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State of Minnesota

Printed Page No. 239

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3368

02/12/2024 Authored by Hansen, R.; Reyer; Garofalo; Huot; Clardy and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
02/22/2024 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to environment; requiring notification and local approval before certain
1.3 uses of money in the closed landfill investment fund and the metropolitan landfill
1.4 contingency action trust account; amending Minnesota Statutes 2022, sections
1.5 115B.421; 473.845, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2022, section 115B.421, is amended to read:

1.8 115B.421 CLOSED LANDFILL INVESTMENT FUND.

1.9 Subdivision 1. Establishment. (a) The closed landfill investment fund is established in
1.10 the state treasury. The fund consists of money credited to the fund and interest and other
1.11 earnings on money in the fund. Funds must be deposited as described in section 115B.445.
1.12 The fund must be managed to maximize long-term gain through the State Board of
1.13 Investment.

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

1.16 (c) If the commissioner determines that a release or threatened release from a qualified
1.17 facility for which the commissioner has assumed obligations for environmental response
1.18 actions under section 115B.40 or 115B.406 constitutes an emergency requiring immediate
1.19 action to prevent, minimize, or mitigate damage either to the public health or welfare or the
1.20 environment or to a system designed to protect the public health or welfare or the
1.21 environment, up to \$9,000,000 in addition to the amount appropriated under paragraph (b)
1.22 is appropriated to the commissioner in the first year of the biennium and may be spent by
1.23 the commissioner to take reasonable and necessary emergency response actions. Money

2.1 not spent in the first year of the biennium may be spent in the second year. If money is  
 2.2 appropriated under this paragraph, the commissioner must notify the chairs of the senate  
 2.3 and house of representatives committees having jurisdiction over environment policy and  
 2.4 finance as soon as possible. The commissioner must maintain the fund balance to ensure  
 2.5 long-term viability of the fund and reflect the responsibility of the landfill cleanup program  
 2.6 in perpetuity.

2.7 (d) Paragraphs (b) and (c) expire June 30, 2025.

2.8 Subd. 2. **Local approval.** Money in the closed landfill investment fund may not be spent  
 2.9 or transferred for purposes other than the purposes provided under sections 115B.39 to  
 2.10 115B.444 until:

2.11 (1) a public review and comment period on the spending or transfer has been completed,  
 2.12 including a public meeting within each of the counties with the ten largest, by acreage,  
 2.13 qualified facilities. The public review and comment period must be at least 180 days, and  
 2.14 notice of the public meeting must be published in a newspaper of general circulation in the  
 2.15 county at least 30 days before the meeting; and

2.16 (2) the county boards of all counties with one of the ten largest, by acreage, qualified  
 2.17 facilities approve by resolution the spending or transfer.

2.18 Sec. 2. Minnesota Statutes 2022, section 473.845, is amended by adding a subdivision to  
 2.19 read:

2.20 Subd. 3a. **Local approval.** Money in the metropolitan landfill contingency action trust  
 2.21 account may not be spent or transferred for purposes other than the purposes provided under  
 2.22 this section until:

2.23 (1) a public review and comment period on the spending or transfer has been completed,  
 2.24 including a public meeting within each county with a facility eligible for spending from the  
 2.25 metropolitan landfill contingency action trust account. The public review and comment  
 2.26 period must be at least 180 days, and notice of the public meeting must be published in a  
 2.27 newspaper of general circulation in the county at least 30 days before the meeting; and

2.28 (2) the county boards of all counties with an eligible facility approve by resolution the  
 2.29 spending or transfer.