

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

S.F. No. 4446

(SENATE AUTHORS: HAWJ)

DATE	D-PG	OFFICIAL STATUS
03/17/2026	6736	Introduction and first reading Referred to Environment, Climate, and Legacy
04/07/2026	7205a 7904	Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to natural resources; modifying provisions for soil and water conservation;

1.3 amending Minnesota Statutes 2024, sections 103C.005; 103C.201, subdivision 7;

1.4 103C.225, subdivision 4; 103C.331, subdivisions 5, 6, 7, 9, 15; 103C.335;

1.5 103C.501, subdivisions 5, 7; 103G.2241, subdivisions 1, 2; repealing Minnesota

1.6 Statutes 2024, section 103C.101, subdivision 8.

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

1.8 Section 1. Minnesota Statutes 2024, section 103C.005, is amended to read:

1.9 **103C.005 SOIL AND WATER CONSERVATION POLICY.**

1.10 Maintaining and enhancing the quality of soil and water for the environmental and

1.11 economic benefits they produce, preventing degradation, and restoring degraded soil and

1.12 water resources of this state contribute greatly to the health, safety, economic well-being,

1.13 and general welfare of this state and its citizens. Land ~~occupiers~~ owners and authorized

1.14 agents have the responsibility to implement practices that conserve the soil and water

1.15 resources of the state. Soil and water conservation measures implemented on private lands

1.16 in this state provide benefits to the general public by reducing erosion, sedimentation,

1.17 siltation, water pollution, and damages caused by floods. The soil and water conservation

1.18 policy of the state is to encourage ~~land-occupiers to conserve~~ conservation of soil, water,

1.19 and the natural resources they support through the implementation of practices that:

1.20 (1) control or prevent erosion, sedimentation, siltation, and related pollution in order to

1.21 preserve natural resources;

1.22 (2) ensure continued soil health, as defined under section 103C.101, subdivision 10a,

1.23 and soil productivity;

- 2.1 (3) protect water quality;
- 2.2 (4) prevent impairment of dams and reservoirs;
- 2.3 (5) reduce damages caused by floods;
- 2.4 (6) preserve wildlife;
- 2.5 (7) protect the tax base; and
- 2.6 (8) protect public lands and waters.

2.7 Sec. 2. Minnesota Statutes 2024, section 103C.201, subdivision 7, is amended to read:

2.8 Subd. 7. **Determination after referendum.** (a) The state board ~~shall~~ must publish the
 2.9 result of the referendum and then determine whether the operation of a district in the defined
 2.10 boundaries is administratively feasible. In making the determination, the state board must
 2.11 consider the policy in section 103C.005, and:

- 2.12 ~~(1) the attitudes of the land occupiers in the defined boundaries;~~
- 2.13 ~~(2) the number of eligible voters who voted in the referendum;~~
- 2.14 ~~(3) the proportion of the votes cast in the referendum in favor of establishing the district~~
 2.15 ~~to the total number of votes cast;~~
- 2.16 ~~(4) the approximate wealth and income of the land occupiers of the proposed district;~~
- 2.17 ~~(5) the probable expense of carrying on erosion control operations and related water~~
 2.18 ~~quality improvements within the district; and~~
- 2.19 ~~(6) other relevant economic, scientific, and social factors.~~ The state board may not
 2.20 determine that the operation of the proposed district within the defined boundaries is
 2.21 administratively feasible unless a majority of the votes cast in the referendum on
 2.22 establishment of the district have been cast in favor of establishing the district.

2.23 (b) If the state board determines that the operation of the district is not administratively
 2.24 feasible, the state board shall record the determination and deny the petition. Six months
 2.25 after the date of entry of a determination by the state board that operation of a proposed
 2.26 district is not administratively feasible, a new petition may be filed and a new proceeding
 2.27 started.

2.28 (c) If the state board determines that the operation of the district is administratively
 2.29 feasible, it shall record the determination and proceed with the establishment and organization
 2.30 of the district.

3.1 Sec. 3. Minnesota Statutes 2024, section 103C.225, subdivision 4, is amended to read:

3.2 Subd. 4. **Determination by state board.** (a) The state board shall determine whether
3.3 the continued operation of the district board is administratively feasible and give
3.4 consideration to:

3.5 (1) the public policy under section 103C.005, ~~and;~~

3.6 ~~(1) the attitudes of land occupiers within the district;~~

3.7 ~~(2) the number of eligible voters who voted in the referendum;~~

3.8 ~~(3) the proportion of the votes cast in the referendum in favor of the discontinuance of~~
3.9 ~~the district to the total number of votes cast;~~

3.10 ~~(4) the approximate wealth and income of the land occupiers of the district;~~

3.11 ~~(5) the probable expense of carrying on erosion control operations and related water~~
3.12 ~~quality improvements within the district;~~

3.13 ~~(6) the plan to continue~~ (2) the powers, duties, and responsibilities of the district board;
3.14 and

3.15 ~~(7)~~ (3) other economic, scientific, and social factors relevant to the determination.

3.16 (b) If the state board determines that the continued operation of the district is
3.17 administratively feasible, the state shall record the determination and deny the petition.

3.18 (c) If the state board determines that the continued operation of the district is not
3.19 administratively feasible, the state board shall record the determination and certify the
3.20 determination to the district board. The state board may determine that the continued
3.21 operation of the district is not administratively feasible only when at least a majority of the
3.22 votes cast in the referendum have been cast in opposition to continuance and a satisfactory
3.23 plan to continue the powers, duties, and responsibilities of the district board is completed.

3.24 Sec. 4. Minnesota Statutes 2024, section 103C.331, subdivision 5, is amended to read:

3.25 Subd. 5. **Demonstration projects.** A district may conduct demonstration projects within
3.26 the district ~~on lands owned or administered by a state agency, with the cooperation of the~~
3.27 ~~administering agency, and on other lands with the consent of the land occupier,~~ to
3.28 demonstrate practices ~~which~~ that implement the state policy specified in section 103C.005.

4.1 Sec. 5. Minnesota Statutes 2024, section 103C.331, subdivision 6, is amended to read:

4.2 Subd. 6. **Implementing practices.** A district may implement any necessary practices
4.3 within the district, including structural measures and works of improvement, to achieve the
4.4 purposes of this chapter and fulfill other statutory responsibilities, ~~on:~~

4.5 ~~(1) lands acquired by the district;~~

4.6 ~~(2) lands owned or administered by a public agency, with the cooperation of the~~
4.7 ~~administering agency; and~~

4.8 ~~(3) other lands, with the consent of the land occupier.~~

4.9 Sec. 6. Minnesota Statutes 2024, section 103C.331, subdivision 7, is amended to read:

4.10 Subd. 7. **Implementing soil and water conservation policy.** A district may cooperate
4.11 or enter into agreements with and furnish financial or other aid to a land occupier or
4.12 appropriate agency to implement this chapter and fulfill other statutory responsibilities,
4.13 subject to conditions the district board determines are necessary.

4.14 Sec. 7. Minnesota Statutes 2024, section 103C.331, subdivision 9, is amended to read:

4.15 Subd. 9. **Using machinery and supplies.** A district may make available, on terms it
4.16 prescribes, ~~to land occupiers within the district agricultural and engineering machinery and~~
4.17 ~~equipment, fertilizer, seeds, seedlings, and other material~~ materials or equipment ~~that helps~~
4.18 ~~land occupiers implement practices on their land~~ to implement this chapter and fulfill other
4.19 statutory responsibilities.

4.20 Sec. 8. Minnesota Statutes 2024, section 103C.331, subdivision 15, is amended to read:

4.21 Subd. 15. **Agreements for state or federal assistance.** (a) A district may apply for and
4.22 enter into an agreement or contract to obtain or use state or federal funding or assistance
4.23 under any law providing for state or federal funding or assistance for an authorized purpose
4.24 of the district.

4.25 (b) A district may:

4.26 (1) acquire any land, easements, or rights-of-way needed in connection with works of
4.27 improvement installed with federal or state assistance or funding;

4.28 (2) assume the proportionate share of the cost of installing works of improvement
4.29 involving state or federal funding or assistance that is equitable in consideration of anticipated
4.30 benefits from the improvements;

5.1 (3) arrange to defray costs of operating and maintaining works of improvement in
5.2 accordance with prescribed regulations;

5.3 (4) acquire or provide assurance that ~~land occupiers~~ owners or authorized agents have
5.4 acquired the water rights and other rights, pursuant to state law, needed to install, maintain,
5.5 and operate the works of improvement; and

5.6 (5) obtain agreements to carry out recommended soil and water conservation measures
5.7 and prepare farm plans for owners of not less than 50 percent or other required percentage
5.8 of the lands situated in a drainage area above a retention reservoir installed with federal
5.9 assistance, as prescribed by applicable federal law, and may do any other acts necessary to
5.10 secure and use federal aid.

5.11 Sec. 9. Minnesota Statutes 2024, section 103C.335, is amended to read:

5.12 **103C.335 TECHNICAL AND ADMINISTRATIVE ASSISTANCE TO DISTRICTS.**

5.13 At the request of local districts, the Agricultural Extension Service of the University of
5.14 Minnesota, county extension committees, and county extension agents shall:

5.15 (1) advise the districts in developing their comprehensive plan amendments and annual
5.16 work plans;

5.17 (2) in cooperation with the districts and the Natural Resources Conservation Service of
5.18 the United States Department of Agriculture, provide technical assistance and education to
5.19 ~~land occupiers~~ about conservation tillage practices and other soil conservation practices;
5.20 and

5.21 (3) participate in training district officials and employees in cooperation with the state
5.22 board.

5.23 Sec. 10. Minnesota Statutes 2024, section 103C.501, subdivision 5, is amended to read:

5.24 Subd. 5. **Contracts by districts.** (a) A district may provide technical and financial
5.25 assistance ~~to a land occupier or to a state or federal agency~~ for practices and projects for:

5.26 (1) erosion or sedimentation control;

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

5.28 (3) habitat enhancement;

5.29 (4) plant biodiversity;

5.30 (5) energy conservation; or

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

6.2 (b) A district, consistent with state board rules and policies, may contract to provide
6.3 technical and financial assistance for structural and nonstructural practices and projects.

6.4 (c) The state board or the district may not furnish any financial assistance for practices
6.5 designed only to increase land productivity.

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

6.10 Sec. 11. Minnesota Statutes 2024, section 103C.501, subdivision 7, is amended to read:

6.11 Subd. 7. **Inspections.** The district or the district's delegate must conduct site inspections
6.12 of conservation practices installed to determine ~~if the land occupier is in~~ compliance with
6.13 design, installation, operation, and maintenance specifications.

6.14 Sec. 12. Minnesota Statutes 2024, section 103G.2241, subdivision 1, is amended to read:

6.15 Subdivision 1. **Agricultural activities.** A replacement plan for wetlands is not required
6.16 for:

6.17 (1) impacts to wetlands on agricultural land ~~labeled prior-converted cropland and impacts~~
6.18 ~~to wetlands~~ resulting from drainage maintenance activities that do not exceed the scope and
6.19 effect of drainage manipulations that occurred before December 23, 1985, and are authorized
6.20 by the United States Department of Agriculture, Natural Resources Conservation Service,
6.21 on areas labeled ~~farmed wetland, farmed-wetland pasture, and wetland~~. The prior-converted
6.22 cropland, farmed wetland, farmed-wetland pasture, or wetland ~~must be labeled~~ on a valid
6.23 final certified wetland determination issued by the Natural Resources Conservation Service
6.24 ~~in accordance with Code of Federal Regulations, title 7, part 12, as amended~~. It is the
6.25 responsibility of the owner or operator of the land to provide a copy of the final certified
6.26 wetland determination to, and allow the Natural Resources Conservation Service to share
6.27 related information with, the local government unit and the board for purposes of verification;

6.28 (2) until October 31, 2031, impacts to wetlands on agricultural land that:

6.29 (i) was planted with annually seeded crops before July 1, except for crops that are
6.30 normally planted after that date, in eight out of the ten most recent years before the impact;

7.1 (ii) was in a crop rotation seeding of pasture grass, cover crop, or legumes, or was fallow
 7.2 for a crop production purpose in eight out of the ten most recent years before the impact;
 7.3 or

7.4 (iii) was enrolled in a state or federal land conservation program and met the requirements
 7.5 of item (i) or (ii) before enrollment;

7.6 ~~(2)~~ (3) activities in a wetland conducted as part of normal farming practices. For purposes
 7.7 of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching
 7.8 activities such as plowing, seeding, cultivating, and harvesting for the production of feed,
 7.9 food, and fiber products, but does not include activities that result in the draining of wetlands;

7.10 ~~(3)~~ (4) soil and water conservation practices approved by the soil and water conservation
 7.11 district, after review by the Technical Evaluation Panel;

7.12 ~~(4)~~ (5) wetland impacts resulting from aquaculture activities, including pond excavation
 7.13 and construction and maintenance of associated access roads and dikes, authorized under
 7.14 and conducted in accordance with a permit issued by the United States Army Corps of
 7.15 Engineers under section 404 of the federal Clean Water Act, United States Code, title 33,
 7.16 section 1344, but not including construction or expansion of buildings;

7.17 ~~(5)~~ (6) wetland impacts resulting from wild rice production activities, including necessary
 7.18 diking and other activities, authorized under and conducted in accordance with a permit
 7.19 issued by the United States Army Corps of Engineers under section 404 of the federal Clean
 7.20 Water Act, United States Code, title 33, section 1344; or

7.21 ~~(6)~~ (7) agricultural activities on agricultural land that is subject to the swampbuster
 7.22 provisions of the federal farm program restrictions, including the use of an agricultural
 7.23 wetland bank, consistent with a memorandum of understanding and related agreements
 7.24 between the board and the United States Department of Agriculture, Natural Resources
 7.25 Conservation Service.

7.26 Sec. 13. Minnesota Statutes 2024, section 103G.2241, subdivision 2, is amended to read:

7.27 Subd. 2. **Drainage.** (a) A replacement plan is not required for draining or filling of
 7.28 wetlands, except for draining wetlands that have been in existence for more than 25 years,
 7.29 resulting from maintenance and repair of existing drainage systems, including public drainage
 7.30 systems. Public drainage systems can meet this requirement with documentation that:

7.31 (1) a repair of the drainage system ordered by the drainage authority was completed
 7.32 within the past 25 years in accordance with section 103E.701; or

8.1 (2) ditch inspections were completed within the past 25 years as required under section
8.2 103E.705 and a repair was not ordered by the drainage authority during that time.

8.3 (b) The exemption in paragraph (a) may only be applied to wetlands within or adjacent
8.4 to the part of the system that is documented to have been repaired or inspected in accordance
8.5 with paragraph (a), clause (1) or (2).

8.6 ~~(b)~~ (c) A public drainage authority may, as part of the repair of a public drainage system,
8.7 as defined in section 103E.005, subdivision 12, install control structures, realign the ditch,
8.8 construct dikes along the ditch, or make other modifications as necessary to prevent the
8.9 drainage of wetlands.

8.10 Sec. 14. **REPEALER.**

8.11 Minnesota Statutes 2024, section 103C.101, subdivision 8, is repealed.

APPENDIX
Repealed Minnesota Statutes: S4446-1

103C.101 DEFINITIONS.

Subd. 8. **Land occupier.** "Land occupier" means a person, corporation, or legal entity that holds title to or is in possession of land within a district as an owner, lessee, tenant, or otherwise.