.431, \$100,000 the first year and \$100,000
20.11 the second year may be used for nongame
20.12 wildlife information, education, and
20.13 promotion.
- 20.14 (h) Notwithstanding Minnesota Statutes,
20.15 section 84.943, \$28,000 the first year and
20.16 \$28,000 the second year from the critical
20.17 habitat private sector matching account may
20.18 be used to publicize the critical habitat license
20.19 plate match program.
- 20.20 (i) \$6,000,000 the first year and \$6,000,000
20.21 the second year are for the following activities:
- 20.22 (1) financial reimbursement and technical
20.23 support to soil and water conservation districts
20.24 or other local units of government for
20.25 groundwater-level monitoring;
- 20.26 (2) surface water monitoring and analysis,
20.27 including installing monitoring gauges;
- 20.28 (3) groundwater analysis to assist with
20.29 water-appropriation permitting decisions;
- 20.30 (4) permit application review incorporating
20.31 surface water and groundwater technical
20.32 analysis;

- 21.1 (5) precipitation data and analysis to improve
- 21.2 irrigation use;
- 21.3 (6) information technology, including
- 21.4 electronic permitting and integrated data
- 21.5 systems; and
- 21.6 (7) compliance and monitoring.
- 21.7 (j) \$410,000 the first year and \$410,000 the
- 21.8 second year are from the heritage enhancement
- 21.9 account in the game and fish fund and
- 21.10 \$500,000 the first year and \$500,000 the
- 21.11 second year are from the general fund for
- 21.12 grants to the Minnesota Aquatic Invasive
- 21.13 Species Research Center at the University of
- 21.14 Minnesota to prioritize, support, and develop
- 21.15 research-based solutions that can reduce the
- 21.16 effects of aquatic invasive species in
- 21.17 Minnesota by preventing spread, controlling
- 21.18 populations, and managing ecosystems and to
- 21.19 advance knowledge to inspire action by others.
- 21.20 (k) \$134,000 the first year and \$134,000 the
- 21.21 second year are for increased capacity for
- 21.22 broadband utility licensing for state lands and
- 21.23 public waters.
- 21.24 (l) \$998,000 the first year and \$568,000 the
- 21.25 second year are for protecting and restoring
- 21.26 carbon storage in state-administered peatlands.
- 21.27 This is a onetime appropriation.

21.28 **Subd. 4. Forest Management** 69,423,000 71,765,000

	<u>Appropriations by Fund</u>	
	<u>2024</u>	<u>2025</u>
21.30		
21.31 <u>General</u>	<u>51,770,000</u>	<u>54,087,000</u>
21.32 <u>Natural Resources</u>	<u>16,161,000</u>	<u>16,161,000</u>
21.33 <u>Game and Fish</u>	<u>1,492,000</u>	<u>1,517,000</u>

- 22.1 (a) \$7,521,000 the first year and \$7,521,000
22.2 the second year are for prevention,
22.3 presuppression, and suppression costs of
22.4 emergency firefighting and other costs
22.5 incurred under Minnesota Statutes, section
22.6 88.12. The amount necessary to pay for
22.7 presuppression and suppression costs during
22.8 the biennium is appropriated from the general
22.9 fund. By January 15 each year, the
22.10 commissioner of natural resources must submit
22.11 a report to the chairs and ranking minority
22.12 members of the house and senate committees
22.13 and divisions having jurisdiction over
22.14 environment and natural resources finance that
22.15 identifies all firefighting costs incurred and
22.16 reimbursements received in the prior fiscal
22.17 year. These appropriations may not be
22.18 transferred. Any reimbursement of firefighting
22.19 expenditures made to the commissioner from
22.20 any source other than federal mobilizations
22.21 must be deposited into the general fund.
- 22.22 (b) \$15,386,000 the first year and \$15,386,000
22.23 the second year are from the forest
22.24 management investment account in the natural
22.25 resources fund for only the purposes specified
22.26 in Minnesota Statutes, section 89.039,
22.27 subdivision 2.
- 22.28 (c) \$1,492,000 the first year and \$1,517,000
22.29 the second year are from the heritage
22.30 enhancement account in the game and fish
22.31 fund to advance ecological classification
22.32 systems (ECS), forest habitat, and invasive
22.33 species management.
- 22.34 (d) \$906,000 the first year and \$926,000 the
22.35 second year are for the Forest Resources

- 23.1 Council to implement the Sustainable Forest
23.2 Resources Act.
- 23.3 (e) \$1,143,000 the first year and \$1,143,000
23.4 the second year are for the Next Generation
23.5 Core Forestry data system. Of this
23.6 appropriation, \$868,000 each year is from the
23.7 general fund and \$275,000 each year is from
23.8 the forest management investment account in
23.9 the natural resources fund.
- 23.10 (f) \$500,000 the first year and \$500,000 the
23.11 second year are from the forest management
23.12 investment account in the natural resources
23.13 fund for forest road maintenance on state
23.14 forest roads.
- 23.15 (g) \$500,000 the first year and \$500,000 the
23.16 second year are for forest road maintenance
23.17 on county forest roads.
- 23.18 (h) \$2,086,000 the first year and \$2,086,000
23.19 the second year are to support forest
23.20 management, cost-share assistance, and
23.21 inventory on private woodlands. The base for
23.22 this appropriation is \$1,320,000 beginning in
23.23 fiscal year 2026.
- 23.24 (i) \$400,000 the first year and \$400,000 the
23.25 second year are to accelerate tree seed
23.26 collection to support a growing demand for
23.27 tree planting on public and private lands.
- 23.28 (j) \$7,998,000 the first year and \$7,998,000
23.29 the second year are for grants to local and
23.30 Tribal governments and nonprofit
23.31 organizations to enhance community forest
23.32 ecosystem health and sustainability under
23.33 Minnesota Statutes, section 88.82, the
23.34 Minnesota ReLeaf program. This

24.1 appropriation is available until June 30, 2027.

24.2 Money appropriated for grants under this

24.3 paragraph may be used to pay reasonable costs

24.4 incurred by the commissioner of natural

24.5 resources to administer the grants. The base

24.6 is \$802,000 beginning in fiscal year 2026.

24.7 (k) \$1,500,000 the first year and \$1,500,000

24.8 the second year are for forest stand

24.9 improvement and to meet the reforestation

24.10 requirements of Minnesota Statutes, section

24.11 89.002, subdivision 2.

24.12 **Subd. 5. Parks and Trails Management**

109,187,000

113,070,000

24.13 Appropriations by Fund

24.14 2024 2025

24.15 General 34,994,000 38,707,000

24.16 Natural Resources 71,893,000 72,063,000

24.17 Game and Fish 2,300,000 2,300,000

24.18 (a) \$7,985,000 the first year and \$7,985,000

24.19 the second year are from the natural resources

24.20 fund for state trail, park, and recreation area

24.21 operations. This appropriation is from revenue

24.22 deposited in the natural resources fund under

24.23 Minnesota Statutes, section 297A.94,

24.24 paragraph (h), clause (2).

24.25 (b) \$23,828,000 the first year and \$23,828,000

24.26 the second year are from the state parks

24.27 account in the natural resources fund to

24.28 operate and maintain state parks and state

24.29 recreation areas.

24.30 (c) \$1,140,000 the first year and \$1,140,000

24.31 the second year are from the natural resources

24.32 fund for park and trail grants to local units of

24.33 government on land to be maintained for at

24.34 least 20 years for parks or trails. This

25.1 appropriation is from revenue deposited in the
25.2 natural resources fund under Minnesota
25.3 Statutes, section 297A.94, paragraph (h),
25.4 clause (4). Any unencumbered balance does
25.5 not cancel at the end of the first year and is
25.6 available for the second year.

25.7 (d) \$9,624,000 the first year and \$9,624,000
25.8 the second year are from the snowmobile trails
25.9 and enforcement account in the natural
25.10 resources fund for the snowmobile
25.11 grants-in-aid program. Any unencumbered
25.12 balance does not cancel at the end of the first
25.13 year and is available for the second year.

25.14 (e) \$2,435,000 the first year and \$2,435,000
25.15 the second year are from the natural resources
25.16 fund for the off-highway vehicle grants-in-aid
25.17 program. Of this amount, \$1,960,000 each
25.18 year is from the all-terrain vehicle account;
25.19 \$150,000 each year is from the off-highway
25.20 motorcycle account; and \$325,000 each year
25.21 is from the off-road vehicle account. Any
25.22 unencumbered balance does not cancel at the
25.23 end of the first year and is available for the
25.24 second year.

25.25 (f) \$2,250,000 the first year and \$2,250,000
25.26 the second year are from the state land and
25.27 water conservation account in the natural
25.28 resources fund for priorities established by the
25.29 commissioner for eligible state projects and
25.30 administrative and planning activities
25.31 consistent with Minnesota Statutes, section
25.32 84.0264, and the federal Land and Water
25.33 Conservation Fund Act. Any unencumbered
25.34 balance does not cancel at the end of the first
25.35 year and is available for the second year.

26.1 (g) \$250,000 the first year and \$250,000 the
 26.2 second year are for matching grants for local
 26.3 parks and outdoor recreation areas under
 26.4 Minnesota Statutes, section 85.019,
 26.5 subdivision 2.

26.6 (h) \$250,000 the first year and \$250,000 the
 26.7 second year are for matching grants for local
 26.8 trail connections under Minnesota Statutes,
 26.9 section 85.019, subdivision 4c.

26.10 **Subd. 6. Fish and Wildlife Management** 100,985,000 94,546,000

26.11	<u>Appropriations by Fund</u>	
26.12	<u>2024</u>	<u>2025</u>
26.13	<u>General</u>	<u>11,616,000</u> <u>1,616,000</u>
26.14	<u>Natural Resources</u>	<u>2,082,000</u> <u>2,082,000</u>
26.15	<u>Game and Fish</u>	<u>87,287,000</u> <u>90,848,000</u>

26.16 (a) \$10,458,000 the first year and \$10,658,000
 26.17 the second year are from the heritage
 26.18 enhancement account in the game and fish
 26.19 fund only for activities specified under
 26.20 Minnesota Statutes, section 297A.94,
 26.21 paragraph (h), clause (1). Notwithstanding
 26.22 Minnesota Statutes, section 297A.94, five
 26.23 percent of this appropriation may be used for
 26.24 expanding hunter and angler recruitment and
 26.25 retention.

26.26 (b) \$982,000 the first year and \$982,000 the
 26.27 second year are from the general fund and
 26.28 \$1,675,000 the first year and \$1,675,000 the
 26.29 second year are from the game and fish fund
 26.30 for statewide response and management of
 26.31 chronic wasting disease. The commissioner
 26.32 and the Board of Animal Health must each
 26.33 submit annual reports on chronic wasting
 26.34 disease activities funded in this biennium to
 26.35 the chairs and ranking minority members of

- 27.1 the legislative committees and divisions with
27.2 jurisdiction over environment and natural
27.3 resources and agriculture.
- 27.4 (c) \$8,546,000 the first year and \$8,546,000
27.5 the second year are from the deer management
27.6 account for the purposes identified in
27.7 Minnesota Statutes, section 97A.075,
27.8 subdivision 1.
- 27.9 (d) \$134,000 the first year and \$134,000 the
27.10 second year are for increased capacity for
27.11 broadband utility licensing for state lands and
27.12 public waters.
- 27.13 (e) \$10,000,000 the first year is for enhancing
27.14 grasslands and restoring wetlands on
27.15 state-owned wildlife management areas to
27.16 sequester more carbon and enhance climate
27.17 resiliency. This is a onetime appropriation and
27.18 is available until June 30, 2027.
- 27.19 (f) \$500,000 the first year and \$500,000 the
27.20 second year are from the general fund and
27.21 \$500,000 the first year and \$500,000 the
27.22 second year are from the heritage enhancement
27.23 account in the game and fish fund for grants
27.24 for natural-resource-based education and
27.25 recreation programs serving youth under
27.26 Minnesota Statutes, section 84.976, and for
27.27 grant administration.
- 27.28 (g) \$400,000 the first year and \$400,000 the
27.29 second year are for the walk-in access program
27.30 under Minnesota Statutes, section 97A.126.
- 27.31 (h) \$1,000,000 the first year and \$1,000,000
27.32 the second year are from the game and fish
27.33 fund for investments in fish management
27.34 activities.

28.1	<u>Subd. 7. Enforcement</u>	<u>64,672,000</u>	<u>64,228,000</u>
28.2	<u>Appropriations by Fund</u>		
28.3		<u>2024</u>	<u>2025</u>
28.4	<u>General</u>	<u>18,322,000</u>	<u>19,453,000</u>
28.5	<u>Natural Resources</u>	<u>13,911,000</u>	<u>14,011,000</u>
28.6	<u>Game and Fish</u>	<u>32,322,000</u>	<u>30,647,000</u>
28.7	<u>Remediation</u>	<u>117,000</u>	<u>117,000</u>
28.8	<u>(a) \$1,718,000 the first year and \$1,718,000</u>		
28.9	<u>the second year are from the general fund for</u>		
28.10	<u>enforcement efforts to prevent the spread of</u>		
28.11	<u>aquatic invasive species.</u>		
28.12	<u>(b) \$2,080,000 the first year and \$1,892,000</u>		
28.13	<u>the second year are from the heritage</u>		
28.14	<u>enhancement account in the game and fish</u>		
28.15	<u>fund for only the purposes specified under</u>		
28.16	<u>Minnesota Statutes, section 297A.94,</u>		
28.17	<u>paragraph (h), clause (1).</u>		
28.18	<u>(c) \$1,442,000 the first year and \$1,442,000</u>		
28.19	<u>the second year are from the water recreation</u>		
28.20	<u>account in the natural resources fund for grants</u>		
28.21	<u>to counties for boat and water safety. Any</u>		
28.22	<u>unencumbered balance does not cancel at the</u>		
28.23	<u>end of the first year and is available for the</u>		
28.24	<u>second year.</u>		
28.25	<u>(d) \$315,000 the first year and \$315,000 the</u>		
28.26	<u>second year are from the snowmobile trails</u>		
28.27	<u>and enforcement account in the natural</u>		
28.28	<u>resources fund for grants to local law</u>		
28.29	<u>enforcement agencies for snowmobile</u>		
28.30	<u>enforcement activities. Any unencumbered</u>		
28.31	<u>balance does not cancel at the end of the first</u>		
28.32	<u>year and is available for the second year.</u>		
28.33	<u>(e) \$250,000 the first year and \$250,000 the</u>		
28.34	<u>second year are from the all-terrain vehicle</u>		

29.1 account in the natural resources fund for grants
29.2 to qualifying organizations to assist in safety
29.3 and environmental education and monitoring
29.4 trails on public lands under Minnesota
29.5 Statutes, section 84.9011. Grants issued under
29.6 this paragraph must be issued through a formal
29.7 agreement with the organization. By
29.8 December 15 each year, an organization
29.9 receiving a grant under this paragraph must
29.10 report to the commissioner with details on
29.11 expenditures and outcomes from the grant. Of
29.12 this appropriation, \$25,000 each year is for
29.13 administering these grants. Any unencumbered
29.14 balance does not cancel at the end of the first
29.15 year and is available for the second year.

29.16 (f) \$510,000 the first year and \$510,000 the
29.17 second year are from the natural resources
29.18 fund for grants to county law enforcement
29.19 agencies for off-highway vehicle enforcement
29.20 and public education activities based on
29.21 off-highway vehicle use in the county. Of this
29.22 amount, \$498,000 each year is from the
29.23 all-terrain vehicle account, \$11,000 each year
29.24 is from the off-highway motorcycle account,
29.25 and \$1,000 each year is from the off-road
29.26 vehicle account. The county enforcement
29.27 agencies may use money received under this
29.28 appropriation to make grants to other local
29.29 enforcement agencies within the county that
29.30 have a high concentration of off-highway
29.31 vehicle use. Of this appropriation, \$25,000
29.32 each year is for administering the grants. Any
29.33 unencumbered balance does not cancel at the
29.34 end of the first year and is available for the
29.35 second year.

30.1 (g) \$2,250,000 the first year and \$2,250,000
 30.2 the second year are appropriated for
 30.3 inspections, investigations, and enforcement
 30.4 activities taken in conjunction with the Board
 30.5 of Animal Health for the white-tailed deer
 30.6 farm program and for statewide response and
 30.7 management of chronic wasting disease.

30.8 (h) \$3,050,000 the first year is for modernizing
 30.9 the enforcement aviation fleet. This
 30.10 appropriation is available until June 30, 2027.

30.11 (i) \$360,000 the first year and \$360,000 the
 30.12 second year are for training department
 30.13 enforcement officers and for maintaining and
 30.14 storing equipment for conservation officer
 30.15 public safety responses.

30.16 **Subd. 8. Operations Support** 2,434,000 1,408,000

30.17 (a) \$1,684,000 the first year and \$1,408,000
 30.18 second year are for information technology
 30.19 security and modernization.

30.20 (b) \$750,000 the first year is for legal costs.
 30.21 The unencumbered amount of the general fund
 30.22 appropriation in Laws 2019, First Special
 30.23 Session chapter 4, article 1, section 3,
 30.24 subdivision 8, for legal costs, estimated to be
 30.25 \$750,000, is canceled no later than June 29,
 30.26 2023.

30.27 **Subd. 9. Pass Through Funds** 1,164,000 1,085,000

30.28	<u>Appropriations by Fund</u>	
30.29	<u>2024</u>	<u>2025</u>
30.30 <u>General</u>	<u>211,000</u>	<u>221,000</u>
30.31 <u>Natural Resources</u>	<u>380,000</u>	<u>380,000</u>
30.32 <u>Permanent School</u>	<u>573,000</u>	<u>484,000</u>

30.33 (a) \$380,000 the first year and \$380,000 the
 30.34 second year are from the natural resources

31.1 fund for grants to be divided equally between
 31.2 the city of St. Paul for the Como Park Zoo and
 31.3 Conservatory and the city of Duluth for the
 31.4 Lake Superior Zoo. This appropriation is from
 31.5 revenue deposited to the natural resources fund
 31.6 under Minnesota Statutes, section 297A.94,
 31.7 paragraph (h), clause (5).

31.8 (b) \$211,000 the first year and \$211,000 the
 31.9 second year are for the Office of School Trust
 31.10 Lands.

31.11 (c) \$250,000 the first year and \$150,000 the
 31.12 second year are transferred from the forest
 31.13 suspense account to the permanent school fund
 31.14 and are appropriated from the permanent
 31.15 school fund for transaction and project
 31.16 management costs for divesting of school trust
 31.17 lands within Boundary Waters Canoe Area
 31.18 Wilderness.

31.19 (d) \$323,000 the first year and \$334,000 the
 31.20 second year are transferred from the forest
 31.21 suspense account to the permanent school fund
 31.22 and are appropriated from the permanent
 31.23 school fund for the Office of School Trust
 31.24 Lands.

31.25 **Subd. 10. Get Out MORE (Modernizing Outdoor**
 31.26 **Recreation Experiences)**

118,000,000

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31.27 \$118,000,000 the first year is for modernizing
 31.28 Minnesota's state-managed outdoor recreation
 31.29 experiences. Of this amount:

31.30 (1) \$28,000,000 is for enhancing access and
 31.31 welcoming new users to public lands and
 31.32 outdoor recreation facilities;

31.33 (2) \$5,000,000 is for modernizing camping
 31.34 and related infrastructure;

32.1 (3) \$35,000,000 is for modernizing boating
32.2 access;

32.3 (4) \$35,000,000 is for modernizing fish
32.4 hatcheries and fishing infrastructure; and

32.5 (5) \$15,000,000 is for restoring streams and
32.6 modernizing water-related infrastructure.

32.7 The commissioner may reallocate across these
32.8 purposes based on project readiness and
32.9 priority. \$1,000,000 is added to the
32.10 department's base in fiscal year 2026 for
32.11 improvements to wildlife management areas.

32.12 This appropriation is available until June 30,
32.13 2029.

32.14 **EFFECTIVE DATE.** Subdivision 8 is effective the day following final enactment.

32.15 Sec. 4. **BOARD OF WATER AND SOIL**
32.16 **RESOURCES**

\$ 65,466,000 \$ 65,654,000

32.17 (a) \$3,116,000 the first year and \$3,116,000
32.18 the second year are for grants and payments
32.19 to soil and water conservation districts for
32.20 accomplishing the purposes of Minnesota
32.21 Statutes, chapter 103C, and for other general
32.22 purposes, nonpoint engineering, and
32.23 implementation and stewardship of the
32.24 reinvest in Minnesota reserve program.

32.25 Expenditures may be made from this
32.26 appropriation for supplies and services
32.27 benefiting soil and water conservation
32.28 districts. Any district receiving a payment
32.29 under this paragraph must maintain a website
32.30 that publishes, at a minimum, the district's
32.31 annual report, annual audit, annual budget,
32.32 and meeting notices.

32.33 (b) \$761,000 the first year and \$761,000 the
32.34 second year are to implement, enforce, and

- 33.1 provide oversight for the Wetland
33.2 Conservation Act, including administering the
33.3 wetland banking program and in-lieu fee
33.4 mechanism.
- 33.5 (c) \$1,560,000 the first year and \$1,560,000
33.6 the second year are for the following:
- 33.7 (1) \$1,460,000 each year is for cost-sharing
33.8 programs of soil and water conservation
33.9 districts for accomplishing projects and
33.10 practices consistent with Minnesota Statutes,
33.11 section 103C.501, including perennially
33.12 vegetated riparian buffers, erosion control,
33.13 water retention and treatment, water quality
33.14 cost-sharing for feedlots under 500 animal
33.15 units and nutrient and manure management
33.16 projects in watersheds where there are
33.17 impaired waters, and other high-priority
33.18 conservation practices; and
- 33.19 (2) \$100,000 each year is for county
33.20 cooperative weed management programs and
33.21 to restore native plants at selected invasive
33.22 species management sites.
- 33.23 (d) \$166,000 the first year and \$166,000 the
33.24 second year are to provide technical assistance
33.25 to local drainage management officials and
33.26 for the costs of the Drainage Work Group. The
33.27 board must coordinate the activities of the
33.28 Drainage Work Group according to Minnesota
33.29 Statutes, section 103B.101, subdivision 13.
- 33.30 (e) \$100,000 the first year and \$100,000 the
33.31 second year are for a grant to the Red River
33.32 Basin Commission for water quality and
33.33 floodplain management, including program

- 34.1 administration. This appropriation must be
34.2 matched by nonstate funds.
- 34.3 (f) \$140,000 the first year and \$140,000 the
34.4 second year are for grants to Area II
34.5 Minnesota River Basin Projects for floodplain
34.6 management.
- 34.7 (g) \$125,000 the first year and \$125,000 the
34.8 second year are for conservation easement
34.9 stewardship.
- 34.10 (h) \$240,000 the first year and \$240,000 the
34.11 second year are for a grant to the Lower
34.12 Minnesota River Watershed District to defray
34.13 the annual cost of operating and maintaining
34.14 sites for dredge spoil to sustain the state,
34.15 national, and international commercial and
34.16 recreational navigation on the lower Minnesota
34.17 River.
- 34.18 (i) \$2,000,000 the first year and \$2,000,000
34.19 the second year are for the lawns to legumes
34.20 program under Minnesota Statutes, section
34.21 103B.104. The board may enter into
34.22 agreements with local governments, Metro
34.23 Blooms, and other organizations to support
34.24 this effort. This appropriation is available until
34.25 June 30, 2029. The base for fiscal year 2026
34.26 and each year thereafter is \$800,000.
- 34.27 (j) \$500,000 the first year and \$500,000 the
34.28 second year are for the habitat-friendly utilities
34.29 program under Minnesota Statutes, section
34.30 103B.105. This appropriation is available until
34.31 June 30, 2029. The base for fiscal year 2026
34.32 and each year thereafter is \$100,000.
- 34.33 (k) \$2,000,000 the first year and \$2,000,000
34.34 the second year are for the habitat

35.1 enhancement landscape program under
35.2 Minnesota Statutes, section 103B.106. This
35.3 appropriation is available until June 30, 2029.
35.4 The base for fiscal year 2026 and each year
35.5 thereafter is \$100,000.

35.6 (l) \$13,783,000 the first year and \$13,783,000
35.7 the second year are for soil health activities to
35.8 achieve water quality, soil productivity,
35.9 climate change resiliency, or carbon
35.10 sequestration benefits consistent with
35.11 Minnesota Statutes, section 103F.06. This
35.12 appropriation is available until June 30, 2029.
35.13 The board may use grants to local
35.14 governments, including soil and water
35.15 conservation districts, and agreements with
35.16 the United States Department of Agriculture;
35.17 the University of Minnesota, Office for Soil
35.18 Health; AgCentric, Minnesota State Northern
35.19 Center of Excellence; and other practitioners
35.20 and partners to accomplish this work.

35.21 (m) \$11,000,000 the first year and
35.22 \$11,000,000 the second year are for
35.23 conservation easements and to restore and
35.24 enhance grasslands and adjacent lands
35.25 consistent with Minnesota Statutes, sections
35.26 103F.501 to 103F.531, for the purposes of
35.27 climate resiliency, adaptation, carbon
35.28 sequestration, and related benefits. Of this
35.29 amount, up to \$422,500 is for deposit in the
35.30 water and soil conservation easement
35.31 stewardship account established under
35.32 Minnesota Statutes, section 103B.103. This
35.33 appropriation is available until June 30, 2029.
35.34 The base for fiscal year 2026 and each year
35.35 thereafter is \$400,000.

36.1 (n) \$7,500,000 the first year and \$7,500,000
36.2 the second year are to acquire conservation
36.3 easements and to restore and enhance
36.4 peatlands and adjacent lands consistent with
36.5 Minnesota Statutes, sections 103F.501 to
36.6 103F.531, for the purposes of climate
36.7 resiliency, adaptation, carbon sequestration,
36.8 and related benefits. Of this amount, up to
36.9 \$299,000 is for deposit in the water and soil
36.10 conservation easement stewardship account
36.11 established under Minnesota Statutes, section
36.12 103B.103. This appropriation is available until
36.13 June 30, 2029. The base for fiscal year 2026
36.14 and each year thereafter is \$710,000.

36.15 (o) \$3,550,000 the first year and \$3,550,000
36.16 the second year are to enhance existing
36.17 easements established under Minnesota
36.18 Statutes, sections 103F.501 to 103F.531.
36.19 Enhancements are for the purposes of climate
36.20 resiliency, adaptation, and carbon
36.21 sequestration and include but are not limited
36.22 to increasing biodiversity and mitigating the
36.23 effects of rainfall and runoff events. This
36.24 appropriation is available until June 30, 2029.
36.25 The base for fiscal year 2026 and each year
36.26 thereafter is \$480,000.

36.27 (p) \$8,500,000 the first year and \$8,500,000
36.28 the second year are for water quality and
36.29 storage practices and projects to protect
36.30 infrastructure, improve water quality and
36.31 related public benefits, and mitigate climate
36.32 change impacts consistent with Minnesota
36.33 Statutes, section 103F.05. This appropriation
36.34 is available until June 30, 2029. The base for

37.1 fiscal year 2026 and each year thereafter is
37.2 \$480,000.

37.3 (q) \$4,673,000 the first year and \$4,673,000
37.4 the second year are for natural resources block
37.5 grants to local governments to implement the
37.6 Wetland Conservation Act and shoreland
37.7 management program under Minnesota
37.8 Statutes, chapter 103F, and local water
37.9 management responsibilities under Minnesota
37.10 Statutes, chapter 103B. The board may reduce
37.11 the amount of the natural resources block grant
37.12 to a county by an amount equal to any
37.13 reduction in the county's general services
37.14 allocation to a soil and water conservation
37.15 district from the county's previous year
37.16 allocation when the board determines that the
37.17 reduction was disproportionate.

37.18 (r) \$129,000 the first year and \$136,000 the
37.19 second year are to accomplish the objectives
37.20 of Minnesota Statutes, section 10.65, and
37.21 related Tribal government coordination. The
37.22 base for fiscal year 2026 and each year
37.23 thereafter is \$144,000.

37.24 (s) The board may shift money in this section
37.25 and may adjust the technical and
37.26 administrative assistance portion of the funds
37.27 to leverage federal or other nonstate funds or
37.28 to address accountability, oversight, local
37.29 government performance, or high-priority
37.30 needs.

37.31 (t) Returned grants and payments are available
37.32 for two years after they are returned or
37.33 regranted, whichever is later. Funds must be
37.34 regranted consistent with the purposes of this
37.35 section. If an appropriation for grants in either

38.1 year is insufficient, the appropriation in the
38.2 other year is available for it.

38.3 (u) Notwithstanding Minnesota Statutes,
38.4 section 16B.97, grants awarded from
38.5 appropriations in this section are exempt from
38.6 the Department of Administration, Office of
38.7 Grants Management Policy 08-08 Grant
38.8 Payments and 08-10 Grant Monitoring.

38.9 **Sec. 5. METROPOLITAN COUNCIL \$ 29,490,000 \$ 12,490,000**

38.10	<u>Appropriations by Fund</u>		
38.11		<u>2024</u>	<u>2025</u>
38.12	<u>General</u>	<u>22,040,000</u>	<u>5,040,000</u>
38.13	<u>Natural Resources</u>	<u>7,450,000</u>	<u>7,450,000</u>

38.14 (a) \$5,040,000 the first year and \$5,040,000
38.15 the second year are for metropolitan-area
38.16 regional parks operation and maintenance
38.17 according to Minnesota Statutes, section
38.18 473.351.

38.19 (b) \$7,450,000 the first year and \$7,450,000
38.20 the second year are from the natural resources
38.21 fund for metropolitan-area regional parks and
38.22 trails maintenance and operations. This
38.23 appropriation is from revenue deposited in the
38.24 natural resources fund under Minnesota
38.25 Statutes, section 297A.94, paragraph (h),
38.26 clause (3).

38.27 (c) \$5,000,000 the first year is for developing
38.28 a decision-making support toolset to help local
38.29 partners quantify the risks of a changing
38.30 climate and prioritize strategies that mitigate
38.31 those risks. This is a onetime appropriation
38.32 and is available until June 30, 2027.

38.33 (d) \$12,000,000 the first year is to modernize
38.34 regional parks and trails. This is a onetime

39.1 appropriation and is available until June 30,
39.2 2027.

39.3 **Sec. 6. CONSERVATION CORPS**

39.4 **MINNESOTA** **\$ 945,000 \$ 945,000**

39.5 Appropriations by Fund

	<u>2024</u>	<u>2025</u>
39.6 <u>General</u>	<u>455,000</u>	<u>455,000</u>
39.7 <u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

39.8 Conservation Corps Minnesota may receive
39.9 money appropriated from the natural resources
39.10 fund under this section only as provided in an
39.11 agreement with the commissioner of natural
39.12 resources.

39.13 **Sec. 7. ZOOLOGICAL BOARD** **\$ 14,179,000 \$ 13,747,000**

39.14 Appropriations by Fund

	<u>2024</u>	<u>2025</u>
39.15 <u>General</u>	<u>13,989,000</u>	<u>13,557,000</u>
39.16 <u>Natural Resources</u>	<u>190,000</u>	<u>190,000</u>

39.17 (a) \$190,000 the first year and \$190,000 the
39.18 second year are from the natural resources
39.19 fund from revenue deposited under Minnesota
39.20 Statutes, section 297A.94, paragraph (h),
39.21 clause (5).

39.22 (b) \$850,000 the first year is to improve safety
39.23 and security at the Minnesota Zoo. This is a
39.24 onetime appropriation.

39.25 **Sec. 8. SCIENCE MUSEUM** **\$ 1,200,000 \$ 1,260,000**

39.26 **ARTICLE 2**

39.27 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

39.28 Section 1. Minnesota Statutes 2022, section 84.415, subdivision 3, is amended to read:

39.29 Subd. 3. **Application, form.** The application for license or permit ~~shall be in~~
39.30 ~~quadruplicate, and shall~~ must include with each copy a legal description of the lands or
39.31 waters affected, a metes and bounds description of the required right-of-way, a map showing

40.1 said features, and a detailed design of any structures necessary, or in lieu thereof shall be
40.2 in such other form, and include such other descriptions, maps or designs, as the commissioner
40.3 may require. The commissioner may at any time order such changes or modifications
40.4 respecting construction or maintenance of structures or other conditions of the license or
40.5 permit as the commissioner deems necessary to protect the public health and safety.

40.6 Sec. 2. Minnesota Statutes 2022, section 84.415, subdivision 6, is amended to read:

40.7 Subd. 6. **Supplemental application fee and monitoring fee.** (a) In addition to the
40.8 application fee and utility crossing fees specified in Minnesota Rules, the commissioner of
40.9 natural resources shall assess the applicant for a utility license the following fees:

40.10 (1) ~~a to cover reasonable costs for reviewing an application and preparing a license,~~
40.11 ~~supplemental application fee of~~ fees as follows:

40.12 (i) \$1,750 for a public water crossing license and a supplemental application fee of
40.13 \$3,000 for a public lands crossing license, to cover reasonable costs for reviewing the
40.14 application and preparing the license for electric power lines, cables, or conduits of 100
40.15 kilovolts or more and for main pipelines for gas, liquids, or solids in suspension;

40.16 (ii) \$1,000 for a public water crossing license and \$1,000 for a public lands crossing
40.17 license for applications to which item (i) does not apply; and

40.18 (iii) for all applications, an additional \$500 for each water crossing or land crossing in
40.19 excess of two crossings; and

40.20 (2) a monitoring fee to cover the projected reasonable costs for monitoring the
40.21 construction of the utility line and preparing special terms and conditions of the license to
40.22 ensure proper construction. The commissioner must give the applicant an estimate of the
40.23 monitoring fee before the applicant submits the fee.

40.24 (b) The applicant shall pay fees under this subdivision to the commissioner of natural
40.25 resources. The commissioner shall not issue the license until the applicant has paid all fees
40.26 in full.

40.27 (c) Upon completion of construction of the improvement for which the license or permit
40.28 was issued, the commissioner shall refund the unobligated balance from the monitoring fee
40.29 revenue. The commissioner shall not return the application fees, even if the application is
40.30 withdrawn or denied.

40.31 ~~(d) If the fees collected under paragraph (a), clause (1), are not sufficient to cover the~~
40.32 ~~costs of reviewing the applications and preparing the licenses, the commissioner shall~~

41.1 ~~improve efficiencies and otherwise reduce department costs and activities to ensure the~~
 41.2 ~~revenues raised under paragraph (a), clause (1), are sufficient, and that no other funds are~~
 41.3 ~~necessary to carry out the requirements.~~

41.4 (d) For purposes of this subdivision:

41.5 (1) "water crossing" means each location where the proposed utility will cross a public
 41.6 water between banks or shores; and

41.7 (2) "land crossing" means each quarter-quarter section or government lot where the
 41.8 proposed utility will cross public land.

41.9 Sec. 3. Minnesota Statutes 2022, section 84.415, subdivision 7, is amended to read:

41.10 Subd. 7. **Application fee exemption.** (a) A utility license for crossing public lands or
 41.11 public waters is exempt from all application fees specified ~~in this section and~~ in rules adopted
 41.12 under this section.

41.13 (b) This subdivision does not apply to electric power lines, cables, or conduits 100
 41.14 kilovolts or greater or to main pipelines for gas, liquids, or solids in suspension.

41.15 Sec. 4. Minnesota Statutes 2022, section 84.415, is amended by adding a subdivision to
 41.16 read:

41.17 Subd. 9. **Fees for renewing license.** At the end of the license period, if both parties wish
 41.18 to renew a license, the commissioner must assess the applicant for all fees in this section
 41.19 as if the renewal is an application for a new license.

41.20 Sec. 5. Minnesota Statutes 2022, section 84D.15, subdivision 2, is amended to read:

41.21 Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under section
 41.22 86B.415, subdivision 7, civil penalties under section 84D.13, and service provider permits
 41.23 under section 84D.108, must be deposited in the invasive species account. Each year, the
 41.24 commissioner of management and budget must transfer from the game and fish fund to the
 41.25 invasive species account, the annual surcharge collected on nonresident fishing licenses
 41.26 under section 97A.475, subdivision 7, paragraph (b). ~~Each fiscal year, the commissioner of~~
 41.27 ~~management and budget shall transfer \$375,000 from the water recreation account under~~
 41.28 ~~section 86B.706 to the invasive species account.~~

41.29 Sec. 6. Minnesota Statutes 2022, section 85.055, subdivision 1, is amended to read:

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

- 42.1 (1) an annual use of state parks is ~~\$35~~ \$45;
- 42.2 (2) a second or subsequent vehicle state park permit is ~~\$26~~ \$35;
- 42.3 (3) a state park permit valid for one day is ~~\$7~~ \$10;
- 42.4 (4) a daily vehicle state park permit for groups is ~~\$5~~ \$8;
- 42.5 (5) an annual permit for motorcycles is ~~\$30~~ \$40;
- 42.6 (6) an employee's state park permit is without charge; and
- 42.7 (7) a state park permit for persons with disabilities under section 85.053, subdivision 7,
- 42.8 paragraph (a), clauses (1) to (3), is ~~\$12~~ \$20.
- 42.9 (b) The fees specified in this subdivision include any sales tax required by state law.

42.10 Sec. 7. Minnesota Statutes 2022, section 86B.005, is amended by adding a subdivision to

42.11 read:

42.12 Subd. 11a. **Other commercial operation.** "Other commercial operation" means use of

42.13 a watercraft for work, rather than recreation, to transport equipment, goods, and materials

42.14 on public waters.

42.15 Sec. 8. Minnesota Statutes 2022, section 86B.415, subdivision 1, is amended to read:

42.16 Subdivision 1. **Watercraft 19 feet or less.** (a) Except as provided in paragraph (b) and

42.17 subdivision 1a, the fee for a watercraft license for watercraft 19 feet or less in length is ~~\$27~~

42.18 \$59.

42.19 (b) The watercraft license fee is:

42.20 (1) for watercraft, other than personal watercraft, 19 feet in length or less that is offered

42.21 for rent or lease, ~~the fee is \$9~~ \$14;

42.22 (2) for a sailboat, 19 feet in length or less, ~~the fee is \$10.50~~ \$23;

42.23 (3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching

42.24 boat and water safety, ~~the fee is~~ as provided in subdivision 4;

42.25 (4) for a watercraft owned by a dealer under a dealer's license, ~~the fee is~~ as provided in

42.26 subdivision 5;

42.27 (5) for a personal watercraft, ~~the fee is \$37.50~~ including one offered for rent or lease,

42.28 \$85; and

43.1 (6) for a watercraft less than 17 feet in length, other than a watercraft listed in clauses
43.2 (1) to (5), ~~the fee is \$18~~ \$36.

43.3 Sec. 9. Minnesota Statutes 2022, section 86B.415, subdivision 1a, is amended to read:

43.4 Subd. 1a. **Canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing**
43.5 **shells.** The fee for a watercraft license for a canoe, kayak, sailboard, paddleboard, paddleboat,
43.6 or rowing shell over ten feet in length is ~~\$10.50~~ \$23.

43.7 Sec. 10. Minnesota Statutes 2022, section 86B.415, subdivision 2, is amended to read:

43.8 Subd. 2. **Watercraft over 19 feet.** Except as provided in subdivisions 1a, 3, 4, and 5,
43.9 the watercraft license fee:

43.10 (1) for a watercraft more than 19 feet but less than 26 feet in length is ~~\$45~~ \$113;

43.11 (2) for a watercraft 26 feet but less than 40 feet in length is ~~\$67.50~~ \$164; and

43.12 (3) for a watercraft 40 feet in length or longer is ~~\$90~~ \$209.

43.13 Sec. 11. Minnesota Statutes 2022, section 86B.415, subdivision 3, is amended to read:

43.14 Subd. 3. **Watercraft over 19 feet for hire commercial use.** The license fee for a
43.15 watercraft ~~more than 19 feet in length for hire with an operator~~ used primarily for charter
43.16 fishing, commercial fishing, commercial passenger carrying, or other commercial operation
43.17 is ~~\$75~~ \$164 each.

43.18 Sec. 12. Minnesota Statutes 2022, section 86B.415, subdivision 4, is amended to read:

43.19 Subd. 4. **Watercraft used by nonprofit corporation for teaching.** The watercraft
43.20 license fee for a watercraft used by a nonprofit organization for teaching boat and water
43.21 safety is ~~\$4.50~~ \$8 each.

43.22 Sec. 13. Minnesota Statutes 2022, section 86B.415, subdivision 5, is amended to read:

43.23 Subd. 5. **Dealer's license.** There is no separate fee for watercraft owned by a dealer
43.24 under a dealer's license. The fee for a dealer's license is ~~\$67.50~~ \$142.

43.25 Sec. 14. Minnesota Statutes 2022, section 86B.415, subdivision 7, is amended to read:

43.26 Subd. 7. **Watercraft surcharge.** A ~~\$10.60~~ \$20 surcharge is placed on each watercraft
43.27 licensed under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring,

44.1 and research of aquatic invasive species such as zebra mussel, purple loosestrife, and Eurasian
44.2 watermilfoil in public waters and public wetlands.

44.3 Sec. 15. Minnesota Statutes 2022, section 97A.473, subdivision 2, is amended to read:

44.4 Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license authorizes
44.5 a person to take fish by angling in the state. The license authorizes those activities authorized
44.6 by the annual resident angling license. The license does not include a trout-and-salmon
44.7 stamp validation, a walleye stamp validation, or other stamps required by law.

44.8 (b) The fees for a resident lifetime angling license are:

44.9 (1) age 3 and under, ~~\$344~~ \$413;

44.10 (2) age 4 to age 15, ~~\$469~~ \$563;

44.11 (3) age 16 to age 50, ~~\$574~~ \$689; and

44.12 (4) age 51 and over, ~~\$379~~ \$455.

44.13 Sec. 16. Minnesota Statutes 2022, section 97A.473, subdivision 2a, is amended to read:

44.14 Subd. 2a. **Lifetime spearing license; fee.** (a) A resident lifetime spearing license
44.15 authorizes a person to take fish by spearing in the state. The license authorizes those activities
44.16 authorized by the annual resident spearing license.

44.17 (b) The fees for a resident lifetime spearing license are:

44.18 (1) age 3 and under, ~~\$90~~ \$108;

44.19 (2) age 4 to age 15, ~~\$124~~ \$149;

44.20 (3) age 16 to age 50, ~~\$117~~ \$141; and

44.21 (4) age 51 and over, ~~\$61~~ \$74.

44.22 Sec. 17. Minnesota Statutes 2022, section 97A.473, subdivision 2b, is amended to read:

44.23 Subd. 2b. **Lifetime angling and spearing license; fee.** (a) A resident lifetime angling
44.24 and spearing license authorizes a person to take fish by angling or spearing in the state. The
44.25 license authorizes those activities authorized by the annual resident angling and spearing
44.26 licenses.

44.27 (b) The fees for a resident lifetime angling and spearing license are:

44.28 (1) age 3 and under, ~~\$432~~ \$519;

45.1 (2) age 4 to age 15, ~~\$579~~ \$695;

45.2 (3) age 16 to age 50, ~~\$678~~ \$814; and

45.3 (4) age 51 and over, ~~\$439~~ \$527.

45.4 Sec. 18. Minnesota Statutes 2022, section 97A.473, subdivision 5, is amended to read:

45.5 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes
 45.6 a person to take fish by angling and hunt and trap small game, other than wolves, in the
 45.7 state. The license authorizes those activities authorized by the annual resident angling and
 45.8 resident small-game-hunting licenses and the resident trapping license for fur-bearing
 45.9 animals other than wolves. The license does not include a trout-and-salmon stamp validation,
 45.10 a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required
 45.11 by law.

45.12 (b) The fees for a resident lifetime sporting license are:

45.13 (1) age 3 and under, ~~\$522~~ \$573;

45.14 (2) age 4 to age 15, ~~\$710~~ \$779;

45.15 (3) age 16 to age 50, ~~\$927~~ \$1,017; and

45.16 (4) age 51 and over, ~~\$603~~ \$662.

45.17 Sec. 19. Minnesota Statutes 2022, section 97A.473, subdivision 5a, is amended to read:

45.18 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident lifetime
 45.19 sporting with spearing option license authorizes a person to take fish by angling or spearing
 45.20 and hunt and trap small game, other than wolves, in the state. The license authorizes those
 45.21 activities authorized by the annual resident angling, spearing, and resident
 45.22 small-game-hunting licenses and the resident trapping license for fur-bearing animals other
 45.23 than wolves. The license does not include a trout-and-salmon stamp validation, a turkey
 45.24 stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

45.25 (b) The fees for a resident lifetime sporting with spearing option license are:

45.26 (1) age 3 and under, ~~\$612~~ \$676;

45.27 (2) age 4 to age 15, ~~\$833~~ \$921;

45.28 (3) age 16 to age 50, ~~\$1,046~~ \$1,153; and

45.29 (4) age 51 and over, ~~\$666~~ \$733.

46.1 Sec. 20. Minnesota Statutes 2022, section 97A.474, subdivision 2, is amended to read:

46.2 Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime angling
46.3 license authorizes a person to take fish by angling in the state. The license authorizes those
46.4 activities authorized by the annual nonresident angling license. The license does not include
46.5 a trout-and-salmon stamp validation, a walleye stamp validation, or other stamps required
46.6 by law.

46.7 (b) The fees for a nonresident lifetime angling license are:

46.8 (1) age 3 and under, ~~\$821~~ \$1,068;

46.9 (2) age 4 to age 15, ~~\$1,046~~ \$1,360;

46.10 (3) age 16 to age 50, ~~\$1,191~~ \$1,549; and

46.11 (4) age 51 and over, ~~\$794~~ \$1,033.

46.12 Sec. 21. Minnesota Statutes 2022, section 97A.475, subdivision 6, is amended to read:

46.13 Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents only,
46.14 are:

46.15 (1) for persons age 18 or over to take fish by angling, ~~\$25~~ \$30;

46.16 (2) for persons age 18 or over to take fish by angling, for a combined license for a married
46.17 couple, ~~\$40~~ \$48;

46.18 (3) for persons age 18 or over to take fish by spearing from a dark house, ~~\$6~~ \$8, and the
46.19 person must possess an angling license;

46.20 (4) for persons age 18 or over to take fish by angling for a 24-hour period selected by
46.21 the licensee, ~~\$12~~ \$15;

46.22 (5) for persons age 18 or over to take fish by angling for a consecutive 72-hour period
46.23 selected by the licensee, ~~\$14~~ \$17;

46.24 (6) for persons age 18 or over to take fish by angling for three consecutive years, ~~\$71~~
46.25 \$86; and

46.26 (7) for persons age 16 or over and under age 18 to take fish by angling, ~~\$5~~ \$6.

46.27 Sec. 22. Minnesota Statutes 2022, section 97A.475, subdivision 7, is amended to read:

46.28 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to
46.29 nonresidents, are:

47.1 (1) for persons age 18 or over to take fish by angling, ~~\$46~~ \$62;

47.2 (2) for persons age 18 or over to take fish by angling limited to seven consecutive days
47.3 selected by the licensee, ~~\$38~~ \$51;

47.4 (3) for persons age 18 or over to take fish by angling for a consecutive 72-hour period
47.5 selected by the licensee, ~~\$31~~ \$42;

47.6 (4) for persons age 18 or over to take fish by angling for a combined license for a family
47.7 for one or both parents and dependent children under the age of 16, ~~\$63~~ \$84;

47.8 (5) for persons age 18 or over to take fish by angling for a 24-hour period selected by
47.9 the licensee, ~~\$14~~ \$19;

47.10 (6) to take fish by angling for a combined license for a married couple, limited to 14
47.11 consecutive days selected by one of the licensees, ~~\$49~~ \$66;

47.12 (7) for persons age 18 or over to take fish by spearing from a dark house, ~~\$12~~ \$18, and
47.13 the person must possess an angling license; and

47.14 (8) for persons age 16 or over and under age 18 to take fish by angling, ~~\$5~~ \$6.

47.15 (b) A \$5 surcharge shall be added to all nonresident fishing licenses, except licenses
47.16 issued under paragraph (a), clauses (5) and (8). An additional commission may not be
47.17 assessed on this surcharge.

47.18 Sec. 23. Minnesota Statutes 2022, section 97A.475, subdivision 8, is amended to read:

47.19 Subd. 8. **Minnesota sporting; supersports.** (a) The commissioner shall issue Minnesota
47.20 sporting licenses to residents only. The licensee may take fish by angling and small game.
47.21 The fee for the license is:

47.22 (1) for an individual, ~~\$34.50~~ \$40.50; and

47.23 (2) for a combined license for a married couple to take fish and for one spouse to take
47.24 small game, ~~\$50.50~~ \$61.50.

47.25 (b) The commissioner shall issue Minnesota supersports licenses to residents only. The
47.26 licensee may take fish by angling, including trout; small game, including pheasant and
47.27 waterfowl; and deer by firearms or muzzleloader or by archery. The fee for the supersports
47.28 license, including all required stamp validations is:

47.29 (1) for an individual age 18 or over, ~~\$93.50~~ \$102.50; and

48.1 (2) for a combined license for a married couple to take fish, including the
 48.2 trout-and-salmon stamp validation, and for one spouse to take small game, including pheasant
 48.3 and waterfowl, and deer, ~~\$119.50~~ \$137.50.

48.4 (c) Revenue for the stamp endorsements under paragraph (b) shall be deposited according
 48.5 to section 97A.075, subdivisions 2, 3, and 4.

48.6 (d) Revenue for the deer license endorsement under paragraph (b) shall be deposited
 48.7 according to section 97A.075, subdivision 1.

48.8 Sec. 24. Minnesota Statutes 2022, section 97A.475, subdivision 10, is amended to read:

48.9 Subd. 10. **Trout-and-salmon stamp validation.** The fee for a trout-and-salmon stamp
 48.10 validation is ~~\$10~~ \$12.

48.11 Sec. 25. Minnesota Statutes 2022, section 97A.475, subdivision 10a, is amended to read:

48.12 Subd. 10a. **Walleye stamp validation.** A person may agree to purchase a walleye stamp
 48.13 validation for ~~\$5~~ \$6.

48.14 Sec. 26. Minnesota Statutes 2022, section 97A.475, subdivision 11, is amended to read:

48.15 Subd. 11. **Fish houses, dark houses, and shelters; residents.** Fees for the following
 48.16 licenses are:

48.17 (1) annual for a fish house, dark house, or shelter that is not rented, ~~\$15~~ \$18;

48.18 (2) annual for a fish house, dark house, or shelter that is rented, ~~\$30~~ \$36;

48.19 (3) three-year for a fish house, dark house, or shelter that is not rented, ~~\$42~~ \$51; and

48.20 (4) three-year for a fish house, dark house, or shelter that is rented, ~~\$87~~ \$105.

48.21 Sec. 27. Minnesota Statutes 2022, section 97A.475, subdivision 12, is amended to read:

48.22 Subd. 12. **Fish houses, dark houses, and shelters; nonresident.** Fees for fish house,
 48.23 dark house, and shelter licenses for a nonresident are:

48.24 (1) annual, ~~\$37~~ \$49;

48.25 (2) seven consecutive days selected by the licensee, ~~\$21~~ \$28; and

48.26 (3) three-year, ~~\$111~~ \$145.

49.1 Sec. 28. Minnesota Statutes 2022, section 97A.475, subdivision 13, is amended to read:

49.2 Subd. 13. **Netting whitefish and ciscoes for personal consumption.** The fee for a
49.3 license to net whitefish and ciscoes in inland lakes and international waters for personal
49.4 consumption is, for each net, ~~\$10~~ \$12.

49.5 Sec. 29. Minnesota Statutes 2022, section 97C.087, subdivision 2, is amended to read:

49.6 Subd. 2. **Application for tag.** Application for special fish management tags must be
49.7 accompanied by a ~~\$5~~ \$6, nonrefundable application fee for each tag. A person may not
49.8 make more than one tag application each calendar year. If a person makes more than one
49.9 application, the person is ineligible for a special fish management tag for that calendar year
49.10 after determination by the commissioner, without a hearing.

49.11 Sec. 30. Minnesota Statutes 2022, section 103B.101, subdivision 9, is amended to read:

49.12 Subd. 9. **Powers and duties.** (a) In addition to the powers and duties prescribed
49.13 elsewhere, the board shall:

49.14 (1) coordinate the water and soil resources planning and implementation activities of
49.15 counties, soil and water conservation districts, watershed districts, watershed management
49.16 organizations, and any other local units of government through its various authorities for
49.17 approval of local plans, administration of state grants, contracts and easements, and by other
49.18 means as may be appropriate;

49.19 (2) facilitate communication and coordination among state agencies in cooperation with
49.20 the Environmental Quality Board, and between state and local units of government, in order
49.21 to make the expertise and resources of state agencies involved in water and soil resources
49.22 management available to the local units of government to the greatest extent possible;

49.23 (3) coordinate state and local interests with respect to the study in southwestern Minnesota
49.24 under United States Code, title 16, section 1009;

49.25 (4) develop information and education programs designed to increase awareness of local
49.26 water and soil resources problems and awareness of opportunities for local government
49.27 involvement in preventing or solving them;

49.28 (5) provide a forum for the discussion of local issues and opportunities relating to water
49.29 and soil resources management;

49.30 (6) adopt an annual budget and work program that integrate the various functions and
49.31 responsibilities assigned to it by law; and

50.1 (7) report assessments to the governor and the legislature ~~by October 15 of each~~
 50.2 ~~even-numbered year with an assessment~~ of board programs and recommendations for any
 50.3 program changes and board membership changes necessary to improve state and local efforts
 50.4 in water and soil resources management.

50.5 (b) The board may accept grants, gifts, donations, or contributions in money, services,
 50.6 materials, or otherwise from the United States, a state agency, or other source to achieve
 50.7 an authorized or delegated purpose. The board may enter into a contract or agreement
 50.8 necessary or appropriate to accomplish the transfer. The board may conduct or participate
 50.9 in local, state, or federal programs or projects that have as one purpose or effect the
 50.10 preservation or enhancement of water and soil resources and may enter into and administer
 50.11 agreements with local governments or landowners or their designated agents as part of those
 50.12 programs or projects. The board may receive and expend money to acquire conservation
 50.13 easements, as defined in chapter 84C, on behalf of the state and federal government consistent
 50.14 with ~~the~~ Camp Ripley's Army Compatible Use Buffer Project, Sentinel Landscape program,
 50.15 or related conservation programs. The board may enter into agreements, including grant
 50.16 agreements, with Tribal nations, federal agencies, higher education institutions, local
 50.17 governments, and private sector organizations to carry out programs and other responsibilities
 50.18 prescribed or allowed by statute.

50.19 (c) Any money received is hereby deposited in an account in a fund other than the general
 50.20 fund and appropriated and dedicated for the purpose for which it is granted.

50.21 Sec. 31. Minnesota Statutes 2022, section 103B.101, subdivision 16, is amended to read:

50.22 Subd. 16. ~~Water quality Conservation practices; standardized specifications.~~ (a)
 50.23 The board ~~of Water and Soil Resources shall~~ must work with state and federal agencies,
 50.24 Tribal nations, academic institutions, local governments, practitioners, and stakeholders to
 50.25 foster mutual understanding and provide recommendations for standardized specifications
 50.26 for ~~water quality and soil conservation protection and improvement practices and,~~ projects,
 50.27 and systems for:

50.28 (1) erosion or sedimentation control;

50.29 (2) improvements to water quality or water quantity;

50.30 (3) habitat restoration and enhancement;

50.31 (4) energy conservation; and

50.32 (5) climate adaptation, resiliency, or mitigation.

51.1 (b) The board may convene working groups or work teams to develop information,
 51.2 education, and recommendations.

51.3 Sec. 32. Minnesota Statutes 2022, section 103B.101, is amended by adding a subdivision
 51.4 to read:

51.5 Subd. 18. **Guidelines for establishing and enhancing native vegetation.** (a) The board
 51.6 must work with state and federal agencies, Tribal nations, academic institutions, local
 51.7 governments, practitioners, and stakeholders to foster mutual understanding and to provide
 51.8 recommendations for standardized specifications to establish and enhance native vegetation
 51.9 to provide benefits for:

51.10 (1) water quality;

51.11 (2) soil conservation;

51.12 (3) habitat enhancement;

51.13 (4) energy conservation; and

51.14 (5) climate adaptation, resiliency, or mitigation.

51.15 (b) The board may convene working groups or work teams to develop information,
 51.16 education, and recommendations.

51.17 Sec. 33. Minnesota Statutes 2022, section 103B.103, is amended to read:

51.18 **103B.103 EASEMENT STEWARDSHIP ACCOUNTS.**

51.19 Subdivision 1. **Accounts established; sources.** (a) The water and soil conservation
 51.20 easement stewardship account and the mitigation easement stewardship account are created
 51.21 in the special revenue fund. The accounts consist of money credited to the accounts and
 51.22 interest and other earnings on money in the accounts. The State Board of Investment must
 51.23 manage the accounts to maximize long-term gain.

51.24 (b) Revenue from contributions and money appropriated for any purposes of the account
 51.25 as described in subdivision 2 must be deposited in the water and soil conservation easement
 51.26 stewardship account. Revenue from contributions, ~~wetland banking~~ wetland banking mitigation fees designated
 51.27 for stewardship purposes by the board, easement stewardship payments authorized under
 51.28 subdivision 3, and money appropriated for any purposes of the account as described in
 51.29 subdivision 2 must be deposited in the mitigation easement stewardship account.

51.30 Subd. 2. **Appropriation; purposes of accounts.** Five percent of the balance on July 1
 51.31 each year in the water and soil conservation easement stewardship account and five percent

52.1 of the balance on July 1 each year in the mitigation easement stewardship account are
 52.2 annually appropriated to the board and may be spent ~~only~~ to cover the costs of managing
 52.3 easements held by the board, including costs associated with:

52.4 (1) repairing or replacing structures;

52.5 (2) monitoring;

52.6 (3) landowner contacts;

52.7 (4) records storage and management;

52.8 (5) processing landowner notices;

52.9 (6) requests for approval or amendments;

52.10 (7) enforcement; and

52.11 (8) legal services associated with easement management activities.

52.12 Subd. 3. **Financial contributions.** The board shall seek a financial contribution to the
 52.13 water and soil conservation easement stewardship account for each conservation easement
 52.14 acquired by the board. The board shall seek a financial contribution or assess an easement
 52.15 stewardship payment to the mitigation easement stewardship account for each wetland
 52.16 ~~banking mitigation~~ easement acquired by the board. Unless otherwise provided by law, the
 52.17 board shall determine the amount of the contribution or payment, which must be an amount
 52.18 calculated to earn sufficient money to meet the costs of managing the easement at a level
 52.19 that neither significantly overrecovers nor underrecovers the costs. In determining the
 52.20 amount of the financial contribution, the board shall consider:

52.21 (1) the estimated annual staff hours needed to manage the conservation easement, taking
 52.22 into consideration factors such as easement type, size, location, and complexity;

52.23 (2) the average hourly wages for the class or classes of state and local employees expected
 52.24 to manage the easement;

52.25 (3) the estimated annual travel expenses to manage the easement;

52.26 (4) the estimated annual miscellaneous costs to manage the easement, including supplies
 52.27 and equipment, information technology support, and aerial flyovers;

52.28 (5) the estimated annualized costs of legal services, including the cost to enforce the
 52.29 easement in the event of a violation;

52.30 (6) the estimated annualized costs for repairing or replacing water control structures;

52.31 and

53.1 ~~(6)~~ (7) the expected rate of return on investments in the account.

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

53.3 Sec. 34. **[103B.104] LAWNS TO LEGUMES PROGRAM.**

53.4 (a) The Board of Water and Soil Resources may provide financial and technical assistance
53.5 to plant residential landscapes and community spaces with native vegetation and
53.6 pollinator-friendly forbs and legumes to:

53.7 (1) protect a diversity of pollinators with declining populations; and

53.8 (2) provide additional benefits for water management, carbon sequestration, and landscape
53.9 and climate resiliency.

53.10 (b) The board must establish criteria for grants or payments awarded under this section.
53.11 Grants or payments awarded under this section may give priority consideration for proposals
53.12 in areas identified by the United States Fish and Wildlife Service as areas where there is a
53.13 high potential for rusty patched bumble bees and other priority species to be present.

53.14 (c) The board may collaborate with and enter into agreements with federal, state, and
53.15 local agencies; Tribal nations; nonprofit organizations; and contractors to implement and
53.16 promote the program.

53.17 Sec. 35. **[103B.105] HABITAT-FRIENDLY UTILITIES PROGRAM.**

53.18 (a) The Board of Water and Soil Resources may provide financial and technical assistance
53.19 to promote the successful establishment of native vegetation as part of utility projects,
53.20 including solar and wind projects, pipelines, and electrical transmission corridors, to:

53.21 (1) ensure the integrity and resiliency of Minnesota landscapes; and

53.22 (2) protect habitat and water resources.

53.23 (b) The board must establish criteria for grants or payments awarded under this section.
53.24 Grants or payments awarded under this section may prioritize proposals in areas identified
53.25 by state and federal agencies and conservation partners for protecting high-priority natural
53.26 resources and wildlife species.

53.27 (c) The board may collaborate with and enter into agreements with federal, state, and
53.28 local agencies; Tribal nations; utility companies; nonprofit organizations; and contractors
53.29 to implement and promote the program.

54.1 **Sec. 36. [103B.106] HABITAT ENHANCEMENT LANDSCAPE PROGRAM.**

54.2 (a) The Board of Water and Soil Resources may provide financial and technical assistance
54.3 to establish or enhance areas of diverse native vegetation to:

54.4 (1) support declining populations of bees, butterflies, dragonflies, birds, and other wildlife
54.5 species that are essential for ecosystems and food production across conservation lands,
54.6 open spaces, and natural areas; and

54.7 (2) provide additional benefits for water management, carbon sequestration, and landscape
54.8 and climate resiliency.

54.9 (b) The board must establish criteria for grants or payments awarded under this section.
54.10 Grants or payments awarded under this section may prioritize proposals in areas identified
54.11 by state and federal agencies and conservation partners as high priority for protecting
54.12 endangered or threatened pollinator and other species.

54.13 (c) The board may collaborate with and enter into agreements with federal, state, and
54.14 local agencies; Tribal nations; nonprofit organizations; and contractors to implement and
54.15 promote the program.

54.16 Sec. 37. Minnesota Statutes 2022, section 103C.501, subdivision 1, is amended to read:

54.17 Subdivision 1. **Cost-share Program authorization.** The state board may allocate
54.18 available funds to districts ~~to share the cost of systems or~~ for practices, projects, and systems
54.19 for:

54.20 (1) erosion or sedimentation control ~~or~~;

54.21 (2) improvements to water quality ~~improvement that are designed to protect and improve~~
54.22 ~~soil and water resources.~~ or water quantity;

54.23 (3) habitat enhancement;

54.24 (4) plant biodiversity;

54.25 (5) energy conservation; or

54.26 (6) climate adaptation, resiliency, or mitigation.

54.27 Sec. 38. Minnesota Statutes 2022, section 103C.501, subdivision 4, is amended to read:

54.28 Subd. 4. **Cost-sharing Use of funds.** ~~(a) The state board shall allocate cost-sharing funds~~
54.29 ~~to areas with high-priority erosion, sedimentation, or water quality problems or water quantity~~

55.1 ~~problems due to altered hydrology. The areas must be selected based on priorities established~~
 55.2 ~~by the state board.~~

55.3 ~~(b) The allocated funds must be used for:~~

55.4 ~~(1) for conservation practices for high-priority problems~~ activities, including technical
 55.5 and financial assistance, identified in the comprehensive and annual work plans of the
 55.6 districts, for the technical assistance portion of the grant funds state-approved plans that are
 55.7 related to water and natural resources and established under chapters 103B, 103C, 103D,
 55.8 103F, 103G, and 114D;

55.9 ~~(2) to leverage federal or other nonstate funds;~~ or

55.10 ~~(3) to address high-priority needs identified in local water management plans or~~
 55.11 ~~comprehensive watershed management plans~~ by the district based on public input.

55.12 Sec. 39. Minnesota Statutes 2022, section 103C.501, subdivision 5, is amended to read:

55.13 Subd. 5. **Contracts by districts.** (a) A district board may ~~contract on a cost-share basis~~
 55.14 ~~to furnish financial aid to~~ provide technical and financial assistance to a land occupier or
 55.15 to a state or federal agency for ~~permanent systems~~ practices and projects for:

55.16 ~~(1) erosion or sedimentation control or;~~

55.17 ~~(2) improvements to water quality or water quantity~~ improvements that are consistent
 55.18 ~~with the district's comprehensive and annual work plans;~~

55.19 ~~(3) habitat enhancement;~~

55.20 ~~(4) plant biodiversity;~~

55.21 ~~(5) energy conservation; or~~

55.22 ~~(6) climate adaptation, resiliency, or mitigation.~~

55.23 ~~(b) A district board, with approval from the state board and, consistent with state board~~
 55.24 ~~rules and policies, may contract on a cost-share basis to furnish financial aid to a land~~
 55.25 ~~occupier for~~ to provide technical and financial assistance for structural and nonstructural
 55.26 land management practices that are part of a planned erosion control or water quality
 55.27 improvement plan and projects.

55.28 ~~(c) The duration of the contract must, at a minimum, be the time required to complete~~
 55.29 ~~the planned systems. A contract must specify that the land occupier is liable for monetary~~
 55.30 ~~damages and penalties in an amount up to 150 percent of the financial assistance received~~

56.1 ~~from the district, for failure to complete the systems or practices in a timely manner or~~
 56.2 ~~maintain the systems or practices as specified in the contract.~~

56.3 ~~(d) A contract may provide for cooperation or funding with federal agencies. A land~~
 56.4 ~~occupier or state agency may provide the cost-sharing portion of the contract through services~~
 56.5 ~~in kind.~~

56.6 ~~(e) (c)~~ The state board or the district board may not furnish any financial aid assistance
 56.7 for practices designed only to increase land productivity.

56.8 ~~(f) (d)~~ When a district board determines that long-term maintenance of a system or
 56.9 practice is desirable, the district or the state board may require that maintenance be made
 56.10 a covenant upon the land for the effective life of the practice. A covenant under this
 56.11 subdivision shall be construed in the same manner as a conservation restriction under section
 56.12 84.65.

56.13 Sec. 40. Minnesota Statutes 2022, section 103C.501, subdivision 6, is amended to read:

56.14 Subd. 6. **Policies and rules.** ~~(a)~~ The state board may adopt rules and shall adopt policies
 56.15 prescribing:

56.16 (1) procedures and criteria for allocating funds ~~for cost-sharing contracts;~~ and

56.17 (2) standards and guidelines for ~~cost-sharing~~ implementing the conservation contracts;
 56.18 program.

56.19 ~~(3) the scope and content of district comprehensive plans, plan amendments, and annual~~
 56.20 ~~work plans;~~

56.21 ~~(4) standards and methods necessary to plan and implement a priority cost-sharing~~
 56.22 ~~program, including guidelines to identify high priority erosion, sedimentation, and water~~
 56.23 ~~quality problems and water quantity problems due to altered hydrology;~~

56.24 ~~(5) the share of the cost of conservation practices to be paid from cost-sharing funds;~~
 56.25 ~~and~~

56.26 ~~(6) requirements for districts to document their efforts to identify and contact land~~
 56.27 ~~occupiers with high priority problems.~~

56.28 ~~(b) The rules may provide that cost sharing may be used for windbreaks and shelterbelts~~
 56.29 ~~for the purposes of energy conservation and snow protection.~~

57.1 Sec. 41. Minnesota Statutes 2022, section 103D.605, subdivision 5, is amended to read:

57.2 Subd. 5. **Establishment order.** After the project hearing, if the managers find that the
57.3 project will be conducive to public health, will promote the general welfare, and ~~is in~~
57.4 ~~compliance~~ complies with the watershed management plan and the provisions of this chapter,
57.5 the ~~board~~ managers must, by order, establish the project. The establishment order must
57.6 include the findings of the managers.

57.7 Sec. 42. **[103F.06] SOIL HEALTH PRACTICES PROGRAM.**

57.8 Subdivision 1. **Definitions.** (a) In this section, the following terms have the meanings
57.9 given:

57.10 (1) "board" means the Board of Water and Soil Resources;

57.11 (2) "local units of government" has the meaning given under section 103B.305,
57.12 subdivision 5; and

57.13 (3) "soil health" has the meaning given under section 103C.101, subdivision 10a.

57.14 Subd. 2. **Establishment.** (a) The board must administer a financial and technical support
57.15 program to produce soil health practices that achieve water quality, soil productivity, climate
57.16 change resiliency, or carbon sequestration benefits.

57.17 (b) The program must include but is not limited to no till, field borders, prairie strips,
57.18 cover crops, and other practices sanctioned by the board or the United States Department
57.19 of Agriculture's Natural Resources Conservation Service.

57.20 Subd. 3. **Financial and technical assistance.** (a) The board may provide financial and
57.21 technical support to local units of government, private sector organizations, and farmers to
57.22 establish soil health practices and related practices with climate and water-quality benefits.

57.23 (b) The board must establish practices and costs that are eligible for financial and technical
57.24 support under this section.

57.25 Subd. 4. **Program implementation.** (a) The board may employ staff or enter into external
57.26 agreements to implement this section.

57.27 (b) The board must assist local units of government in achieving the objectives of the
57.28 program, including assessing practice standards and program effectiveness.

57.29 Subd. 5. **Federal aid availability.** The board must regularly review availability of federal
57.30 funds and programs to supplement or complement state and other efforts consistent with
57.31 the purposes of this section.

58.1 Subd. 6. **Soil health practices.** The board, in consultation with the commissioner of
 58.2 agriculture, may cooperate with the United States Department of Agriculture, other federal
 58.3 and state agencies, local governments, and private sector organizations to establish soil
 58.4 health goals for the state that will achieve water quality, soil productivity, climate change
 58.5 resiliency, and carbon sequestration benefits.

58.6 Subd. 7. **Carbon market applicability.** The board, in consultation with the commissioner
 58.7 of agriculture, may cooperate with the United States Department of Agriculture, other federal
 58.8 and state agencies, local governments, and private sector organizations to align or incorporate
 58.9 soil health practices with carbon trading, mitigation, or offset markets and related tracking
 58.10 or recognition efforts.

58.11 Sec. 43. Minnesota Statutes 2022, section 103F.505, is amended to read:

58.12 **103F.505 PURPOSE AND POLICY.**

58.13 (a) It is the purpose of sections 103F.505 to 103F.531 to restore certain marginal
 58.14 agricultural land and protect environmentally sensitive areas to:

58.15 (1) enhance soil and water quality;

58.16 (2) minimize damage to flood-prone areas;

58.17 (3) sequester carbon, ~~and~~;

58.18 (4) support native plant, fish, and wildlife habitats; ~~and~~

58.19 (5) establish perennial vegetation.

58.20 (b) It is state policy to encourage ~~the~~:

58.21 (1) restoration of wetlands and riparian lands ~~and promote the retirement~~;

58.22 (2) restoration and protection of marginal, highly erodible land, particularly land adjacent
 58.23 to public waters, drainage systems, wetlands, and locally designated priority waters; ~~and~~

58.24 (3) protection of environmentally sensitive areas, including wellhead protection areas,
 58.25 grasslands, peatlands, shorelands, and forest lands in priority areas.

58.26 Sec. 44. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
 58.27 to read:

58.28 Subd. 5a. **Grasslands.** "Grasslands" means landscapes that are or were formerly
 58.29 dominated by grasses, that have a low percentage of trees and shrubs, and that provide

59.1 economic and ecosystem services such as grazing, wildlife habitat, carbon sequestration,
 59.2 and water filtration and retention.

59.3 **Sec. 45. [103F.519] REINVEST IN MINNESOTA WORKING LANDS PROGRAM.**

59.4 Subdivision 1. **Establishment.** The board may establish and administer a reinvest in
 59.5 Minnesota working lands program that is in addition to the program established under
 59.6 section 103F.515. Selecting land for the program must be based on the land's potential for:

59.7 (1) protecting or improving water quality;

59.8 (2) reducing erosion;

59.9 (3) improving soil health;

59.10 (4) reducing chemical inputs;

59.11 (5) improving carbon storage; and

59.12 (6) increasing biodiversity and habitat for fish, wildlife, and native plants.

59.13 Subd. 2. **Applicability.** Section 103F.515 applies to this section except as otherwise
 59.14 provided in subdivisions 1, 3, and 4.

59.15 Subd. 3. **Nature of property rights acquired.** Notwithstanding section 103F.515,
 59.16 subdivision 4, paragraph (a), the board may authorize haying and livestock grazing, perennial
 59.17 or winter annual cover crop production, forest management, or other activities that the board
 59.18 determines are consistent with section 103F.505 or appropriation conditions or criteria.

59.19 Subd. 4. **Payments for easements.** The board must establish payment rates for acquiring
 59.20 easements and for related practices. The board must consider market factors as well as
 59.21 easement terms, including length and allowable uses, when establishing rates.

59.22 **Sec. 46. Minnesota Statutes 2022, section 103G.2242, subdivision 1, is amended to read:**

59.23 **Subdivision 1. **Rules.**** (a) The board, in consultation with the commissioner, shall adopt
 59.24 rules governing the approval of wetland value replacement plans under this section and
 59.25 public-waters-work permits affecting public waters wetlands under section 103G.245. These
 59.26 rules must address the criteria, procedure, timing, and location of acceptable replacement
 59.27 of wetland values and may address the state establishment and administration of a wetland
 59.28 banking program for public and private projects, including provisions for an in-lieu fee
 59.29 program; mitigating and banking other water and water-related resources; the administrative,
 59.30 monitoring, and enforcement procedures to be used; and a procedure for the review and
 59.31 appeal of decisions under this section. In the case of peatlands, the replacement plan rules

60.1 must consider the impact on carbon. Any in-lieu fee program established by the board must
60.2 conform with Code of Federal Regulations, title 33, section 332.8, as amended.

60.3 (b) After the adoption of the rules, a replacement plan must be approved by a resolution
60.4 of the governing body of the local government unit, consistent with the provisions of the
60.5 rules or a comprehensive wetland protection and management plan approved under section
60.6 103G.2243.

60.7 (c) If the local government unit fails to apply the rules, or fails to implement a local
60.8 comprehensive wetland protection and management plan established under section
60.9 103G.2243, the government unit is subject to penalty as determined by the board.

60.10 (d) When making a determination under rules adopted pursuant to this subdivision on
60.11 whether a rare natural community will be permanently adversely affected, consideration of
60.12 measures to mitigate any adverse effect on the community must be considered.

60.13 Sec. 47. Minnesota Statutes 2022, section 103G.271, subdivision 6, is amended to read:

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

60.20 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

60.21 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less
60.22 than 100,000,000 gallons per year;

60.23 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than
60.24 150,000,000 gallons per year;

60.25 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less
60.26 than 200,000,000 gallons per year;

60.27 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than
60.28 250,000,000 gallons per year;

60.29 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less
60.30 than 300,000,000 gallons per year;

60.31 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than
60.32 350,000,000 gallons per year;

61.1 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less
61.2 than 400,000,000 gallons per year;

61.3 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than
61.4 450,000,000 gallons per year;

61.5 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less
61.6 than 500,000,000 gallons per year; and

61.7 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

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

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

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

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

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

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

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

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

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

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

61.21 (3) the fee for agricultural irrigation may not exceed \$750 per year;

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

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

62.1 (6) no fee is required for a project involving the appropriation of surface water to prevent
 62.2 flood damage or to remove flood waters during a period of flooding, as determined by the
 62.3 commissioner.

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

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

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

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

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

62.19 (h) A surcharge of ~~\$30~~ \$50 per million gallons in addition to the fee prescribed in
 62.20 paragraph (a) shall be applied to the volume of water used in each of the months of May,
 62.21 June, July, and August, and September that exceeds the volume of water used in January
 62.22 for municipal water use, irrigation of golf courses, and landscape irrigation. The surcharge
 62.23 for municipalities with more than one permit shall be determined based on the total
 62.24 appropriations from all permits that supply a common distribution system.

62.25 Sec. 48. Minnesota Statutes 2022, section 103G.301, subdivision 2, is amended to read:

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

62.32 (b) Proposed projects that require water in excess of 100 million gallons per year must
 62.33 be assessed fees to recover the costs incurred to evaluate the project and the costs incurred

63.1 for environmental review. Fees collected under this paragraph must be credited to an account
63.2 in the natural resources fund and are appropriated to the commissioner.

63.3 (c) The fee to apply for a permit to appropriate water, in addition to any fee under
63.4 paragraph (b), is \$150. The application fee for a permit to construct or repair a dam that is
63.5 subject to a dam safety inspection, to work in public waters, or to divert waters for mining
63.6 must be at least ~~\$300~~ \$1,200, but not more than ~~\$3,000~~ \$12,000. The fee for a notification
63.7 to request authorization to conduct a project under a general permit is ~~\$100~~ \$400.

63.8 Sec. 49. Minnesota Statutes 2022, section 115.03, subdivision 1, is amended to read:

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

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

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

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

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

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

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

63.31 ~~(2)~~ (ii) prohibiting or directing the abatement of any discharge of sewage, industrial
63.32 waste, or other wastes, into any waters of the state or the deposit thereof or the discharge

64.1 into any municipal disposal system where the same is likely to get into any waters of the
64.2 state in violation of this chapter and, with respect to the pollution of waters of the state,
64.3 chapter 116, or standards or rules promulgated or permits issued pursuant thereto, and
64.4 specifying the schedule of compliance within which such prohibition or abatement must be
64.5 accomplished;

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

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

64.14 ~~(5)~~ (v) establishing, and from time to time revising, standards of performance for new
64.15 sources taking into consideration, among other things, classes, types, sizes, and categories
64.16 of sources, processes, pollution control technology, cost of achieving such effluent reduction,
64.17 and any nonwater quality environmental impact and energy requirements. Said standards
64.18 of performance for new sources shall encompass those standards for the control of the
64.19 discharge of pollutants which reflect the greatest degree of effluent reduction which the
64.20 agency determines to be achievable through application of the best available demonstrated
64.21 control technology, processes, operating methods, or other alternatives, including, where
64.22 practicable, a standard permitting no discharge of pollutants. New sources shall encompass
64.23 buildings, structures, facilities, or installations from which there is or may be the discharge
64.24 of pollutants, the construction of which is commenced after the publication by the agency
64.25 of proposed rules prescribing a standard of performance which will be applicable to such
64.26 source. Notwithstanding any other provision of the law of this state, any point source the
64.27 construction of which is commenced after May 20, 1973, and which is so constructed as to
64.28 meet all applicable standards of performance for new sources shall, consistent with and
64.29 subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water
64.30 Pollution Control Act, not be subject to any more stringent standard of performance for new
64.31 sources during a ten-year period beginning on the date of completion of such construction
64.32 or during the period of depreciation or amortization of such facility for the purposes of
64.33 section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period
64.34 ends first. Construction shall encompass any placement, assembly, or installation of facilities
64.35 or equipment, including contractual obligations to purchase such facilities or equipment, at

65.1 the premises where such equipment will be used, including preparation work at such
65.2 premises;

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

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

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

65.32 ~~(9)~~ (ix) modifying, in its discretion, any requirement or limitation based upon best
65.33 available technology with respect to any point source for which a permit application is filed
65.34 after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory
65.35 to the agency that such modified requirements will represent the maximum use of technology

66.1 within the economic capability of the owner or operator and will result in reasonable further
66.2 progress toward the elimination of the discharge of pollutants; and

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

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

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

66.13 ~~(h)~~ (8) to conduct such investigations, issue such notices, public and otherwise, and hold
66.14 such hearings as are necessary or which it may deem advisable for the discharge of its duties
66.15 under this chapter and, with respect to the pollution of waters of the state, under chapter
66.16 116, including, but not limited to, the issuance of permits, and to authorize any member,
66.17 employee, or agent appointed by it to conduct such investigations or, issue such notices and
66.18 hold such hearings;

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

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

66.29 (11) to provide chloride reduction training and charge training fees as necessary to cover
66.30 the agency's costs. All training fees received must be paid into the state treasury and credited
66.31 to the Pollution Control Agency training account;

66.32 ~~(k)~~ (12) to impose as additional conditions in permits to publicly owned disposal systems
66.33 appropriate measures to insure compliance by industrial and other users with any pretreatment

67.1 standard, including, but not limited to, those related to toxic pollutants, and any system of
67.2 user charges ratably as is hereby required under state law or said Federal Water Pollution
67.3 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

67.4 ~~(13)~~ (13) to set a period not to exceed five years for the duration of any national pollutant
67.5 discharge elimination system permit or not to exceed ten years for any permit issued as a
67.6 state disposal system permit only;

67.7 ~~(14)~~ (14) to require each governmental subdivision identified as a permittee for a
67.8 wastewater treatment works to evaluate in every odd-numbered year the condition of its
67.9 existing system and identify future capital improvements that will be needed to attain or
67.10 maintain compliance with a national pollutant discharge elimination system or state disposal
67.11 system permit; and

67.12 ~~(15)~~ (15) to train subsurface sewage treatment system personnel, including persons who
67.13 design, construct, install, inspect, service, and operate subsurface sewage treatment systems,
67.14 and charge fees as necessary to pay the agency's costs. All fees received must be paid into
67.15 the state treasury and credited to the agency's training account. Money in the account is
67.16 appropriated to the agency to pay expenses related to training.

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

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

67.23 Sec. 50. Minnesota Statutes 2022, section 115.061, is amended to read:

67.24 **115.061 DUTY TO NOTIFY; AVOIDING WATER POLLUTION.**

67.25 (a) Except as provided in paragraph (b), it is the duty of every person to notify the agency
67.26 immediately of the discharge, accidental or otherwise, of any substance or material under
67.27 its control which, if not recovered, may cause pollution of waters of the state, and the
67.28 responsible person shall recover as rapidly and as thoroughly as possible such substance or
67.29 material and take immediately such other action as may be reasonably possible to minimize
67.30 or abate pollution of waters of the state caused thereby.

67.31 (b) Notification is not required under paragraph (a) for a discharge of five gallons or
67.32 less of petroleum, as defined in section 115C.02, subdivision 10. This paragraph does not
67.33 affect the other requirements of paragraph (a).

68.1 (c) Promptly after notifying the agency of a discharge under paragraph (a), a publicly
68.2 owned treatment works or a publicly or privately owned domestic sewer system owner must
68.3 provide notice to the potentially impacted public and to any downstream drinking water
68.4 facility that may be impacted by the discharge. Notice to the public and to any drinking
68.5 water facility must be made using the most efficient communications system available to
68.6 the facility owner such as in person, telephone call, radio, social media, web page, or another
68.7 expedited form. In addition, signage must be posted at all impacted public use areas within
68.8 the same jurisdiction or notification must be provided to the entity that has jurisdiction over
68.9 any impacted public use areas. A notice under this paragraph must include the date and time
68.10 of the discharge, a description of the material released, a warning of the potential public
68.11 health risk, and the permittee's contact information.

68.12 (d) The agency must provide guidance that includes but is not limited to methods and
68.13 protocols for providing timely notice under this section.

68.14 Sec. 51. Minnesota Statutes 2022, section 115A.03, is amended by adding a subdivision
68.15 to read:

68.16 Subd. 22c. **Overburdened area.** "Overburdened area" means one or more census tracts
68.17 in the state:

68.18 (1) in which, based on the most recent data published by the United States Census Bureau:

68.19 (i) 40 percent or more of the population is nonwhite;

68.20 (ii) 35 percent or more of the households have an income at or below 200 percent of the
68.21 federal poverty level; or

68.22 (iii) 40 percent or more of the population over the age of five have limited English
68.23 proficiency; or

68.24 (2) that is in Indian Country, as defined in United States Code, title 18, section 1151.

68.25 Sec. 52. Minnesota Statutes 2022, section 115A.1415, is amended to read:

68.26 **115A.1415 ARCHITECTURAL PAINT; PRODUCT STEWARDSHIP PROGRAM;**
68.27 **STEWARDSHIP PLAN.**

68.28 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
68.29 meanings given:

69.1 (1) "architectural paint" means interior and exterior architectural coatings sold in
69.2 containers of five gallons or less. Architectural paint does not include industrial coatings,
69.3 original equipment coatings, or specialty coatings;

69.4 (2) "brand" means a name, symbol, word, or mark that identifies architectural paint,
69.5 rather than its components, and attributes the paint to the owner or licensee of the brand as
69.6 the producer;

69.7 (3) "discarded paint" means architectural paint that is no longer used for its manufactured
69.8 purpose;

69.9 (4) "producer" means a person that:

69.10 (i) has legal ownership of the brand, brand name, or cobrand of architectural paint sold
69.11 in the state;

69.12 (ii) imports architectural paint branded by a producer that meets item (i) when the
69.13 producer has no physical presence in the United States;

69.14 (iii) if items (i) and (ii) do not apply, makes unbranded architectural paint that is sold in
69.15 the state; or

69.16 (iv) sells architectural paint at wholesale or retail, does not have legal ownership of the
69.17 brand, and elects to fulfill the responsibilities of the producer for the architectural paint by
69.18 certifying that election in writing to the commissioner;

69.19 (5) "recycling" means the process of collecting and preparing recyclable materials and
69.20 reusing the materials in their original form or using them in manufacturing processes that
69.21 do not cause the destruction of recyclable materials in a manner that precludes further use;

69.22 (6) "retailer" means any person who offers architectural paint for sale at retail in the
69.23 state;

69.24 (7) "reuse" means donating or selling collected architectural paint back into the market
69.25 for its original intended use, when the architectural paint retains its original purpose and
69.26 performance characteristics;

69.27 (8) "sale" or "sell" means transfer of title of architectural paint for consideration, including
69.28 a remote sale conducted through a sales outlet, catalog, website, or similar electronic means.
69.29 Sale or sell includes a lease through which architectural paint is provided to a consumer by
69.30 a producer, wholesaler, or retailer;

69.31 (9) "stewardship assessment" means the amount added to the purchase price of
69.32 architectural paint sold in the state ~~that is necessary to cover the cost of collecting;~~

70.1 ~~transporting, and processing postconsumer architectural paint by the producer or stewardship~~
 70.2 ~~organization pursuant to a product stewardship program~~ to implement a product stewardship
 70.3 program according to an approved stewardship plan;

70.4 (10) "stewardship organization" means an organization appointed by one or more
 70.5 producers to act as an agent on behalf of the producer to design, submit, and administer a
 70.6 product stewardship program under this section; and

70.7 (11) "stewardship plan" means a detailed plan describing the manner in which a product
 70.8 stewardship program under subdivision 2 will be implemented.

70.9 Subd. 2. **Product stewardship program.** For architectural paint sold in the state,
 70.10 producers must, individually or through a stewardship organization, implement and finance
 70.11 a statewide product stewardship program that manages the architectural paint by reducing
 70.12 the paint's waste generation, promoting its reuse and recycling, and providing for negotiation
 70.13 and execution of agreements to collect, transport, and process the architectural paint for
 70.14 end-of-life recycling and reuse.

70.15 Subd. 3. **Participation required to sell.** (a) ~~On and after July 1, 2014, or three months~~
 70.16 ~~after program plan approval, whichever is sooner,~~ No producer, wholesaler, or retailer may
 70.17 sell or offer for sale in the state architectural paint unless the paint's producer participates
 70.18 in an approved stewardship plan, either individually or through a stewardship organization.

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

70.22 Subd. 4. **Stewardship plan required.** (a) ~~On or before March 1, 2014, and~~ Before
 70.23 offering architectural paint for sale in the state, a producer must submit a stewardship plan
 70.24 to the ~~agency~~ commissioner and receive approval of the plan or must submit documentation
 70.25 to the ~~agency~~ commissioner that demonstrates the producer has entered into an agreement
 70.26 with a stewardship organization to be an active participant in an approved product
 70.27 stewardship program as described in subdivision 2. A stewardship plan must include all
 70.28 elements required under subdivision 5.

70.29 (b) ~~An~~ A proposed amendment to the plan, if determined necessary by the commissioner,
 70.30 must be submitted to the commissioner for review and approval or rejection every five
 70.31 years.

70.32 (c) ~~It is the responsibility of~~ The entities responsible for each stewardship plan ~~to~~ must
 70.33 notify the ~~agency~~ commissioner within 30 days of any significant proposed changes ~~or~~

71.1 ~~modifications~~ to the plan or its implementation. Within 30 days of the notification, a written
 71.2 proposed plan revision amendment must be submitted to the agency commissioner for
 71.3 review and approval or rejection.

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

71.5 (1) certification that the product stewardship program will accept all discarded paint
 71.6 regardless of which producer produced the architectural paint and its individual components;

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

71.10 (3) a description of the methods by which the discarded paint will be collected in all
 71.11 areas in the state without relying on end-of-life fees, including an explanation of how the
 71.12 collection system will be convenient and adequate to serve the needs of small businesses
 71.13 and residents in both urban and rural areas on an ongoing basis and a discussion of how the
 71.14 existing household hazardous waste infrastructure will be considered when selecting
 71.15 collection sites;

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

71.18 (5) the names and locations of collectors, transporters, and recyclers that will manage
 71.19 discarded paint;

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

71.23 (7) a description of the method that will be used to reuse, deconstruct, or recycle the
 71.24 discarded paint to ensure that the paint's components, to the extent feasible, are transformed
 71.25 or remanufactured into finished products for use;

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

71.29 (9) the proposed stewardship assessment. ~~The producer or stewardship organization~~
 71.30 ~~shall propose a uniform stewardship assessment for any architectural paint sold in the state.~~
 71.31 ~~The proposed stewardship assessment shall be reviewed by an independent auditor to ensure~~
 71.32 ~~that the assessment does not exceed the costs of the product stewardship program and the~~

72.1 ~~independent auditor shall recommend an amount for the stewardship assessment. The agency~~
 72.2 ~~must approve the stewardship assessment~~ established according to subdivision 5a;

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

72.5 (11) five-year performance goals, including an estimate of the percentage of discarded
 72.6 paint that will be collected, reused, and recycled during each of the first five years of the
 72.7 stewardship plan. The performance goals must include a specific goal for the amount of
 72.8 discarded paint that will be collected and recycled and reused during each year of the plan.
 72.9 The performance goals must be based on:

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

72.11 (ii) the estimated amount of architectural paint disposed of annually;

72.12 (iii) the weight of the architectural paint that is expected to be available for collection
 72.13 annually; and

72.14 (iv) actual collection data from other existing stewardship programs.

72.15 The stewardship plan must state the methodology used to determine these goals; and

72.16 (12) a discussion of the status of end markets for collected architectural paint and what,
 72.17 if any, additional end markets are needed to improve the functioning of the program.

72.18 Subd. 5a. Stewardship assessment. The producer or stewardship organization must
 72.19 propose a uniform stewardship assessment for any architectural paint sold in the state that
 72.20 covers but does not exceed the costs of developing the stewardship plan, operating and
 72.21 administering the program in accordance with the stewardship plan and the requirements
 72.22 of this section, and maintaining a financial reserve. A stewardship organization or producer
 72.23 must not maintain a financial reserve in excess of 75 percent of the organization's annual
 72.24 operating expenses. The producer or stewardship organization must retain an independent
 72.25 auditor to review the proposed stewardship assessment to ensure that the assessment meets
 72.26 the requirements of this section. The independent auditor must recommend an amount for
 72.27 the stewardship assessment. If the financial reserve exceeds 75 percent of the producer or
 72.28 stewardship organization's annual operating expenses, the producer or stewardship
 72.29 organization must submit a proposed plan amendment according to subdivision 4, paragraph
 72.30 (c), to comply with this subdivision. The commissioner must review and approve or reject
 72.31 the stewardship assessment according to subdivision 7.

72.32 Subd. 6. **Consultation required.** Each stewardship organization or individual producer
 72.33 submitting a stewardship plan or plan amendment must consult with stakeholders including

73.1 retailers, contractors, collectors, recyclers, local government, and customers during the
73.2 development of the plan or plan amendment.

73.3 Subd. 7. **Agency Commissioner review and approval.** (a) Within 90 days after receipt
73.4 of receiving a proposed stewardship plan, the ~~agency shall~~ commissioner must determine
73.5 whether the plan complies with ~~subdivision 4~~ this section. If the ~~agency commissioner~~
73.6 approves a plan, the ~~agency shall~~ commissioner must notify the applicant of the plan approval
73.7 in writing. If the ~~agency commissioner~~ rejects a plan, the ~~agency shall~~ commissioner must
73.8 notify the applicant in writing of the reasons for rejecting the plan.

73.9 (b) An applicant whose plan is rejected by the ~~agency commissioner~~ must submit a
73.10 revised stewardship plan to the ~~agency commissioner~~ within 60 days after receiving notice
73.11 of rejection. A stewardship organization may submit a revised stewardship plan to the
73.12 commissioner on not more than two consecutive occasions. If, after the second consecutive
73.13 submission, the commissioner determines that the revised stewardship plan still does not
73.14 meet the requirements of this section, the commissioner must modify the stewardship plan
73.15 as necessary to meet the requirements of this section and approve the stewardship plan.

73.16 ~~(b)~~ (c) Any proposed ~~changes~~ amendment to a stewardship plan must be reviewed and
73.17 approved or rejected by the ~~agency commissioner~~ in writing according to this subdivision.

73.18 Subd. 8. **Plan availability.** All ~~draft~~ proposed stewardship plans and amendments and
73.19 approved stewardship plans ~~shall~~ and amendments must be placed on the agency's website
73.20 for at least 30 days and made available at the agency's headquarters for public review and
73.21 comment.

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

73.28 Subd. 10. **Producer responsibilities.** (a) On and after the date of implementation of a
73.29 product stewardship program according to this section, a producer of architectural paint
73.30 must add the stewardship assessment, as established under subdivision 5, ~~clause (9)~~ 5a, to
73.31 the cost of architectural paint sold to retailers and distributors in the state by the producer.

73.32 (b) Producers of architectural paint or the stewardship organization ~~shall~~ must provide
73.33 consumers with educational materials regarding the stewardship assessment and product
73.34 stewardship program. The materials must include, but are not limited to, information

74.1 regarding available end-of-life management options for architectural paint offered through
74.2 the product stewardship program and information that notifies consumers that a charge for
74.3 the operation of the product stewardship program is included in the purchase price of
74.4 architectural paint sold in the state.

74.5 Subd. 11. **Retailer responsibilities.** (a) ~~On and after July 1, 2014, or three months after~~
74.6 ~~program plan approval, whichever is sooner,~~ No architectural paint may be sold in the state
74.7 unless the paint's producer is participating in an approved stewardship plan.

74.8 (b) On and after the implementation date of a product stewardship program according
74.9 to this section, each retailer or distributor, as applicable, must ensure that the full amount
74.10 of the stewardship assessment added to the cost of architectural paint by producers under
74.11 subdivision 10 is included in the purchase price of all architectural paint sold in the state.

74.12 (c) Any retailer may participate, on a voluntary basis, as a designated collection point
74.13 pursuant to a product stewardship program under this section and in accordance with
74.14 applicable law.

74.15 (d) No retailer or distributor shall be found to be in violation of this subdivision if, on
74.16 the date the architectural paint was ordered from the producer or its agent, the producer was
74.17 listed as compliant on the agency's website according to subdivision 14.

74.18 Subd. 12. **Stewardship reports.** ~~Beginning October 1, 2015,~~ By April 1 each year,
74.19 producers of architectural paint sold in the state must individually or through a stewardship
74.20 organization submit an annual report to the agency commissioner describing the product
74.21 stewardship program for the preceding calendar year. At a minimum, the report must contain:

74.22 (1) a description of the methods used to collect, transport, and process architectural paint
74.23 in all regions of the state;

74.24 (2) the weight of all architectural paint collected in all regions of the state and a
74.25 comparison to the performance goals and recycling rates established in the stewardship
74.26 plan;

74.27 (3) the amount of unwanted architectural paint collected in the state by method of
74.28 disposition, including reuse, recycling, and other methods of processing;

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

74.31 (5) an independent financial audit.

75.1 Subd. 13. **Data classification.** Trade secret and sales information, as defined under
75.2 section 13.37, submitted to the agency commissioner under this section are private or
75.3 nonpublic data under section 13.37.

75.4 Subd. 14. **Agency Commissioner responsibilities.** The ~~agency shall~~ commissioner must
75.5 provide, on ~~its~~ the agency's website, a list of all compliant producers and brands participating
75.6 in stewardship plans that the agency commissioner has approved and a list of all producers
75.7 and brands the agency commissioner has identified as noncompliant with this section.

75.8 Subd. 15. **Local government responsibilities.** (a) A city, county, or other public agency
75.9 may choose to participate voluntarily in a product stewardship program.

75.10 (b) Cities, counties, and other public agencies are encouraged to work with producers
75.11 and stewardship organizations to assist in meeting product stewardship program reuse and
75.12 recycling obligations, by providing education and outreach or using other strategies.

75.13 (c) A city, county, or other public agency that participates in a product stewardship
75.14 program must report for the first year of the program to the agency commissioner using the
75.15 reporting form provided by the agency commissioner on the cost savings as a result of
75.16 participation and must describe how the savings were used.

75.17 Subd. 16. **Administrative fee.** (a) The stewardship organization or individual producer
75.18 submitting a stewardship plan ~~shall~~ must pay an annual administrative fee to the
75.19 commissioner. The agency commissioner may establish a variable fee based on relevant
75.20 factors, including, but not limited to, the portion of architectural paint sold in the state by
75.21 members of the organization compared to the total amount of architectural paint sold in the
75.22 state by all organizations submitting a stewardship plan.

75.23 (b) ~~Prior to July 1, 2014, and Before July 1 annually thereafter~~ each year, the agency
75.24 ~~shall~~ commissioner must identify the costs ~~it~~ the agency incurs under this section. The
75.25 ~~agency shall~~ commissioner must set the fee at an amount that, when paid by every
75.26 stewardship organization or individual producer that submits a stewardship plan, is adequate
75.27 to reimburse the agency's full costs of administering this section. The total amount of annual
75.28 fees collected under this subdivision must not exceed the amount necessary to reimburse
75.29 costs incurred by the agency to administer this section.

75.30 (c) A stewardship organization or individual producer subject to this subdivision must
75.31 pay the agency's commissioner's administrative fee under paragraph (a) on or before July
75.32 1, 2014, ~~and annually thereafter~~ each year. Each year after the initial payment, the annual
75.33 administrative fee may not exceed five percent of the aggregate stewardship assessment

76.1 added to the cost of all architectural paint sold by producers in the state for the preceding
76.2 calendar year.

76.3 (d) All fees received under this section ~~shall~~ must be deposited in the state treasury and
76.4 credited to a product stewardship account in the special revenue fund. ~~For fiscal years 2014,~~
76.5 ~~2015, 2016, and 2017,~~ The amount collected under this section is annually appropriated to
76.6 the ~~agency~~ commissioner to implement and enforce this section.

76.7 Subd. 17. Duty to provide information. Upon request of the commissioner for purposes
76.8 of determining compliance with this section, a person must furnish to the commissioner
76.9 any information that the person has or may reasonably obtain.

76.10 Sec. 53. Minnesota Statutes 2022, section 115A.49, is amended to read:

76.11 **115A.49 SOLID WASTE MANAGEMENT PROJECTS CAPITAL ASSISTANCE**
76.12 **PROGRAM.**

76.13 (a) There is established a program to encourage and assist cities, counties, solid waste
76.14 management districts, and sanitary districts in the development and implementation of solid
76.15 waste management projects and to transfer the knowledge and experience gained from such
76.16 projects to other communities in the state.

76.17 (b) The program must be administered to encourage local communities to develop
76.18 feasible and prudent alternatives to disposal, including:

76.19 (1) waste reduction;

76.20 (2) reuse;

76.21 (3) recycling;

76.22 (4) composting source-separated compostable materials or yard waste;

76.23 (5) resource recovery;

76.24 (6) waste separation by generators, collectors, and other persons; and

76.25 (7) waste processing.

76.26 (c) The commissioner shall administer the program in accordance with the requirements
76.27 of according to sections 115A.49 to 115A.54 and rules ~~promulgated~~ adopted under chapter
76.28 14. In administering the program, the commissioner shall give priority to projects in the
76.29 order of preference of the waste management practices listed in section 115A.02. The
76.30 commissioner shall give special consideration to areas where natural geologic and soil
76.31 conditions are especially unsuitable for land disposal of solid waste; areas where the capacity

77.1 of existing solid waste disposal facilities is determined by the commissioner to be less than
77.2 five years; and projects serving more than one local government unit.

77.3 Sec. 54. Minnesota Statutes 2022, section 115A.51, is amended to read:

77.4 **115A.51 APPLICATION REQUIREMENTS.**

77.5 (a) Applications for assistance under the program must demonstrate:

77.6 (1) that the project is conceptually and technically feasible;

77.7 (2) that affected political subdivisions are committed to implement the project, to provide
77.8 necessary local financing, and to accept and exercise the government powers necessary to
77.9 the project;

77.10 (3) that operating revenues from the project, considering the availability and security of
77.11 sources of solid waste and of markets for recovered resources or the availability of materials
77.12 for waste reduction or reuse, together with any proposed federal, state, or local financial
77.13 assistance, will be sufficient to pay all costs over the projected life of the project;

77.14 (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,
77.15 including using existing solid waste management facilities and facilities conducting waste
77.16 reduction or reuse with reasonably available capacity sufficient to accomplish the goals of
77.17 the proposed project, and has compared and evaluated the costs of the alternatives, including
77.18 capital and operating costs, and the effects of the alternatives on the cost to generators;

77.19 (5) that the applicant has identified:

77.20 (i) waste management objectives in applicable county and regional solid waste
77.21 management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f),
77.22 or 473.149, subdivision 1; and

77.23 (ii) other solid waste management facilities and facilities conducting waste reduction or
77.24 reuse identified in the county and regional plans; ~~and~~

77.25 (6) that the applicant has conducted a comparative analysis of the project against existing
77.26 public and private solid waste management facilities and facilities conducting waste reduction
77.27 or reuse, including an analysis of potential displacement of those facilities, to determine
77.28 whether the project is the most appropriate alternative to achieve the identified waste
77.29 management objectives that considers:

77.30 (i) conformity with approved county or regional solid waste management plans;

78.1 (ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision
78.2 2, paragraphs (e) and (f), or 473.149, subdivision 1; and

78.3 (iii) environmental standards related to public health, air, surface water, and groundwater;

78.4 (7) that the applicant has evaluated the project's environmental impact on climate change,
78.5 including greenhouse gas emissions; and

78.6 (8) that the applicant has reviewed the project's impact on overburdened areas, conducted
78.7 stakeholder engagement, and assessed community input.

78.8 (b) The commissioner ~~may~~ must require completion of a comprehensive solid waste
78.9 management plan conforming to the requirements of section 115A.46, before accepting an
78.10 application. Within five days of filing an application with the agency, the applicant must
78.11 submit a copy of the application to each solid waste management facility, including each
78.12 facility used for waste reduction or reuse, mentioned in the portion of the application
78.13 addressing the requirements of paragraph (a), clauses (5) and (6).

78.14 Sec. 55. Minnesota Statutes 2022, section 115A.54, subdivision 1, is amended to read:

78.15 Subdivision 1. **Purposes; public interest; declaration of policy.** The legislature finds
78.16 ~~that the establishment of waste processing~~ acquiring, establishing, and improving facilities
78.17 that conduct waste reduction, reuse, recycling, composting source-separated compostable
78.18 materials or yard waste, resource recovery, and waste processing and transfer stations serving
78.19 such facilities is needed to reduce and manage properly the solid waste generated in the
78.20 state and to conserve and protect the natural resources in the state and the health, safety,
78.21 and welfare of its citizens; that opportunities to acquire, establish, and improve the facilities
78.22 and transfer stations are not being fully realized by individual political subdivisions or by
78.23 agreements among subdivisions; and that therefore it is necessary to provide capital assistance
78.24 to stimulate and encourage the acquisition, establishment, and betterment improvement of
78.25 the facilities and transfer stations.

78.26 Sec. 56. Minnesota Statutes 2022, section 115A.54, subdivision 2, is amended to read:

78.27 Subd. 2. **Administration; assurance of funds.** The commissioner shall provide technical
78.28 and financial assistance ~~for the acquisition and betterment of~~ to acquire, establish, and
78.29 improve the facilities and transfer stations from revenues derived from ~~the issuance of~~
78.30 issuing bonds authorized by section 115A.58. Facilities for ~~the incineration of~~ incinerating
78.31 solid waste without resource recovery are not eligible for assistance. Money appropriated
78.32 for the purposes of the ~~demonstration~~ program may be distributed as grants or loans. An

79.1 individual project may receive assistance totaling up to 100 percent of the capital cost of
 79.2 the project and grants up to ~~50~~ 75 percent of the capital cost of the project. No grant or loan
 79.3 shall be disbursed to any recipient until the commissioner has determined the total estimated
 79.4 capital cost of the project and ascertained that financing of the cost is assured by funds
 79.5 provided by the state, by an agency of the federal government within the amount of funds
 79.6 then appropriated to that agency and allocated by it to projects within the state, by any
 79.7 person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund
 79.8 for ~~the construction of~~ constructing the project.

79.9 Sec. 57. Minnesota Statutes 2022, section 115A.54, subdivision 2a, is amended to read:

79.10 Subd. 2a. **Solid waste management projects.** (a) The commissioner shall provide
 79.11 technical and financial assistance ~~for the acquisition and betterment of~~ to acquire, establish,
 79.12 and improve solid waste management projects as provided in this subdivision and section
 79.13 115A.52. Money appropriated for the purposes of this subdivision must be distributed as
 79.14 grants.

79.15 (b) Except as provided in paragraph (c), a project may receive grant assistance up to 25
 79.16 percent of the capital cost of the project or ~~\$2,000,000~~ \$5,000,000, whichever is less, except
 79.17 that projects constructed as a result of intercounty cooperative agreements may receive the
 79.18 lesser of:

79.19 (1) grant assistance up to 25 percent of the capital cost of the project; or

79.20 (2) ~~\$2,000,000~~ \$5,000,000 times the number of participating counties, ~~whichever is less.~~

79.21 (c) A recycling project ~~or~~, a project to compost ~~or co-compost~~ source-separated
 79.22 compostable material or yard waste, or a project to manage household hazardous waste may
 79.23 receive grant assistance up to 50 percent of the capital cost of the project or ~~\$2,000,000~~
 79.24 \$5,000,000, whichever is less, except that projects completed as a result of intercounty
 79.25 cooperative agreements may receive the lesser of:

79.26 (1) grant assistance up to 50 percent of the capital cost of the project; or

79.27 (2) ~~\$2,000,000~~ \$5,000,000 times the number of participating counties, ~~whichever is less.~~

79.28 (d) The following projects may also receive grant assistance in the amounts specified
 79.29 in this paragraph (c):

79.30 (1) a project to improve control of or reduce air emissions at an existing resource recovery
 79.31 facility; and

80.1 (2) a project to substantially increase the recovery of materials or energy, substantially
80.2 reduce the amount or toxicity of waste processing residuals, or expand the capacity of an
80.3 existing resource recovery facility to meet the resource recovery needs of an expanded
80.4 region if each county from which waste is or would be received has achieved a recycling
80.5 rate in excess of the goals in section 115A.551, and is implementing aggressive waste
80.6 reduction and household hazardous waste management programs.

80.7 (e) A waste reduction project or reuse project may receive grant assistance up to 75
80.8 percent of the capital cost of the project or \$5,000,000, whichever is less, except that projects
80.9 completed as a result of intercounty cooperative agreements may receive the lesser of:

80.10 (1) grant assistance up to 75 percent of the capital cost of the project; or

80.11 (2) \$5,000,000 times the number of participating counties.

80.12 ~~(d)~~ (f) Notwithstanding paragraph ~~(e)~~ (g), the commissioner may award grants for transfer
80.13 stations that will initially transfer waste to landfills if the transfer stations are part of a
80.14 planned resource recovery project, the county where the planned resource recovery facility
80.15 will be located has a comprehensive solid waste management plan approved by the
80.16 commissioner, and the solid waste management plan proposes the development of the
80.17 resource recovery facility. If the proposed resource recovery facility is not in place and
80.18 operating within 16 years of the date of the grant award, the recipient shall repay the grant
80.19 amount to the state.

80.20 ~~(e)~~ (g) Projects without waste reduction, reuse, recycling, composting source-separated
80.21 compostable material or yard waste, or resource recovery are not eligible for assistance.
80.22 Solid waste disposal facilities and equipment are not eligible for assistance.

80.23 ~~(f)~~ (h) In addition to any assistance received under paragraph (b) ~~or~~ (c), (d), or (e), a
80.24 project may receive grant assistance for the cost of tests necessary to determine the
80.25 appropriate pollution control equipment for the project or the environmental effects of the
80.26 use of any product or material produced by the project.

80.27 ~~(g)~~ (i) In addition to the application requirements of section 115A.51, an application for
80.28 a project serving eligible jurisdictions in only a single county must demonstrate that
80.29 cooperation with jurisdictions in other counties to develop the project is not needed or not
80.30 feasible. Each application must also demonstrate that the project is not financially prudent
80.31 without the state assistance, because of the applicant's financial capacity and the problems
80.32 inherent in the waste management situation in the area, particularly transportation distances
80.33 and limited waste supply and markets for resources recovered.

81.1 ~~(h)~~ (j) For the purposes of this subdivision, a "project" means acquisition, establishment,
 81.2 or improvement of a processing facility, that conducts waste reduction, reuse, recycling,
 81.3 composting source-separated compostable materials or yard waste, resource recovery, or
 81.4 waste processing, together with any transfer stations, transmission facilities, and other related
 81.5 and appurtenant facilities primarily serving the ~~processing~~ facility.

81.6 (k) The commissioner shall adopt rules for the program ~~by July 1, 1985.~~

81.7 ~~(i)~~ (l) Notwithstanding anything in this subdivision to the contrary, a project to construct
 81.8 a new ~~mixed municipal~~ solid waste transfer station that has an enforceable commitment of
 81.9 at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an
 81.10 existing resource recovery facility may receive grant assistance up to 75 percent of the
 81.11 capital cost of the project if addition of the transfer station will increase substantially the
 81.12 geographical area served by the resource recovery facility and the ability of the resource
 81.13 recovery facility to operate more efficiently on a regional basis and the facility meets the
 81.14 criteria in paragraph ~~(e)~~ (d), ~~the second~~ clause (2). A transfer station eligible for assistance
 81.15 under this paragraph is not eligible for assistance under any other paragraph of this
 81.16 subdivision.

81.17 Sec. 58. Minnesota Statutes 2022, section 115A.565, subdivision 1, is amended to read:

81.18 Subdivision 1. **Grant program established.** The commissioner must make competitive
 81.19 grants to political subdivisions or federally recognized Tribes ~~to establish curbside recycling~~
 81.20 ~~or composting, increase~~ for waste reduction, reuse, recycling or, and composting, reduce
 81.21 ~~the amount of recyclable materials entering disposal facilities, or reduce the costs associated~~
 81.22 ~~with hauling waste by locating collection sites as close as possible to the site where the~~
 81.23 ~~waste is generated~~ of source-separated compostable materials or yard waste. To be eligible
 81.24 for grants under this section, a political subdivision or federally recognized Tribe must be
 81.25 located outside the seven-county metropolitan area and a city must have a population of
 81.26 less than 45,000.

81.27 Sec. 59. Minnesota Statutes 2022, section 115A.565, subdivision 3, is amended to read:

81.28 Subd. 3. **Priorities; eligible projects.** (a) If applications for grants exceed the available
 81.29 appropriations, grants must be made for projects that, in the commissioner's judgment,
 81.30 provide the highest return in public benefits.

81.31 (b) To be eligible to receive a grant, a project must:

81.32 (1) be locally administered;

- 82.1 (2) have an educational component and measurable outcomes;
- 82.2 (3) request \$250,000 or less;
- 82.3 (4) demonstrate local direct and indirect matching support of at least a quarter amount
- 82.4 of the grant request; ~~and~~
- 82.5 (5) include at least one of the following elements:
- 82.6 ~~(i) transition to residential recycling through curbside or centrally located collection~~
- 82.7 ~~sites;~~
- 82.8 ~~(ii) development of local recycling systems to support curbside recycling; or~~
- 82.9 ~~(iii) development or expansion of local recycling systems to support recycling bulk~~
- 82.10 ~~materials, including, but not limited to, electronic waste.~~
- 82.11 (i) waste reduction;
- 82.12 (ii) reuse;
- 82.13 (iii) recycling; or
- 82.14 (iv) composting of source-separated compostable materials or yard waste; and
- 82.15 (6) demonstrate that the project will reduce waste generation through waste reduction
- 82.16 or reuse or that the project will increase the amount of recyclable materials or
- 82.17 source-separated compostable materials diverted from a disposal facility.

82.18 Sec. 60. Minnesota Statutes 2022, section 115B.17, subdivision 14, is amended to read:

82.19 Subd. 14. **Requests for review, investigation, and oversight.** (a) The commissioner

82.20 may, upon request, assist a person in determining whether real property has been the site

82.21 of a release or threatened release of a hazardous substance, pollutant, or contaminant. The

82.22 commissioner may also assist in, or supervise, the development and implementation of

82.23 reasonable and necessary response actions. Assistance may include review of agency records

82.24 and files, and review and approval of a requester's investigation plans and reports and

82.25 response action plans and implementation.

82.26 (b) Except as otherwise provided in this paragraph, the person requesting assistance

82.27 under this subdivision shall pay the agency for the agency's cost, as determined by the

82.28 commissioner, of providing assistance. A state agency, political subdivision, or other public

82.29 entity is not required to pay for the agency's cost to review agency records and files. ~~Money~~

82.30 ~~received by the agency for assistance under this section~~ The first \$350,000 received annually

82.31 by the agency for assistance under this subdivision from persons who are not otherwise

83.1 responsible under sections 115B.01 to 115B.18 must be deposited in the remediation fund
83.2 and is exempt from section 16A.1285. Money received after the first \$350,000 must be
83.3 deposited in the state treasury and credited to an account in the special revenue fund. Money
83.4 in the account is annually appropriated to the commissioner for the purposes of administering
83.5 this subdivision.

83.6 (c) When a person investigates a release or threatened release in accordance with an
83.7 investigation plan approved by the commissioner under this subdivision, the investigation
83.8 does not associate that person with the release or threatened release for the purpose of section
83.9 115B.03, subdivision 3, paragraph (a), clause (4).

83.10 Sec. 61. Minnesota Statutes 2022, section 115B.171, subdivision 3, is amended to read:

83.11 Subd. 3. **Test reporting.** (a) By ~~January~~ March 15 each year, the commissioner of the
83.12 Pollution Control Agency must report to each community in the east metropolitan area a
83.13 summary of the results of the testing for private wells in the community. The report must
83.14 include information on the number of wells tested and trends of PFC contamination in
83.15 private wells in the community. Reports to communities under this section must also be
83.16 published on the Pollution Control Agency's website.

83.17 (b) By ~~January~~ March 15 each year, the commissioner of the Pollution Control Agency
83.18 must report to the legislature, as provided in section 3.195, on the testing for private wells
83.19 conducted in the east metropolitan area, including copies of the community reports required
83.20 in paragraph (a), the number of requests for well testing in each community, and the total
83.21 amount spent for testing private wells in each community.

83.22 Sec. 62. Minnesota Statutes 2022, section 115B.52, subdivision 4, is amended to read:

83.23 Subd. 4. **Reporting.** The commissioner of the Pollution Control Agency and the
83.24 commissioner of natural resources must jointly submit:

83.25 (1) by April 1, 2019, an implementation plan detailing how the commissioners will:

83.26 (i) determine how the priorities in the settlement will be met and how the spending will
83.27 move from the first priority to the second priority and the second priority to the third priority
83.28 outlined in the settlement; and

83.29 (ii) evaluate and determine what projects receive funding;

83.30 (2) by ~~February 1 and August 1~~ October 1 each year, a ~~biannual~~ report to the chairs and
83.31 ranking minority members of the legislative policy and finance committees with jurisdiction

84.1 over environment and natural resources on expenditures from the water quality and
84.2 sustainability account during the previous ~~six months~~ fiscal year; and

84.3 (3) by ~~August~~ October 1, 2019 2023, and each year thereafter, a report to the legislature
84.4 on expenditures from the water quality and sustainability account during the previous fiscal
84.5 year and a spending plan for anticipated expenditures from the account during the current
84.6 fiscal year.

84.7 Sec. 63. Minnesota Statutes 2022, section 116.06, is amended by adding a subdivision to
84.8 read:

84.9 Subd. 6a. **Commissioner.** "Commissioner" means the commissioner of the Minnesota
84.10 Pollution Control Agency.

84.11 Sec. 64. Minnesota Statutes 2022, section 116.06, is amended by adding a subdivision to
84.12 read:

84.13 Subd. 6c. **Cumulative impacts.** "Cumulative impacts" means the potential public health
84.14 and environmental impacts from combined pollutant exposures and risks, incorporating the
84.15 context of community vulnerabilities, assessed from publicly accessible data based on the
84.16 past, present, and reasonably foreseeable future levels, emissions, and discharges affecting
84.17 a geographical area.

84.18 Sec. 65. Minnesota Statutes 2022, section 116.06, is amended by adding a subdivision to
84.19 read:

84.20 Subd. 10a. **Environmental justice.** "Environmental justice" means that nonwhite
84.21 communities, indigenous communities, low-income communities, and communities with
84.22 limited English proficiency have a healthy environment and are treated fairly when
84.23 environmental statutes, rules, and policies are developed, adopted, implemented, and
84.24 enforced.

84.25 Sec. 66. Minnesota Statutes 2022, section 116.06, is amended by adding a subdivision to
84.26 read:

84.27 Subd. 10b. **Environmental justice area.** "Environmental justice area" means one or
84.28 more census tracts in Minnesota:

84.29 (1) in which, based on the most recent data published by the United States Census Bureau:

84.30 (i) 40 percent or more of the population is defined as nonwhite;

85.1 (ii) 35 percent or more of the households have an income at or below 200 percent of the
 85.2 federal poverty level; or

85.3 (iii) 40 percent or more of the population over the age of five have limited English
 85.4 proficiency; or

85.5 (2) that are located within Indian Country, as defined in United States Code, title 18,
 85.6 section 1151.

85.7 **Sec. 67. [116.065] ENVIRONMENTAL JUSTICE AREAS; PERMITS.**

85.8 Subdivision 1. Issuing permits. (a) When a new facility or a proposed expansion of an
 85.9 existing facility requires a permit under chapters 115 to 116 and is located in an
 85.10 environmental justice area, the commissioner may require an owner or operator to conduct
 85.11 an analysis of the cumulative impacts that the new facility or proposed expansion would
 85.12 cause or contribute to the environmental justice area. The commissioner must require an
 85.13 owner or operator to conduct an analysis of the cumulative impacts if:

85.14 (1) the facility or proposed expansion exceeds the benchmarks established in rules
 85.15 adopted under subdivision 2; or

85.16 (2) at least 100 individuals who reside or own property in the environmental justice area
 85.17 sign a petition that is:

85.18 (i) supported by material evidence that demonstrates a potential adverse cumulative
 85.19 impact to the community caused by the new facility or proposed expansion; and

85.20 (ii) submitted to the commissioner within 30 days after the public meeting required
 85.21 under paragraph (b).

85.22 (b) An owner or operator of a facility that requires a permit under chapters 115 to 116
 85.23 and that is located in an environmental justice area must hold at least one public meeting
 85.24 in the environmental justice area before the commissioner issues or denies a permit.

85.25 (c) At least 30 days before the public meeting required under paragraph (b), the owner
 85.26 or operator must post a notice of the meeting in the environmental justice area and publish
 85.27 a notice in a newspaper of general circulation within the environmental justice area. The
 85.28 notice must contain the date, time, and location of the public meeting, as well as a brief
 85.29 description of the permit or expansion to be discussed. The owner or operator must provide
 85.30 the commissioner with notice of the public meeting and a copy of any cumulative impacts
 85.31 analysis at least 30 days before the public meeting. The commissioner must post the notice

86.1 and cumulative impacts analysis on the agency website at least 30 days before the public
86.2 meeting.

86.3 (d) At the public meeting, the owner or operator must accept written and oral comments
86.4 from any interested party and must provide an opportunity for robust public and Tribal
86.5 engagement. The owner or operator must provide an electronic copy of all written comments
86.6 and a transcript of oral comments to the commissioner within 30 days after the public
86.7 meeting.

86.8 (e) The owner or operator of the facility may request that the commissioner consolidate
86.9 the public meeting with any other public meetings or hearings held or required as part of
86.10 the permitting process under chapters 115 to 116. The commissioner may approve or deny
86.11 the request to consolidate the public meetings or hearings.

86.12 (f) If an owner or operator is applying for more than one permit for a proposed new or
86.13 expanded facility in the same environmental justice area, the owner or operator may request
86.14 that the commissioner require the owner or operator to comply only once with this
86.15 subdivision. The commissioner may approve or deny the request.

86.16 (g) The commissioner must consider the public testimony presented and comments
86.17 submitted in determining whether to issue or deny a permit. The commissioner must wait
86.18 30 days after the public meeting required under paragraph (b) before issuing or denying a
86.19 permit.

86.20 (h) The commissioner must deny a permit required under chapter 115 or 116 if the
86.21 commissioner finds that a new facility or proposed expansion of an existing facility would
86.22 cause or contribute to adverse cumulative impacts in the environmental justice area, unless
86.23 the commissioner determines that there is a compelling public interest to issue the permit
86.24 and the commissioner enters into a community development agreement with the owner or
86.25 operator. If the commissioner determines a compelling public interest exists and enters into
86.26 a community development agreement, the commissioner may grant a permit that imposes
86.27 conditions on the construction and operation of the facility to protect public health and the
86.28 environment. The community development agreement must be signed on or before the date
86.29 the new permit, or permit amendment for an expansion, is issued in the environmental justice
86.30 area.

86.31 (i) The commissioner must publish and maintain a list of environmental justice areas in
86.32 the state on the agency website.

86.33 (j) The commissioner may require a permitted facility located in an environmental justice
86.34 area to hold in-person meetings with neighbors to share information and discuss community

87.1 concerns. The commissioner may set the number and frequency of required meetings as
87.2 permit conditions.

87.3 Subd. 2. **Rulemaking required.** (a) The commissioner must adopt rules to implement
87.4 this section, and section 14.125 does not apply.

87.5 (b) The commissioner must comply with chapter 14 and must complete the statement
87.6 of need and reasonableness according to chapter 14 and section 116.07, subdivision 2,
87.7 paragraph (f).

87.8 Sec. 68. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to
87.9 read:

87.10 Subd. 4m. **Aboveground storage tanks; fees.** (a) The commissioner must collect permit
87.11 fees for aboveground storage tank facilities in amounts not greater than necessary to cover
87.12 the reasonable costs of developing, reviewing, and acting upon applications for agency
87.13 permits and implementing and enforcing the conditions of the permits. The fee schedule
87.14 must reflect reasonable and routine direct and indirect costs associated with permitting,
87.15 implementation, enforcement, and other activities necessary to operate the aboveground
87.16 storage tank program.

87.17 (b) Each fiscal year, the commissioner must adjust the fees as necessary to maintain an
87.18 annual income that covers the legislative appropriation needed to administer the aboveground
87.19 storage tank program according to paragraph (a). The commissioner must adjust fees
87.20 according to the criteria established under paragraph (c) and as required under paragraph
87.21 (d). Fees established under this subdivision are exempt from section 16A.1285.

87.22 (c) The commissioner must adopt rules that specify criteria for establishing:

87.23 (1) an annual fee from permitted aboveground storage tank facilities; and

87.24 (2) a permit application fee for aboveground storage tank facility permit applications.

87.25 (d) The commissioner must annually increase the fees under this subdivision by the
87.26 percentage, if any, by which the Consumer Price Index for the most recent calendar year
87.27 ending before the beginning of the year the fee is collected exceeds the Consumer Price
87.28 Index for calendar year 2022. For purposes of this paragraph, the Consumer Price Index for
87.29 any calendar year is the average of the Consumer Price Index for all-urban consumers
87.30 published by the United States Department of Labor as of the close of the 12-month period
87.31 ending on August 31 of each calendar year. The revision of the Consumer Price Index that
87.32 is most consistent with the Consumer Price Index for calendar year 2022 must be used.

88.1 (e) Fees collected under this subdivision must be deposited in the state treasury and
 88.2 credited to the environmental fund and must be used for the purposes specified in paragraph
 88.3 (a).

88.4 (f) This paragraph expires when the commissioner adopts the initial rules required under
 88.5 paragraph (c). Until the commissioner adopts the initial rules under paragraph (c):

88.6 (1) the annual fee for major aboveground storage tank facilities is equal to the quotient
 88.7 of dividing the legislative appropriation under paragraph (b) by the number of major
 88.8 aboveground storage tank facilities; and

88.9 (2) there is no permit application fee for aboveground storage tank facilities.

88.10 Sec. 69. Minnesota Statutes 2022, section 116.07, subdivision 6, is amended to read:

88.11 **Subd. 6. Pollution Control Agency; exercise of powers.** In exercising all its powers,
 88.12 the commissioner of the Pollution Control Agency shall give due consideration to must:

88.13 (1) consider the establishment, maintenance, operation and expansion of business,
 88.14 commerce, trade, industry, traffic, and other economic factors and other material matters
 88.15 affecting the feasibility and practicability of any proposed action, including, but not limited
 88.16 to, the burden on a municipality of any tax which may result therefrom, and shall must take
 88.17 or provide for such action as may be reasonable, feasible, and practical under the
 88.18 circumstances; and

88.19 (2) to the extent reasonable, feasible, and practical under the circumstances:

88.20 (i) ensure that actions or programs that have a direct, indirect, or cumulative impact on
 88.21 environmental justice areas incorporate community-focused practices and procedures in
 88.22 agency processes, including communication, outreach, engagement, and education to enhance
 88.23 meaningful, timely, and transparent community access;

88.24 (ii) collaborate with other state agencies to identify, develop, and implement means to
 88.25 eliminate and reverse environmental and health inequities and disparities;

88.26 (iii) promote the utility and availability of environmental data and analysis for
 88.27 environmental justice areas, other agencies, federally recognized Tribal governments, and
 88.28 the public;

88.29 (iv) encourage coordination and collaboration with residents of environmental justice
 88.30 areas to address environmental and health inequities and disparities; and

88.31 (v) ensure environmental justice values are represented to the agency from a
 88.32 commissioner-appointed environmental justice advisory committee that is composed of

89.1 diverse members and that is developed and operated in a manner open to the public and in
 89.2 accordance with the duties described in the bylaws and charter adopted and maintained by
 89.3 the commissioner.

89.4 Sec. 70. Minnesota Statutes 2022, section 168.1295, subdivision 1, is amended to read:

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

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

89.9 (2) pays a fee in the amount specified for special plates under section 168.12, subdivision
 89.10 5;

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

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

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

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

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

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

89.22 Sec. 71. **[325E.3892] LEAD AND CADMIUM IN CONSUMER PRODUCTS;**
 89.23 **PROHIBITION.**

89.24 Subdivision 1. Definitions. For purposes of this section, "covered product" means any
 89.25 of the following products or product components:

89.26 (1) jewelry;

89.27 (2) toys;

89.28 (3) cosmetics and personal care products;

89.29 (4) puzzles, board games, card games, and similar games;

- 90.1 (5) play sets and play structures;
- 90.2 (6) outdoor games;
- 90.3 (7) school supplies;
- 90.4 (8) pots and pans;
- 90.5 (9) cups, bowls, and other food containers;
- 90.6 (10) craft supplies and jewelry-making supplies;
- 90.7 (11) chalk, crayons, paints, and other art supplies;
- 90.8 (12) fidget spinners;
- 90.9 (13) costumes, costume accessories, and children's and seasonal party supplies;
- 90.10 (14) keys, key chains, and key rings; and
- 90.11 (15) clothing, footwear, headwear, and accessories.

90.12 Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or

90.13 distribute or offer for use in this state any covered product containing:

- 90.14 (1) lead at more than 0.009 percent by total weight (90 parts per million); or
- 90.15 (2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

90.16 (b) This section does not apply to covered products containing lead or cadmium, or both,

90.17 when regulation is preempted by federal law.

90.18 Subd. 3. **Enforcement.** The commissioners of the Pollution Control Agency, commerce,

90.19 and health may coordinate to enforce this section. The commissioner of the Pollution Control

90.20 Agency or commerce may, with the attorney general, enforce any federal restrictions on

90.21 the sale of products containing lead or cadmium, or both, as allowed under federal law. The

90.22 commissioner of the Pollution Control Agency may enforce this section under sections

90.23 115.071 and 116.072. The commissioner of commerce may enforce this section under

90.24 section 45.027, subdivisions 1 to 6, 325F.10 to 325F.12, and 325F.14 to 325F.16. The

90.25 attorney general may enforce this section under section 8.31.

90.26 Sec. 72. **REPORT REQUIRED; RECYCLING AND REUSING SOLAR**

90.27 **PHOTOVOLTAIC MODULES AND INSTALLATION COMPONENTS.**

90.28 (a) The commissioner of the Pollution Control Agency, in consultation with the

90.29 commissioners of commerce and employment and economic development, must coordinate

91.1 preparation of a report on developing a statewide system to reuse and recycle solar
 91.2 photovoltaic modules and installation components in the state.

91.3 (b) The report must include options for a system to collect, reuse, and recycle solar
 91.4 photovoltaic modules and installation components at end of life. Any system option included
 91.5 in the report must be convenient and accessible throughout the state, recover 100 percent
 91.6 of discarded components, and maximize value and materials recovery. Any system option
 91.7 developed must include analysis of:

91.8 (1) the reuse and recycling values of solar photovoltaic modules, installation components,
 91.9 and recovered materials;

91.10 (2) system infrastructure and technology needs;

91.11 (3) how to maximize in-state employment and economic development;

91.12 (4) net costs for the program; and

91.13 (5) potential benefits and negative impacts of the plan on environmental justice and
 91.14 Tribal communities.

91.15 (c) The report must include a survey of solar photovoltaic modules and installation
 91.16 components that are currently coming out of service and those projected to come out of
 91.17 service in the future in Minnesota. The report must include a description of how solar
 91.18 photovoltaic modules and installation components are currently being managed at end of
 91.19 life and how they would likely be managed in the future without the proposed reuse and
 91.20 recycling system.

91.21 (d) After completing the report, the commissioner must convene a working group to
 91.22 advise on developing policy recommendations for a statewide system to manage solar
 91.23 photovoltaic modules and installation components. The working group must include, but
 91.24 is not limited to:

91.25 (1) the commissioners of commerce and employment and economic development or
 91.26 their designees;

91.27 (2) representatives of the solar industry and electric utilities;

91.28 (3) representatives of state, local, and Tribal governments; and

91.29 (4) other relevant stakeholders.

91.30 (e) By January 15, 2025, the commissioner must submit the report and the policy
 91.31 recommendations developed under this section to the chairs and ranking minority members

92.1 of the legislative committees and divisions with jurisdiction over environment and natural
 92.2 resources policy and finance and energy policy and finance.

92.3 **Sec. 73. RULEMAKING; CAPITAL ASSISTANCE PROGRAM.**

92.4 Using the expedited rulemaking process under Minnesota Statutes, section 14.389, the
 92.5 commissioner of the Pollution Control Agency must amend Minnesota Rules, parts 9210.0100
 92.6 to 9210.0180, related to the capital assistance program, to conform with and implement the
 92.7 changes made in Minnesota Statutes, sections 115A.03 and 115A.49 to 115A.54.

92.8 **Sec. 74. RULEMAKING REQUIREMENTS.**

92.9 (a) During the initial rulemaking required under Minnesota Statutes, section 116.065,
 92.10 the commissioner of the Pollution Control Agency must engage in robust public engagement,
 92.11 including Tribal consultation and hosting public engagement meetings that are located in
 92.12 environmental justice areas as defined under Minnesota Statutes, section 116.06, subdivision
 92.13 10b; in greater Minnesota; and in the seven-county metropolitan area.

92.14 (b) The commissioner must provide applicable translation services and materials at all
 92.15 Tribal consultations and public engagement meetings held under this section. The
 92.16 commissioner must provide notice of public engagement meetings held under this section.
 92.17 The notice must include the date, time, and location of each meeting. The notice must be
 92.18 posted on the agency's website at least seven calendar days before a scheduled meeting.

92.19 (c) All public engagement meetings must be open to the public. Public engagement
 92.20 meetings and Tribal consultations must address:

92.21 (1) the proposed rule and rulemaking process;

92.22 (2) defining conditions, criteria, or circumstances that qualify as a compelling public
 92.23 interest under Minnesota Statutes, section 116.065, subdivision 1, paragraph (h), which
 92.24 must include but is not limited to:

92.25 (i) considerations other than or in addition to economic considerations; and

92.26 (ii) consideration of public comments accepted under Minnesota Statutes, section 116.065,
 92.27 subdivision 1, paragraph (d);

92.28 (3) establishing procedures for entering into community development agreements under
 92.29 Minnesota Statutes, section 116.065, subdivision 1, paragraph (h), which must include
 92.30 consultation with members of the public who reside in the affected environmental justice
 92.31 area;

93.1 (4) establishing a petition process and form to be submitted to the agency by residents
93.2 of an affected environmental justice area to support the need for a cumulative impacts
93.3 analysis under Minnesota Statutes, section 116.065, subdivision 1, paragraph (a), clause
93.4 (2);

93.5 (5) establishing and defining benchmarks for completing a cumulative impacts analysis
93.6 under Minnesota Statutes, section 116.065, subdivision 1, paragraph (a);

93.7 (6) defining factors that contribute to adverse cumulative impacts and adopting rule
93.8 provisions to address cumulative impacts affecting environmental justice areas; and

93.9 (7) questions and comments received from residents of the environmental justice area
93.10 where a meeting is held.

93.11 (d) The commissioner must perform public outreach to solicit comments on the rules
93.12 adopted according to this section.

93.13 **Sec. 75. REPEALER.**

93.14 (a) Minnesota Statutes 2022, sections 103C.501, subdivisions 2 and 3; 115.44, subdivision
93.15 9; 116.011; 325E.389; and 325E.3891, are repealed.

93.16 (b) Minnesota Rules, parts 8400.0500; 8400.0550; 8400.0600, subparts 4 and 5;
93.17 8400.0900, subparts 1, 2, 4, and 5; 8400.1650; 8400.1700; 8400.1750; 8400.1800; and
93.18 8400.1900, are repealed.

103C.501 COST-SHARING CONSERVATION CONTRACTS FOR EROSION CONTROL AND WATER MANAGEMENT.

Subd. 2. **Request by district board.** A district board requesting funds of the state board must submit an application in a form prescribed by the board containing:

- (1) a comprehensive plan;
- (2) an annual work plan; and
- (3) an application for cost-sharing funds.

Subd. 3. **Approving application.** If the state board approves the comprehensive plan, including the plan's most recent amendment, the annual work plan, and the application of the district, the state board shall determine the specific amount of funds to allocate to the district for cost-sharing contracts.

115.44 CLASSIFICATION OF WATERS; STANDARDS OF QUALITY AND PURITY.

Subd. 9. **Annual report.** (a) By January 15 each year, the commissioner shall post on the Pollution Control Agency's website a report on the agency's activities the previous calendar year to implement standards and classification requirements into national pollutant discharge elimination system and state disposal system permits held by municipalities. The report must include:

- (1) a summary of permits issued or reissued over the previous calendar year, including any changes to permitted effluent limits due to water quality standards adopted or revised during the previous permit term;
- (2) highlights of innovative approaches employed by the agency and municipalities to develop and achieve permit requirements in a cost-effective manner;
- (3) a summary of standards development and water quality rulemaking activities over the previous calendar year, including economic analyses;
- (4) a summary of standards development and water quality rulemaking activities anticipated for the next three years, including economic analyses;
- (5) a process and timeframe for municipalities to provide input to the agency regarding their needs based on the information provided in the report; and
- (6) a list of anticipated permitting initiatives in the next calendar year that may impact municipalities and the agency's plan for involving the municipalities throughout the planning and decision-making process. The plan must include opportunities for input and public comment from municipalities on rulemaking initiatives prior to preparation of a statement of need and reasonableness required under section 14.131. The commissioner must ensure the agency's plan under this clause is implemented.

(b) For the purposes of this section, "economic analyses" must include assessments of the potential costs to regulated municipalities associated with water quality standards or rules proposed by the agency.

116.011 POLLUTION REPORT.

A goal of the Pollution Control Agency is to reduce the amount of pollution that is emitted in the state. By April 1 of each even-numbered year, the Pollution Control Agency shall report the best estimate of the agency of the total volume of water and air pollution that was emitted in the state in the previous two calendar years for which data are available. The agency shall report its findings for both water and air pollution:

- (1) in gross amounts, including the percentage increase or decrease over the previously reported two calendar years; and
- (2) in a manner which will demonstrate the magnitude of the various sources of water and air pollution.

325E.389 ITEMS CONTAINING LEAD PROHIBITED.

Subdivision 1. **Definitions.** For purposes of this section, the following definitions apply.

(a) "Body piercing jewelry" means any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane, but does not include any part of that jewelry that is not placed within a new piercing or a mucous membrane.

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(b) "Children" means children age six and younger.

(c) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children. For purposes of this section, children's jewelry includes, but is not limited to, jewelry that meets any of the following conditions:

(1) is represented in its packaging, display, or advertising as appropriate for use by children;

(2) is sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(3) is sized for children and not intended for use by adults; or

(4) is sold in any of the following:

(i) a vending machine;

(ii) retail store, catalog, or website in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(iii) a discrete portion of a retail store, catalog, or website in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(d) "Class 1 material" means any of the following materials:

(1) stainless or surgical steel;

(2) karat gold;

(3) sterling silver;

(4) platinum, palladium, iridium, ruthenium, rhodium, or osmium;

(5) natural or cultured pearls;

(6) glass, ceramic, or crystal decorative components including cat's eye; cubic zirconia, including cubic zirconium or CZ; rhinestones; and cloisonne;

(7) a gemstone that is cut and polished for ornamental purposes, except that the following gemstones are not Class 1 materials: aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite;

(8) elastic, fabric, ribbon, rope, or string, unless it contains intentionally added lead and is listed as a Class 2 material;

(9) all natural decorative material including amber, bone, coral, feathers, fur, horn, leather, shell, and wood that is in its natural state and is not treated in a way that adds lead; or

(10) adhesive.

(e) "Class 2 material" means any of the following materials:

(1) electroplated metal that meets the following standards:

(i) on and before August 30, 2009, a metal alloy with less than ten percent lead by weight that is electroplated with suitable under and finish coats; or

(ii) on and after August 31, 2009, a metal alloy with less than six percent lead by weight that is electroplated with suitable under and finish coats;

(2) unplated metal with less than 1.5 percent lead that is not otherwise listed as a Class 1 material;

(3) plastic or rubber including acrylic, polystyrene, plastic beads and stones, and polyvinyl chloride (PVC) that meets the following standards:

(i) on and before August 30, 2009, less than 0.06 percent (600 parts per million) lead by weight; and

(ii) on and after August 31, 2009, less than 0.02 percent (200 parts per million) lead by weight; and

(4) a dye or surface coating containing less than 0.06 percent (600 parts per million) lead by weight.

(f) "Class 3 material" means any portion of jewelry that meets both of the following criteria:

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(1) is not a Class 1 or Class 2 material; and

(2) contains less than 0.06 percent (600 parts per million) lead by weight.

(g) "Component" means any part of jewelry.

(h) "EPA reference methods 3050B (Acid Digestion of Sediments, Sludges, and Soils) or 3051 (Microwave Assisted Digestion/Sludge, Soils)" means those test methods incorporated by reference in Code of Federal Regulations, title 40, section 260.11, paragraph (11), subdivision (a).

(i) "Jewelry" means:

(1) any of the following ornaments worn by a person: anklet, arm cuff, bracelet, brooch, chain, crown, cuff link, decorated hair accessories, earring, necklace, pin, ring, or body piercing jewelry; or

(2) any bead, chain, link, pendant, or other component of such an ornament.

(j) "Surface coating" means a fluid, semifluid, or other material, with or without a suspension of finely divided coloring matter, that changes to a solid film when a thin layer is applied to a metal, wood, stone, paper, leather, cloth, plastic, or other surface. Surface coating does not include a printing ink or a material that actually becomes a part of the substrate including, but not limited to, pigment in a plastic article or a material that is actually bonded to the substrate, such as by electroplating or ceramic glazing.

Subd. 2. **Sale prohibited.** (a) No person shall manufacture any jewelry that is offered for sale in Minnesota unless the jewelry is made entirely from a Class 1, Class 2, or Class 3 material, or any combination thereof.

(b) No person shall offer for sale, sell, label, or distribute for free any jewelry represented to contain safe levels of lead, unless the jewelry is made entirely from a Class 1, Class 2, or Class 3 material, or any combination thereof.

(c) Notwithstanding paragraph (a), no person shall manufacture any children's jewelry that is offered for sale in Minnesota unless the children's jewelry is made entirely from one or more of the following materials:

(1) a nonmetallic material that is a Class 1 material;

(2) a nonmetallic material that is a Class 2 material;

(3) a metallic material that is either a Class 1 material or contains less than 0.06 percent (600 parts per million) lead by weight;

(4) glass or crystal decorative components that weigh in total no more than one gram, excluding any glass or crystal decorative component that contains less than 0.02 percent (200 parts per million) lead by weight and has no intentionally added lead;

(5) printing ink or ceramic glaze that contains less than 0.06 percent (600 parts per million) lead by weight; or

(6) Class 3 material that contains less than 0.02 percent (200 parts per million) lead by weight.

(d) Notwithstanding paragraph (b), no person shall offer for sale, sell, distribute for free, or label any jewelry as children's jewelry represented to contain safe levels of lead, unless the jewelry is made entirely from one or more of the following materials:

(1) a nonmetallic material that is a Class 1 material;

(2) a nonmetallic material that is a Class 2 material;

(3) a metallic material that is either a Class 1 material or contains less than 0.06 percent (600 parts per million) lead by weight;

(4) glass or crystal decorative components that weigh in total no more than one gram, excluding any glass or crystal decorative component that contains less than 0.02 percent (200 parts per million) lead by weight and has no intentionally added lead;

(5) printing ink or ceramic glaze that contains less than 0.06 percent (600 parts per million) lead by weight; or

(6) Class 3 material that contains less than 0.02 percent (200 parts per million) lead by weight.

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(e) Notwithstanding paragraph (a), no person shall manufacture any body piercing jewelry that is offered for sale in Minnesota unless the body piercing jewelry is made of one or more of the following materials:

(1) surgical implant stainless steel; or

(2) surgical implant grade of titanium, niobium (Nb), solid 14-karat or higher white or yellow nickel-free gold, solid platinum, or a dense low-porosity plastic including, but not limited to, Tygon or polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

(f) No person shall offer for sale, sell, label, or distribute for free any body piercing jewelry represented to contain safe levels of lead unless the body piercing jewelry is made of one or more of the following materials:

(1) surgical implant stainless steel; or

(2) surgical implant grade of titanium, niobium (Nb), solid 14-karat or higher white or yellow nickel-free gold, solid platinum, or a dense low-porosity plastic including, but not limited to, Tygon or polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

(g) The prohibitions under this section do not apply to sales or free distribution of jewelry by a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code or to isolated and occasional sales of jewelry not made in the normal course of business.

Subd. 3. Testing methods. (a) The testing methods for determining compliance with this section must be conducted using EPA reference method 3050B or 3051 for the material being tested, except as otherwise provided in subdivision 4 and in accordance with all of the following procedures:

(1) when preparing a sample, the laboratory shall make every effort to ensure that the sample removed from a jewelry piece is representative of the component to be tested, and is free of contamination from extraneous dirt and material not related to the component to be tested;

(2) all component samples must be washed before testing using standard laboratory detergent, rinsed with laboratory reagent-grade deionized water, and dried in a clean ambient environment;

(3) if a component is required to be cut or scraped to obtain a sample, the metal snips, scissors, or other cutting tools used for the cutting or scraping must be made of stainless steel and washed and rinsed before each use and between samples;

(4) a sample must be digested in a container that is known to be free of lead and with the use of an acid that is not contaminated by lead, including analytical reagent-grade digestion acids and reagent-grade deionized water;

(5) method blanks, consisting of all reagents used in sample preparation handled, digested, and made to volume in the same exact manner and in the same container type as samples, must be tested with each group of 20 or fewer samples tested; and

(6) the results for the method blanks must be reported with each group of sample results and must be below the stated reporting limit for sample results to be considered valid.

(b) A material does not meet an applicable lead standard set forth in this section if any of the following occurs:

(1) the mean lead level of one or two samples of the material exceeds 300 percent of the applicable limit for a component;

(2) the mean lead level of three samples of the material exceeds 200 percent of the applicable limit for a component; or

(3) the mean lead level of four or more samples of the material exceeds the applicable limit for a component.

Subd. 4. Additional testing procedures. In addition to the requirements of subdivision 3, the following procedures must be used for testing the following materials:

(1) for testing a metal plated with suitable undercoats and finish coats, the following protocols must be observed:

(i) digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide;

(ii) the sample size must be 0.050 gram to one gram;

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(iii) the digested sample may require dilution prior to analysis;

(iv) the digestion and analysis must achieve a reported detection limit no greater than 0.1 percent for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(2) for testing unplated metal and metal substrates that are not a Class 1 material, the following protocols must be observed:

(i) digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid and hydrogen peroxide;

(ii) the sample size must be 0.050 gram to one gram;

(iii) the digested sample may require dilution prior to analysis;

(iv) the digestion and analysis must achieve a reported detection limit no greater than 0.01 percent for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(3) for testing polyvinyl chloride (PVC), the following protocols must be observed:

(i) the digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid and hydrogen peroxide;

(ii) the sample size must be a minimum of 0.05 gram if using microwave digestion or 0.5 gram if using hotplate digestion, and must be chopped or comminuted prior to digestion;

(iii) digested samples may require dilution prior to analysis;

(iv) digestion and analysis must achieve a reported detection limit no greater than 0.001 percent (10 parts per million) for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(4) for testing plastic or rubber that is not polyvinyl chloride (PVC), including acrylic, polystyrene, plastic beads, or plastic stones, the following protocols must be observed:

(i) the digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide;

(ii) the sample size must be a minimum of 0.05 gram if using microwave digestion or 0.5 gram if using hotplate digestion, and must be chopped or comminuted prior to digestion;

(iii) plastic beads or stones must be crushed prior to digestion;

(iv) digested samples may require dilution prior to analysis;

(v) digestion and analysis must achieve a reported detection limit no greater than 0.001 percent (10 parts per million) for samples; and

(vi) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(5) for testing coatings on glass and plastic pearls, the following protocols must be observed:

(i) the coating of glass or plastic beads must be scraped onto a surface free of dust, including a clean weighing paper or pan, using a clean stainless steel razor blade or other clean sharp instrument that will not contaminate the sample with lead. The substrate pearl material must not be included in the scrapings;

(ii) the razor blade or sharp instrument must be rinsed with deionized water, wiped to remove particulate matter, rinsed again, and dried between samples;

(iii) the scrapings must be weighed and not less than 50 micrograms of scraped coating must be used for analysis. If less than 50 micrograms of scraped coating is obtained from an individual pearl, multiple pearls from that sample must be scraped and composited to obtain a sufficient sample amount;

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- (iv) the number of pearls used to make the composite must be noted;
 - (v) the scrapings must be digested according to EPA reference method 3050B or 3051 or an equivalent procedure for hot acid digestion in preparation for trace lead analysis;
 - (vi) the digestate must be diluted in the minimum volume practical for analysis;
 - (vii) the digested sample must be analyzed according to specification of an approved and validated methodology for inductively coupled plasma mass spectrometry;
 - (viii) a reporting limit of 0.001 percent (10 parts per million) in the coating must be obtained for the analysis; and
 - (ix) the sample result must be reported within the calibrated range of the instrument. If the initial test of the sample is above the highest calibration standard, the sample must be diluted and reanalyzed within the calibrated range of the instrument;
- (6) for testing dyes, paints, coatings, varnish, printing inks, ceramic glazes, glass, or crystal, the following testing protocols must be observed:
- (i) the digestion must use hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide;
 - (ii) the sample size must be not less than 0.050 gram, and must be chopped or comminuted prior to digestion;
 - (iii) the digested sample may require dilution prior to analysis;
 - (iv) the digestion and analysis must achieve a reported detection limit no greater than 0.001 percent (10 parts per million) for samples; and
 - (v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument; and
- (7) for testing glass and crystal used in children's jewelry, the following testing protocols for determining weight must be used:
- (i) a component must be free of any extraneous material, including adhesive, before it is weighed;
 - (ii) the scale used to weigh a component must be calibrated immediately before the components are weighed using S-class weights of one and two grams, as certified by the National Institute of Standards and Technology (NIST) of the United States Department of Commerce; and
 - (iii) the calibration of the scale must be accurate to within 0.01 gram.

325E.3891 CADMIUM IN CHILDREN'S JEWELRY.

Subdivision 1. **Definitions.** (a) As used in this section, the term:

- (1) "accessible" has the meaning given in section 3.1.2 of the ASTM International Safety Specification on Toy Safety, F-963;
- (2) "child" means an individual who is six years of age or younger; and
- (3) "children's jewelry" shall have the meaning set forth in section 325E.389, subdivision 1, paragraph (c).

Subd. 2. **Prohibitions.** Cadmium in any surface coating or accessible substrate material of metal or plastic components of children's jewelry shall not exceed 75 parts per million, as determined through solubility testing for heavy metals defined in the ASTM International Safety Specification on Toy Safety, ASTM standard F-963 and subsequent versions of this standard, if the product is sold in this state unless this requirement is superseded by a federal standard regulating cadmium in children's jewelry. This section shall not regulate any product category for which an existing federal standard regulates cadmium exposure in surface coatings and accessible substrate materials as required under ASTM F-963.

Subd. 3. **Manufacturer or wholesaler.** No manufacturer or wholesaler may sell or offer for sale in this state children's jewelry that fails to meet the requirements of subdivision 2.

Subd. 4. **Retailer.** No retailer may sell or offer for sale in this state children's jewelry that fails to meet the requirements of subdivision 2. This subdivision does not apply to sales or free distribution of jewelry by a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code or to isolated and occasional sales of jewelry not made in the normal course of business.

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Subd. 5. **Enforcement.** The attorney general shall enforce this section under section 8.31.

8400.0500 MAXIMUM COST-SHARE RATES.

The maximum cost-share rates established by the state board represent the maximum percent or amount of the total cost of a conservation practice that may be funded using state cost-share funds.

8400.0550 RECORDING CONSERVATION PRACTICES.

The state board may determine that long-term maintenance of a conservation practice is desirable and may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this part shall be construed in the same manner as a conservation restriction under Minnesota Statutes, section 84.65.

8400.0600 STATE BOARD ALLOCATION OF FUNDS TO DISTRICTS.

Subp. 4. **Grants to districts.** The state board shall allocate cost-share funds to district boards that have fully complied with Minnesota Statutes, section 103C.501, subdivision 3; all erosion control and water management program rules; and program policies.

Subp. 5. **Other funds.** Other funds received by the state board may be allocated to districts for the treatment of erosion, sedimentation, water quality problems, or water quantity problems due to altered hydrology. These additional funds may be incorporated with existing erosion control and water management program funds and their use may be governed by the program policy or may be subject to other policies or guidelines required to fully implement the intent for which these additional funds were appropriated.

8400.0900 DISTRICT ADMINISTRATION OF PROGRAM FUNDS.

Subpart 1. **General.** Following receipt of grant funds from the state board, a district is responsible for administration of the funds in accordance with Minnesota Statutes, chapter 103C, parts 8400.0050 to 8400.1900, program policies, and all other applicable laws. All funds allocated to districts must be used for the purposes designated by the state board.

Subp. 2. **Maximum cost-share rate.** Prior to considering any applications from land occupiers for cost-share assistance, the district board shall establish cost-share rates for conservation practices to be installed under the program, up to the maximum rates established by the state board.

Subp. 4. **Criteria for district board review.** The district board shall use the factors in items A to D to determine practice eligibility and to review applications for conservation practice funding.

A. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:

(1) grant the district's representatives access to the parcel where the conservation practice will be located;

(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and

(3) be responsible for operation and maintenance of conservation practices applied under this program according to an operation and maintenance plan prepared or approved by a district technical representative or the district's delegate.

B. Costs to repair damage to conservation practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.

C. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost-share assistance.

D. Conservation practices where construction has begun prior to district approval are ineligible for financial assistance. The board may waive this requirement for emergency needs.

Subp. 5. **Entering into contract.** After review of practice eligibility, the district board, or its delegate, shall approve or deny the application. If the application is approved, the district board, or its delegate, may enter into a contract with the land occupier.

8400.1650 RECORDING CONSERVATION PRACTICES.

When a district board, or its delegate, determines that long-term maintenance of a conservation practice is desirable, the board, or its delegate, may require that maintenance be made a covenant upon the land for the effective life of the conservation practice. A covenant under this part shall be construed in the same manner as a conservation restriction under Minnesota Statutes, section 84.65.

8400.1700 MAINTENANCE.

Subpart 1. **Land occupier maintenance responsibilities.** The land occupier is responsible for operation and maintenance of conservation practices applied under this program to ensure that their conservation objective is met and the effective life is achieved. Should the land occupier fail to maintain the conservation practices during their effective life, the land occupier is liable to the district for up to 150 percent of financial assistance received to install and establish the conservation practice. The land occupier is not liable for cost-share assistance received if the failure was caused by reasons beyond the land occupier's control, or if conservation practices are applied at the land occupier's expense which provide equivalent protection of the soil and water resources.

Subp. 2. **Reapplication of conservation practices.** In no case shall a district provide cost-share assistance to a land occupier for the reapplication of conservation practices which were removed by the land occupier during their effective life or that failed due to improper maintenance.

8400.1750 PRACTICE SITE INSPECTIONS.

The district or the district's delegate shall conduct site inspections of conservation practices installed with cost-share funds to determine if the land occupier is in compliance with the operation and maintenance requirements under part 8400.1700 and the policy, guidelines, and requirements of the state board.

8400.1800 APPEALS.

Land occupiers may appeal a district's action within 60 days of receiving notice of the action by submitting a written request to the district board asking the board to reconsider its decision. Should the land occupier and the district board reach an impasse, the land occupier may petition to appeal the district board's decision to the state board within 60 days of receiving notice of the district board's final decision. The state board or its executive director, as delegated, shall review and grant the petition, unless it is deemed without sufficient merit, within 30 days of the receipt of the petition. The state board shall make its decision on the appeal, if granted, within 60 days of a hearing date. The state board's decision may uphold, remand, reverse, or amend the decision of the district board.

8400.1900 REPORTS TO STATE BOARD.

For the purpose of reporting and monitoring the progress of the program and use of funds, each district shall submit an accomplishments report according to the guidelines and requirements established by the state board.