

1.1 moves to amend H.F. No. 2310, the delete everything amendment
1.2 (H2310DE1), as follows:

1.3 Page 5, delete lines 21 to 25

1.4 Page 6, delete lines 5 to 10

1.5 Page 6, after line 33, insert:

1.6 "(s) \$5,000,000 the first year is for community
1.7 air-monitoring grants as provided in this act.

1.8 This is a onetime appropriation and is
1.9 available until June 30, 2025.

1.10 (t) \$625,000 the first year and \$779,000 the
1.11 second year are from the environmental fund
1.12 to adopt rules and implement air toxics
1.13 emissions requirements under Minnesota
1.14 Statutes, section 116.062. The base for this
1.15 appropriation is \$669,000 in fiscal year 2026
1.16 and \$1,400,000 in fiscal year 2027 and
1.17 beyond."

1.18 Reletter the paragraphs in sequence

1.19 Page 8, line 12, delete everything after "for" and insert "transfer to the Board of Regents
1.20 of the University of Minnesota for academic and applied research through the MnDRIVE
1.21 program at the Natural Resources Research Institute for research to foster economic
1.22 development of the state's natural resources in an environmentally sound manner and
1.23 \$17,600,000 is for grants. Of the \$2,100,000 transferred, at least \$900,000 is to develop
1.24 and demonstrate technologies that enhance the long-term health and management of
1.25 Minnesota's water and mineral resources."

- 2.1 Page 8, delete lines 13 to 22
- 2.2 Page 8, line 23, delete everything before "This"
- 2.3 Page 9, line 11, delete "agriculture" and insert "the Pollution Control Agency"
- 2.4 Page 9, delete lines 32 to 35
- 2.5 Page 10, delete lines 10 to 17
- 2.6 Reletter the paragraphs in sequence
- 2.7 Page 13, delete lines 25 to 34
- 2.8 Page 14, delete lines 1 to 3
- 2.9 Reletter the paragraphs in sequence
- 2.10 Page 19, line 22, after the period, insert "The base for the transfer to the commissioner
- 2.11 of health in fiscal year 2026 and beyond is \$468,000."
- 2.12 Page 20, after line 2, insert:
- 2.13 "(u) \$175,000 the first year is for the
- 2.14 rulemaking required under this act providing
- 2.15 for the safe and lawful disposal of waste
- 2.16 treated seed. This appropriation is available
- 2.17 until June 30, 2025.
- 2.18 (v) \$1,000,000 the first year is for a lead tackle
- 2.19 reduction program that provides outreach,
- 2.20 education, and opportunities to safely dispose
- 2.21 of and exchange lead tackle throughout the
- 2.22 state. This is a onetime appropriation and is
- 2.23 available until June 30, 2025.
- 2.24 (w) \$4,000,000 is for a grant to the owner of
- 2.25 a biomass energy generation plant in Shakopee
- 2.26 that uses waste heat from the generation of
- 2.27 electricity in the malting process to purchase
- 2.28 a wood dehydrator to facilitate disposal of
- 2.29 wood that is infested by the emerald ash borer.
- 2.30 By October 1, 2024, the commissioner of the
- 2.31 Pollution Control Agency must report to the
- 2.32 chairs and ranking minority members of the

3.1 legislative committees and divisions with
3.2 jurisdiction over the environment and natural
3.3 resources on the use of money appropriated
3.4 under this paragraph.

3.5 Reletter the paragraphs in sequence"

3.6 Page 27, line 33, after "appropriation" insert "and is available until June 30, 2028"

3.7 Page 28, after line 10, insert:

3.8 "(n) \$6,000,000 the first year is for land
3.9 acquisition and maintenance and restoration
3.10 at Grey Cloud Dunes Scientific and Natural
3.11 Area. This is a onetime appropriation and is
3.12 available until June 30, 2027.

3.13 (o) \$6,000,000 the first year is for improved
3.14 maintenance at scientific and natural areas
3.15 under Minnesota Statutes, section 86A.05,
3.16 subdivision 5, including additional natural
3.17 resource specialists and technicians,
3.18 coordinators, seasonal crews, equipment,
3.19 supplies, and administrative support. This is
3.20 a onetime appropriation and is available until
3.21 June 30, 2027.

3.22 (p) The general fund base for the Ecological
3.23 and Water Resources Division in fiscal year
3.24 2026 and beyond is \$25,004,000."

3.25 Page 31, line 23, after the period, insert "This is a onetime appropriation and is available
3.26 until June 30, 2026."

3.27 Page 34, delete lines 18 to 31

3.28 Reletter the paragraphs in sequence

3.29 Page 36, line 8, delete "\$984,000" and insert "\$484,000"

3.30 Page 38, delete lines 26 to 30, and insert:

3.31 "(o) Notwithstanding Minnesota Statutes,
3.32 section 84.943, subdivision 3, \$5,750,000 the

4.1 first year and \$2,250,000 the second year are
4.2 transferred from the Minnesota critical habitat
4.3 private sector matching account to the reinvest
4.4 in Minnesota resources fund and are
4.5 appropriated from the reinvest in Minnesota
4.6 resources fund for wildlife management area
4.7 acquisition. This appropriation is available
4.8 until June 30, 2027."

4.9 Page 41, line 27, after the period, insert "This appropriation is available until June 30,
4.10 2027. The base for fiscal year 2026 and beyond is \$3,250,000."

4.11 Page 41, line 28, delete "\$2,500,000" and insert "\$3,000,000"

4.12 Page 41, line 29, delete "year" and insert "years 2022 and"

4.13 Page 43, line 7, delete the second "\$211,000" and insert "\$221,000"

4.14 Page 43, line 31, before "\$65,000,000" insert "(a)"

4.15 Page 44, after line 14, insert:

4.16 "(b) The commissioner may reallocate money
4.17 appropriated in paragraph (a) across those
4.18 purposes based on project readiness and
4.19 priority. The appropriations in paragraph (a)
4.20 are available until June 30, 2029."

4.21 Page 76, line 17, delete "commissioner of natural resources for" and insert "adjutant
4.22 general of the Department of Military"

4.23 Page 76, delete line 18

4.24 Pages 145 to 148, delete sections 26 to 28 and insert:

4.25 "Sec. 26. [116.065] CUMULATIVE IMPACTS ANALYSIS; PERMIT DECISIONS
4.26 IN ENVIRONMENTAL JUSTICE AREAS.

4.27 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
4.28 the meanings given them.

4.29 (b) "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

5.1 (c) "Compelling public interest" means a factor or condition that is necessary to serve
5.2 an essential environmental, health, or safety need of residents of an environmental justice
5.3 area, and which cannot reasonably be met by alternative available means.

5.4 (d) "Cumulative impacts" means the impacts of aggregated levels of past and current
5.5 air, water, and land pollution in a defined geographic area to which current residents are
5.6 exposed.

5.7 (e) "Environmental justice" means:

5.8 (1) communities of color, Indigenous communities, and low-income communities have
5.9 a healthy environment and are treated fairly when environmental statutes, rules, and policies
5.10 are developed, adopted, implemented, and enforced; and

5.11 (2) in all decisions that have the potential to affect the environment of an environmental
5.12 justice area or the public health of its residents, due consideration is given to the history of
5.13 the area's and its residents' cumulative exposure to pollutants and to any current
5.14 socioeconomic conditions that could increase harm to those residents from additional
5.15 exposure to pollutants.

5.16 (f) "Environmental justice area" means one or more census tracts in Minnesota:

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

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

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

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

5.23 (2) located within Indian country, as defined in United State Code, title 18, section 1151.

5.24 (g) "Environmental stressors" mean factors that may make residents of an environmental
5.25 justice area susceptible to harm from exposure to pollutants. Environmental stressors include:

5.26 (1) environmental effects on health from exposure to past and current pollutants in the
5.27 environmental justice area, including any biomonitoring information from residents; and

5.28 (2) social and environmental factors, including but not limited to, poverty, substandard
5.29 housing, food insecurity, elevated rates of disease, and poor access to health insurance and
5.30 medical care.

6.1 Subd. 2. **Cumulative impacts analysis; applicability.** This section applies to applications
6.2 for the following types of new construction permits, permits required for facility expansions,
6.3 and reissuances of existing permits for which the commissioner has determined under
6.4 subdivision 3 that issuance of the permit as proposed is likely to impact the environment
6.5 or the health of residents in an environmental justice area:

6.6 (1) a major air permit, as defined in Minnesota Rules, chapter 7007.0200; and

6.7 (2) a state air permit required under Minnesota Rules, chapter 7007.0250, subparts 2 to

6.8 6.

6.9 Subd. 3. **Cumulative impacts analysis; determination of need.** (a) The commissioner
6.10 is responsible for determining whether a proposed permit action will impact the environment
6.11 or health of the residents of an environmental justice area.

6.12 (b) A permit application must indicate whether the permit action sought is likely to
6.13 impact the environment or the health of residents of an environmental justice area and must
6.14 include the data used by the applicant to make the determination.

6.15 (c) In making a determination whether a cumulative analysis is required, the commissioner
6.16 must:

6.17 (1) review the permit application and the applicant's assessment of the need to conduct
6.18 a cumulative analysis;

6.19 (2) assess whether the proposed permit exceeds any of the benchmarks for conducting
6.20 a cumulative impact analysis established in the rules required under subdivision 5;

6.21 (3) review any comments and material evidence submitted by members of the public
6.22 regarding the necessity for a cumulative impact analysis; and

6.23 (4) review any other information the commissioner deems relevant.

6.24 Subd. 4. **Cumulative impacts analysis; public meeting requirements.** (a) Any permit
6.25 applicant or permit holder required to conduct a cumulative impacts analysis under
6.26 subdivision 2 must hold at least two public meetings in the environmental justice area
6.27 impacted by the facility before the commissioner issues or denies a permit. The first public
6.28 meeting must be held before conducting a cumulative impacts analysis, and the second must
6.29 be held after conducting the analysis.

6.30 (b) The permit applicant or permit holder must:

7.1 (1) publish notice containing the date, time, and location of the public meetings, and a
7.2 brief description of the permit or project in a newspaper of general circulation within the
7.3 environmental justice area at least 30 days before the meetings;

7.4 (2) post physical signage in the environmental justice area impacted, as directed by the
7.5 commissioner; and

7.6 (3) provide the commissioner with notice of the public meeting and a copy of the
7.7 cumulative impacts analysis at least 45 days before the second public meeting.

7.8 (c) The commissioner must post the notice and cumulative impacts analysis on the
7.9 agency's website at least 30 days before the second public meeting.

7.10 (d) The permit applicant or permit holder must:

7.11 (1) provide an opportunity for robust public and Tribal engagement at the public meetings;

7.12 (2) accept written and oral comments, as directed by the commissioner, from any
7.13 interested party; and

7.14 (3) provide an electronic copy of all written comments and a transcript of oral comments
7.15 to the agency within 30 days of the public meetings.

7.16 (e) If the permit applicant or permit holder is applying for more than one permit that
7.17 may affect the same environmental justice area, the permit applicant or permit holder may
7.18 request that the commissioner require that the facility hold two public meetings that address
7.19 all of the permits sought. The commissioner may approve or deny the request.

7.20 (f) The commissioner may incorporate conditions in a permit for a facility located in or
7.21 affecting an environmental justice area to hold multiple in-person meetings with residents
7.22 of the environmental justice area affected by the facility to share information and discuss
7.23 community concerns.

7.24 Subd. 5. **Environmental justice area; permit decisions.** (a) In determining whether to
7.25 issue or deny a permit, the commissioner must consider the cumulative impacts analysis
7.26 conducted, the testimony presented, and comments submitted in public meetings held under
7.27 subdivision 4. The permit may be issued no earlier than 30 days following the last public
7.28 meeting.

7.29 (b) The commissioner must deny an application for a permit subject to this section for
7.30 a facility in an environmental justice area if the cumulative impacts analysis determines that
7.31 issuing the permit, in combination with the environmental stressors present in the

8.1 environmental justice area, would contribute to adverse cumulative environmental stressors
8.2 in the environmental justice area, unless:

8.3 (1) the commissioner enters into a community benefit agreement with the facility owner
8.4 or operator, in consultation with community-based organizations representing the interests
8.5 of residents of the environmental justice community; and

8.6 (2) there is a compelling public interest to issue the permit, as determined by the
8.7 commissioner, based on criteria established in the rules required under subdivision 5.

8.8 (c) If the commissioner determines that a compelling public interest exists and the
8.9 applicant enters into a community benefit agreement with the commissioner, the agency
8.10 may grant a permit that imposes conditions on the construction and operation of the facility
8.11 to protect public health and the environment.

8.12 (d) Issuance of a permit under this section must include a requirement that the facility
8.13 provide information to the community describing the health risks that the facility poses.

8.14 (e) A community benefit agreement must be signed on or before the date a new or
8.15 reissued permit is issued in an environmental justice area.

8.16 (f) The commissioner must publish and maintain on its website a list of environmental
8.17 justice areas in the state.

8.18 (g) The agency must maintain an updated database of the identified stressors in specific
8.19 census tracts, and make this database accessible to the public.

8.20 Subd. 6. **Rulemaking.** (a) The commissioner shall adopt rules under chapter 14 to
8.21 implement and govern the cumulative impacts analysis and issuance or denial of permits
8.22 for facilities that impact environmental justice areas as contained in this section.
8.23 Notwithstanding section 14.125, the agency must publish notice of intent to adopt rules
8.24 within 36 months of the effective date of this act, or the authority for the rules expires.

8.25 (b) During the rulemaking process, the Pollution Control Agency shall engage in robust
8.26 public engagement, including public meetings, and Tribal consultation.

8.27 (c) Rules developed under this section must:

8.28 (1) establish benchmarks to assist the commissioner's determination regarding the need
8.29 for a cumulative impacts analysis to be conducted;

8.30 (2) establish the required content of a cumulative impacts analysis, including sources
8.31 of public information that an applicant can access regarding environmental stressors that
8.32 are present in an environmental justice community;

9.1 (3) define conditions, criteria, or circumstances that qualify as a compelling public
9.2 interest, which:

9.3 (i) must include, with respect to economic considerations, only those that directly and
9.4 substantially benefit residents of the environmental justice area of concern;

9.5 (ii) must include noneconomic considerations that directly benefit the residents of the
9.6 environmental justice area of concern; and

9.7 (iii) must take into account public comments made at public meetings held under
9.8 subdivision 3;

9.9 (3) establish the content of a community benefit agreement and procedures for entering
9.10 into community benefit agreements, which must include:

9.11 (i) meaningful consultation with members of the public and community-based
9.12 organizations or coalitions representing the interests of residents within the environmental
9.13 justice area;

9.14 (ii) at least one public meeting held within the environmental justice area; and

9.15 (iii) a formal petition showing support from 50 community members that is signed after
9.16 a public meeting; and

9.17 (4) establish a petition process and form submitted to the agency by environmental
9.18 justice area residents to support the need for a cumulative impact analysis, including criteria
9.19 defining potential adverse cumulative impacts on the environment or health of the residents.

9.20 (d) The agency must provide translation services and translated materials upon request
9.21 during rulemaking meetings.

9.22 (e) The agency must provide public notice on the agency's website at least 30 days before
9.23 public meetings held on this rulemaking. The notice must include the date, time, and location
9.24 of the meeting. The agency must use multiple communications methods to inform residents
9.25 of environmental justice areas in the public meetings held for the rulemaking.

9.26 Sec. 27. Minnesota Statutes 2022, section 116.07, subdivision 6, is amended to read:

9.27 Subd. 6. **Pollution Control Agency; exercise of powers.** In exercising all its powers
9.28 the Pollution Control Agency ~~shall give due consideration to~~ must:

9.29 (1) consider the establishment, maintenance, operation and expansion of business,
9.30 commerce, trade, industry, traffic, and other economic factors and other material matters
9.31 affecting the feasibility and practicability of any proposed action, including, but not limited

10.1 to, the burden on a municipality of any tax which may result therefrom, and ~~shall~~ must take
 10.2 or provide for such action as may be reasonable, feasible, and practical under the
 10.3 circumstances; and

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

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

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

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

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

10.16 (v) ensure environmental justice values are represented to the agency from a
 10.17 commissioner-appointed environmental justice advisory committee that is composed of
 10.18 diverse members and that is developed and operated in a manner open to the public and in
 10.19 accordance with the duties described in the bylaws and charter adopted and maintained by
 10.20 the commissioner.

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

10.22 Page 159, delete section 38

10.23 Page 197, line 21, after "operator" insert ", other than those holding a valid watercraft
 10.24 operator's permit or an exempt operator,"

10.25 Page 197, line 24, delete "60" and insert "180"

10.26 Page 201, line 9, before "\$20" insert "up to"

10.27 Page 204, line 28, delete "may" and insert "must"

10.28 Page 257, after line 7, insert:

10.29 "Sec. 2. Minnesota Statutes 2022, section 17.118, subdivision 2, is amended to read:

10.30 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this
 10.31 subdivision have the meanings given them.

- 11.1 (b) "Livestock" means beef cattle, dairy cattle, swine, poultry, goats, mules, farmed
11.2 Cervidae, Ratitae, bison, sheep, horses, and llamas.
- 11.3 (c) "Qualifying expenditures" means the amount spent for:
- 11.4 (1) the acquisition, construction, or improvement of buildings or facilities for the
11.5 production of livestock or livestock products;
- 11.6 (2) the development of pasture for use by livestock including, but not limited to, the
11.7 acquisition, development, or improvement of:
- 11.8 (i) lanes used by livestock that connect pastures to a central location;
- 11.9 (ii) watering systems for livestock on pasture including water lines, booster pumps, and
11.10 well installations;
- 11.11 (iii) livestock stream crossing stabilization; and
- 11.12 (iv) fences; or
- 11.13 (3) the acquisition of equipment for livestock housing, confinement, feeding, and waste
11.14 management including, but not limited to, the following:
- 11.15 (i) freestall barns;
- 11.16 (ii) watering facilities;
- 11.17 (iii) feed storage and handling equipment;
- 11.18 (iv) milking parlors;
- 11.19 (v) robotic equipment;
- 11.20 (vi) scales;
- 11.21 (vii) milk storage and cooling facilities;
- 11.22 (viii) bulk tanks;
- 11.23 (ix) computer hardware and software and associated equipment used to monitor the
11.24 productivity and feeding of livestock;
- 11.25 (x) manure pumping and storage facilities;
- 11.26 (xi) swine farrowing facilities;
- 11.27 (xii) swine and cattle finishing barns;
- 11.28 (xiii) calving facilities;
- 11.29 (xiv) digesters;

- 12.1 (xv) equipment used to produce energy;
- 12.2 (xvi) on-farm processing facilities equipment;
- 12.3 (xvii) fences, including but not limited to farmed Cervidae perimeter fences required
- 12.4 under section 35.155, ~~subdivision 4~~ subdivisions 4 and 4a; and
- 12.5 (xviii) livestock pens and corrals and sorting, restraining, and loading chutes.

12.6 Except for qualifying pasture development expenditures under clause (2), qualifying

12.7 expenditures only include amounts that are allowed to be capitalized and deducted under

12.8 either section 167 or 179 of the Internal Revenue Code in computing federal taxable income.

12.9 Qualifying expenditures do not include an amount paid to refinance existing debt."

12.10 Page 260, delete lines 12 to 15, and insert:

12.11 "(7) record with the county recorder or registrar of titles as appropriate, in the county

12.12 where the premises is located, a notice, in the form required by the board, that meets the

12.13 recording requirements of sections 507.093 and 507.24 and includes the nearest address

12.14 and the legal description of the premises, the date of detection, the date of depopulation,

12.15 the landowner requirements under this paragraph, and any other information required by

12.16 the board. The legal description must be the legal description of record with the county

12.17 recorder or registrar of titles and must not otherwise be the real estate tax statement legal

12.18 description of the premises. The notice expires and has no effect ten years after the date of

12.19 detection stated in the notice. The registrar of titles must omit an expired notice from future

12.20 certificates of title."

12.21 Page 261, after line 11, insert:

12.22 "(d) This subdivision does not apply to the interstate transfer of animals between two

12.23 facilities accredited by the Association of Zoos and Aquariums.

12.24 (e) Notwithstanding this subdivision, the commissioner of natural resources may issue

12.25 a permit allowing the importation of orphaned wild cervid species that are not susceptible

12.26 to chronic wasting disease from another state to an Association of Zoos and Aquariums

12.27 accredited institution in Minnesota following a joint risk-based assessment conducted by

12.28 the commissioner and the institution."

12.29 Renumber the sections in sequence and correct the internal references

12.30 Adjust amounts accordingly