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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2310

03/01/2023 Authored by Hansen, R.,
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration
03/06/2023 Adoption of Report: Re-referred to the Committee on Environment and Natural Resources Finance and Policy

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 <b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>322,044,000</u></b>	<b><u>\$</u></b>	<b><u>272,186,000</u></b>
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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 <b><u>Subd. 2. Environmental Analysis and Outcomes</u></b>		<b><u>107,973,000</u></b>		<b><u>107,550,000</u></b>
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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 (a) \$217,000 the first year and \$223,000 the  
 7.21 second year are for:

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

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

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

	<u>Appropriations by Fund</u>	
	<u>2024</u>	<u>2025</u>
9.11 <u>General</u>	<u>23,250,000</u>	<u>21,859,000</u>
9.12 <u>Environmental</u>	<u>8,921,000</u>	<u>9,143,000</u>
9.13 <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	<u>Appropriations by Fund</u>	
12.6	<u>2024</u>	<u>2025</u>
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>General</u>	<u>3,231,000</u>	<u>3,231,000</u>
15.33 <u>Environmental</u>	<u>7,484,000</u>	<u>7,982,000</u>
15.34 <u>Remediation</u>	<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 Appropriations by Fund

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 Appropriations by Fund

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>
21.31 <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	<u>Appropriations by Fund</u>	
24.14	<u>2024</u>	<u>2025</u>
24.15	<u>General</u>	<u>34,994,000</u> <u>38,707,000</u>
24.16	<u>Natural Resources</u>	<u>71,893,000</u> <u>72,063,000</u>
24.17	<u>Game and Fish</u>	<u>2,300,000</u> <u>2,300,000</u>

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

Appropriations by Fund

	<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	<b><u>Subd. 7. Enforcement</u></b>	<b><u>64,672,000</u></b>	<b><u>64,228,000</u></b>
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

<u>Appropriations by Fund</u>		
	<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

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

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

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

39.15 Appropriations by Fund

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

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

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

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

39.28 **ARTICLE 2**

39.29 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

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

39.31 Subd. 3. **Application, form.** The application for license or permit ~~shall be in~~  
 39.32 ~~quadruplicate, and shall~~ must include with each copy a legal description of the lands or  
 39.33 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;~~ (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;~~ (3) habitat enhancement;

55.20 ~~(4) plant biodiversity;~~ (4) plant biodiversity;

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

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

APPENDIX  
Repealed Minnesota Statutes: 23-03299

(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:

APPENDIX  
Repealed Minnesota Statutes: 23-03299

(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.



APPENDIX  
Repealed Minnesota Statutes: 23-03299

(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;

APPENDIX  
Repealed Minnesota Statutes: 23-03299

(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;

APPENDIX  
Repealed Minnesota Statutes: 23-03299

- (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.

APPENDIX  
Repealed Minnesota Statutes: 23-03299

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.