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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **294**

January 22, 2007

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

March 24, 2007

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

1.1 A bill for an act  
1.2 relating to state government; modifying the structure of the Pollution Control  
1.3 Agency; amending Minnesota Statutes 2006, sections 116.02, subdivisions 1, 4;  
1.4 116.03, subdivisions 1, 2; repealing Minnesota Statutes 2006, section 116.02,  
1.5 subdivisions 6, 7, 8, 9, 10.

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

1.7 Section 1. Minnesota Statutes 2006, section 116.02, subdivision 1, is amended to read:

1.8 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota  
1.9 Pollution Control Agency, is hereby created. The agency shall consist of ~~the commissioner~~  
1.10 ~~and eight~~ nine members appointed by the governor, by and with the advice and consent  
1.11 of the senate. One of such members shall be a person knowledgeable in the field of  
1.12 agriculture and one shall be representative of organized labor.

1.13 Sec. 2. Minnesota Statutes 2006, section 116.02, subdivision 4, is amended to read:

1.14 Subd. 4. **Chair.** ~~The commissioner shall serve as chair of the agency.~~ The agency  
1.15 shall elect ~~such~~ the chair and other officers as it deems necessary. The commissioner  
1.16 may not serve as a member of the agency.

1.17 Sec. 3. Minnesota Statutes 2006, section 116.03, subdivision 1, is amended to read:

1.18 Subdivision 1. **Office.** (a) The office of commissioner of the Pollution Control  
1.19 Agency is created and is under the supervision and control of the commissioner, who is  
1.20 appointed by the governor under the provisions of section 15.06.

1.21 (b) The commissioner must carry out the policies established by the agency and  
1.22 direct the staff.

2.1           ~~(b)~~ (c) The commissioner may appoint a deputy commissioner and assistant  
2.2 commissioners who shall be in the unclassified service, but shall be subject to the approval  
2.3 of the agency.

2.4           ~~(c)~~ (d) The commissioner ~~shall~~ may make all decisions on behalf of the agency that  
2.5 are not required to be made by the agency under section 116.02.

2.6           Sec. 4. Minnesota Statutes 2006, section 116.03, subdivision 2, is amended to read:

2.7           Subd. 2. **Organization of office.** The commissioner shall organize the agency and  
2.8 employ such assistants and other officers, employees and agents as the commissioner may  
2.9 deem necessary to discharge the functions of the commissioner's office, define the duties  
2.10 of such officers, employees and agents, and delegate to them any of the commissioner's  
2.11 powers, duties, and responsibilities, subject to the commissioner's control and under such  
2.12 conditions as the commissioner may prescribe. The commissioner may also contract with,  
2.13 and enter into grant agreements with, persons, firms, corporations, the federal government  
2.14 and any agency or instrumentality thereof, the Water Research Center of the University  
2.15 of Minnesota or any other instrumentality of such university, for doing any of the work  
2.16 of the commissioner's office. None of the provisions of chapter 16C, relating to bids,  
2.17 shall apply to such contracts. All contracts entered into pursuant to this subdivision shall  
2.18 be subject to the approval of the agency.

2.19           Sec. 5. **REPEALER.**

2.20           Minnesota Statutes 2006, section 116.02, subdivisions 6, 7, 8, 9, and 10, are repealed.