

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1620

(SENATE AUTHORS: RARICK, Newman, Howe, Osmek and Koran)

DATE
02/25/2019

D-PG
515

Introduction and first reading

OFFICIAL STATUS

Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act
 1.2 relating to natural resources; governing complaints related to permits to mine or
 1.3 process aggregate resources and withholding of certain state-aid funds; amending
 1.4 Minnesota Statutes 2018, sections 162.07, by adding a subdivision; 162.081, by
 1.5 adding a subdivision; 162.13, by adding a subdivision; 162.145, by adding a
 1.6 subdivision; proposing coding for new law in Minnesota Statutes, chapter 84.

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

1.8 Section 1. **[84.9401] AGGREGATE RESOURCES PERMIT COMPLAINTS.**

1.9 (a) A person may file a written complaint with the commissioner of natural resources if
 1.10 the person believes a local unit of government has unnecessarily delayed, denied, or
 1.11 established conditions for a conditional land use permit or other permit necessary to mine
 1.12 or temporarily process aggregate resources used for roads. The complaint must be filed in
 1.13 a manner determined by the commissioner. The commissioner must review the complaint
 1.14 to determine whether the local unit of government acted outside of its authority or established
 1.15 unnecessary conditions for a permit. If the commissioner determines the local unit of
 1.16 government acted outside of its authority or established unnecessary conditions, the
 1.17 commissioner must provide an impeded activity determination to the commissioner of
 1.18 transportation.

1.19 (b) At the request of a local unit of government, the commissioner of natural resources
 1.20 must review the status of an impeded activity determination previously made under this
 1.21 section. If the commissioner of natural resources confirms the local unit of government is
 1.22 no longer acting outside of its authority or establishing unnecessary conditions, the
 1.23 commissioner of natural resources must provide a cancellation notice terminating the impeded
 1.24 activity determination to the commissioner of transportation.

2.1 Sec. 2. Minnesota Statutes 2018, section 162.07, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 7. **Withholding funds.** (a) Following receipt of an impeded activity determination
2.4 from the commissioner of natural resources under section 84.9401 identifying a county, the
2.5 commissioner of transportation must withhold distribution of the apportionment sum and
2.6 the excess sum, as provided in subdivisions 1a, 1b, and 1c, to the identified county. The
2.7 withholding applies beginning with funds distribution the following calendar year and
2.8 continues each year thereafter unless the commissioner of transportation receives a
2.9 cancellation notice for the county from the commissioner of natural resources under section
2.10 84.9401.

2.11 (b) Funds withheld under this subdivision must be set aside and added to the distribution
2.12 amount calculation in the subsequent year.

2.13 Sec. 3. Minnesota Statutes 2018, section 162.081, is amended by adding a subdivision to
2.14 read:

2.15 Subd. 5. **Withholding funds.** (a) Following receipt of an impeded activity determination
2.16 or a cancellation notice from the commissioner of natural resources under section 84.9401
2.17 identifying a town, the commissioner of transportation must forward the determination or
2.18 cancellation notice to the appropriate county.

2.19 (b) Following receipt of an impeded activity determination, the county must withhold
2.20 distribution of town road account funds under subdivision 4 to the identified town. The
2.21 withholding applies beginning with funds distribution the following calendar year and
2.22 continues each year thereafter unless the county receives a cancellation notice for the town
2.23 from the commissioner of transportation.

2.24 (c) Funds withheld under this subdivision must be set aside and added to the amount
2.25 distributed in the subsequent year.

2.26 Sec. 4. Minnesota Statutes 2018, section 162.13, is amended by adding a subdivision to
2.27 read:

2.28 Subd. 4. **Withholding funds.** (a) Following receipt of an impeded activity determination
2.29 from the commissioner of natural resources under section 84.9401 identifying a city that
2.30 receives municipal state-aid street funds, the commissioner of transportation must withhold
2.31 distribution of the apportionment sum under subdivision 1 to the identified city. The
2.32 withholding applies beginning with funds distribution the following calendar year and

3.1 continues each year thereafter unless the commissioner of transportation receives a
3.2 cancellation notice for the city from the commissioner of natural resources under section
3.3 84.9401.

3.4 (b) Funds withheld under this subdivision must be set aside and added to the
3.5 apportionment sum calculation in the subsequent year.

3.6 Sec. 5. Minnesota Statutes 2018, section 162.145, is amended by adding a subdivision to
3.7 read:

3.8 Subd. 6. **Withholding funds.** (a) Following receipt of an impeded activity determination
3.9 from the commissioner of natural resources under section 84.9401 identifying a city that
3.10 receives small cities assistance funds under this section, the commissioner of transportation
3.11 must remove the identified city from classification as an eligible city under subdivision 4.
3.12 The classification applies beginning with funds allocation the following calendar year and
3.13 continues each year thereafter unless the commissioner of transportation receives a
3.14 cancellation notice for the city from the commissioner of natural resources under section
3.15 84.9401.

3.16 (b) Funds withheld under this subdivision must be set aside and added to the distribution
3.17 calculation in the next year funds are made available under this section.