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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4428

03/17/2022 Authored by Jordan and Hansen, R., The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
03/24/2022 Adoption of Report: Re-referred to the Committee on Legacy Finance

1.1 A bill for an act
1.2 relating to natural resources; increasing per diems for certain boards, councils, and
1.3 commissions; amending Minnesota Statutes 2020, sections 85.536, subdivision 2;
1.4 85A.01, subdivision 1; 89A.03, subdivision 5; 97A.056, subdivision 2; 103B.101,
1.5 subdivision 2; 114D.30, subdivision 4; 116C.03, subdivision 2a; 116P.05,
1.6 subdivision 1.

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

1.8 Section 1. Minnesota Statutes 2020, section 85.536, subdivision 2, is amended to read:

1.9 Subd. 2. Commission. The commission shall include 13 members appointed by the
1.10 governor with two members from each of the regional parks and trails districts determined
1.11 under subdivision 5 and one member at large. Membership terms, compensation, and removal
1.12 of members and filling of vacancies are as provided in section 15.0575, except that a
1.13 commission member may be compensated at the rate of up to \$125 a day.

1.14 Sec. 2. Minnesota Statutes 2020, section 85A.01, subdivision 1, is amended to read:

1.15 Subdivision 1. Creation. (a) The Minnesota Zoological Garden is established under the
1.16 supervision and control of the Minnesota Zoological Board. The board consists of 30 public
1.17 and private sector members having a background or interest in zoological societies or zoo
1.18 management or an ability to generate community interest in the Minnesota Zoological
1.19 Garden. Fifteen members shall be appointed by the board after consideration of a list supplied
1.20 by board members serving on a nominating committee, and 15 members shall be appointed
1.21 by the governor. One member of the board must be a resident of Dakota County and shall
1.22 be appointed by the governor after consideration of the recommendation of the Dakota
1.23 County Board. Board appointees shall not be subject to the advice and consent of the senate.

2.1 (b) To the extent possible, the board and governor shall appoint members who are  
2.2 residents of the various geographic regions of the state. Terms, compensation, and removal  
2.3 of members are as provided in section 15.0575, except that a member may be compensated  
2.4 at the rate of up to \$125 a day. In making appointments, the governor and board shall utilize  
2.5 the appointment process as provided under section 15.0597 and consider, among other  
2.6 factors, the ability of members to garner support for the Minnesota Zoological Garden.

2.7 (c) A member of the board may not be an employee of or have a direct or immediate  
2.8 family financial interest in a business that provides goods or services to the zoo. A member  
2.9 of the board may not be an employee of the zoo.

2.10 Sec. 3. Minnesota Statutes 2020, section 89A.03, subdivision 5, is amended to read:

2.11 Subd. 5. **Membership regulation.** Terms, compensation, nomination, appointment, and  
2.12 removal of council members are governed by section 15.059, except that a council member  
2.13 may be compensated at the rate of up to \$125 a day.

2.14 Sec. 4. Minnesota Statutes 2020, section 97A.056, subdivision 2, is amended to read:

2.15 Subd. 2. **Lessard-Sams Outdoor Heritage Council.** (a) The Lessard-Sams Outdoor  
2.16 Heritage Council of 12 members is created in the legislative branch, consisting of:

2.17 (1) two public members appointed by the senate Subcommittee on Committees of the  
2.18 Committee on Rules and Administration;

2.19 (2) two public members appointed by the speaker of the house;

2.20 (3) four public members appointed by the governor;

2.21 (4) two members of the senate appointed by the senate Subcommittee on Committees  
2.22 of the Committee on Rules and Administration; and

2.23 (5) two members of the house of representatives appointed by the speaker of the house.

2.24 (b) Members appointed under paragraph (a) must not be registered lobbyists. In making  
2.25 appointments, the governor, senate Subcommittee on Committees of the Committee on  
2.26 Rules and Administration, and the speaker of the house shall consider geographic balance,  
2.27 gender, age, ethnicity, and varying interests including hunting and fishing. The governor's  
2.28 appointments to the council are subject to the advice and consent of the senate.

2.29 (c) Public members appointed under paragraph (a) shall have practical experience or  
2.30 expertise or demonstrated knowledge in the science, policy, or practice of restoring,  
2.31 protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife.

3.1 (d) Legislative members appointed under paragraph (a) shall include the chairs of the  
3.2 legislative committees with jurisdiction over environment and natural resources finance or  
3.3 their designee, one member from the minority party of the senate, and one member from  
3.4 the minority party of the house of representatives.

3.5 (e) Public members serve four-year terms. Appointed legislative members serve at the  
3.6 pleasure of the appointing authority. Public and legislative members continue to serve until  
3.7 their successors are appointed. Public members shall be initially appointed according to the  
3.8 following schedule of terms:

3.9 (1) two public members appointed by the governor for a term ending the first Monday  
3.10 in January 2011;

3.11 (2) one public member appointed by the senate Subcommittee on Committees of the  
3.12 Committee on Rules and Administration for a term ending the first Monday in January  
3.13 2011;

3.14 (3) one public member appointed by the speaker of the house for a term ending the first  
3.15 Monday in January 2011;

3.16 (4) two public members appointed by the governor for a term ending the first Monday  
3.17 in January 2013;

3.18 (5) one public member appointed by the senate Subcommittee on Committees of the  
3.19 Committee on Rules and Administration for a term ending the first Monday in January  
3.20 2013; and

3.21 (6) one public member appointed by the speaker of the house for a term ending the first  
3.22 Monday in January 2013.

3.23 (f) Terms, compensation, and removal of public members are as provided in section  
3.24 15.0575, except that a public member may be compensated at the rate of up to \$125 a day.  
3.25 A vacancy on the council may be filled by the appointing authority for the remainder of the  
3.26 unexpired term.

3.27 (g) Members shall elect a chair, vice-chair, secretary, and other officers as determined  
3.28 by the council. The chair may convene meetings as necessary to conduct the duties prescribed  
3.29 by this section.

3.30 (h) The Legislative Coordinating Commission may appoint nonpartisan staff and contract  
3.31 with consultants as necessary to support the functions of the council. The council has final  
3.32 approval authority for the hiring of a candidate for executive director. Up to one percent of

4.1 the money appropriated from the fund may be used to pay for administrative expenses of  
4.2 the council and for compensation and expense reimbursement of council members.

4.3 Sec. 5. Minnesota Statutes 2020, section 103B.101, subdivision 2, is amended to read:

4.4 Subd. 2. **Voting members.** (a) The members are:

4.5 (1) three county commissioners;

4.6 (2) three soil and water conservation district supervisors;

4.7 (3) three watershed district or watershed management organization representatives;

4.8 (4) three citizens who are not employed by, or the appointed or elected officials of, a  
4.9 state governmental office, board, or agency;

4.10 (5) one township officer;

4.11 (6) two elected city officials, one of whom must be from a city located in the metropolitan  
4.12 area, as defined under section 473.121, subdivision 2;

4.13 (7) the commissioner of agriculture;

4.14 (8) the commissioner of health;

4.15 (9) the commissioner of natural resources;

4.16 (10) the commissioner of the Pollution Control Agency; and

4.17 (11) the director of the University of Minnesota Extension Service.

4.18 (b) Members in paragraph (a), clauses (1) to (6), must be distributed across the state  
4.19 with at least four members but not more than six members from the metropolitan area, as  
4.20 defined by section 473.121, subdivision 2.

4.21 (c) Members in paragraph (a), clauses (1) to (6), are appointed by the governor. In making  
4.22 the appointments, the governor may consider persons recommended by the Association of  
4.23 Minnesota Counties, the Minnesota Association of Townships, the League of Minnesota  
4.24 Cities, the Minnesota Association of Soil and Water Conservation Districts, and the  
4.25 Minnesota Association of Watershed Districts. The list submitted by an association must  
4.26 contain at least three nominees for each position to be filled.

4.27 (d) The membership terms, compensation, removal of members and filling of vacancies  
4.28 on the board for members in paragraph (a), clauses (1) to (6), are as provided in section  
4.29 15.0575, except that a member may be compensated at the rate of up to \$125 a day.

5.1 Sec. 6. Minnesota Statutes 2020, section 114D.30, subdivision 4, is amended to read:

5.2 Subd. 4. **Terms; compensation; removal.** The terms of members representing the state  
5.3 agencies and the Metropolitan Council are four years and are coterminous with the governor.  
5.4 The terms of other nonlegislative members of the council shall be as provided in section  
5.5 15.059, subdivision 2. Members may serve until their successors are appointed and qualify.  
5.6 Compensation and removal of nonlegislative council members is as provided in section  
5.7 15.059, subdivisions 3 and 4, except that a nonlegislative member may be compensated at  
5.8 the rate of up to \$125 a day. Compensation of legislative members is as determined by the  
5.9 appointing authority. The Pollution Control Agency may reimburse legislative members  
5.10 for expenses. A vacancy on the council may be filled by the appointing authority provided  
5.11 in subdivision 1 for the remainder of the unexpired term.

5.12 Sec. 7. Minnesota Statutes 2020, section 116C.03, subdivision 2a, is amended to read:

5.13 Subd. 2a. **Public members.** The membership terms, compensation, removal, and filling  
5.14 of vacancies of public members of the board shall be as provided in section 15.0575, except  
5.15 that a public member may be compensated at the rate of up to \$125 a day.

5.16 Sec. 8. Minnesota Statutes 2020, section 116P.05, subdivision 1, is amended to read:

5.17 Subdivision 1. **Membership.** (a) A Legislative-Citizen Commission on Minnesota  
5.18 Resources of 17 members is created in the legislative branch, consisting of the chairs of the  
5.19 house of representatives and senate committees on environment and natural resources finance  
5.20 or designees appointed for the terms of the chairs, four members of the senate appointed  
5.21 by the Subcommittee on Committees of the Committee on Rules and Administration, and  
5.22 four members of the house of representatives appointed by the speaker.

5.23 (b) At least two members from the senate and two members from the house of  
5.24 representatives must be from the minority caucus. Members are entitled to reimbursement  
5.25 for per diem expenses plus travel expenses incurred in the services of the commission.

5.26 (c) Seven citizens are members of the commission, five appointed by the governor, one  
5.27 appointed by the Senate Subcommittee on Committees of the Committee on Rules and  
5.28 Administration, and one appointed by the speaker of the house. The citizen members are  
5.29 selected and recommended to the appointing authorities according to subdivision 1a and  
5.30 must:

6.1 (1) have experience or expertise in the science, policy, or practice of the protection,  
6.2 conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife,  
6.3 and other natural resources;

6.4 (2) have strong knowledge in the state's environment and natural resource issues around  
6.5 the state; and

6.6 (3) have demonstrated ability to work in a collaborative environment.

6.7 (d) Members shall develop procedures to elect a chair that rotates between legislative  
6.8 and citizen members each meeting. A citizen member, a senate member, and a house of  
6.9 representatives member shall serve as chairs. The citizen members, senate members, and  
6.10 house of representatives members must select their respective chairs. The chair shall preside  
6.11 and convene meetings as often as necessary to conduct duties prescribed by this chapter.

6.12 (e) Appointed legislative members shall serve on the commission for two-year terms,  
6.13 beginning in January of each odd-numbered year and continuing through the end of December  
6.14 of the next even-numbered year. Appointed citizen members shall serve four-year terms,  
6.15 beginning in January of the first year and continuing through the end of December of the  
6.16 final year. Citizen and legislative members continue to serve until their successors are  
6.17 appointed.

6.18 (f) A citizen member may be removed by an appointing authority for cause. Vacancies  
6.19 occurring on the commission shall not affect the authority of the remaining members of the  
6.20 commission to carry out their duties, and vacancies shall be filled for the remainder of the  
6.21 term in the same manner under paragraphs (a) to (c).

6.22 (g) Citizen members are entitled to per diem and reimbursement for expenses incurred  
6.23 in the services of the commission, as provided in section 15.059, subdivision 3, except that  
6.24 a citizen member may be compensated at the rate of up to \$125 a day.

6.25 (h) The governor's appointments are subject to the advice and consent of the senate.