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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **949**

February 13, 2007

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

1.1 A bill for an act
 1.2 relating to natural resources; establishing a great outdoors and clean water
 1.3 fund; creating a Great Outdoors Council; modifying the Clean Water Council;
 1.4 appropriating money; amending Minnesota Statutes 2006, sections 10A.01,
 1.5 subdivision 35; 114D.30, by adding a subdivision; 114D.45, subdivision 1;
 1.6 proposing coding for new law in Minnesota Statutes, chapter 84; repealing
 1.7 Minnesota Statutes 2006, section 114D.30, subdivision 2.

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

1.9 Section 1. Minnesota Statutes 2006, section 10A.01, subdivision 35, is amended to
 1.10 read:

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

1.12 (1) member of the legislature;

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

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

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

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

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

- 2.1 (7) individual employed in the executive branch who is authorized to adopt, amend,
 2.2 or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;
- 2.3 (8) executive director of the State Board of Investment;
- 2.4 (9) deputy of any official listed in clauses (7) and (8);
- 2.5 (10) judge of the Workers' Compensation Court of Appeals;
- 2.6 (11) administrative law judge or compensation judge in the State Office of
 2.7 Administrative Hearings or referee in the Department of Employment and Economic
 2.8 Development;
- 2.9 (12) member, regional administrator, division director, general counsel, or operations
 2.10 manager of the Metropolitan Council;
- 2.11 (13) member or chief administrator of a metropolitan agency;
- 2.12 (14) director of the Division of Alcohol and Gambling Enforcement in the
 2.13 Department of Public Safety;
- 2.14 (15) member or executive director of the Higher Education Facilities Authority;
- 2.15 (16) member of the board of directors or president of Minnesota Technology, Inc.;
- 2.16 (17) member of the board of directors or executive director of the Minnesota State
 2.17 High School League;
- 2.18 (18) member of the Minnesota Ballpark Authority established in section 473.755; ~~or~~
- 2.19 (19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;
- 2.20 (20) citizen member of the Clean Water Council; or
- 2.21 (21) citizen member of the Great Outdoors Council.

2.22 **Sec. 2. [84.9402] GREAT OUTDOORS AND CLEAN WATER FUND.**

2.23 Subdivision 1. **Fund created; accounts.** The great outdoors and clean water fund is
 2.24 established. Surplus revenue under subdivision 2 and all contributions, gifts, and money
 2.25 earned by the fund must be credited to the fund. No more than three percent of the fund
 2.26 may be used for administrative purposes. A great outdoors account and a clean water
 2.27 legacy account is created in the fund.

2.28 Subd. 2. **Surplus revenue allocation.** If, on the basis of a forecast of general fund
 2.29 revenues and expenditures, the commissioner of finance determines that there will be a
 2.30 positive unrestricted general fund balance at the close of the biennium, the commissioner
 2.31 of finance must allocate 20 percent of the surplus to the great outdoors and clean water
 2.32 fund.

2.33 **Sec. 3. [84.9403] GREAT OUTDOORS COUNCIL.**

3.1 Subdivision 1. **Membership.** (a) The Great Outdoors Council is created. The
3.2 commissioners of natural resources, agriculture, and the Pollution Control Agency and the
3.3 executive directors of the Board of Water and Soil Resources and the Public Facilities
3.4 Authority shall appoint one person from their respective agencies to serve as a nonvoting
3.5 member of the council. Additional members shall be appointed as follows:

3.6 (1) two members of the senate appointed by the senate Subcommittee on Committees
3.7 of the Committee on Rules and Administration;

3.8 (2) two citizen members representing fishing and wildlife interests appointed by the
3.9 senate Subcommittee on Committees of the Committee on Rules and Administration;

3.10 (3) two members of the house of representatives appointed by the speaker of the
3.11 house;

3.12 (4) two citizen members representing fishing and wildlife interests appointed by the
3.13 speaker of the house; and

3.14 (5) three citizen members representing fishing and wildlife interests appointed by
3.15 the governor.

3.16 (b) One member from the senate and one member from the house of representatives
3.17 must be from the minority caucus. Legislative members are entitled to reimbursement
3.18 for per diem expenses and travel expenses incurred in the services of the council. The
3.19 removal and compensation of citizen members are as provided in section 15.0575.

3.20 (c) Members shall elect a chair, vice chair, and other officers as determined by the
3.21 council. The chair may convene meetings as necessary to conduct the duties of the council.

3.22 (d) Membership terms are two years. Members may serve on the council until
3.23 their successors are appointed.

3.24 (e) Vacancies on the council do not affect the authority of the remaining members to
3.25 carry out their duties. Vacancies must be filled as provided in paragraph (a).

3.26 Subd. 2. **Duties.** The Great Outdoors Council shall develop and submit to the
3.27 legislature a biennial budget plan for expenditures from the great outdoors account. The
3.28 budget plan must provide for payment of principal and interest due on bond issues and
3.29 may include appropriation and bonding recommendations consistent with the following
3.30 purposes:

3.31 (1) protection, preservation, and enhancement of fish and wildlife habitat;

3.32 (2) acquisition of parks and trails;

3.33 (3) land stewardship costs associated with lands acquired under this program; and

3.34 (4) matching grants to local governmental units for local conservation programs.

3.35 Subd. 3. **Council administration.** (a) The council may employ personnel and
3.36 contract with consultants as necessary to carry out the functions and duties of the council.

4.1 Permanent employees must be in the unclassified service. The council may request staff
 4.2 assistance, legal opinions, and data from agencies of state government as needed.

4.3 (b) The administrative expenses of the council shall be paid from the great outdoors
 4.4 account.

4.5 (c) A council member or employee may not participate in or vote on a decision of
 4.6 the council relating to an organization in which the member or employee has a direct
 4.7 or indirect personal financial interest. A council member or employee shall avoid any
 4.8 potential conflict of interest.

4.9 Subd. 4. **Council meetings.** Meetings of the council and other groups the council
 4.10 may establish must be conducted according to chapter 13D. Except where prohibited by
 4.11 law, the council shall establish additional processes to broaden public involvement in all
 4.12 aspects of its deliberations.

4.13 Sec. 4. Minnesota Statutes 2006, section 114D.30, is amended by adding a subdivision
 4.14 to read:

4.15 Subd. 2a. **Membership.** The commissioners of natural resources, agriculture,
 4.16 and the Pollution Control Agency and the executive directors of the Board of Water and
 4.17 Soil Resources and the Public Facilities Authority shall appoint one person from their
 4.18 respective agencies to serve as a nonvoting member of the council. Thirteen citizen
 4.19 members shall be appointed as follows:

4.20 (1) five appointed by the governor;

4.21 (2) four appointed by the senate Subcommittee on Committees of the Committee on
 4.22 Rules and Administration; and

4.23 (3) four appointed by the speaker of the house.

4.24 The citizen appointments must represent environmental, agricultural, business, local
 4.25 government, and hunting and fishing interests and must strive for geographic balance.

4.26 Sec. 5. Minnesota Statutes 2006, section 114D.45, subdivision 1, is amended to read:

4.27 Subdivision 1. **Creation.** The clean water legacy account is created as an account
 4.28 in the ~~environmental fund~~ great outdoors and clean water fund established under section
 4.29 84.9402. Money in the account must be made available for the implementation of this
 4.30 chapter and sections 446A.073, 446A.074, and 446A.075, without supplanting or taking
 4.31 the place of any other funds which are currently available or may become available from
 4.32 any other source, whether federal, state, local, or private, for implementation of those
 4.33 sections.

5.1 Sec. 6. **REPEALER.**

5.2 Minnesota Statutes 2006, section 114D.30, subdivision 2, is repealed.