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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3660

03/12/2018 Authored by Fenton, Franke, Jurgens, Lohmer, Ward and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
03/21/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
05/08/2018 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to environment; implementing terms of recent settlement between state
1.3 and 3M Company; appropriating money; amending Minnesota Statutes 2016,
1.4 section 116.155, subdivision 1, by adding a subdivision; proposing coding for new
1.5 law in Minnesota Statutes, chapter 115B.

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

1.7 Section 1. 115B.52] WATER QUALITY AND SUSTAINABILITY ACCOUNT.

1.8 Subdivision 1. Definition. For purposes of this section and section 115B.53, the term
1.9 "settlement" means the agreement and order entered on February 20, 2018, settling litigation
1.10 commenced by the state against the 3M Company under section 115B.17, subdivision 7.

1.11 Subd. 2. Establishment. The water quality and sustainability account is established as
1.12 an account in the remediation fund. The account consists of revenue deposited in the account
1.13 under the terms of the settlement and earnings on the investment of money in the account.
1.14 Money in the account may be invested through the State Board of Investment.

1.15 Subd. 3. Expenditures. (a) Money in the account is appropriated to the commissioner
1.16 of the Pollution Control Agency and to the commissioner of natural resources for the purposes
1.17 authorized under the settlement.

1.18 (b) The commissioners must ensure that money in the account is spent:

1.19 (1) to enhance the quality, quantity, and sustainability of the drinking water in the east
1.20 metropolitan area, which includes but is not limited to, the cities of Woodbury, Oakdale,
1.21 Lake Elmo, Cottage Grove, St. Paul Park, Afton, and Newport and the townships of West
1.22 Lakeland and Grey Cloud Island;

2.1 (2) to ensure clean drinking water in sufficient supply to residents and businesses in the  
2.2 east metropolitan area to meet their current and future water needs, with priority given to  
2.3 projects that address drinking water supplies where health-based values or health risk limits  
2.4 for perfluorinated and polyfluorinated chemicals have been exceeded;

2.5 (3) only on projects that are technically feasible; and

2.6 (4) in a manner that ensures the first priority identified in the settlement agreement is  
2.7 met.

2.8 Subd. 4. **Limitations.** No more than ten percent of the money in the account may be  
2.9 spent on state and local administrative expenses and no more than ten percent may be spent  
2.10 on studies.

2.11 Subd. 5. **Reporting.** The commissioner of the Pollution Control Agency and the  
2.12 commissioner of natural resources must jointly submit:

2.13 (1) by January 15, 2019, an implementation plan detailing how the commissioners will:

2.14 (i) determine how the priorities in the settlement are met and how the spending will  
2.15 move from the first and second priorities outlined in the settlement; and

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

2.17 (2) by March 1 and November 1 each year, a biannual report to the chairs and ranking  
2.18 minority members of the legislative policy and finance committees with jurisdiction over  
2.19 environment and natural resources on expenditures from the water quality and sustainability  
2.20 account during the previous six months; and

2.21 (3) by November 1 each year, a report to the legislature on expenditures from the water  
2.22 quality and sustainability account during the previous fiscal year and a spending plan for  
2.23 anticipated expenditures from the account during the current fiscal year.

2.24 Subd. 6. **State authority.** Nothing in this section grants authority to the commissioner  
2.25 of the Pollution Control Agency or commissioner of natural resources to assume control or  
2.26 otherwise operate existing municipal water supply operations in the east metropolitan area.

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

2.28 Sec. 2. **[115B.53] WATER QUALITY AND SUSTAINABILITY STAKEHOLDERS.**

2.29 The commissioner of the Pollution Control Agency and the commissioner of natural  
2.30 resources must work with stakeholders to identify and recommend projects to receive funding  
2.31 from the water quality and sustainability account under the settlement. Stakeholders include,

3.1 at a minimum, representatives of the agency, the Department of Natural Resources, east  
3.2 metropolitan area municipalities, and the 3M Company. The commissioners must establish  
3.3 a process to solicit and evaluate the recommendations from each of the cities of Woodbury,  
3.4 Oakdale, Lake Elmo, Cottage Grove, St. Paul Park, Afton, and Newport and the townships  
3.5 of West Lakeland and Grey Cloud Island.

3.6 Sec. 3. Minnesota Statutes 2016, section 116.155, subdivision 1, is amended to read:

3.7 Subdivision 1. **Creation.** The remediation fund is created as a special revenue fund in  
3.8 the state treasury to provide a reliable source of public money for response and corrective  
3.9 actions to address releases of hazardous substances, pollutants or contaminants, agricultural  
3.10 chemicals, and petroleum, and for environmental response actions at qualified landfill  
3.11 facilities for which the agency has assumed such responsibility, including perpetual care of  
3.12 such facilities. The specific purposes for which the general portion of the fund may be spent  
3.13 are provided in subdivision 2. In addition to the general portion of the fund, the fund contains  
3.14 ~~two~~ three accounts described in subdivisions 4 ~~and 5~~ to 5a.

3.15 Sec. 4. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision to  
3.16 read:

3.17 Subd. 5a. **Water quality and sustainability account.** The water quality and sustainability  
3.18 account is as described in section 115B.52.