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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 2097

March 24, 2009

Authored by Kahn

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

1.1 A bill for an act
1.2 relating to state government; establishing a position of chief environmental
1.3 officer; requiring a report; amending Minnesota Statutes 2008, sections 116C.03,
1.4 subdivisions 2, 3a, 4, 5, by adding a subdivision; 116C.04, subdivisions 2, 3, 4,
1.5 7; 116C.06, subdivision 3; 116C.08.

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

1.7 Section 1. Minnesota Statutes 2008, section 116C.03, subdivision 2, is amended to read:

1.8 Subd. 2. **Membership.** The members of the board are the ~~director of the Office of~~
1.9 ~~Strategic and Long-Range Planning~~ commissioner of administration, the commissioner
1.10 of commerce, the commissioner of the Pollution Control Agency, the commissioner
1.11 of natural resources, the commissioner of agriculture, the commissioner of health,
1.12 the commissioner of employment and economic development, the commissioner of
1.13 transportation, the chair of the Board of Water and Soil Resources, and a ~~representative~~
1.14 ~~of the governor's office designated~~ chair appointed by the governor. The governor shall
1.15 appoint five members from the general public to the board, subject to the advice and
1.16 consent of the senate. At least two of the five public members must have knowledge of and
1.17 be conversant in water management issues in the state. Notwithstanding the provisions of
1.18 section 15.06, subdivision 6, members of the board may not delegate their powers and
1.19 responsibilities as board members to any other person.

1.20 Sec. 2. Minnesota Statutes 2008, section 116C.03, subdivision 3a, is amended to read:

1.21 Subd. 3a. **Chair; chief environmental officer.** ~~The representative of the governor's~~
1.22 ~~office shall serve as chair of the board.~~ The chair is the chief environmental officer of the
1.23 state of Minnesota and director of the board. The appointment of the chief environmental
1.24 officer is subject to the advice and consent of the senate under section 15.066.

2.1 Sec. 3. Minnesota Statutes 2008, section 116C.03, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 3b. **Annual report.** The chief environmental officer shall report to the
2.4 governor and legislature annually by January 15 on the initiatives considered most
2.5 important to protecting Minnesota's environment and natural resources and achieving
2.6 sustainable development.

2.7 Sec. 4. Minnesota Statutes 2008, section 116C.03, subdivision 4, is amended to read:

2.8 Subd. 4. **Support.** Staff and consultant support for board activities shall be provided
2.9 by the ~~Office of Strategic and Long-Range Planning~~ commissioner of administration. This
2.10 support shall be provided based upon an annual budget and work program developed by
2.11 the board and certified to the commissioner by the chair of the board. The ~~board~~ chief
2.12 environmental officer shall have the authority to request and require staff support from all
2.13 other agencies of state government as needed for the execution of the responsibilities of
2.14 the board.

2.15 Sec. 5. Minnesota Statutes 2008, section 116C.03, subdivision 5, is amended to read:

2.16 Subd. 5. **Administration.** The ~~board~~ chief environmental officer shall contract
2.17 with the ~~Office of Strategic and Long-Range Planning~~ commissioner of administration
2.18 for administrative services necessary to the board's activities. The services shall include
2.19 personnel, budget, payroll, and contract administration.

2.20 Sec. 6. Minnesota Statutes 2008, section 116C.04, subdivision 2, is amended to read:

2.21 Subd. 2. **Jurisdiction.** (a) The ~~board~~ chief environmental officer shall determine
2.22 which environmental problems of interdepartmental concern to state government shall be
2.23 considered by the board. The board shall initiate interdepartmental investigations into
2.24 those matters that it determines are in need of study. Topics for investigation may include
2.25 but need not be limited to climate change and adaptation, sustainable development, future
2.26 population and settlement patterns, air and water resources and quality, solid waste
2.27 management, transportation and utility corridors, economically productive open space,
2.28 energy policy and need, growth and development, and land use planning.

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

2.32 (c) The board may review environmental rules and criteria for granting and denying
2.33 permits by state agencies and may resolve conflicts involving state agencies with regard to

3.1 programs, rules, permits, and procedures significantly affecting the environment, provided
 3.2 that such resolution of conflicts is consistent with state environmental policy.

3.3 (d) State agencies shall submit to the board all proposed legislation of major
 3.4 significance ~~relating~~ to the environment and the board shall ~~submit a report to the~~
 3.5 ~~governor and the legislature with comments on such major environmental proposals of~~
 3.6 ~~state agencies~~ advise the chief environmental officer on the report required by section
 3.7 116C.03, subdivision 3b.

3.8 Sec. 7. Minnesota Statutes 2008, section 116C.04, subdivision 3, is amended to read:

3.9 Subd. 3. **Cooperation.** The ~~board~~ chief environmental officer shall cooperate with
 3.10 regional development commissions in appropriate matters of environmental concern.

3.11 Sec. 8. Minnesota Statutes 2008, section 116C.04, subdivision 4, is amended to read:

3.12 Subd. 4. **Task forces.** The ~~board~~ chief environmental officer may establish
 3.13 interdepartmental or citizen task forces or subcommittees to study particular problems.

3.14 Sec. 9. Minnesota Statutes 2008, section 116C.04, subdivision 7, is amended to read:

3.15 Subd. 7. **Annual congress.** At its discretion, the board shall convene an annual
 3.16 environmental ~~Quality Board~~ congress including, but not limited to, representatives of
 3.17 state, federal and regional agencies, citizen organizations, associations, industries, colleges
 3.18 and universities, and private enterprises ~~who~~ that are active in or have a major impact on
 3.19 environmental quality. The purpose of the congress ~~shall be~~ is to receive reports and
 3.20 exchange information on progress and activities related to environmental improvement
 3.21 and sustainable development.

3.22 Sec. 10. Minnesota Statutes 2008, section 116C.06, subdivision 3, is amended to read:

3.23 Subd. 3. **Recommendations.** After receipt of the findings of fact of the hearings
 3.24 officer, the ~~board~~ chief environmental officer shall make recommendations to the governor
 3.25 and legislature as to administrative and legislative actions to be considered in regard
 3.26 to the matter.

3.27 Sec. 11. Minnesota Statutes 2008, section 116C.08, is amended to read:

3.28 **116C.08 FEDERAL FUNDS; DONATIONS.**

3.29 The ~~board~~ chief environmental officer may apply for, receive, and disburse federal
 3.30 funds made available to the state by federal law or rules promulgated thereunder for
 3.31 any purpose related to the powers and duties of the board. The board shall comply with

4.1 any and all requirements of such federal law or such rules and regulations promulgated
4.2 thereunder in order to apply for, receive, and disburse such funds. The board is authorized
4.3 to accept any donations or grants from any public or private concern. All such moneys
4.4 received by the board shall be deposited in the state treasury and are hereby appropriated
4.5 to it for the purpose for which they are received. None of such moneys in the state
4.6 treasury shall cancel.

4.7 Sec. 12. **REPORT.**

4.8 By January 15, 2010, the chief environmental officer shall report to the chairs of
4.9 the senate and house of representatives committees with jurisdiction over environment
4.10 and natural resources policy and budget on changes, including any statutory changes,
4.11 necessary to create a new organizational structure for the sustainable management of
4.12 water in this state. The chief environmental officer shall work with the Board of Water and
4.13 Soil Resources; the commissioners of agriculture, health, natural resources, and pollution
4.14 control; and the Clean Water Council in creating the new structure.