

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 4311

(SENATE AUTHORS: KLEIN)

DATE	D-PG	OFFICIAL STATUS
02/26/2024	11822	Introduction and first reading Referred to Agriculture, Broadband, and Rural Development

1.1A bill for an act

1.2relating to agriculture; extending an agricultural fertilizer research fee and program

1.3by one year; establishing a drinking-water fee for nitrogen fertilizer and a private

1.4well drinking-water assistance program; requiring testing of biosolids for

1.5perfluoroalkyl and polyfluoroalkyl substances; requiring reports; appropriating

1.6money; amending Minnesota Statutes 2022, sections 18C.005, by adding

1.7subdivisions; 18C.425, by adding a subdivision; 18C.70, subdivision 5; 18C.71,

1.8subdivision 4; 18C.80, subdivision 2; 18D.301, subdivision 1; Minnesota Statutes

1.92023 Supplement, section 18C.425, subdivision 6; proposing coding for new law

1.10in Minnesota Statutes, chapter 18C.

1.11BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.12Section 1. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision

1.13to read:

1.14Subd. 7b. **Diammonium phosphate.** "Diammonium phosphate" or "DAP" means a

1.15fertilizer containing 18 percent total nitrogen and 46 percent available phosphate.

1.16Sec. 2. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision to

1.17read:

1.18Subd. 18b. **Liquid 28.** "Liquid 28" means a liquid nitrogen solution containing 28 percent

1.19total nitrogen.

1.20Sec. 3. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision to

1.21read:

1.22Subd. 18c. **Liquid 32.** "Liquid 32" means a liquid nitrogen solution containing 32 percent

1.23total nitrogen.

2.1 Sec. 4. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 19b. **Monoammonium phosphate.** "Monoammonium phosphate" or "MAP"  
2.4 means a fertilizer containing ten to 11 percent total nitrogen and 48 to 55 percent available  
2.5 phosphate.

2.6 Sec. 5. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision to  
2.7 read:

2.8 Subd. 20a. **Nitrogen fertilizer.** "Nitrogen fertilizer" means any fertilizer, soil amendment,  
2.9 or plant amendment totally or partially comprised of nitrogen, including but not limited to  
2.10 anhydrous ammonia, urea, liquid 28, liquid 32, DAP, and MAP.

2.11 Sec. 6. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision to  
2.12 read:

2.13 Subd. 37a. **Urea.** "Urea" means a white crystalline solid containing 46 percent nitrogen.

2.14 Sec. 7. Minnesota Statutes 2023 Supplement, section 18C.425, subdivision 6, is amended  
2.15 to read:

2.16 Subd. 6. **Payment of inspection fee.** (a) The person who registers and distributes in the  
2.17 state a specialty fertilizer, soil amendment, or plant amendment under section 18C.411 shall  
2.18 pay the inspection fee to the commissioner.

2.19 (b) The person licensed under section 18C.415 who distributes a fertilizer to a person  
2.20 not required to be so licensed shall pay the inspection fee to the commissioner, except as  
2.21 exempted under section 18C.421, subdivision 1, paragraph (b).

2.22 (c) The person responsible for payment of the inspection fees for fertilizers, soil  
2.23 amendments, or plant amendments sold and used in this state must pay the inspection fee  
2.24 ~~set~~ under paragraph (e), and until June 30, ~~2024~~ 2025, an additional 40 cents per ton, of  
2.25 fertilizer, soil amendment, and plant amendment sold or distributed in this state, with a  
2.26 minimum of \$10 on all tonnage reports. Notwithstanding section 18C.131, the commissioner  
2.27 must deposit all revenue from the additional 40 cents per ton fee in the agricultural fertilizer  
2.28 research and education account in section 18C.80. Products sold or distributed to  
2.29 manufacturers or exchanged between them are exempt from the inspection fee imposed by  
2.30 this subdivision if the products are used exclusively for manufacturing purposes.

(d) A registrant or licensee must retain invoices showing proof of fertilizer, plant amendment, or soil amendment distribution amounts and inspection fees paid for a period of three years.

~~(e) By commissioner's order, the commissioner must set~~ The inspection fee ~~at no less than 39~~ is 44 cents per ton ~~and no more than~~ until June 30, 2025, and increased to 70 cents per ton on July 1, 2025, and thereafter. ~~The commissioner must hold a public meeting before increasing the fee by more than five cents per ton.~~

Sec. 8. Minnesota Statutes 2022, section 18C.425, is amended by adding a subdivision to read:

Subd. 7. **Private well drinking-water fee.** (a) For nitrogen fertilizer sold or distributed between July 1, 2023, and June 30, 2025, the person required to pay the inspection fee under subdivision 6 must also pay to the commissioner a private well drinking-water fee of 99 cents per ton of nitrogen sold or distributed in this state, with a minimum of \$10 on all tonnage reports. Notwithstanding section 18C.131, the commissioner must deposit all revenue from the private well drinking-water fee in the private well drinking-water assistance account established in section 18C.90.

(b) Except as provided in paragraph (c), for nitrogen fertilizer sold or distributed after June 30, 2025, the private well drinking-water fee under paragraph (a) is increased to \$1.39 per ton.

(c) Beginning July 1, 2026, and each July 1 thereafter, if total statewide sales and distribution of nitrogen increase over the prior reporting year, the commissioner must increase the private well drinking-water fee under paragraph (b). The commissioner must increase the fee by an amount equal to the percentage increase in sales and distribution year-over-year, rounded to the nearest cent, and calculated as the difference between total statewide sales and distribution of nitrogen for the latest reporting year minus total statewide sales and distribution of nitrogen for the prior reporting year, with this difference divided by total statewide sales and distribution of nitrogen for the prior reporting year. If total statewide sales and distribution of nitrogen decrease or remain constant relative to the prior reporting year, the commissioner must not adjust the private well drinking-water fee.

Sec. 9. Minnesota Statutes 2022, section 18C.70, subdivision 5, is amended to read:

**Subd. 5. Expiration.** This section expires June 30, ~~2025~~ 2026.

Sec. 10. Minnesota Statutes 2022, section 18C.71, subdivision 4, is amended to read:

Subd. 4. **Expiration.** This section expires June 30, ~~2025~~ 2026.

Sec. 11. Minnesota Statutes 2022, section 18C.80, subdivision 2, is amended to read:

Subd. 2. **Expiration.** This section expires June 30, ~~2025~~ 2026.

Sec. 12. **[18C.90] PRIVATE WELL DRINKING-WATER ASSISTANCE PROGRAM.**

Subdivision 1. **Account; appropriation.** A private well drinking-water assistance account is established in the agricultural fund. Money in the account, including interest earned, is appropriated to the commissioner for aid payments to community health boards under subdivision 2.

Subd. 2. **Aid payments.** (a) At least annually, the commissioner must make aid payments to community health boards established under chapter 145A and located in Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, or Winona County for purposes of assisting eligible residents under subdivision 3.

(b) The commissioner must award proportional aid payments to eligible community health boards based on each board's share of total private drinking-water wells in the eight-county area with documented nitrate in excess of ten milligrams per liter, as determined by the commissioner in consultation with the commissioners of health and the Pollution Control Agency.

Subd. 3. **Provision of safe drinking water.** (a) For purposes of this section, "safe drinking water" means water required for drinking, cooking, and maintaining oral hygiene that has a nitrate level of no more than ten milligrams per liter.

(b) Community health boards must use aid payments received under subdivision 2 to assist residents in obtaining safe drinking water when the documented level of nitrate in the resident's private drinking-water well is more than ten milligrams per liter, with priority given to pregnant women and children under the age of one.

(c) Community health boards must assist eligible residents in obtaining safe drinking water through one or more of the following methods:

(1) convenient bottled water distribution or delivery;

(2) reverse osmosis treatment unit acquisition, installation, and maintenance;

(3) connection to a public water system; or

5.1 (4) another method, as determined by the commissioner of health, that provides eligible  
5.2 residents with a sufficient quantity of safe drinking water.

5.3 Subd. 4. **Reports.** No later than January 15 each year, the commissioner must report  
5.4 outcomes achieved under this section and any corresponding recommendations to the chairs  
5.5 and ranking minority members of the legislative committees with jurisdiction over agriculture  
5.6 and health.

5.7 Sec. 13. Minnesota Statutes 2022, section 18D.301, subdivision 1, is amended to read:

5.8 Subdivision 1. **Enforcement required.** (a) The commissioner shall enforce this chapter  
5.9 and chapters 18B, 18C, and 18F.

5.10 (b) Violations of chapter 18B, 18C, or 18F or rules adopted under chapter 18B, 18C, or  
5.11 18F, or section 103H.275, subdivision 2, are a violation of this chapter.

5.12 (c) Upon the request of the commissioner, county attorneys, sheriffs, and other officers  
5.13 having authority in the enforcement of the general criminal laws shall take action to the  
5.14 extent of their authority necessary or proper for the enforcement of this chapter or special  
5.15 orders, standards, stipulations, and agreements of the commissioner.

5.16 Sec. 14. **ANALYSIS AND REPORT REQUIRED; PFAS IN BIOSOLID**  
5.17 **AGRICULTURAL FERTILIZER.**

5.18 Pursuant to Minnesota Rules, part 7041.1500, subpart 3, and until December 31, 2024,  
5.19 the commissioner of the Pollution Control Agency must require sewage sludge prepared  
5.20 for application to agricultural land in Minnesota to be analyzed for the presence of  
5.21 perfluoroalkyl and polyfluoroalkyl substances (PFAS). No later than February 1, 2025, the  
5.22 commissioner must report the commissioner's findings and recommendations, including  
5.23 but not limited to an appropriate ceiling concentration and cumulative pollutant loading  
5.24 rate, to the legislative committees with jurisdiction over agriculture and the environment.

5.25 Sec. 15. **EFFECTIVE DATE.**

5.26 Sections 1 to 14 are effective the day following final enactment.