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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-SIXTH  
SESSION**

**HOUSE FILE No. 1762**

March 16, 2009

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The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to constitutional amendments; proposing to amend the Minnesota  
1.3 Constitution, article XI; repealing the increase in the sales and use tax rate  
1.4 dedicated for natural resources and cultural heritage purposes; repealing  
1.5 Minnesota Statutes 2008, sections 85.53; 97A.056, subdivisions 1, 2, 3, 4, 5, 6,  
1.6 7; 114D.50; 129D.17.

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

1.8 Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

1.9 An amendment to the Minnesota Constitution is proposed to the people. If the  
1.10 amendment is adopted, article XI, section 15, will be repealed.

1.11 Sec. 2. **SUBMISSION TO VOTERS.**

1.12 The proposed amendment must be submitted to the people at the 2010 general  
1.13 election. The question submitted must be:

1.14 "Shall the Minnesota Constitution be amended to remove the sales and use tax rate  
1.15 increase of three-eighths of one percent that began July 1, 2009, and is dedicated to protect  
1.16 our drinking water sources; to protect, enhance, and restore our wetlands, prairies, forests,  
1.17 and fish, game, and wildlife habitat; to preserve our arts and cultural heritage; to support  
1.18 our parks and trails; and to protect, enhance, and restore our lakes, rivers, streams, and  
1.19 groundwater until the year 2034?

1.20 Yes .....

1.21 No ....."

1.22 Sec. 3. **REVENUE TRANSFER; SALES TAX REBATES.**

2.1 (a) On January 1, 2011, the commissioner of finance shall transfer the remaining  
2.2 funds in the parks and trails fund, outdoor heritage fund, clean water fund, and arts and  
2.3 cultural heritage fund to the general fund if the total combined balance in the funds  
2.4 is less than \$5,000,000.

2.5 (b) On January 1, 2011, the remaining funds in the parks and trails fund, outdoor  
2.6 heritage fund, clean water fund, and arts and cultural heritage fund shall be refunded to the  
2.7 taxpayers through a sales tax rebate as provided by law if the total combined balance in  
2.8 the funds is \$5,000,000 or greater.

2.9 **EFFECTIVE DATE.** This section is effective November 15, 2010, if the  
2.10 constitutional amendment in section 1 is adopted by the voters.

2.11 Sec. 4. **REPEALER.**

2.12 (a) Minnesota Statutes 2008, section 97A.056, subdivisions 2, 3, 4, 5, 6, and 7, are  
2.13 repealed.

2.14 (b) Minnesota Statutes 2008, sections 85.53; 97A.056, subdivision 1; 114D.50;  
2.15 and 129D.17, are repealed.

2.16 **EFFECTIVE DATE.** Paragraph (a) is effective November 15, 2010, if the  
2.17 constitutional amendment in section 1 is adopted by the voters. Paragraph (b) is effective  
2.18 January 1, 2011, if the constitutional amendment in section 1 is adopted by the voters.

**85.53 PARKS AND TRAILS FUND.**

The parks and trails fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the parks and trails fund must be credited to the fund.

**97A.056 OUTDOOR HERITAGE FUND; LESSARD OUTDOOR HERITAGE COUNCIL.**

Subdivision 1. **Outdoor heritage fund.** An outdoor heritage fund, under article XI, section 15, of the Minnesota Constitution, is established as an account in the state treasury. All money earned by the outdoor heritage fund must be credited to the fund. At least 99 percent of the money appropriated from the fund must be expended to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

Subd. 2. **Lessard Outdoor Heritage Council.** (a) The Lessard Outdoor Heritage Council of 12 members is created in the legislative branch, consisting of:

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

(2) two public members appointed by the speaker of the house;

(3) four public members appointed by the governor;

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

(5) two members of the house of representatives appointed by the speaker of the house.

(b) Members appointed under paragraph (a) must not be registered lobbyists. In making appointments, the governor, senate Subcommittee on Committees of the Committee on Rules and Administration, and the speaker of the house shall consider geographic balance, gender, age, ethnicity, and varying interests including hunting and fishing. The governor's appointments to the council are subject to the advice and consent of the senate.

(c) Public members appointed under paragraph (a) shall have practical experience or expertise or demonstrated knowledge in the science, policy, or practice of restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife.

(d) Legislative members appointed under paragraph (a) shall include the chairs of the legislative committees with jurisdiction over environment and natural resources finance or their designee, one member from the minority party of the senate, and one member from the minority party of the house of representatives.

(e) Members serve four-year terms and shall be initially appointed according to the following schedule of terms:

(1) two public members appointed by the governor for a term ending the first Monday in January 2011;

(2) one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2011;

(3) one public member appointed by the speaker of the house for a term ending the first Monday in January 2011;

(4) two public members appointed by the governor for a term ending the first Monday in January 2013;

(5) one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013;

(6) one public member appointed by the speaker of the house for a term ending the first Monday in January 2013; and

(7) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013, and two members of the house of representatives appointed by the speaker of the house for a term ending the first Monday in January 2013.

(f) Compensation and removal of public members are as provided in section 15.0575. A vacancy on the council may be filled by the appointing authority for the remainder of the unexpired term.

(g) The first meeting of the council shall be convened by the chair of the Legislative Coordinating Commission no later than December 1, 2008. Members shall elect a chair, vice-chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(h) The Department of Natural Resources shall provide administrative support for the council. Up to one percent of the money appropriated from the fund may be used to cover the

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Repealed Minnesota Statutes: 09-2874

staffing and related administrative expenses of the department and to cover the compensation and travel expenses of council members.

**Subd. 3. Council recommendations.** (a) The council shall make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law and that take into consideration the outcomes of, including, but not limited to, the Minnesota Conservation and Preservation Plan, that directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. The council shall submit its initial recommendations to the legislature no later than April 1, 2009. Subsequent recommendations shall be submitted no later than January 15 each year. The council shall present its recommendations to the senate and house of representatives committees with jurisdiction over the environment and natural resources budget by February 15 in odd-numbered years, and within the first four weeks of the legislative session in even-numbered years. The council's budget recommendations to the legislature shall be separate from the Department of Natural Resource's budget recommendations.

(b) To encourage and support local conservation efforts, the council shall establish a conservation partners program. Local, regional, state, or national organizations may apply for matching grants for restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, prevention of forest fragmentation, encouragement of forest consolidation, and expansion of restored native prairie.

(c) The council may work with the Clean Water Council to identify projects that are consistent with both the purpose of the outdoor heritage fund and the purpose of the clean water fund.

(d) The council may make recommendations to the Legislative-Citizen Commission on Minnesota Resources on scientific research that will assist in restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife, preventing forest fragmentation, encouraging forest consolidation, and expanding restored native prairie.

(e) Recommendations of the council, including approval of recommendations for the outdoor heritage fund, require an affirmative vote of at least nine members of the council.

**Subd. 4. Conflict of interest.** (a) A council member may not be an advocate for or against a council action or vote on any action that may be a conflict of interest. A conflict of interest must be disclosed as soon as it is discovered. The council shall follow the policies and requirements related to conflicts of interest developed by the Office of Grants Management under section 16B.98.

(b) For the purposes of this section, a "conflict of interest" exists when a person has an organizational conflict of interest or direct financial interests and those interests present the appearance that it will be difficult for the person to impartially fulfill the person's duty. An "organizational conflict of interest" exists when a person has an affiliation with an organization that is subject to council activities, which presents the appearance of a conflict between organizational interests and council member duties. An "organizational conflict of interest" does not exist if the person's only affiliation with an organization is being a member of the organization.

**Subd. 5. Open meetings.** (a) Meetings of the council and other groups the council may establish are subject to chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations, including recording meetings, video conferencing, and publishing minutes. For the purposes of this subdivision, a meeting occurs when a quorum is present and the members receive information or take action on any matter relating to the duties of the council. The quorum requirement for the council shall be seven members.

(b) For legislative members of the council, enforcement of this subdivision is governed by section 3.055, subdivision 2. For nonlegislative members of the council, enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.

**Subd. 6. Audit.** The council shall select an independent auditor to audit the outdoor heritage fund expenditures every two years to ensure that the money is spent to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

**Subd. 7. Legislative oversight.** (a) The senate and house of representatives chairs of the committees with jurisdiction over the environment and natural resources budget shall convene a joint hearing to review the activities and evaluate the effectiveness of the council and evaluate the effectiveness and efficiency of the department's administration and staffing of the council after five years but no later than June 30, 2014.

(b) By January 15, 2013, a professional outside review authority shall be chosen by the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources to evaluate the effectiveness and efficiency of the department's

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administration and staffing of the council. A report shall be submitted to the chairs by January 15, 2014.

**114D.50 CLEAN WATER FUND.**

The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

**129D.17 ARTS AND CULTURAL HERITAGE FUND.**

The arts and cultural heritage fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.