

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

S.F. No. 1227

(SENATE AUTHORS: CHAMPION)

DATE
02/06/2023

D-PG

Introduction and first reading
Referred to Environment, Climate, and Legacy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to environment; requiring that administrative penalties for repeat or serious
1.3 environmental violations be unforgiveable; amending Minnesota Statutes 2022,
1.4 section 116.072, subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2022, section 116.072, subdivision 5, is amended to read:

1.7 Subd. 5. **Penalty.** (a) Except as provided in paragraph (b), if the commissioner or county
1.8 board determines that the violation has been corrected or appropriate steps have been taken
1.9 to correct the action, the penalty must be forgiven. Unless the person requests review of the
1.10 order under subdivision 6 or 7 before the penalty is due, the penalty in the order is due and
1.11 payable:

1.12 (1) on the 31st day after the order was received, if the person subject to the order fails
1.13 to provide information to the commissioner or county board showing that the violation has
1.14 been corrected or that appropriate steps have been taken toward correcting the violation; or

1.15 (2) on the 20th day after the person receives the commissioner's or county board's
1.16 determination under subdivision 4, paragraph (b), if the person subject to the order has
1.17 provided information to the commissioner or county board that the commissioner or county
1.18 board determines is not sufficient to show the violation has been corrected or that appropriate
1.19 steps have been taken toward correcting the violation.

1.20 (b) For a repeated or serious violation, the commissioner or county board ~~may~~ must
1.21 issue an order with a penalty that will not be forgiven after the corrective action is taken.
1.22 The penalty is due by 31 days after the order was received unless review of the order under
1.23 subdivision 6, 7, or 8 has been sought.

2.1 (c) Interest at the rate established in section 549.09 begins to accrue on penalties under
2.2 this subdivision on the 31st day after the order with the penalty was received.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.4 applies to administrative penalty orders issued under Minnesota Statutes, section 116.072,
2.5 on or after that date.