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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **4850**

04/29/2022 Authored by Hansen, R.; Morrison and Acomb
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
05/11/2022 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
05/16/2022 Adoption of Report: Re-referred to the Committee on Ways and Means
Joint Rule 2.03 has been waived for any subsequent committee action on this bill

1.1 A bill for an act
1.2 relating to natural resources; modifying the Legislative-Citizen Commission on
1.3 Minnesota Resources membership and terms; modifying availability of fund
1.4 disbursements; establishing requirements for capital projects; providing
1.5 appointments; amending Minnesota Statutes 2020, sections 116P.05, subdivisions
1.6 1, 1a, 2; 116P.09, subdivision 6; 116P.11; proposing coding for new law in
1.7 Minnesota Statutes, chapter 116P.

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

1.9 Section 1. Minnesota Statutes 2020, section 116P.05, subdivision 1, is amended to read:

1.10 Subdivision 1. **Membership.** (a) A Legislative-Citizen Commission on Minnesota
1.11 Resources of 17 members is created in the legislative branch, consisting of ~~the chairs of the~~
1.12 ~~house of representatives and senate committees on environment and natural resources finance~~
1.13 ~~or designees appointed for the terms of the chairs, four members of the senate appointed~~
1.14 ~~by the Subcommittee on Committees of the Committee on Rules and Administration, and~~
1.15 ~~four members of the house of representatives appointed by the speaker~~ eight legislative
1.16 members and nine citizen members.

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

1.20 (b) The legislative members of the commission consist of:

1.21 (1) two members of the house of representatives appointed by the speaker of the house,
1.22 including the chair of the environment and natural resources finance committee or the chair's
1.23 designee;

2.1 (2) two members of the senate appointed by the Subcommittee on Committees of the
 2.2 Committee on Rules and Administration, including the chair of the environment and natural
 2.3 resources finance committee or the chair's designee;

2.4 (3) two members of the house of representatives appointed by the house minority leader;
 2.5 and

2.6 (4) two members of the senate appointed by the senate minority leader.

2.7 (c) ~~Seven citizens are~~ The citizen members of the commission, ~~five~~ consist of:

2.8 (1) one member from each congressional district appointed by the governor, one appointed
 2.9 by the Senate Subcommittee on Committees of the Committee on Rules and Administration,
 2.10 and one appointed by the speaker of the house. The following the selection and
 2.11 recommendation process under subdivision 1a. A member must reside in the congressional
 2.12 district at the time of their appointment; and

2.13 (2) one member appointed by the governor as recommended by the Tribal government
 2.14 representatives of the Indian Affairs Council.

2.15 (d) A citizen ~~members are selected and recommended to the appointing authorities~~
 2.16 ~~according to subdivision 1a and~~ member must:

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

2.20 (2) have strong knowledge in the state's environment and natural resource issues around
 2.21 the state; ~~and~~

2.22 (3) have demonstrated ability to work in a collaborative environment; and

2.23 (4) not be a registered lobbyist.

2.24 ~~(d)~~ (e) Members ~~shall~~ must develop procedures to elect a chair that rotates between
 2.25 legislative and citizen members each meeting. A citizen member, a senate member, and a
 2.26 house of representatives member shall serve as chairs. The citizen members, senate members,
 2.27 and house of representatives members must select their respective chairs. The chair ~~shall~~
 2.28 must preside and convene meetings as often as necessary to conduct duties prescribed by
 2.29 this chapter.

2.30 ~~(e)~~ (f) Appointed legislative members shall serve on the commission for two-year terms,
 2.31 beginning in January of each odd-numbered year and continuing through the end of December
 2.32 of the next even-numbered year. Appointed citizen members shall serve four-year terms,

3.1 beginning in January of the first year and continuing through the end of December of the
3.2 final year. Citizen and legislative members continue to serve until their successors are
3.3 appointed.

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

3.8 ~~(g)~~ (h) Legislative members are entitled to reimbursement for per diem expenses plus
3.9 travel expenses incurred in the services of the commission. Citizen members are entitled to
3.10 per diem and reimbursement for expenses incurred in the services of the commission, as
3.11 provided in section 15.059, subdivision 3, except that a citizen member may be compensated
3.12 at the rate of up to \$125 a day.

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

3.14 Sec. 2. Minnesota Statutes 2020, section 116P.05, subdivision 1a, is amended to read:

3.15 Subd. 1a. **Citizen selection committee.** (a) The governor ~~shall~~ must appoint a Trust
3.16 Fund Citizen Selection Committee of five members who come from different regions of
3.17 the state and who have knowledge and experience of state environment and natural resource
3.18 issues to provide recommendations for appointments under subdivision 1, paragraph (c),
3.19 clause (1).

3.20 (b) The duties of the Trust Fund Citizen Selection Committee ~~shall be~~ are to:

3.21 (1) identify citizen candidates to be members of the commission as part of the open
3.22 appointments process under section 15.0597;

3.23 (2) request and review citizen candidate applications to be members of the commission;
3.24 and

3.25 (3) interview the citizen candidates and recommend an adequate pool of candidates to
3.26 be selected for commission membership by the governor, ~~the senate, and the house of~~
3.27 ~~representatives.~~

3.28 (c) Members serve two-year terms and are entitled to travel expenses incurred to fulfill
3.29 their duties under this subdivision as provided in section 15.059, subdivision 6.

4.1 Sec. 3. Minnesota Statutes 2020, section 116P.05, subdivision 2, is amended to read:

4.2 Subd. 2. **Duties.** (a) The commission ~~shall~~ must recommend an annual or biennial
4.3 legislative bill for appropriations from the environment and natural resources trust fund and
4.4 ~~shall~~ must adopt a strategic plan as provided in section 116P.08. Except as provided under
4.5 section 116P.09, subdivision 6, paragraph (b), approval of the recommended legislative bill
4.6 requires an affirmative vote of at least 12 members of the commission.

4.7 (b) It is a condition of acceptance of the appropriations made from the Minnesota
4.8 environment and natural resources trust fund, and oil overcharge money under section 4.071,
4.9 subdivision 2, that the agency or entity receiving the appropriation must submit a work plan
4.10 and annual or semiannual progress reports in the form determined by the Legislative-Citizen
4.11 Commission on Minnesota Resources, and comply with applicable reporting requirements
4.12 under section 116P.16. None of the money provided may be spent unless the commission
4.13 has approved the pertinent work plan. Modifications to the approved work plan and budget
4.14 expenditures shall be made through the amendment process established by the commission.
4.15 The commission shall ensure that the expenditures and outcomes described in the work plan
4.16 for appropriations funded by the environment and natural resources trust fund are met.

4.17 (c) The peer review procedures created under section 116P.08 must also be used to
4.18 review, comment, and report to the commission on research proposals applying for an
4.19 appropriation from the oil overcharge money under section 4.071, subdivision 2.

4.20 (d) The commission may adopt operating procedures to fulfill its duties under this chapter.

4.21 (e) As part of the operating procedures, the commission shall:

4.22 (1) ensure that members' expectations are to participate in all meetings related to funding
4.23 decision recommendations;

4.24 (2) recommend adequate funding for increased citizen outreach and communications
4.25 for trust fund expenditure planning;

4.26 (3) allow administrative expenses as part of individual project expenditures based on
4.27 need;

4.28 (4) provide for project outcome evaluation;

4.29 (5) keep the grant application, administration, and review process as simple as possible;
4.30 and

4.31 (6) define and emphasize the leveraging of additional sources of money that project
4.32 proposers should consider when making trust fund proposals.

5.1 Sec. 4. Minnesota Statutes 2020, section 116P.09, subdivision 6, is amended to read:

5.2 Subd. 6. **Conflict of interest.** (a) A commission member, a technical advisory committee
5.3 member, a peer reviewer, or an employee of the commission may not participate in or vote
5.4 on a decision of the commission, advisory committee, or peer review relating to an
5.5 organization in which the member, peer reviewer, or employee has either a direct or indirect
5.6 personal financial interest. While serving on the commission or technical advisory committee
5.7 or as a peer reviewer or while an employee of the commission, a person shall avoid any
5.8 potential conflict of interest.

5.9 (b) A commission member may not vote on a motion regarding the final recommendations
5.10 of the commission required under subdivision 2, paragraph (a), if the motion relates to an
5.11 organization in which the member has a direct personal financial interest. If a commission
5.12 member is prohibited from voting under this paragraph, the number of affirmative votes
5.13 required under subdivision 2, paragraph (a), is reduced by the number of members ineligible
5.14 to vote under this paragraph.

5.15 Sec. 5. Minnesota Statutes 2020, section 116P.11, is amended to read:

5.16 **116P.11 AVAILABILITY OF FUNDS FOR DISBURSEMENT.**

5.17 ~~(a) The amount annually available from the trust fund for the legislative bill developed~~
5.18 ~~by the commission is as defined in the Minnesota Constitution, article XI, section 14.~~

5.19 ~~(b) Any appropriated funds not encumbered in the biennium in which they are~~
5.20 ~~appropriated cancel and must be credited to the principal of the trust fund.~~

5.21 Sec. 6. **[116P.21] CAPITAL PROJECT PROPOSAL REQUIREMENTS.**

5.22 Proposals requesting money from the trust fund for a capital project with a construction
5.23 cost of \$750,000 or more must include the following information:

5.24 (1) the name of the entity that will own the capital for which the money is being requested;

5.25 (2) for nonstate projects, the extent to which the entity has or expects to provide local,
5.26 private, user financing, or other nonstate funding for the project and whether the project
5.27 will require new or additional state funding;

5.28 (3) for nonstate projects, documentation showing that the entity requesting the project
5.29 and, if applicable, its fiscal agent, have passed a resolution in support of the project; and

5.30 (4) if the project requires a predesign under section 16B.335, whether the predesign has
5.31 been completed and submitted to the commissioner of administration for review and approval.

6.1 Sec. 7. **INITIAL CITIZEN APPOINTMENTS AND FIRST MEETING.**

6.2 (a) Initial citizen appointments to the Legislative-Citizen Commission on Minnesota
6.3 Resources as amended in this act must be made by February 1, 2023. The first meeting of
6.4 the revised Legislative-Citizen Commission on Minnesota Resources must be convened by
6.5 the chair or a designee of the Legislative Coordinating Commission by June 15, 2023. The
6.6 Legislative-Citizen Commission on Minnesota Resources must select co-chairs from its
6.7 membership at its first meeting.

6.8 (b) Citizen members of the Legislative-Citizen Commission on Minnesota Resources
6.9 must initially be appointed according to the following schedule of terms:

6.10 (1) four citizen members appointed by the governor for a term ending the first Monday
6.11 in January 2025; and

6.12 (2) five citizen members appointed by the governor, including the member from a
6.13 federally recognized Tribe, for a term ending the first Monday in January 2027.

6.14 (c) Notwithstanding the law in effect at the time of their appointment, the terms of all
6.15 incumbent citizen members appointed before the effective date of this act are terminated
6.16 effective January 1, 2023. An incumbent citizen member whose appointment is terminated
6.17 by this paragraph may apply for reappointment as provided in this act.

6.18 Sec. 8. **EFFECTIVE DATE.**

6.19 Sections 1 to 7 are effective January 1, 2023.