

(SENATE AUTHORS: SKOE and Tomassoni)

DATE	D-PG	OFFICIAL STATUS
03/23/2011	629	Introduction and first reading Referred to Environment and Natural Resources See HF1010, Art. 4, Sec. 36-37 (vetoed) See SF3, Art. 4, Sec. 24-25 (First Special Session)

1.1

A bill for an act

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relating to natural resources; establishing Legislative Environment Commission;

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eliminating Lessard-Sams Outdoor Heritage Council, Clean Water Council, and

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Legislative-Citizen Commission on Minnesota Resources; eliminating water

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system improvement loan program; modifying appropriations from outdoor

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heritage fund; providing appointments; amending Minnesota Statutes 2010,

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sections 4.071, subdivision 2; 10A.01, subdivision 35; 89.022, subdivision

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2; 97A.056, subdivisions 1, 6, 8, 9; 290.431; 290.432; proposing coding for

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new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 2010,

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sections 97A.056, subdivisions 2, 3, 4, 5, 7; 114D.15, subdivision 3; 114D.30,

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subdivisions 1, 2, 3, 4, 7; 116P.05; 116P.07; 116P.08, subdivisions 3, 4, 5, 6, 7;

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116P.09; 116P.12; 116Q.02, subdivision 2.

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

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Section 1. **[3.9791] LEGISLATIVE ENVIRONMENT COMMISSION.**

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Subdivision 1. **Creation.** (a) The Legislative Environment Commission is

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established, consisting of:

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(1) three members of the senate appointed by the Subcommittee on Committees of

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the senate Committee on Rules and Administration;

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(2) three members of the senate appointed by the senate minority leader;

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(3) three members of the house of representatives appointed by the speaker of the

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house; and

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(4) three members of the house of representatives appointed by the house of

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representatives minority leader.

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(b) Members shall serve until replaced or until they are not members of the

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legislative body from which they were appointed. Appointing authorities shall fill

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vacancies on the commission within 30 days of a vacancy being created. In making

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appointments, the appointing authorities must attempt to provide for geographic balance.

(c) The first meeting of the commission shall be convened by the chair of the Legislative Coordinating Commission no later than January 15, 2012, and members shall elect a chair and vice-chair. Thereafter, the commission shall meet in January of each odd-numbered year to elect its chair and vice-chair. Members shall serve until successors are elected. The chair and vice-chair shall alternate biennially between the senate and the house of representatives. The commission shall meet at the call of the chair. The members shall serve without compensation, but be reimbursed for their reasonable expenses as members of the legislature. The commission may exercise the powers prescribed by section 3.153.

Subd. 2. **Duties.** The Legislative Environment Commission shall:

(1) review and make recommendations to the legislature on the state's environment and natural resources policies and goals;

(2) make recommendations to the legislature on appropriations of money from the outdoor heritage fund, clean water fund, environment and natural resources trust fund, state land and water conservation account in the natural resources fund, and Great Lakes protection fund;

(3) ensure the commission's recommendations are consistent with the goals of existing natural resource plans, including the Minnesota Statewide Conservation and Preservation Plan, the Minnesota Water Sustainability Framework, and the 25-year long-range framework developed for the outdoor heritage fund; and

(4) establish benchmarks and other mechanisms to measure the results of the expenditures from the funds and evaluate those results.

Subd. 3. **Staff; administrative expenses.** The commission may employ professional and technical assistants as it deems necessary to perform the duties prescribed in this section. Up to one-half of one percent of the amount appropriated in the biennium from each of the funds identified in subdivision 2, clause (2), may be used to pay for administrative expenses of the commission and for compensation and expense reimbursement of commission members.

Sec. 2. Minnesota Statutes 2010, section 4.071, subdivision 2, is amended to read:

Subd. 2. **Minnesota resources projects.** The legislature intends to appropriate one-half of the oil overcharge money for projects that have been reviewed and recommended by the Legislative-Citizen Commission on Minnesota Resources or its successor. A work plan must be prepared for each proposed project for review by the commission. The commission must recommend specific projects to the legislature.

Sec. 3. Minnesota Statutes 2010, section 10A.01, subdivision 35, is amended to read:

Subd. 35. **Public official.** "Public official" means any:

(1) member of the legislature;

(2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house of representatives, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;

(3) constitutional officer in the executive branch and the officer's chief administrative deputy;

(4) solicitor general or deputy, assistant, or special assistant attorney general;

(5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;

(6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

(7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

(8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or unemployment law judge in the Department of Employment and Economic Development;

(12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Enterprise Minnesota, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

(18) member of the Minnesota Ballpark Authority established in section 473.755;

(19) ~~citizen member of the Legislative-Citizen Commission on Minnesota Resources;~~

(20) manager of a watershed district, or member of a watershed management organization as defined under section 103B.205, subdivision 13;
(21) (20) supervisor of a soil and water conservation district; or
(22) (21) director of Explore Minnesota Tourism; ~~or~~
(23) ~~citizen member of the Lessard-Sams Outdoor Heritage Council established in section 97A.056.~~

Sec. 4. Minnesota Statutes 2010, section 89.022, subdivision 2, is amended to read:

Subd. 2. **Exemption.** The commissioner of natural resources may apply to the ~~Legislative-Citizen Commission on Minnesota Resources~~ Minnesota Land Exchange Board for an exemption from the exchange or sale requirements of subdivision 1 in instances where it can be demonstrated that unique recreational, historical or scientific values would be destroyed by the exchange or sale of tillable land or a farm homestead. Exemptions shall be decided by the commission on an individual basis. If the application for exemption is not decided by the commission within 90 days, the application shall be deemed to have been denied.

Sec. 5. Minnesota Statutes 2010, section 97A.056, subdivision 1, is amended to read:

Subdivision 1. **Outdoor heritage fund.** An outdoor heritage fund, under article XI, section 15, of the Minnesota Constitution, is established as an account in the state treasury. All money earned by the outdoor heritage fund must be credited to the fund. ~~At least 99 percent of~~ The money appropriated from the fund must be expended to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

Sec. 6. Minnesota Statutes 2010, section 97A.056, subdivision 6, is amended to read:

Subd. 6. **Audit.** The legislative auditor shall audit the outdoor heritage fund expenditures, ~~including administrative and staffing expenditures,~~ every two years to ensure that the money is spent to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

Sec. 7. Minnesota Statutes 2010, section 97A.056, subdivision 8, is amended to read:

Subd. 8. **Revenues.** When a parcel of land that was previously purchased with outdoor heritage funds is transferred to the state, the owner of the land shall disclose to the ~~council~~ Legislative Environment Commission and commissioner of natural resources:
(1) all revenues generated from activities on the land from the time the land was purchased with outdoor heritage funds until the land was transferred to the state;

(2) all holding costs associated with managing the land between the time of purchase with outdoor heritage funds and the time the land was transferred to the state; and

(3) the total net revenues as determined by subtracting the costs described in clause (2) from the revenues described in clause (1).

Sec. 8. Minnesota Statutes 2010, section 97A.056, subdivision 9, is amended to read:

Subd. 9. **Lands in public domain.** Money appropriated from the outdoor heritage fund shall not be used to purchase any land in fee title or a permanent conservation easement if the land in question is fully or partially owned by the state of Minnesota or a political subdivision of the state, unless: ~~(1) the purchase creates additional direct benefit to protect, restore, or enhance the state's wetlands, prairies, forests, or habitat for fish, game, and wildlife; and (2) the purchase is approved by an affirmative vote of at least nine members of the council. At least 15 business days prior to a decision under this subdivision, the council shall submit the planned decision item to the Legislative Coordinating Commission. The planned decision item takes effect 15 business days after it is submitted by the council.~~

Sec. 9. Minnesota Statutes 2010, section 290.431, is amended to read:

290.431 NONGAME WILDLIFE CHECKOFF.

Every individual who files an income tax return or property tax refund claim form may designate on their original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that individual and paid into an account to be established for the management of nongame wildlife. The commissioner of revenue shall, on the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their tax or refund shall be paid into the nongame wildlife management account. The sum of the amounts so designated to be paid shall be credited to the nongame wildlife management account for use by the nongame program in the Department of Natural Resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the commissioner of management and budget, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. ~~The commissioner of natural resources shall submit a work program for each fiscal year and semiannual progress reports to the Legislative-Citizen Commission on Minnesota Resources in the form determined by the commission.~~

The state pledges and agrees with all contributors to the nongame wildlife management account to use the funds contributed solely for the management of nongame wildlife projects and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of nongame wildlife. The commissioner may use funds appropriated for nongame wildlife programs for the purpose of developing, preserving, restoring, and maintaining wintering habitat for neotropical migrant birds in Latin America and the Caribbean under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of such projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. Under this authority, the commissioner may execute agreements and contracts if the commissioner determines that the use of the funds will benefit neotropical migrant birds that breed in or migrate through the state.

Sec. 10. Minnesota Statutes 2010, section 290.432, is amended to read:

290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.

A corporation that files an income tax return may designate on its original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that corporation and paid into the nongame wildlife management account established by section 290.431 for use by the Department of Natural Resources for its nongame wildlife program. The commissioner of revenue shall, on the corporate tax return, notify filers of their right to designate that a portion of their tax return be paid into the nongame wildlife management account for the protection of endangered natural resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the commissioner of management and budget, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. ~~The commissioner of natural resources shall submit a work program for each fiscal year to the Legislative-Citizen Commission on Minnesota Resources in the form determined by the commission.~~

The state pledges and agrees with all corporate contributors to the nongame wildlife account to use the funds contributed solely for the nongame wildlife program and further agrees that it will not impose additional conditions or restrictions that will limit or

7.1 otherwise restrict the ability of the commissioner of natural resources to use the available
7.2 funds for the most efficient and effective management of those programs.

7.3 Sec. 11. **STAFF TRANSITION PLAN.**

7.4 The Legislative Coordinating Commission shall prepare and submit a plan to the
7.5 legislature on the staffing of the Legislative Environment Commission and the transition
7.6 of staff of the Lessard-Sams Outdoor Heritage Council and the Legislative-Citizen
7.7 Commission on Minnesota Resources by January 15, 2012.

7.8 Sec. 12. **REVISOR'S INSTRUCTION.**

7.9 (a) The revisor of statutes shall change the term "Clean Water Council," or "council"
7.10 when referring thereto, to "Legislative Environment Commission," or "commission"
7.11 wherever it appears in Minnesota Statutes.

7.12 (b) The revisor of statutes shall change the term "Legislative-Citizen Commission
7.13 on Minnesota Resources" to "Legislative Environment Commission" wherever it appears
7.14 in Minnesota Statutes.

7.15 Sec. 13. **REPEALER.**

7.16 Minnesota Statutes 2010, sections 97A.056, subdivisions 2, 3, 4, 5, and 7; 114D.15,
7.17 subdivision 3; 114D.30, subdivisions 1, 2, 3, 4, and 7; 116P.05; 116P.07; 116P.08,
7.18 subdivisions 3, 4, 5, 6, and 7; 116P.09; 116P.12; and 116Q.02, subdivision 2, are repealed.

7.19 Sec. 14. **EFFECTIVE DATE.**

7.20 Sections 1 to 14 are effective June 30, 2011.