

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1010

DATE: April 27, 2011

Version: Third engrossment

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Subject: Omnibus Environment, Energy and Natural Resources Finance Bill

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Article 1: Environment and Natural Resources Finance

Overview

This article contains the biennial appropriations for the Pollution Control Agency (PCA), Department of Natural Resources (DNR), Board of Water and Soil Resources (BWSR), Metropolitan Council Parks and Trails, the Minnesota Conservation Corps, and the Minnesota Zoo.

1 Summary of appropriations. Summarizes the total appropriations by fund and fiscal year.

2 Environment and natural resources appropriations. Technical.

3 Pollution Control Agency.

Subd. 1. Total appropriation. Provides the total appropriation for the PCA. Requires recipients of grants funded under this section to display information on the expenditure of grant funds on their websites or provide the information to the agency to be posted on the agency's website.

Subd. 2. Water. Provides appropriations for water program activities.

Subd. 3. Air. Provides appropriations for air program activities.

Subd. 4. Land. Provides appropriations for land program activities.

Subd. 5. Environmental Assistance and Cross-Media. Provides appropriations for the environmental assistance and cross-media activities.

Subd. 6. Remediation fund. Permits the commissioner of the PCA to transfer money from the environmental fund to the remediation fund.

4 Natural Resources.

Subd. 1. Total appropriation. Provides the total appropriation for the DNR.

Subd. 2. Land and mineral resources management. Provides appropriations for the lands

and minerals division.

Subd. 3. Ecological and water resources management. Provides appropriations for the ecological and water resources division.

Subd. 4. Forest management. Provides appropriations for the forestry division. Requires a division of the DNR seeking interaction with the Division of Forestry on projects to implement an approved sustainable resources management plan to reimburse the Division of Forestry.

Subd. 5. Parks and trails management. Provides appropriations for the parks and trails division. Prohibits the commissioner from closing any state park or state recreation area during the next biennium that is funded in the bill.

Subd. 6. Fish and wildlife management. Provides appropriations for fish and wildlife management.

Subd. 7. Ecological services. Provides appropriations for ecological services.

Subd. 8. Enforcement. Provides appropriations for the enforcement division.

Subd. 9. Operations support. Provides appropriations for administrative support of the department and an appropriation for zoos from the lottery-in-lieu funds.

5 Board of Water and Soil Resources. Provides appropriations for BWSR.

6 Metropolitan Council. Provides appropriations for metropolitan regional parks and trails.

7 Minnesota Conservation Corps. Provides appropriations for the Minnesota Conservation Corps.

8 Zoological Board. Provides an appropriation for the Minnesota Zoo.

Article 2: Energy Finance

1 Summary of Appropriations. Summarizes appropriations by fund and fiscal year.

2 Energy finance appropriations. Technical explanation of terms.

3 Department of Commerce. Specifies general purposes for which the appropriations may be used.

Subd. 1. Total appropriation. Summarizes total appropriations by fund.

Subd. 2. Financial institutions. Provides appropriations for regulation of mortgage originators and servicers.

Subd. 3. Petroleum Tank Release Cleanup Board. Provides appropriations for the Board.

Subd. 4. Administrative Services. Provides appropriations for administrative services.

Subd. 5. Telecommunications. Provides appropriations for telecommunications regulation.

Subd. 6. Market Assurance. Provides total appropriations by fund.

Subd. 7. Office of Energy Security. Provides appropriations for the energy activities.

Subd. 8. Transfer. Transfers \$300,000 each year from the telecommunications access Minnesota (TAM) fund to the commissioner of human services for ongoing operations of the

Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans.

- 4 Telecommunications Access Minnesota Fund.** Appropriates \$400,000 each year from the telecommunications access Minnesota (TAM) fund (a one-time appropriation) as follows:
- \$230,000 each year to the Office of Enterprise Technology to coordinate accessibility;
 - \$20,000 each year to the Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans for its Website and technical assistance to state agencies; and
 - \$150,000 each year to the Legislative Coordinating Commission for captioning of live legislative hearings.
- 5 Public Utilities Commission.** Provides appropriations for the Public Utilities Commission.
- 6 Transfers.** Provides a total of \$18,000,000 in transfers to the general fund, including \$3,000,000 from various accounts in the special revenue fund, and \$15,000,000 from the workers' compensation assigned risk plan.
- 7 Election.** Amends § 216B.026, subd. 1. Removes a provision allowing an electric cooperative formed through a merger of three or more cooperatives between 1996 and 2001 to require signatures from only one percent of the members, rather than five percent for all other cooperatives, to initiate a vote on whether the coop should be subject to rate regulation by the Public Utilities Commission.

Article 3: Statutory Changes

- 1 Advisory Committee for Technology Standards for Accessibility and Usability.** Amends § 16E.0475.
- Subd. 1. Membership.** Establishes a ten-member Advisory Committee for Technology Standards for Accessibility and Usability.
- Subd. 2. Duties.** Requires the advisory committee to recommend review processes to evaluate and certify technology accessibility standards and to develop proposals to fund captioning of live Webcasts, podcasts and other emerging technologies. Requires annual reports to the legislature.
- Subd. 3. Terms, compensation, removal.** Provides that terms, compensation, and removal of members are governed by section 15.059.
- Subd. 4. Expiration.** Provides that this section expires June 30, 2013.
- 2 Deposit of fees.** Amends § 85.052, subd. 4. Removes a \$25,000 cap on the amount of revenue raised at state parks, recreation areas and waysides that may be deposited in the state parks working capital account.
- 3 Forest management investment account; cost certification.** Requires the commissioner of natural resources to certify the total costs incurred for forest management, forest improvement, and road improvement on state-managed lands and transfer the amount from various accounts to the forest management investment account.
- 4 Campgrounds, establishment and fees.** Amends § 89.21. Moves revenues generated from fees charged for the use of state forest campgrounds from the general fund to an account in the natural resources fund and establishes a statutory appropriation for those revenues.

- 5 Peace officer training account.** Adds § 97A.052. Establishes a peace officer training account in the game and fish fund to receive a portion of the surcharges assessed to criminal and traffic offenders. Provides a statutory appropriation of these funds to the DNR for peace officer training for DNR employees licensed to enforce game and fish laws.
- 6 Certified costs.** Adds § 97A.055. Appropriates the certified costs for forest management activities from the game and fish fund for the costs on state lands acquired for game and fish purposes.
- 7 Revenue from small game license surcharge and lifetime licenses.** Amends § 97A.071, subd. 2. Establishes a statutory appropriation of the revenues raised from the small game license surcharge and a portion of the lifetime small game licenses to the DNR.
- 8 Use of license revenues.** Amends § 97A.075. Establishes statutory appropriations of the revenues raised from various hunting and fishing licenses and stamps to the DNR, including a portion of deer and turkey licenses, and migratory waterfowl, trout and salmon, and pheasant stamps.
- 9 Water management account.** Adds § 103G.27. Establishes a water management account to receive revenues generated from water use permits and other related receipts and establishes purposes for the use of those funds.
- 10 Water use permit processing fee.** Amends § 103G.271, subd. 6. Requires water use permit fees to be deposited in the new water management account created in the previous section.
- 11 Permit application fees.** Amends § 103G.301, subd. 2. Requires water use permit application fees to be deposited in the new water management account.
- 12 Fees.** Amends § 103G.615, subd. 2. Requires aquatic plant management permit fees to remain as they are by reinstating a \$750 cap and \$35 individual permit fee for rooted aquatic vegetation and removing other language regarding rulemaking passed in 2008 which initiated the development of new aquatic plant management fees that were not adopted.
- 13 Manufacturer's registration fee.** Amends § 115A.1314.
- Subd. 1. Registration fee.** Specifies that registration fees paid by manufacturers of electronic products subject to the electronic waste program be credited to the environmental fund, rather than the account eliminated in subdivision 2. Removes language setting the registration fee during the program's initial year at \$5,000.
- Subd. 2. Use of registration fees.** Eliminates the electronic waste account in the environmental fund, and language allowing the commissioner of the PCA to refund fees collected in excess of program operations costs to manufacturers. Removes language that annually appropriates money in the account to the commissioner through fiscal year 2010.
- 14 Duties of the agency.** Amends § 115A.1320. Removes language requiring the PCA to recommend lowering the registration fee to the legislature if revenue collected exceeds program costs.
- 15 Release at refineries and tank facilities not eligible for reimbursement.** Amends § 115C.09, subd. 3c. Allows a facility that stores more than one million gallons of used oil for retail sale to be eligible for reimbursement for cleanups of petroleum leaks under the Petrofund program.
- 16 Repealer.** Amends § 115C.13. Extends the repeal date of the petroleum tank cleanup program by five years to June 30, 2017.
- 17 Disbursement of surcharges by commissioner of management and budget.** Amends § 357.021, subd. 7. Provides a statutory appropriation and reference to the new peace officer training account created in a previous section.

- 18 Wild rice standards; rulemaking.** Paragraph (a) requires the PCA to begin a rulemaking process, within 30 days of enactment, to designate water bodies that will be subject to water quality standards applicable to waters for the protection of wild rice. Requires the PCA to consult with the DNR, Indian tribes and other interested parties before designating waters containing natural beds of wild rice. Establishes requirements for the criteria used in designating such waters.
- Paragraphs (b) through (d) require the PCA to create an advisory group, within 30 days of enactment, to provide input on a protocol for scientific research to assess the impacts of sulfates and other substances on wild rice and to provide advice on future rule amendments. Requires the advisory group to include representatives from tribal governments, municipal wastewater treatment facilities, industrial dischargers, and wild rice harvesters and experts. The PCA is then required to review all research and adopt and implement a wild rice research plan using funds appropriated in this bill from the environment and natural resources trust fund for a wild rice standards study. Requires the PCA to review the research periodically with the DNR and the advisory group. After completion of the research, the PCA is required to revise water quality standards related to the protection of wild rice.
- Paragraph (d) would prohibit the PCA from requiring, as part of a permit issued for the discharge of waste water, an expenditure for design and implementation of sulfate treatment technologies. Allows the PCA to only require the permittee to monitor for sulfate concentrations in discharges and implement a sulfate minimization plan when appropriate. Requires the PCA to give permittees a reasonable period of time to comply with the new standards developed under this section.
- Paragraph (f) requires the PCA to submit a report to the legislature by December 15, 2011, on the status of implementing this section and the rulemaking required.
- 19 Wild rice water quality standard.** Establishes a water quality standard for sulfates in class 4A waters of 50 milligrams per liter applicable to waters used for production of wild rice during periods when the rice may be susceptible to damage. This standard would remain in effect until the new standard developed under the previous section went into effect. (The current standard applicable to wild rice waters is 10 milligrams per liter.)
- 20 Repealer.** Repeals § 84.02, subdivisions 1 through 8. Removes various definitions related to native prairie and native prairie restoration best management practices.

Article 4: Environment and Natural Resources Trust Fund

Overview

This article includes appropriations from the environment and natural resources trust fund and includes a portion of the projects recommended for funding by the Legislative-Citizen Commission on Minnesota Resources (LCCMR).

- 1 Minnesota resources appropriations.** Technical.
- 2 Minnesota resources.**

Subd. 1. Total appropriation. Provides total appropriations for fiscal years 2012 and 2013 as follows: \$25,261,000 in fiscal year 2012 and 2013 from the environmental and natural resources trust fund and \$750,000 in fiscal year 2012 from the State Land and Water Conservation Account (LAWCON).

Subd. 2. Definitions. Technical.

Subd. 3. Natural Resource Data and Information. Provides appropriations for natural resource data and information projects.

Subd. 4. Land, Habitat, and Recreation. Provides the appropriations for land and habitat acquisition and restoration.

Subd. 5. Water Resources. Provides appropriations for water resources projects.

Subd. 6. Aquatic and Terrestrial Invasive Species. Provides appropriations for invasive species projects.

Subd. 7. Renewable Energy and Air Quality. Provides appropriations for a bioenergy project.

Subd. 8. Environmental Education. Provides appropriations for an environmental education project.

Subd. 9. Emerging Issues. Provides appropriations for various emerging issues.

Subd. 10. Administration and other. Provides an appropriation for the administration of the LCCMR, including funding for contract management provided by the DNR and funding for the LCC to continue the development of a website to track environment and natural resources trust fund expenditures.

Subds. 11 to 19 include standard subdivisions and other project requirements set forth as part of the LCCMR recommendations. These include: specifying the availability of appropriations; data requirements; specific project requirements, including requiring being permanent and having a long-term stewardship plan; and providing carry forwards for previous appropriations. It also includes a subdivision (17) that requires long-term easement monitoring and enforcement funds appropriated in the bill to be set aside in a separate account.

Subd. 20. Appropriations Adjustment. Provides adjustments to prior appropriations for purposes of establishing easement monitoring and enforcement accounts.

- 3** **Federal land and water conservation funds.** Adds § 84.0264. Recodifies provisions related to federal land and water conservation funds (LAWCON) repealed later on in this article.
- 4** **Environment and natural resources trust fund land management account.** Adds § 116P.04, subd. 6. Establishes an account to be used for the payment of future land restoration and enhancement costs and payments in lieu of taxes (PILT) on lands acquired with an appropriation from the environment and natural resources trust fund.
- 5** **Duties.** Amends § 116P.05, subd. 2. Removes the requirement of the LCCMR to make recommendations on the use of the state land and water conservation account (LAWCON) funds. Removes a provision that prohibited the expenditure of environment and natural resources trust fund dollars unless the LCCMR had approved the work program for those funds.
- 6** **Nongame wildlife checkoff.** Amends § 290.431. Removes a provision requiring the DNR to submit a work program and semiannual reports to the LCCMR on the nongame wildlife program.
- 7** **Corporate nongame wildlife checkoff.** Amends § 290.432. Removes a provision requiring the DNR to submit a work program and semiannual reports to the LCCMR on the nongame wildlife program.
- 8** **Repealer.** Repeals §§ 84.027, subdivision 11, and 116P.14 (related to LAWCON that are recodified in this article) and 116P.09, subdivision 4, (prohibiting the funding of classified employees with environment and natural resources trust fund dollars unless approved by the LCCMR).