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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 27

January 8, 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 constitutional amendments; proposing an amendment to the Minnesota
1.3 Constitution by adding a section to article XI; dedicating sales and use tax
1.4 receipts equal to a rate of one-eighth of one percent on taxable sales and uses
1.5 to provide angler and hunter access and to improve, preserve, or protect game
1.6 and fish habitat; creating a game and fish preservation fund; providing for a
1.7 walk-in public access program; amending Minnesota Statutes 2006, sections
1.8 97A.055, subdivision 4b; 297A.94; proposing coding for new law in Minnesota
1.9 Statutes, chapter 84.

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

1.11 Section 1. **CONSTITUTIONAL AMENDMENT.**

1.12 An amendment to the Minnesota Constitution is proposed to the people. If the
1.13 amendment is adopted, a section will be added to article XI, to read:

1.14 Sec. 15. Because hunting and fishing and the taking of game and fish are forever
1.15 preserved for the people under article XIII, section 12, beginning July 1, 2009, the sales
1.16 and use tax receipts equal to the state sales and use tax of one-eighth of one percent on
1.17 sales and uses taxable under the general state sales and use tax law, plus penalties and
1.18 interest and reduced by any refunds, are dedicated only to provide hunter and angler
1.19 access and to improve, preserve, or protect game and fish habitat. The money dedicated
1.20 under this section shall not be used as a substitute for traditional funding sources for
1.21 the purposes specified, but the dedicated money shall supplement traditional sources of
1.22 funding for those purposes. Easements in land acquired with money deposited in the
1.23 game and fish preservation fund under this section must be open to public taking of game
1.24 and fish during the open season.

1.25 Sec. 2. **SUBMISSION TO VOTERS.**

2.1 The proposed amendment shall be submitted to the people at the 2008 general
 2.2 election. The question submitted shall be:

2.3 "Because hunting and fishing are forever preserved under the Minnesota
 2.4 Constitution, shall the Minnesota Constitution be amended to provide funding, without
 2.5 increasing the state sales and use tax, beginning July 1, 2009, to provide hunter and angler
 2.6 access and to improve, preserve, or protect game and fish habitat by dedicating the sales
 2.7 and use tax receipts equal to the state sales and use tax of one-eighth of one percent on
 2.8 taxable sales?

2.9 Yes
 2.10 No"

2.11 **Sec. 3. [84.946] GAME AND FISH PRESERVATION FUND.**

2.12 The commissioner of finance shall create a game and fish preservation fund. The
 2.13 fund shall consist of revenue deposited under the Minnesota Constitution, article XI,
 2.14 section 15, and all money earned by the fund.

2.15 **Sec. 4. [84.947] GAME AND FISH PRESERVATION FUND; EXPENDITURE**
 2.16 **ALLOCATION.**

2.17 The commissioner of natural resources' Budgetary Oversight Committee, under
 2.18 section 97A.055, subdivision 4b, shall allocate expenditures from the game and fish
 2.19 preservation fund. The amount of the game and fish preservation fund that is available
 2.20 for appropriation under the terms of the Minnesota Constitution, article XI, section 15, is
 2.21 appropriated to the commissioner of natural resources' Budgetary Oversight Committee.
 2.22 The expenditure allocations must be only for projects that provide hunter and angler
 2.23 access and to improve, preserve, or protect game and fish habitat.

2.24 **Sec. 5. [84.992] ACCESS TO MINNESOTA OUTDOORS.**

2.25 Subdivision 1. **Walk-in access plan.** (a) The commissioner shall create a walk-in
 2.26 public access plan under which the commissioner may encourage owners and operators of
 2.27 privately held land to voluntarily make that land available for walk-in access by the public
 2.28 for hunting and fishing under programs administered by the commissioner and funded by
 2.29 revenue created under the Minnesota Constitution, article XI, section 15.

2.30 (b) As part of the plan, the commissioner shall explore entering into contracts with
 2.31 the owners or lessees of land to establish voluntary walk-in public access for hunting,
 2.32 fishing, or other wildlife-dependent recreational activities.

2.33 (c) In the plan, the commissioner must describe:

3.1 (1) the benefits that private land will provide the public, such as hunting, fishing,
3.2 bird watching, and related outdoor activities; and

3.3 (2) the types of game, fish, and wildlife habitat improvements made to the land that
3.4 will enhance public uses.

3.5 (d) The commissioner shall explore walk-in public access programs in other states
3.6 and develop a walk-in program for public access to private lands for hunting, fishing,
3.7 and related recreational activities.

3.8 Subd. 2. **Preemption.** Nothing in this section is intended to preempt other state
3.9 laws, including trespass and liability laws.

3.10 Subd. 3. **Report.** Before implementation, the commissioner must present the
3.11 walk-in public access plan to the house and senate committees with jurisdiction over
3.12 natural resources policy and finance, with recommendations on program implementation,
3.13 by December 31, 2008.

3.14 Sec. 6. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

3.15 Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint
3.16 subcommittees of affected persons to review the reports prepared under subdivision 4;
3.17 review the proposed work plans and budgets for the coming year; propose changes
3.18 in policies, activities, and revenue enhancements or reductions; review other relevant
3.19 information; and make recommendations to the legislature and the commissioner for
3.20 improvements in the management and use of money in the game and fish fund.

3.21 (b) The commissioner shall appoint the following subcommittees, each comprised
3.22 of at least three affected persons:

3.23 (1) a Fisheries Operations Subcommittee to review fisheries funding, excluding
3.24 activities related to trout and salmon stamp funding;

3.25 (2) a Wildlife Operations Subcommittee to review wildlife funding, excluding
3.26 activities related to migratory waterfowl, pheasant, and turkey stamp funding and
3.27 excluding review of the amounts available under section 97A.075, subdivision 1,
3.28 paragraphs (b) and (c);

3.29 (3) a Big Game Subcommittee to review the report required in subdivision 4,
3.30 paragraph (a), clause (2);

3.31 (4) an Ecological Services Operations Subcommittee to review ecological services
3.32 funding;

3.33 (5) a subcommittee to review game and fish fund funding of enforcement, support
3.34 services, and Department of Natural Resources administration;

4.1 (6) a subcommittee to review the trout and salmon stamp report and address funding
4.2 issues related to trout and salmon;

4.3 (7) a subcommittee to review the report on the migratory waterfowl stamp and
4.4 address funding issues related to migratory waterfowl;

4.5 (8) a subcommittee to review the report on the pheasant stamp and address funding
4.6 issues related to pheasants; and

4.7 (9) a subcommittee to review the report on the turkey stamp and address funding
4.8 issues related to wild turkeys.

4.9 (c) The chairs of each of the subcommittees shall form a Budgetary Oversight
4.10 Committee to coordinate the integration of the subcommittee reports into an annual
4.11 report to the legislature; recommend changes on a broad level in policies, activities, and
4.12 revenue enhancements or reductions; provide a forum to address issues that transcend the
4.13 subcommittees; and submit a report for any subcommittee that fails to submit its report
4.14 in a timely manner.

4.15 (d) The Budgetary Oversight Committee shall develop recommendations for a
4.16 biennial budget plan and report for expenditures on game and fish activities. By August 15
4.17 of each even-numbered year, the committee shall submit the budget plan recommendations
4.18 to the commissioner and to the senate and house committees with jurisdiction over natural
4.19 resources finance. In addition, the committee must review and decide on recommended
4.20 expenditures from the game and fish preservation fund under section 84.947.

4.21 (e) Each subcommittee shall choose its own chair, except that the chair of the
4.22 Budgetary Oversight Committee shall be appointed by the commissioner and may not
4.23 be the chair of any of the subcommittees.

4.24 (f) The Budgetary Oversight Committee must make recommendations to the
4.25 commissioner and to the senate and house committees with jurisdiction over natural
4.26 resources finance for outcome goals from expenditures.

4.27 (g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the
4.28 Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.
4.29 Expenses for performing their duties under this section are governed by section 15.059,
4.30 subdivision 6.

4.31 Sec. 7. Minnesota Statutes 2006, section 297A.94, is amended to read:

4.32 **297A.94 DEPOSIT OF REVENUES.**

4.33 (a) Except as provided in this section and the Minnesota Constitution, article XI,
4.34 section 15, the commissioner shall deposit the revenues, including interest and penalties,

5.1 derived from the taxes imposed by this chapter in the state treasury and credit them to the
5.2 general fund.

5.3 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic
5.4 account in the special revenue fund if:

5.5 (1) the taxes are derived from sales and use of property and services purchased for
5.6 the construction and operation of an agricultural resource project; and

5.7 (2) the purchase was made on or after the date on which a conditional commitment
5.8 was made for a loan guaranty for the project under section 41A.04, subdivision 3.

5.9 The commissioner of finance shall certify to the commissioner the date on which the
5.10 project received the conditional commitment. The amount deposited in the loan guaranty
5.11 account must be reduced by any refunds and by the costs incurred by the Department of
5.12 Revenue to administer and enforce the assessment and collection of the taxes.

5.13 (c) The commissioner shall deposit the revenues, including interest and penalties,
5.14 derived from the taxes imposed on sales and purchases included in section 297A.61,
5.15 subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them
5.16 as follows:

5.17 (1) first to the general obligation special tax bond debt service account in each fiscal
5.18 year the amount required by section 16A.661, subdivision 3, paragraph (b); and

5.19 (2) after the requirements of clause (1) have been met, the balance to the general
5.20 fund.

5.21 (d) The commissioner shall deposit the revenues, including interest and penalties,
5.22 collected under section 297A.64, subdivision 5, in the state treasury and credit them to the
5.23 general fund. By July 15 of each year the commissioner shall transfer to the highway user
5.24 tax distribution fund an amount equal to the excess fees collected under section 297A.64,
5.25 subdivision 5, for the previous calendar year.

5.26 (e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and
5.27 for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and
5.28 penalties, transmitted to the commissioner under section 297A.65, must be deposited by
5.29 the commissioner in the state treasury as follows:

5.30 (1) 50 percent of the receipts must be deposited in the heritage enhancement account
5.31 in the game and fish fund, and may be spent only on activities that improve, enhance, or
5.32 protect fish and wildlife resources, including conservation, restoration, and enhancement
5.33 of land, water, and other natural resources of the state;

5.34 (2) 22.5 percent of the receipts must be deposited in the natural resources fund, and
5.35 may be spent only for state parks and trails;

6.1 (3) 22.5 percent of the receipts must be deposited in the natural resources fund, and
6.2 may be spent only on metropolitan park and trail grants;

6.3 (4) three percent of the receipts must be deposited in the natural resources fund, and
6.4 may be spent only on local trail grants; and

6.5 (5) two percent of the receipts must be deposited in the natural resources fund,
6.6 and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and
6.7 Conservatory, and the Duluth Zoo.

6.8 (f) The revenue dedicated under paragraph (e) may not be used as a substitute
6.9 for traditional sources of funding for the purposes specified, but the dedicated revenue
6.10 shall supplement traditional sources of funding for those purposes. Land acquired with
6.11 money deposited in the game and fish fund under paragraph (e) must be open to public
6.12 hunting and fishing during the open season, except that in aquatic management areas or
6.13 on lands where angling easements have been acquired, fishing may be prohibited during
6.14 certain times of the year and hunting may be prohibited. At least 87 percent of the money
6.15 deposited in the game and fish fund for improvement, enhancement, or protection of fish
6.16 and wildlife resources under paragraph (e) must be allocated for field operations.

6.17 **Sec. 8. EFFECTIVE DATE.**

6.18 Sections 1 and 2 apply to sales and uses occurring after June 30, 2009. Sections 3, 4,
6.19 6, and 7 are effective July 1, 2009, if the constitutional amendment proposed in section 1
6.20 is adopted by the voters. Section 5 is effective the day following final enactment.