

**Procedures of the Legislative-Citizen Commission on
Minnesota Resources (LCCMR)
Adopted September 23, 2008**

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I. LCCMR

A. Powers

The LCCMR exercises the authorities and powers designated in M.S. 116P.

B. Membership, Duties and Organization

1. Statutory Provisions

Minnesota Statutes 2022, section 116P.05, subdivision 1, as amended by M.L. 2023, Chp. 60, Art. 2, Sec. 3; Minnesota Statutes 2022, section 116P.05, subdivision 2, as amended by M.L. 2023, Chp. 60, Art. 2, Sec. 5:

M.S. 116P.05 LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES.

Subdivision 1. Membership.

- (a) A Legislative-Citizen Commission on Minnesota Resources of 17 members is created in the legislative branch, consisting of the chairs of the house of representatives and senate committees on environment and natural resources finance or designees appointed for the terms of the chairs, four members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, and four members of the house of representatives appointed by the speaker.*
- (b) At least two members from the senate and two members from the house of representatives must be from the minority caucus.*
- (c) Seven citizens are members of the commission, five appointed by the governor, one appointed by the Senate Subcommittee on Committees of the Committee on Rules and Administration, and one appointed by the speaker of the house. The citizen members are selected and recommended to the appointing authorities according to subdivision 1a and must:
 - (1) have experience or expertise in the science, policy, or practice of the protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources;*
 - (2) have strong knowledge in the state's environment and natural resource issues around the state;*
 - (3) have demonstrated ability to work in a collaborative environment; and*
 - (4) not be a registered lobbyist.**
- (d) Members shall develop procedures to elect a chair that rotates between legislative and citizen members each meeting. A citizen member, a senate member, and a house of representatives member shall serve as chairs. The citizen members, senate members, and house of representatives members must select their respective chairs. The chair shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.*

- (e) *Appointed legislative members shall serve on the commission for two-year terms, beginning in January of each odd-numbered year and continuing through the end of December of the next even-numbered year. Appointed citizen members shall serve four-year terms, beginning in January of the first year and continuing through the end of December of the final year. Citizen and legislative members continue to serve until their successors are appointed.*
- (f) *A citizen member may be removed by an appointing authority for cause. Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out their duties, and vacancies shall be filled for the remainder of the term in the same manner under paragraph (a) to (c).*
- (g) *Legislative members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission. Citizen members are entitled to per diem and reimbursement for expenses incurred in the services of the commission, as provided in section 15.059, subdivision 3, except that a citizen member may be compensated at the rate of up to \$125 a day.*
- (h) *The governor's appointments are subject to the advice and consent of the senate. One of the governor's appointments must be a member recommended by the Tribal government representatives of the Indian Affairs Council.*
- (i) *A citizen member may serve no more than eight years, except as necessary to fill a vacancy. A citizen member may not serve more than ten years if serving additional time to fill a vacancy.*

Subd. 2.Duties.

- (a) *The commission must recommend an annual or biennial legislative bill for appropriations from the environment and natural resources trust fund and must adopt a strategic plan as provided in section 116P.08. Except as provided under section 116P.09, subdivision 6, paragraph (b), approval of the recommended legislative bill requires an affirmative vote of at least 11 members of the commission.*
- (b) *It is a condition of acceptance of the appropriations made from the Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work plan and annual or semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources, and comply with applicable reporting requirements under section 116P.16. None of the money provided may be spent unless the commission has approved the pertinent work plan. Modifications to the approved work plan and budget expenditures must be made through the amendment process established by the commission. The commission must ensure that the expenditures and outcomes described in the work plan for appropriations funded by the environment and natural resources trust fund are met.*
- (c) *The peer review procedures created under section 116P.08 must also be used to review, comment, and report to the commission on research proposals applying for an appropriation from the oil overcharge money under section 4.071, subdivision 2.*
- (d) *The commission may adopt operating procedures to fulfill its duties under this chapter.*
- (e) *As part of the operating procedures, the commission must:*
 - (1) *ensure that members' expectations are to participate in all meetings related to funding decision recommendations;*
 - (2) *recommend adequate funding for increased citizen outreach and communications for trust fund expenditure planning;*
 - (3) *allow administrative expenses as part of individual project expenditures based on need;*
 - (4) *provide for project outcome evaluation;*

- (5) keep the grant application, administration, and review process as simple as possible; and*
- (6) define and emphasize the leveraging of additional sources of money that project proposers should consider when making trust fund proposals.*

2. Additional Organization Provisions (Leadership Structure, Elections, and Chair Rotations)

Leadership Structure:

An executive committee structure will be made up of the following with members serving 2-year terms:

Chairs (3): House, Senate, Citizen

Vice chairs (3): House, Senate, Citizen

House and Senate vice chairs will be opposite party (majority/minority) of the respective House and Senate chairs.

Citizen chairs and vice chairs serve until a successor has been elected. Legislative chairs and vice chairs, provided they still hold public office in the given legislative body, continue to serve until a successor has been elected.

Elections:

The House members, Senate members, and citizen members must select their respective chairs. Elections may be by written ballot.

Date of Elections:

Elections are to be held in January or within 30 days of the date when the last legislative appointments are made of the odd year co-terminus with terms of member appointments.

Nominations for Executive Committee:

Nominations for executive committee positions are by written sign up by a member or by nomination by another member. Executive committee positions shall be nominated and elected in the following order:

Chairs (all three positions)

Vice chairs (all three positions)

Proxy:

Members may vote by proxy for election of executive committee members only. If a member wishes to vote by proxy they shall provide their proxy to the LCCMR staff and indicate the member they wish to have the signed proxy given to.

Rotation of chairs for meetings:

The rotation of the chair for meetings will be House, citizen, and Senate. The executive committee will follow the same chair rotation as LCCMR meetings. The executive committee will be chaired by the chair designated for the next full meeting.

C. Operations

1. Duties:

- a. The commission must recommend a budget plan for expenditures from the environment and natural resources trust fund and must adopt a strategic plan as provided in section 116.P.08.
 - b. The commission must recommend expenditures to the legislature from the Oil Overcharge money under MS 4.071 and Great Lakes Protection Account under M.S. 116Q.02.
 - c. In addition, and in pursuit of C.1.a. and C.1.b, the LCCMR reviews and acts upon information provided from the following sources: Chair(s); executive committee, LCCMR, subcommittee, and staff members; the Legislature; state, federal and local agencies; citizens; and private sector representatives.
 - d. The commission reviews relevant proposals according to the Emerging Issues Account process and criteria (See Exhibit 1).
2. The recommendations, findings, and observations of the LCCMR are forwarded to the appropriate agencies or entities under the signature of the chair(s) or director. This includes approving proposed amendments to project work plans.
 3. Quorum and voting requirements:
 - a. A majority of members constitutes a quorum.
 - b. Decisions of the commission are based on majority of members present and voting except for final funding recommendations, which must receive at least 11 members voting in the affirmative per M.S. 116P.05, Subd. 2, and for Emerging Issues Account recommendations (see Exhibit 1).
 4. LCCMR appoints technical advisory committees/panels.

Technical advisory groups may be appointed to advise on strategic planning and funding recommendation per MS 116P.09.

5. Conflicts of interest prohibitions and procedures:

- a. The conflict of interest statute for the Trust Fund was first adopted in 1988 and amended in 2006 and 2023:

MS 116P.09 Subd 6 Conflict of interest. *(a) A commission member, technical advisory committee member, a peer review panelist, or an employee of the commission may not participate in or vote on a decision of the commission, technical advisory committee, or peer review panel relating to an organization in which the member, panelist, or employee has either a direct or indirect personal financial interest. While serving on the commission, technical advisory committee, or peer review panel, or being an employee of the commission, a person must avoid any potential conflict of interest.*

(b) A commission member may not vote on a motion regarding the final recommendations of the commission required under section 116P.05, subdivision 2, paragraph (a), if the motion relates to an organization in which the member has a direct personal financial interest. If a commission member is prohibited from voting under this paragraph, the number of affirmative votes required under section 116P.05, subdivision 2, paragraph (a), is reduced by the number of members ineligible to vote under this paragraph.

- b. The LCCMR has strict rules governing conflict of interest to ensure fairness in the proposal review and recommendations process. These restrictions include:

Conflict of Interest Prohibitions

- A person may not serve as a project manager for a proposal pending before the LCCMR if the person is a member or serves on a relevant technical advisory or peer review panel.
- A LCCMR member, technical advisory, or peer review panel member may not receive direct personal financial benefit from a proposal being reviewed or funded.

Conflict of Interest to be Managed through Procedures

Legislative and non-legislative citizen members of the LCCMR have been appointed because of their interest and expertise in various aspects of Minnesota's natural resources. In addition, peer review and technical review panel members have been appointed by the LCCMR because of their expertise. Nevertheless, certain affiliations may constitute a conflict of interest that must be managed by the LCCMR. They include:

- Receipt of direct personal financial benefit from a proposing organization.
- Receipt of indirect personal financial benefit from a proposing organization or proposal being reviewed.
- Serving as an employee or governing board member of a proposing organization whose proposal is being reviewed.
- Serving with or without payment as a consultant to a proposer on the proposal being reviewed by LCCMR.
- Having a family relationship with a proposer or a staff or board member of a proposing organization.

A conflict of interest must be identified before or during the initial proposal review process. The member must send a letter to the chair of the LCCMR addressed to the LCCMR office declaring the conflict of interest and stating if the conflict is due to a direct personal financial interest in an organization. Declaring a conflict of interest means that member may not advocate for or against the proposal or vote on the proposal. In addition, the member may not vote on a motion for a final recommendation if that motion relates to the organization in which the member has a direct personal financial interest.

Existing law and institutional policies on conflict of interest also cover the LCCMR members and staff and other legislative staff.

6. Rules of Order:

The LCCMR will use Mason's Manual of Legislative Procedure as the rules of order for the LCCMR.

II. Officers

A. Chair(s):

1. Presides at LCCMR and executive committee meetings.

When the designated chair is not present to chair the meeting, then the vice chair would chair the meeting or the chair rotates to another co-chair.

2. Provides direction to staff.
3. Authorizes travel (legislative chairs).

- a. Authorizes travel for LCCMR members. Written authorization or memo confirming verbal authorization to be filed in LCCMR office prior to trip.
Retain the established method for authorizing additional travel by members for functions.
- b. Expense vouchers to be submitted after authorized travel on the following basis:
 - i. Per the expense policy of the LCCMR superseded by that of the LCC wherever applicable.
 - ii. LCCMR staff consistent with expense policy for state employees superseded by LCC guidelines wherever applicable. Director approves for staff. A legislative chair (legislative vice chair in absence of legislative chair) approves for director.

4. Sets time, place, and date for LCCMR and committee meetings:

Meetings of the LCCMR and any committees that include legislative members may not occur during a scheduled floor session of the House or Senate unless approved by the LCC chair and vice chair or as superseded by LCC policy.

5. Sets agenda for LCCMR and executive committee meetings:

The chairs will be responsible for working with staff to develop an agenda. All three chairs review and finalize within a specified period of time.

B. Vice Chair(s)

- 1. Performs duties of chair in absence of chair.
- 2. Serves as member of executive committee.

C. Minutes

Any LCCMR member will move the approval of the minutes; one of the chairs or vice chairs present but not moving approval of the minutes will sign the minutes.

III. Committees

A. Executive Committee

The Committee reviews and acts upon the following matters:

- 1. Matters brought forth by chair(s) and executive committee members; discussion material provided by director.
- 2. Recommends action to full LCCMR, except as noted in 3 and 4 below.
- 3. Reviews, adopts, and amends LCCMR administrative budget.
- 4. Approves work agreements and periodic payment authorization for conduct of LCCMR authorized projects.
- 5. Gives general direction to LCCMR operations in both the administrative and functional areas.

B. Oversight Committees

- 1. Consist of members appointed by the LCCMR chair.
- 2. Conduct in-depth review of topics assigned by LCCMR chair, including hearings and fact-finding trips.
- 3. Submit findings and recommendations to the full LCCMR. When special studies requiring outside staffing are deemed necessary, the executive committee must approve a work agreement. In order for an Emerging Issues Account allocation for a study to be initiated, the recommended allocation

must be submitted to the full LCCMR for approval and recommendation to the Governor per M.S. 116P.

4. Committee meetings to be authorized by LCCMR legislative chair and arranged by the committee chair.

C. Other Committees

Other committees may be appointed by the chair from time to time and will function in essentially the same manner as oversight committees. The LCCMR legislative chairs may invite other legislators or other non legislators to attend LCCMR meetings or events and the appropriate expenses may be paid in the same manner as for LCCMR members.

IV. Staff

A. The director is appointed by the full LCCMR.

1. Authorized to hire, fire, organize, supervise, and otherwise administer the regular staff, within the budget and staffing limit authorized by the LCCMR and subject to LCC guidelines.
2. Authorized to hire temporary staff and interns outside the limits above, subject to budget availability. Where significant budget adjustment is necessary for same, the director consults with the executive committee.
3. Authorized to carry out the LCCMR advisory role to the Legislature and to administer all LCCMR affairs.
4. Brings to attention of chair(s) and/or LCCMR matters relevant to LCCMR programs.
5. Administers the LCCMR budget. Reviews for approval all non-member expenses. Authorized to make minor corrections consistent with an approved work plan.
6. Responsible for constant review of current programs.
7. Responsible for maintaining communications with private sector, federal, state, and local government agencies.
8. Responsible for preparations required for all meetings.
9. Provides staffing required for subcommittees and LCCMR.
10. Serves as exclusive liaison between consultants and chair(s), LCCMR, and subcommittees thereof.
11. Administers all activities necessary regarding the Oil Overcharge money, Great Lakes Protection Account, or other funding sources as appropriate.
12. Authorized to approve minor work plan changes during a biennium which will help achieve the intended effect of any project. Significant work plan amendments, judged by relative size of the proposed amendment or by the significance of the impact on the intended effect of the plan, must be referred to LCCMR for approval.
13. Assign responsibility and delegates authority to other staff as appropriate.

Environment and Natural Resources Trust Fund

Emerging Issues Account

Adopted 1/15/08 by LCCMR

Authorization

116P.08 TRUST FUND EXPENDITURES.

Subd. 4. Legislative recommendations.

- d) The commission may recommend the establishment of an annual emerging issues account in its annual legislative bill for funding emerging issues, which come up unexpectedly, but which still adhere to the commission's strategic plan, to be approved by the governor after initiation and recommendation by the commission.

Emerging Issues Account Criteria

The funds in the Emerging Issues Account may be recommended for an effort that has an unexpected and urgent need, such as:

- Addressing environmental or disease issues where delay will threaten the viability of segments of the state's natural resources or human health.
- Implementing a natural resource corrective action where delay will be detrimental to the state's natural resources.
- An opportunity to enhance natural resource management in a timely manner.
- An opportunity to acquire critical land in a timely manner.

Use of the funds must be consistent with the commission's strategic plan. Notification of the availability of the Emerging Issues Account will be posted on the LCCMR web site.

Requesting funds

To be considered for a LCCMR recommendation for use of the Emerging Issues Account, a letter (one page limit) must be submitted to the LCCMR requesting funds. The letter must:

- Describe the specific urgency.
- Explain how the request fits the emerging issues account criteria.
- Explain the proposed use of the funds including proposed results and deliverables.

Attached to the letter requesting consideration of funding must be a description of the organization describing its capability to carry out the activity proposed.

Awarding funds

- The commission will review requests at least semi-annually at posted and open meetings.
- For a request to be approved, a quorum of the commission must be present and at least 60% of those members present must vote in favor of approval.
- If a request is approved by the LCCMR it will be sent to the governor for consideration per M.S. 116P.08, Subd. 4.
- If the commission recommends that funds be put in the emerging issues account and those funds are made available through the legislative process, the funds should be available starting July 1, for the same period as other recommended funds.
 - o Funds are available for recommendation by the commission to address unexpected and urgent needs until they are spent within the appropriation period.
 - o If the funds are not spent for an unexpected and urgent need before the start of the legislative session prior to the appropriation expiration, the commission may recommend the funds be added to an existing Environmental and Natural Resources Trust Fund project that has a critical need for additional funding to achieve the goals of the project.