

1.1 A bill for an act

1.2 relating to environment and natural resources; appropriating money for  
1.3 environment and natural resources; modifying environmental assessment  
1.4 worksheet cost provisions; modifying payments in lieu of taxes; creating an  
1.5 account; modifying disposition of certain receipts; amending Minnesota Statutes  
1.6 2008, sections 97A.061, subdivision 1; 103G.705, subdivision 2; 116D.045;  
1.7 477A.12, subdivision 1; Minnesota Statutes 2009 Supplement, section 357.021,  
1.8 subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

1.10 Section 1. **SUMMARY OF APPROPRIATIONS.**

1.11 The amounts shown in this section summarize direct appropriations, by fund, made  
1.12 in this act.

	<u>2010</u>	<u>2011</u>	<u>Total</u>
1.13 <u>General</u>	\$ (4,032,000)	\$ (6,044,000)	\$ (10,076,000)
1.14 <u>Environmental</u>	-0-	535,000	535,000
1.15 <u>Game and Fish</u>	-0-	250,000	250,000
1.16 <u>Total</u>	\$ (4,032,000)	\$ (5,259,000)	\$ (9,291,000)

1.17

1.18 Sec. 2. **APPROPRIATIONS.**

1.19 The sums shown in the columns marked "Appropriations" are added to or, if shown  
1.20 in parentheses, subtracted from the appropriations in Laws 2009, chapter 37, article 1, to  
1.21 the agencies and for the purposes specified in this act. The appropriations are from the  
1.22 general fund, or another named fund, and are available for the fiscal years indicated for  
1.23 each purpose. The figures "2010" and "2011" used in this act mean that the addition to  
1.24 or subtraction from the appropriation listed under them is available for the fiscal year  
1.25 ending June 30, 2010, or June 30, 2011, respectively. Supplemental appropriations and

2.1 reductions to appropriations for the fiscal year ending June 30, 2010, are effective the  
 2.2 day following final enactment.

2.3		<b><u>APPROPRIATIONS</u></b>	
2.4		<b><u>Available for the Year</u></b>	
2.5		<b><u>Ending June 30</u></b>	
2.6		<b><u>2010</u></b>	<b><u>2011</u></b>

2.7 **Sec. 3. POLLUTION CONTROL AGENCY**

2.8	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>(535,000)</u></b>	<b><u>\$</u></b>	<b><u>(630,000)</u></b>
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2.9	<u>Appropriations by Fund</u>			
2.10	<u>General</u>	<u>(535,000)</u>	<u>(1,165,000)</u>	
2.11	<u>Environmental</u>	<u>-0-</u>	<u>535,000</u>	

2.12 The appropriation additions or reductions  
 2.13 for each purpose are shown in the following  
 2.14 subdivisions.

2.15 In order to leverage nonstate money or to  
 2.16 address high priority needs identified by the  
 2.17 commissioner, the commissioner may shift  
 2.18 appropriations in Laws 2009, chapter 37,  
 2.19 article 1, section 3, available in one fiscal  
 2.20 year to the other fiscal year. Any adjustments  
 2.21 made under this paragraph do not affect the  
 2.22 agency base for the programs affected.

2.23	<b><u>Subd. 2. Water</u></b>	<b><u>(392,000)</u></b>	<b><u>(456,000)</u></b>
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2.24	<u>Appropriations by Fund</u>		
2.25	<u>General</u>	<u>(392,000)</u>	<u>(991,000)</u>
2.26	<u>Environmental</u>	<u>-0-</u>	<u>535,000</u>

2.27 The commissioner shall recover the cost  
 2.28 of attorney general services related to  
 2.29 environmental assessment worksheets from  
 2.30 the project proposers.

2.31 \$485,000 in 2011 is a reduction in the  
 2.32 appropriation for general water program  
 2.33 operations.



4.1 commissioner, the commissioner may shift  
4.2 appropriations in Laws 2009, chapter 37,  
4.3 article 1, section 4, available in one fiscal  
4.4 year to the other fiscal year. Any adjustments  
4.5 made under this paragraph do not affect the  
4.6 agency base for the programs affected.

4.7 **Subd. 2. Lands and Minerals** (315,000) (333,000)

4.8 \$124,000 in 2010 and \$124,000 in 2011 are  
4.9 reductions in the appropriations for land and  
4.10 mineral resources management operations.

4.11 \$67,000 in 2010 and \$85,000 in 2011 are  
4.12 reductions in the appropriations for the iron  
4.13 ore cooperative research program.

4.14 \$6,000 in 2010 and \$6,000 in 2011 are  
4.15 reductions in the appropriations for minerals  
4.16 cooperative research.

4.17 \$115,000 in 2010 and \$115,000 in 2011 are  
4.18 reductions in the appropriations for issuing  
4.19 mining permits in Laws 2009, chapter 88,  
4.20 article 12, section 22.

4.21 \$3,000 in 2010 and \$3,000 in 2011 are  
4.22 reductions in the appropriations for minerals  
4.23 diversification.

4.24 **Subd. 3. Water Resource Management** (447,000) (533,000)

4.25 \$447,000 in 2010 and \$447,000 in 2011 are  
4.26 reductions in the appropriations for water  
4.27 resource management operations.

4.28 \$60,000 in 2011 is a reduction in the  
4.29 appropriation for grants to the Mississippi  
4.30 Headwaters Board.

4.31 \$5,000 in 2011 is a reduction in the  
4.32 appropriation for the payment to the Leech  
4.33 Lake Band of Chippewa Indians.

5.1 \$10,000 in 2011 is a reduction in the  
 5.2 appropriation for the construction of ring  
 5.3 dikes.

5.4 \$11,000 in 2011 is a reduction in the  
 5.5 appropriation for the Red River flood damage  
 5.6 reduction grants.

5.7 **Subd. 4. Forest Management** (815,000) (665,000)

<u>Appropriations by Fund</u>		
<u>General</u>	<u>(815,000)</u>	<u>(915,000)</u>
<u>Game and Fish</u>	<u>-0-</u>	<u>250,000</u>

5.11 \$617,000 in 2010 and \$617,000 in 2011 are  
 5.12 reductions in the appropriations for forest  
 5.13 management.

5.14 \$82,000 in 2010 and \$82,000 in 2011 are  
 5.15 reductions in the appropriations to maintain  
 5.16 forest management operations.

5.17 \$72,000 in 2010 and \$72,000 in 2011  
 5.18 are reductions in the appropriations for  
 5.19 prevention, presuppression, and suppression  
 5.20 costs of emergency firefighting.

5.21 \$14,000 in 2010 and \$14,000 in 2011 are  
 5.22 reductions in the appropriations for the  
 5.23 FORIST system.

5.24 \$30,000 in 2010 and \$130,000 in 2011 are  
 5.25 reductions in the appropriations for grants to  
 5.26 the Forest Resources Council.

5.27 \$250,000 in fiscal year 2011 is appropriated  
 5.28 from the game and fish fund to maintain and  
 5.29 expand the ecological classification system  
 5.30 program on state forest lands. This is a  
 5.31 onetime appropriation.

5.32 **Subd. 5. Parks and Trails Management** (565,000) (565,000)

**H.F. No. 2314, 1st Committee Engrossment - 86th Legislative Session (2009-2010)  
[CEH2314-1]**

6.1 \$490,000 in 2010 and \$490,000 in 2011 are  
6.2 reductions in the appropriations for parks  
6.3 management.

6.4 \$75,000 in 2010 and \$75,000 in 2011 are  
6.5 reductions in the appropriations for trails and  
6.6 waterways management.

6.7 **Subd. 6. Fish and Wildlife Management** -0- (400,000)

6.8 \$400,000 in 2011 is a reduction in the  
6.9 appropriation for wildlife health programs.

6.10 **Subd. 7. Ecological Services** (213,000) (188,000)

6.11 \$168,000 in 2010 and \$168,000 in 2011  
6.12 are reductions in the appropriations for  
6.13 ecological services operations.

6.14 \$45,000 in 2010 and \$20,000 in 2011 are  
6.15 reductions in the appropriations for the  
6.16 prevention of the spread of invasive species.

6.17 **Subd. 8. Enforcement** (136,000) (400,000)

6.18 **Subd. 9. Operations Support** (10,000) (100,000)

6.19 **Sec. 5. BOARD OF WATER AND SOIL**  
6.20 **RESOURCES** **\$ (884,000)** **\$ (1,145,000)**

6.21 \$119,000 in 2010 and \$119,000 in 2011  
6.22 are reductions in the appropriations for  
6.23 administration.

6.24 \$33,000 in 2010 and \$33,000 in 2011 are  
6.25 reductions in the appropriations for Wetland  
6.26 Conservation Act oversight.

6.27 \$14,000 in 2010 and \$14,000 in 2011  
6.28 are reductions in the appropriations for  
6.29 assistance to local drainage officials.

6.30 \$258,000 in 2010 and \$251,000 in 2011 are  
6.31 reductions in the appropriations for natural  
6.32 resources block grants to local governments.

7.1 \$228,000 in 2010 and \$228,000 in 2011 are  
7.2 reductions in the appropriations for general  
7.3 purpose grants to soil and water conservation  
7.4 districts.

7.5 \$32,000 in 2010 and \$32,000 in 2011  
7.6 are reductions in the appropriations for  
7.7 cost-share feedlot grants.

7.8 \$105,000 in 2010 and \$72,000 in 2011  
7.9 are reductions in the appropriations for  
7.10 cost-share grants.

7.11 \$67,000 in 2010 and \$58,000 in 2011  
7.12 are reductions in the appropriations for  
7.13 cost-share grants to establish and maintain  
7.14 riparian vegetative buffers.

7.15 \$7,000 in 2010 and \$7,000 in 2011 are  
7.16 reductions in the appropriations for county  
7.17 cooperative weed management programs.

7.18 \$7,000 in 2010 and \$7,000 in 2011 are  
7.19 reductions in the appropriations for transfers  
7.20 to the Department of Natural Resources for  
7.21 enforcement of the Wetland Conservation  
7.22 Act.

7.23 \$7,000 in 2010 and \$7,000 in 2011 are  
7.24 reductions in the appropriations for grants to  
7.25 local units of government in the 11-county  
7.26 metropolitan area for response to Wetland  
7.27 Conservation Act violations.

7.28 \$7,000 in 2010 and \$7,000 in 2011 are  
7.29 reductions in the appropriations for cost-share  
7.30 grants for drainage records modernization.

7.31 \$90,000 in 2011 is a reduction in the  
7.32 appropriation for the grant to the Red River  
7.33 Basin Commission.

8.1 \$90,000 in 2011 is a reduction in the  
8.2 appropriation for the grant to the Minnesota  
8.3 River Basin Joint Powers Board.

8.4 \$130,000 in 2011 is a reduction in the  
8.5 appropriation for a grant to Area II,  
8.6 Minnesota River Basin Projects for flood  
8.7 plain management.

8.8 Notwithstanding Minnesota Statutes,  
8.9 sections 103B.3369 and 103C.501, in order  
8.10 to leverage nonstate money or to address  
8.11 high priority needs identified by board  
8.12 resolution, the board may shift appropriations  
8.13 in Laws 2009, chapter 37, article 1, section  
8.14 5, available in one fiscal year to the other  
8.15 fiscal year. Any adjustments made under this  
8.16 paragraph do not affect the agency base for  
8.17 the programs affected.

8.18 Sec. 6. **METROPOLITAN COUNCIL**                    **\$**                    **(112,000)** **\$**                    **(300,000)**

8.19 \$112,000 in 2010 and \$300,000 in 2011  
8.20 are reductions in the appropriations for  
8.21 metropolitan parks and trails.

8.22 Sec. 7. **TRANSFERS AND**  
8.23 **CANCELLATIONS.**

8.24 **Subdivision 1. Department of Natural**  
8.25 **Resources**

8.26 (a) The appropriation in Laws 2007, First  
8.27 Special Session chapter 2, article 1, section 5,  
8.28 for cost-share flood programs in southeastern  
8.29 Minnesota is reduced by \$335,000 and that  
8.30 amount is canceled to the general fund.

8.31 (b) The balance of surcharges on criminal and  
8.32 traffic offenders, estimated to be \$900,000,  
8.33 and credited to the game and fish fund  
8.34 under Minnesota Statutes, section 357.021,

9.1 subdivision 7, and collected prior to June 30,  
9.2 2010, must be transferred to the general fund.

9.3 (c) By June 30, 2010, the commissioner of  
9.4 management and budget shall transfer any  
9.5 remaining balance, estimated to be \$98,000,  
9.6 from the stream protection and improvement  
9.7 fund under Minnesota Statutes, section  
9.8 103G.705, to the general fund. Beginning  
9.9 in fiscal year 2011, all repayment of loans  
9.10 made and administrative fees assessed under  
9.11 Minnesota Statutes, section 103G.705, must  
9.12 be transferred to the general fund.

9.13 Subd. 2. **Board of Water and Soil Resources**

9.14 (a) The amounts appropriated from the  
9.15 returned grant accounts in the special revenue  
9.16 fund are reduced by \$310,000, and that  
9.17 amount must be transferred to the general  
9.18 fund by June 30, 2011.

9.19 (b) The appropriation in Laws 2008, chapter  
9.20 363, article 5, section 5, for cost-share  
9.21 flood work is reduced by \$245,000, and that  
9.22 amount is canceled to the general fund.

9.23 (c) The appropriation in Laws 2007, chapter  
9.24 57, article 1, section 5, for clean water legacy  
9.25 programs and grants is reduced by \$775,000,  
9.26 and that amount is canceled to the general  
9.27 fund.

9.28 (d) The appropriation in Laws 2007, First  
9.29 Special Session chapter 2, article 1, section 6,  
9.30 for cost-share flood programs in southeastern  
9.31 Minnesota is reduced by \$553,000, and that  
9.32 amount is canceled to the general fund.

9.33 Sec. 8. Minnesota Statutes 2008, section 97A.061, subdivision 1, is amended to read:

10.1 Subdivision 1. **Applicability; amount.** (a) The commissioner shall annually make a  
10.2 payment to each county having public hunting areas and game refuges. Money to make  
10.3 the payments is annually appropriated for that purpose from the general fund. Except as  
10.4 provided in paragraph (b), this section does not apply to state trust fund land and other  
10.5 state land not purchased for game refuge or public hunting purposes. Except as provided  
10.6 in paragraph (b), the payment shall be 87 percent for fiscal year 2011 and 93.5 percent  
10.7 thereafter of the greatest of:

10.8 (1) 35 percent of the gross receipts from all special use permits and leases of land  
10.9 acquired for public hunting and game refuges;

10.10 (2) 50 cents per acre on land purchased actually used for public hunting or game  
10.11 refuges; or

10.12 (3) three-fourths of one percent of the appraised value of purchased land actually  
10.13 used for public hunting and game refuges.

10.14 (b) The payment shall be 50 percent of the dollar amount adjusted for inflation as  
10.15 determined under section 477A.12, subdivision 1, paragraph (a), clause (1), multiplied  
10.16 by the number of acres of land in the county that are owned by another state agency for  
10.17 military purposes and designated as a game refuge under section 97A.085.

10.18 (c) The payment must be reduced by the amount paid under subdivision 3 for  
10.19 croplands managed for wild geese.

10.20 (d) The appraised value is the purchase price for five years after acquisition.

10.21 The appraised value shall be determined by the county assessor every five years after  
10.22 acquisition.

10.23 Sec. 9. [97A.072] PEACE OFFICER TRAINING ACCOUNT.

10.24 Subdivision 1. Account established; sources. The peace officer training account is  
10.25 created in the game and fish fund in the state treasury. Revenue from the portion of the  
10.26 surcharges assessed to criminal and traffic offenders in section 357.021, subdivision 7,  
10.27 clause (1), shall be deposited in the account and is appropriated to the commissioner.  
10.28 Money in the account may be spent only for the purposes provided in subdivision 2.

10.29 Subd. 2. Purposes of account. Money in the peace officer training account  
10.30 may only be spent by the commissioner for peace officer training for employees of the  
10.31 Department of Natural Resources who are licensed under sections 626.84 to 626.863  
10.32 to enforce game and fish laws.

10.33 Sec. 10. Minnesota Statutes 2008, section 103G.705, subdivision 2, is amended to read:

11.1 Subd. 2. **Stream protection and improvement fund.** There is established in the  
11.2 state treasury a stream protection and redevelopment fund. All repayments of loans  
11.3 made and administrative fees assessed under subdivision 1 must be deposited in this  
11.4 fund. Interest earned on money in the fund accrues to the fund and money in the fund  
11.5 is appropriated to the commissioner of natural resources for purposes of the stream  
11.6 protection and redevelopment program, including costs incurred by the commissioner to  
11.7 establish and administer the program. Beginning in fiscal year 2010, all repayments of  
11.8 loans made and administrative fees assessed under subdivision 1 must be transferred  
11.9 to the general fund. This includes any balance within the fund from repayments and  
11.10 administrative fees assessed prior to July 1, 2009.

11.11 Sec. 11. Minnesota Statutes 2008, section 116D.045, is amended to read:

11.12 **116D.045 ENVIRONMENTAL IMPACT STATEMENTS; REVIEW COSTS.**

11.13 Subdivision 1. **Assessment.** (a) The board shall by rule adopt procedures to assess  
11.14 the proposer of a specific action for reasonable costs of preparing and distributing an  
11.15 environmental impact statement on that action required pursuant to section 116D.04.  
11.16 ~~Such~~ The costs shall be determined by the responsible governmental unit pursuant to the  
11.17 rules promulgated by the board.

11.18 (b) A responsible government unit shall assess the proposer of a specific action for  
11.19 the reasonable costs of preparing and distributing an environmental assessment worksheet  
11.20 on that action required under section 116D.04 in accordance with Minnesota Rules, parts  
11.21 4410.6100 and 4410.6200, except that a local unit of government is exempt from paying  
11.22 the equivalent of the first ten hours of the assessed reasonable costs of preparing and  
11.23 distributing the environmental assessment worksheet. This paragraph is not subject to the  
11.24 rulemaking provisions of chapter 14, and section 14.386 does not apply.

11.25 Subd. 2. **Modification.** In the event of a disagreement between the proposer of the  
11.26 action and the responsible governmental unit over the cost of an environmental impact  
11.27 statement or environmental assessment worksheet, the responsible governmental unit shall  
11.28 consult with the board, which may modify the cost or determine that the cost assessed by  
11.29 the responsible governmental unit is reasonable.

11.30 Subd. 3. **Use of assessment.** The responsible governmental unit shall assess the  
11.31 project proposer for reasonable costs in preparing and distributing the environmental  
11.32 impact statement or environmental assessment worksheet and the proposer shall pay the  
11.33 assessed cost to the responsible governmental unit. Money received under this subdivision  
11.34 by a responsible governmental unit may be retained by the unit for the same purposes.

12.1 Money received by a state agency must be credited to a special account and is appropriated  
12.2 to the agency to cover the assessed costs incurred.

12.3 Subd. 4. **Partial cost to be paid.** No responsible governmental unit shall commence  
12.4 the preparation of an environmental impact statement or environmental assessment  
12.5 worksheet until at least one-half of the assessed cost of the environmental impact statement  
12.6 or environmental assessment worksheet is paid pursuant to subdivision 3. Other laws  
12.7 notwithstanding, no state agency may issue any permits for the construction or operation  
12.8 of a project for which an environmental impact statement or environmental assessment  
12.9 worksheet is prepared until the assessed cost for the environmental impact statement or  
12.10 environmental assessment worksheet has been paid in full.

12.11 Sec. 12. Minnesota Statutes 2009 Supplement, section 357.021, subdivision 7, is  
12.12 amended to read:

12.13 Subd. 7. **Disbursement of surcharges by commissioner of management and**  
12.14 **budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of  
12.15 management and budget shall disburse surcharges received under subdivision 6 and  
12.16 section 97A.065, subdivision 2, as follows:

12.17 (1) beginning July 1, 2010, one percent shall be credited to the peace officer training  
12.18 account in the game and fish fund and appropriated to the commissioner of natural  
12.19 resources to provide peace officer training for employees of the Department of Natural  
12.20 Resources who are licensed under sections 626.84 to 626.863, and who possess peace  
12.21 officer authority for the purpose of enforcing game and fish laws;

12.22 (2) 39 percent shall be credited to the peace officers training account in the special  
12.23 revenue fund; and

12.24 (3) 60 percent shall be credited to the general fund.

12.25 (b) The commissioner of management and budget shall credit \$3 of each surcharge  
12.26 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

12.27 (c) In addition to any amounts credited under paragraph (a), the commissioner of  
12.28 management and budget shall credit \$47 of each surcharge received under subdivision 6  
12.29 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

12.30 (d) If the Ramsey County Board of Commissioners authorizes imposition of the  
12.31 additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator  
12.32 in the Second Judicial District shall transmit the surcharge to the commissioner of  
12.33 management and budget. The \$1 special surcharge is deposited in a Ramsey County  
12.34 surcharge account in the special revenue fund and amounts in the account are appropriated

13.1 to the trial courts for the administration of the petty misdemeanor diversion program  
13.2 operated by the Second Judicial District Ramsey County Violations Bureau.

13.3 Sec. 13. Minnesota Statutes 2008, section 477A.12, subdivision 1, is amended to read:

13.4 Subdivision 1. **Types of land; payments.** (a) As an offset for expenses incurred by  
13.5 counties and towns in support of natural resources lands, 87 percent for fiscal year 2011  
13.6 and 93.5 percent thereafter of the following amounts are annually appropriated to the  
13.7 commissioner of natural resources from the general fund for transfer to the commissioner  
13.8 of revenue. The commissioner of revenue shall pay the transferred funds to counties as  
13.9 required by sections 477A.11 to 477A.145. The amounts are:

13.10 (1) for acquired natural resources land, \$3, as adjusted for inflation under section  
13.11 477A.145, multiplied by the total number of acres of acquired natural resources land or,  
13.12 at the county's option three-fourths of one percent of the appraised value of all acquired  
13.13 natural resources land in the county, whichever is greater;

13.14 (2) 75 cents, as adjusted for inflation under section 477A.145, multiplied by the  
13.15 number of acres of county-administered other natural resources land;

13.16 (3) 75 cents, as adjusted for inflation under section 477A.145, multiplied by the total  
13.17 number of acres of land utilization project land; and

13.18 (4) 37.5 cents, as adjusted for inflation under section 477A.145, multiplied by the  
13.19 number of acres of commissioner-administered other natural resources land located in  
13.20 each county as of July 1 of each year prior to the payment year.

13.21 (b) The amount determined under paragraph (a), clause (1), is payable for land  
13.22 that is acquired from a private owner and owned by the Department of Transportation  
13.23 for the purpose of replacing wetland losses caused by transportation projects, but only  
13.24 if the county contains more than 500 acres of such land at the time the certification is  
13.25 made under subdivision 2.