

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Executive Order #99-17: Designating the Commissioners of the Department of Natural Resources and the Pollution Control Agency as Co-Trustees for Natural Resources

I, **JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9607(f), authorizes the State to recover damages for injury to, destruction of, or loss of natural resources resulting from a release of hazardous substances and provides that the governor of each state shall designate state officials who may act on behalf of the public as trustees for natural resources for purposes of CERCLA and the Clean Water Act, 33 U.S.C. § 1321(f); and

WHEREAS, the Oil Pollution Act of 1990, 33 U.S.C. § 2706, authorizes the State to recover damages for injury to, destruction of, loss of, or loss of use of, natural resources resulting from the discharge of oil and provides that the governor of each state shall designate state and local officials who may act on behalf of the public as trustee for natural resources under its trusteeship; and

WHEREAS, the Minnesota Environmental Response and Liability Act ("MERLA"), *Minnesota Statutes* § 115B.17, subd. 7, provides that the State is the trustee of the air, water and wildlife of the State for purposes of MERLA and authorizes the Attorney General to bring an action in the name of the State to recover for damage to such resources resulting from a release of hazardous substances;

NOW, THEREFORE, I hereby order that:

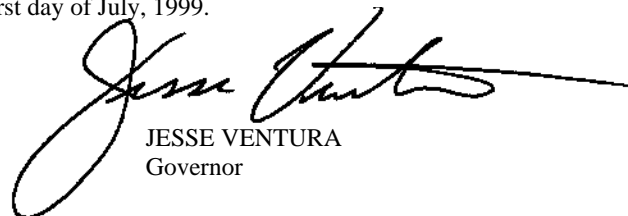
1. The Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency are designated as co-trustees for natural resources under CERCLA, 42 U.S.C. § 9607(f), the Clean Water Act, 33 U.S.C. § 1321 (f) and the Oil Pollution Act of 1990, 33 U.S.C. § 2706, and to act on behalf of the State as trustee under MERLA, *Minnesota Statutes* § 115B.17, subd. 7.
2. Except as provided below, any action by the Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency in their capacity as co-trustees for natural resources for purposes of CERCLA, 42 U.S.C. § 9607(f), the Clean Water Act, 33 U.S.C. § 1321 (f) and the Oil Pollution Act of 1990, 33 U.S.C. § 2706, and on behalf of the State as trustee under MERLA, *Minnesota Statutes* § 115B.17, subd. 7, shall require the concurrence of both the Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency, or their designees.
3. The Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency may enter into a memorandum of agreement with respect to the fulfillment of their responsibilities as co-trustees for natural resources. Such memoranda may, among other things, specify actions that the Commissioner of Natural Resources or the Commissioner of the Pollution Control Agency may take independently without the concurrence of the other Commissioner.
4. The Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency shall notify the President of the United States of their designation as co-trustees for natural resources pursuant to the requirements of CERCLA, 42 U.S.C. § 9607(f) and the Oil Pollution Act of 1990, 33 U.S.C. § 2706.

Pursuant to *Minnesota Statutes* 1998, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1998, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twenty-first day of July, 1999.



Filed According to Law:
MARY KIFFMEYER
Secretary of State



JESSE VENTURA
Governor