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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-EIGHTH SESSION**

**H. F. No. 1864**

02/25/2014 Authored by Fischer and Sawatzky

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

03/06/2014 Adoption of Report: Amended and re-referred to the Committee on Government Operations

1.1 A bill for an act  
1.2 relating to state government; modifying laws governing certain executive branch  
1.3 advisory groups; amending Minnesota Statutes 2012, sections 92.35; 103F.518,  
1.4 subdivision 1; 115.55, subdivision 12; repealing Minnesota Statutes 2012,  
1.5 sections 84.964; 103F.518, subdivision 11; 116C.711; 116C.712.

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

1.7 Section 1. Minnesota Statutes 2012, section 92.35, is amended to read:

1.8 **92.35 DUTIES AND POWERS.**

1.9 The commissioner of natural resources must classify all public and private lands in  
1.10 the state by the use to which the lands are adapted, but principally as to adaptability to  
1.11 present known uses, such as agriculture and forestry. This classification must be based on  
1.12 consideration of the known physical and economic factors affecting use of the land. The  
1.13 commissioner must consult private, state, and federal agencies concerned with land use.  
1.14 ~~The commissioner may appoint advisory committees of residents of the state concerned~~  
1.15 ~~with and interested in land use. The advisory committees shall serve without pay, at the~~  
1.16 ~~pleasure of the commissioner. The advisory committee must consider and report on land~~  
1.17 ~~use problems submitted by the commissioner.~~ The classification must be done first in the  
1.18 counties having land classification committees. In determining the land classification, the  
1.19 commissioner must consult and cooperate with the land classification committee. The  
1.20 determination of the land classification committee is final.

1.21 Sec. 2. Minnesota Statutes 2012, section 103F.518, subdivision 1, is amended to read:

1.22 Subdivision 1. **Establishment of program.** (a) The board, ~~in consultation with the~~  
1.23 ~~technical committee established in subdivision 11,~~ shall establish and administer a reinvest

2.1 in Minnesota (RIM) clean energy program that is in addition to the program under section  
2.2 103F.515. Selection of land for the clean energy program must be based on its potential  
2.3 benefits for bioenergy crop production, water quality, soil health, reduction of chemical  
2.4 inputs, soil carbon storage, biodiversity, and wildlife habitat.

2.5 (b) For the purposes of this section, "diverse native prairie" means a prairie planted  
2.6 from a mix of local Minnesota native prairie species. A selection from all available native  
2.7 prairie species may be made so as to match species appropriate to local site conditions.

2.8 Sec. 3. Minnesota Statutes 2012, section 115.55, subdivision 12, is amended to read:

2.9 Subd. 12. **Advisory committee; county subsurface sewage treatment system**  
2.10 **management plan.** (a) A county may adopt a subsurface sewage treatment system  
2.11 management plan that describes how the county plans on carrying out subsurface sewage  
2.12 treatment system needs. ~~The commissioner of the Pollution Control Agency shall form an~~  
2.13 ~~advisory committee to determine what the plans should address. The advisory committee~~  
2.14 ~~shall be made up of representatives of the Association of Minnesota Counties, Pollution~~  
2.15 ~~Control Agency, Board of Water and Soil Resources, Department of Health, and other~~  
2.16 ~~public agencies or local units of government that have an interest in subsurface sewage~~  
2.17 ~~treatment systems.~~

2.18 (b) ~~The advisory committee shall advise the agency on the standards, management,~~  
2.19 ~~monitoring, and reporting requirements for performance-based systems.~~

2.20 Sec. 4. **REPEALER.**

2.21 Minnesota Statutes 2012, sections 84.964; 103F.518, subdivision 11; 116C.711; and  
2.22 116C.712, are repealed.

**84.964 INTERAGENCY NATIVE VEGETATION TASK FORCE.**

(a) An interagency task force on native plant conservation is established composed of the commissioners or their designees of the Departments of Agriculture, Natural Resources, Transportation, and the Pollution Control Agency and the executive director or designee of the Board of Water and Soil Resources. The commissioner of natural resources or the commissioner's designee shall chair the task force.

(b) The purpose of the task force is to identify priority conservation needs for native plants and their habitats in the ecological regions of the state, and to coordinate implementation of interagency programs to address those needs. The task force shall also ensure, to the greatest extent practicable, that native plant species and communities are maintained, enhanced, restored, or established on public lands, and are promoted on private lands.

**103F.518 REINVEST IN MINNESOTA CLEAN ENERGY PROGRAM.**

Subd. 11. **Technical committee.** To ensure that public benefits, including water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat are secured along with bioenergy crop production, the Board of Water and Soil Resources shall appoint a technical committee consisting of one representative from the Departments of Agriculture, Natural Resources, and Commerce and the Pollution Control Agency; two farm organizations; one sustainable agriculture farmer organization; three rural economic development organizations; three environmental organizations; and three conservation or wildlife organizations. The board and technical committee shall consult with private sector organizations and University of Minnesota researchers involved in biomass establishment and bioenergy or biofuel conversion. The technical committee is to develop program guidelines and standards, as appropriate to ensure that reinvest in Minnesota clean energy program contracts provide public benefits commensurate with the public investment. The technical committee shall review and make recommendations on the guidelines and standards every five years.

**116C.711 NUCLEAR WASTE COUNCIL.**

Subdivision 1. **Establishment.** The governor's Nuclear Waste Council is established.

Subd. 2. **Membership.** The council shall have at least nine members, consisting of:

- (1) the commissioners of health, transportation, and natural resources, and the commissioner of the Pollution Control Agency;
- (2) four citizen members appointed by the governor;
- (3) the director of the Minnesota Geological Survey;
- (4) one additional citizen from each potentially impacted area may be appointed by the governor if potentially impacted areas are designated in Minnesota; and
- (5) one Indian who is an enrolled member of a federally recognized Minnesota Indian tribe or band may be appointed by the governor if potentially impacted areas are designated in Minnesota and if those areas include Indian country as defined in United States Code, title 18, section 11.54.

At least two members of the council must have expertise in the earth sciences.

Subd. 3. **Chair.** A chair shall be appointed by the governor from the members of the council.

Subd. 4. **Advisory task force.** The council may create advisory task forces under section 15.014, as are necessary to carry out its responsibilities under this chapter.

Subd. 5. **Membership regulation.** Section 15.059 governs terms, compensation, removal, and filling of vacancies of members appointed by the governor. Section 15.059, subdivision 5, does not govern the expiration date of the council.

**116C.712 POWERS AND DUTIES.**

Subdivision 1. **Duty.** The council's duty is to monitor the federal high-level radioactive waste disposal program under the Nuclear Waste Policy Act, Public Law 97-425 and advise the governor and the legislature on all policy issues relating to the federal high-level radioactive waste disposal program.

Subd. 2. **Expiration date.** The council terminates when the Department of Energy eliminates Minnesota from further siting consideration for disposal of high-level radioactive waste.

Subd. 3. **Council staff.** Staff support for council activities must be provided by the Office of Strategic and Long-Range Planning. State departments and agencies must cooperate with the council in the performance of its duties. Upon the request of the chair of the council, the governor

APPENDIX

Repealed Minnesota Statutes: H1864-1

may, by order, require a state department or agency to furnish assistance necessary to carry out the council's functions under this chapter.

Subd. 4. **Federal and other funds.** The chair of the council may apply for, receive, and expend money made available from federal sources or other sources for the purpose of carrying out the council's responsibilities under this chapter.

Subd. 5. **Assessment.** (a) A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant in this state shall pay an assessment to cover the cost of:

(1) monitoring the federal high-level radioactive waste program under the Nuclear Waste Policy Act, United States Code, title 42, sections 10101 to 10226;

(2) advising the governor and the legislature on policy issues relating to the federal high-level radioactive waste disposal program;

(3) surveying existing literature and activity relating to radioactive waste management, including storage, transportation, and disposal, in the state;

(4) an advisory task force on low-level radioactive waste deregulation, created by a law enacted in 1990 until July 1, 1996; and

(5) other general studies necessary to carry out the purposes of this subdivision.

The assessment must not be more than the appropriation to the Office of Strategic and Long-Range Planning for these purposes.

(b) The office shall bill the owner or operator of the plant for the assessment at least 30 days before the start of each quarter. The assessment for the second quarter of each fiscal year must be adjusted to compensate for the amount by which actual expenditures by the office for the preceding year were more or less than the estimated expenditures previously assessed. The billing may be made as an addition to the assessments made under section 216E.18. The owner or operator of the plant must pay the assessment within 30 days after receipt of the bill. The assessment must be deposited in the state treasury and credited to the special revenue fund.

(c) The authority for this assessment terminates when the Department of Energy eliminates Minnesota from further siting consideration for high-level radioactive waste by starting construction of a high-level radioactive waste disposal site in another state. The assessment required for any quarter must be reduced by the amount of federal grant money received by the Office of Strategic and Long-Range Planning for the purposes listed in this section.

(d) The director of the Office of Strategic and Long-Range Planning must report annually by July 1 to the environment and natural resources committees of the senate and house of representatives, the Finance Division of the senate Committee on Environment and Natural Resources, and the house of representatives Committee on Environment and Natural Resources Finance on activities assessed under paragraph (a).