

auditor's certificate authorized by section 280.03 shall be issued on the second Monday in May 1974, or thereafter.

Approved May 19, 1973.

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CHAPTER 342—S.F.No.1160

[Coded]

*An act relating to natural resources and the environment; establishing the Minnesota environmental quality council; stating the powers and duties of the council; appropriating money.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[116C.01] NATURAL RESOURCES; ENVIRONMENTAL QUALITY COUNCIL; FINDINGS.** The legislature of the state of Minnesota finds that problems related to the environment often encompass the responsibilities of several state agencies and that solutions to these environmental problems require the interaction of these agencies. The legislature also finds that further debate concerning population, economic and technological growth should be encouraged so that the consequences and causes of alternative decisions can be better known and understood by the public and its government.

Sec. 2. **[116C.02] DEFINITIONS.** Subdivision 1. For the purposes of this act, the following terms have the meaning given them.

Subd. 2. "Council" means Minnesota environmental quality council.

Sec. 3. **[116C.03] CREATION OF THE ENVIRONMENTAL QUALITY COUNCIL; MEMBERSHIP; CHAIRMAN; STAFF.** Subdivision 1. An environmental quality council, designated as the Minnesota environmental quality council, is hereby created.

Subd. 2. The council shall include as permanent members the director of the state planning agency, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, the executive officer of the department of health, the commissioner of highways, a representative of the governor's office designated by the governor, the chairman of the citizens advisory committee, and three other members of the citizens advisory committee as designated by the governor.

**Changes or additions indicated by underline, deletions by strikeout.**

Subd. 3. The director of the state planning agency shall be the chairman of the council.

Subd. 4. The director of the state planning agency shall employ staff or consultants who will be assigned to work for the council on a continuous basis. The council shall have the authority to request and require staff support from all other agencies of state government as needed for the execution of the responsibilities of the council.

Sec. 4. **[116C.04] POWERS AND DUTIES.** Subdivision 1. The powers and duties of the Minnesota environmental quality council shall be as provided in this section and as otherwise provided by law or executive order. Actions of the council shall be taken only at an open meeting upon a majority vote of all the permanent members of the council.

Subd. 2. (a) The council shall determine which environmental problems of interdepartmental concern to state government shall be considered by the council. The council shall initiate interdepartmental investigations into those matters that it determines are in need of study. Topics for investigation may include but need not be limited to future population and settlement patterns, air and water resources and quality, solid waste management, transportation and utility corridors, economically productive open space, energy policy and need, growth and development, and land use planning.

(b) The council shall review programs of state agencies that significantly affect the environment and coordinate those it determines are interdepartmental in nature, and insure agency compliance with state environmental policy.

(c) The council may review environmental regulations and criteria for granting and denying permits by state agencies and may resolve conflicts involving state agencies with regard to programs, regulations, permits and procedures significantly affecting the environment, provided that such resolution of conflicts is consistent with state environmental policy.

(d) State agencies shall submit to the council all proposed legislation of major significance relating to the environment and the council shall submit a report to the governor and the legislature with comments on such major environmental proposals of state agencies.

Subd. 3. The council shall cooperate with regional development commissions in appropriate matters of environmental concern.

Subd. 4. The council may establish interdepartmental or citizen task forces or subcommittees to study particular problems.

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

Subd. 5. Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the council may adopt, amend, and rescind rules governing its own administration and procedure and its staff and employees.

Subd. 6. The council shall assist and advise the governor on all environmental issues in which action or comment by the governor is required by law or is otherwise appropriate.

Subd. 7. At its discretion, the council shall convene an annual environmental quality council congress including, but not limited to, representatives of state, federal and regional agencies, citizen organizations, associations, industries, colleges and universities, and private enterprises who are active in or have a major impact on environmental quality. The purpose of the congress shall be to receive reports and exchange information on progress and activities related to environmental improvement.

Subd. 8. The council shall provide the citizens advisory committee established in section 5 with such administrative, clerical and technical assistance as may be required by the committee to carry out its functions.

Subd. 9. The council shall meet with the citizens advisory committee established in section 5 at least four times a year, at approximately three month intervals, to receive advice from the committee and to coordinate the activities of the council and the committee.

Sec. 5. **[116C.05] CITIZENS ADVISORY COMMITTEE.** Subdivision 1. There is established a citizens advisory committee composed of one resident from each congressional district and three members at large as a vehicle for citizen participation in the activities of the council. The governor shall appoint the members of the citizens advisory committee with the advice and consent of the Senate, and the committee annually shall elect one of their members to serve as chairman. Members of the committee shall serve four year terms coterminous with the governor. Each member may receive as compensation for his services the sum of \$35 per day or fraction thereof spent in attending meetings of the citizens advisory committees or in performing other duties required by law, and each member of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees.

Subd. 2. The duties and functions of the committee shall be as follows:

(a) To review and appraise the various programs and activities of the state government in light of environmental quality concerns

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for the purpose of determining the extent to which such programs and activities are contributing to state environmental policies and goals;

(b) To hold meetings throughout the state as it deems necessary for the purpose of gathering information on public and private opinions concerning the adequacy of the state's environmental quality policies and the extent to which these policies are being implemented;

(c) To give advice and counsel to the council; and

(d) To make recommendations to the governor, legislature and the public on or before December 31 of each year regarding any needed state policy or program changes to foster and promote the improvement of environmental quality.

Sec. 6. **[116C.06] HEARINGS.** Subdivision 1. The council shall hold public hearings on matters that it determines to be of major environmental impact. The council shall prescribe by rule and regulation in conformity to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0423, inclusive, the procedures for the conduct of all hearings and review procedures.

Subd. 2. The council may delegate its authority to conduct a hearing to a hearings officer. The hearings officer shall have the same power as the council to compel the attendance of witnesses to examine them under oath, to require the production of books, papers, and other evidence, and to issue subpoenas and cause the same to be served and executed in any part of the state. The hearings officer shall be knowledgeable in matters of law and the environment.

If a hearings officer conducts a hearing, he shall make findings of fact and submit them to the council. The transcript of testimony and exhibits shall constitute the exclusive record upon which such findings are made. The findings shall be available for public inspection.

Subd. 3. After receipt of the findings of fact of the hearings officer, the council shall make recommendations to the governor and legislature as to administrative and legislative actions to be considered in regard to the matter.

Sec. 7. **[116C.07] POLICY; LONG RANGE PLAN; PURPOSE.** Consistent with the policy announced herein, the council shall, before November 15, of each even numbered year, prepare a long range plan and program for the effectuation of said policy, and shall make a report to the governor and the legislature of progress on those matters assigned to it by law.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 8. [116C.08] **FEDERAL FUNDS; DONATIONS.** The council may apply for, receive, and disburse federal funds made available to the state by federal law or rules promulgated thereunder for any purpose related to the powers and duties of the council. The council shall comply with any and all requirements of such federal law or such rules and regulations promulgated thereunder in order to apply for, receive, and disburse such funds. The council is authorized to accept any donations or grants from any public or private concern. All such moneys received by the council shall be deposited in the state treasury and are hereby appropriated to it for the purpose for which they are received. None of such moneys in the state treasury shall cancel.

Sec. 9. **APPROPRIATION.** There is hereby appropriated \$200,000 from the general fund for the operation of the council for the biennium ending June 30, 1975.

Approved May 19, 1973.

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## CHAPTER 343—S.F.No.1156

[Coded]

*An act relating to the interpretation of Minnesota Statutes, definitions; defining "public member"; amending Minnesota Statutes 1971, Section 645.44, by adding a subdivision.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 645.44, is amended by adding a subdivision to read:

Subd. 5a. **MINNESOTA STATUTES, INTERPRETATION; PUBLIC MEMBER.** "Public member" means a person who is not, or never was, a member of the profession or occupation being licensed or regulated or the spouse of any such person, or a person who has not, or never has been employed by or had a financial interest in, had the professional service being licensed or regulated, or an activity directly related to the profession or occupation being licensed or regulated.

Sec. 2. **EFFECTIVE DATE.** This act shall take effect the day next following its final enactment.

Approved May 19, 1973.

Changes or additions indicated by underline, deletions by ~~strikeout~~.