

1. Environment and Natural Resources Trust Fund (ENRTF) Constitutional Language and statutory expenditure language in M.S. 116P.08 (in place since 1988)
2. Funding priorities and evaluation criteria from 2011 (blue paper), 2010 (green paper), 2009 (yellow paper) Request for Proposals (RFP)
3. Combined Process and RFP discussion points from June 23, 2011 LCCMR Meeting Minutes and September 27, 2011 LCCMR Meeting Minutes
4. Potential Issue Seminar Topics for 2011 Meetings - Results of Member Poll

## **Minnesota Constitution Art. XI, Sec.14**

Sec. 14. ENVIRONMENT AND NATURAL RESOURCES FUND. A permanent environment and natural resources trust fund is established in the state treasury. Loans may be made of up to five percent of the principal of the fund for water system improvements as provided by law. The assets of the fund shall be appropriated by law for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. The amount appropriated each year of a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, may be up to 5-1/2 percent of the market value of the fund on June 30 one year before the start of the biennium. Not less than 40 percent of the net proceeds from any state-operated lottery must be credited to the fund until the year 2025. [Adopted, November 8, 1988; Amended, November 6, 1990; November 3, 1998]

## **2010 Minnesota Statutes**

### **116P.08 TRUST FUND EXPENDITURES.**

#### **Subdivision 1.Expenditures.**

Money in the trust fund may be spent only for:

- (1) the reinvest in Minnesota program as provided in section [84.95, subdivision 2](#);
- (2) research that contributes to increasing the effectiveness of protecting or managing the state's environment or natural resources;
- (3) collection and analysis of information that assists in developing the state's environmental and natural resources policies;
- (4) enhancement of public education, awareness, and understanding necessary for the protection, conservation, restoration, and enhancement of air, land, water, forests, fish, wildlife, and other natural resources;
- (5) capital projects for the preservation and protection of unique natural resources;
- (6) activities that preserve or enhance fish, wildlife, land, air, water, and other natural resources that otherwise may be substantially impaired or destroyed in any area of the state;
- (7) administrative and investment expenses incurred by the State Board of Investment in investing deposits to the trust fund; and
- (8) administrative expenses subject to the limits in section [116P.09](#).

#### **Subd. 2.Exceptions.**

Money from the trust fund may not be spent for:

- (1) purposes of environmental compensation and liability under chapter 115B and response actions under chapter 115C;
- (2) purposes of municipal water pollution control under the authority of chapters 115 and 116;
- (3) costs associated with the decommissioning of nuclear power plants;
- (4) hazardous waste disposal facilities;
- (5) solid waste disposal facilities; or
- (6) projects or purposes inconsistent with the strategic plan.



# Environment and Natural Resources Trust Fund 2011-2012 Request for Proposal

## Legislative-Citizen Commission on Minnesota Resources (LCCMR)

[www.lccmr.leg.mn](http://www.lccmr.leg.mn)

### Funding Priority Categories for 2011-2012

- Natural Resource Data and Information
- Water Resources
- Methods to Protect, Restore, and Enhance Land and Habitat
- Land Acquisition for Habitat and Recreation
- Aquatic and Terrestrial Invasive Species
- Climate Change, Renewable Energy, and Air Quality
- Environmental Education
- Creative Ideas

**Funding Beginning: July 1, 2011**

**Deadline to Submit: 4:30 p.m., Friday April 9, 2010**

- Electronic submission of proposals required.
- Please carefully review the full text of this document before submitting a proposal.
- LCCMR staff are available to review draft proposals if submitted by Monday April 5, 2010. Early submission of drafts is recommended to receive the most detailed guidance.

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### **\$ FUNDING AVAILABILITY:**

- This Request for proposal (RFP) is for the biennium (2 years) beginning July 1, 2011. For that period, approximately \$52 million from the Environment and Natural Resources Trust Fund is expected to be available for project funding.
- Through this RFP the LCCMR intends to make recommendations to the 2011 MN Legislature for appropriation of the majority of the funds available during the next two years. The LCCMR may choose to retain a small portion of funds outside of this RFP to be available for additional appropriation recommendations addressing specific time sensitive needs.
- **It is intended that this RFP is the only standard RFP that will be issued until February 2012 (for funding beginning July 1, 2013).** Any project seeking funding to begin July 1, 2012 should reply to this RFP.

Issued January 2010

## 2011-2012 FUNDING PRIORITIES

Projects are sought that provide multiple ecological and other public benefits, are consistent with the LCCMR Six-Year Strategic Plan for the Environment and Natural Resources Trust Fund (available at [www.lccmr.leg.mn](http://www.lccmr.leg.mn)), and address the adopted funding priorities detailed below. Projects should be innovative and must accelerate or supplement, not supplant, existing efforts.

**Proposals must address one of the eight funding priorities detailed below; proposals may respond to more than one priority.**

### A. Natural Resource Data and Information

Proposals must address one or more of the following:

1. Collect baseline, foundational wildlife or natural resource data and information, including:
  - a. Ongoing efforts of the Minnesota County Biological Survey, Soil Survey, County Geological Atlas, and the National Wetlands Inventory update.
  - b. Climate data at a scale appropriate to assess natural resource changes attributable to accelerated climate change.
2. Coordination, facilitation, or training pertaining to statewide sharing, distribution, or innovative application of natural resource data and information tools, including Geographic Information Systems (GIS), Light Detection and Ranging (LiDAR), and other remote sensing techniques.

### B. Water Resources

Proposals must address one or more of the following:

1. Protect or restore water quality by reducing soil erosion, reducing peak water flows, or improving water and land use practices. Projects must include monitoring and evaluation.
2. Research or engineering design to protect the health of humans and aquatic and terrestrial species by 1) advancing development or implementation of standards for nitrates or other contaminants; or 2) broadly reducing levels of nitrates, estrogenic, pharmaceutical, or other contaminants in ground and surface waters.
3. Research, monitoring, or evaluation of ground and surface water interaction and sustainability.
4. Research, monitoring, or evaluation of deep water lake ecosystems, including Lake Superior.
5. Investigate and increase the understanding of the distribution and hydraulic properties of aquitards (impermeable geological layers between aquifers) and the water quality and water quantity effects aquitards have on confined, leaky, and un-confined aquifers.

### C. Methods to Protect, Restore, and Enhance Land and Habitat

Proposals must address one or more of the following (see p.7 for additional project requirements pertaining to this category):

1. Innovative protection, restoration, or enhancement of lands with high-quality natural resources, habitat, and ecological value.
2. Long term preservation of native forest, wetland, or prairie plant genetics and viability through long term storage in seed banks or other related efforts.
3. Technical assistance for prairie stewardship, forest stewardship, stewardship of Conservation Reserve Program lands and other agricultural lands, or aquatic buffer management to improve water quality.
4. Planning and implementation of community-based efforts to permanently conserve natural resources and reduce habitat fragmentation impacts on natural resources, including the impacts of transportation and other infrastructure.

## 2011-2012 FUNDING PRIORITIES

### D. Land Acquisition for Habitat and Recreation

Proposals must address fee title or permanent conservation easement acquisition of strategic lands with high quality natural resources, habitat, and/or ecological value, and the greatest capability to contribute multiple conservation benefits to wildlife, humans, and water quality (see p.7 for additional project requirements pertaining to this category). All lands to be acquired must provide a restoration/enhancement or management plan for the site and an explanation as to how it will be developed, implemented, and funded.

Priority will given to projects that address one or more of the following:

1. Efforts based on precision conservation\* methods and analysis that quantifiably identify the lands most critical to acquire.
2. Efforts involving Scientific and Natural Areas (SNA) or that aim to protect unique ecosystems or rare, endangered, or threatened species.
3. Efforts in areas of the state with limited protected public lands providing habitat or public access.
4. Efforts that improve habitat connectivity.
5. Efforts that improve public access for natural resource management or outdoor recreation.

### E. Aquatic and Terrestrial Invasive Species

Proposals must address one or more of the following:

1. Prevent introduction or provide early detection of new invasive species.
2. Reduce the spread of invasive species along streams, rivers, land transportation routes, and other vectors.
3. Alternative control techniques for containing or suppressing invasive species already present in Minnesota. Standard control and maintenance activities of invasive species will not be considered.

### F. Climate Change, Renewable Energy, and Air Quality

Proposals must address one or more of the following:

1. Research to help understand how to mitigate, adapt, or make Minnesota's ecosystems more resilient to climate change.
2. Implementation of innovative efforts aimed at mitigating, adapting, or making Minnesota's ecosystems more resilient to climate change.
3. Evaluation of applicability and/or effective implementation of clean energy technologies (e.g., biofuels, solar, geothermal, wind) or energy conservation in Minnesota. Focus examples include carbon emissions reduction; community-based, locally-produced renewable energy technologies; renewable energy life cycle costs and impacts; or smart energy technologies.
4. Reduction of greenhouse gas emissions through new and innovative approaches to increasing recycling and composting. Standard, required, and ongoing efforts will not be considered.
5. Innovative approaches to air quality improvement that reduce impacts on human health, the environment, or natural resources.

\* Precision conservation is an emerging practice that considers lands in terms of the interconnected systems of which they are a part. As a practice, precision conservation compiles and integrates multiple types of available data layers and analysis (e.g., terrain analysis, soil productivity, habitat potential, economic analysis, erosion potential, proximity to surface water) to identify and guide efforts that will maximize conservation benefits.

## 2011-2012 FUNDING PRIORITIES

### G. Environmental Education

Proposals must address education and training efforts that will increase the knowledge and skills of students and all citizens to improve and maintain water quality, reduce and monitor energy consumption, and restore and maintain a healthy and biodiverse natural environment. Funding for capital projects (e.g. buildings) will not be considered.

Priority will given to projects that address one or more of the following:

1. Efforts that are locally-led, involve broad-based partnerships, provide outdoor experiences, and are committed to building a long-lasting and action-based conservation ethic in a community.
2. Environmental education programs using community plantings or gardens to teach biological or ecological concepts; use of native plants and/or organic practices are encouraged.
3. Efforts that deliver and implement existing curriculum, especially integration of environmental education into school curriculum.

### H. Creative Ideas

Proposals will be considered for efforts that are innovative or “out-of-the-box” and could produce transformative changes for the benefit of Minnesota’s environment and natural resources, but do not fit under one of the other categories; or, that focus on new and emerging environment or natural resource issues and are time-sensitive, but do not fit under one of the other categories.

# REQUIREMENTS AND EVALUATION CRITERIA

## Project Requirements

- Expenditures must strictly adhere to the constitutional purpose of the Environment and Natural Resources Trust Fund (pg. 14) and conform to M.S. 116P.08, the laws governing the Environment and Natural Resources Trust Fund (pg. 14)
- Funds requested are expected to be expended and activities completed within 36 months. If additional time is needed, please explain in the “Timeline Requirements” section (section III-B) of the main proposal.
- Fee-title and conservation easement acquisition projects have the following additional requirements:
  1. First priority must be given to lands with high quality natural resources that provide multiple benefits and that provide natural buffers to water resources;
  2. Targeted lands must be identified in an adopted state, regional, or local natural resource plan;
  3. Conservation easements must be perpetual and include stewardship provisions to perpetually monitor and enforce the conditions of the conservation easements;
  4. Explanation must be provided for how a restoration/enhancement or management plan for the site will be developed, implemented, and funded (through this funding request or other funds);
  5. A list must be provided that identifies proposed acquisitions by parcel name, acquisition type (fee-title or conservation easement), county, estimated # of acres, and geographical coordinates (latitude and longitude or UTM-X and UTM-Y).
- Restorations must plant vegetation only of ecotypes native to Minnesota and preferably of the local ecotype using a high diversity of species originating as close to the restoration site as possible and, when restoring prairies, protect existing prairies from genetic contamination. Use of seeds and plant material beyond these requirements must be expressly requested and approved. For additional guidance, see “Native Vegetation Establishment and Enhancement Guidelines” from the Minnesota Board of Soil and Water Resources: [http://www.bwsr.state.mn.us/practices/seeding\\_guidelines.pdf](http://www.bwsr.state.mn.us/practices/seeding_guidelines.pdf)
- All projects are subject to additional requirements including accessibility, data availability, land acquisition requirements, energy conservation and sustainability guidelines, and recyclable material requirements. Information located at [www.lccmr.leg.mn](http://www.lccmr.leg.mn) titled “Additional Proposal Requirements”.

## Evaluation Criteria

The following criteria will be considered in evaluating Environment and Natural Resources Trust Fund proposals (Additional explanation of evaluation criteria is available at [www.lccmr.leg.mn](http://www.lccmr.leg.mn)):

1. **FUNDING PRIORITIES:** Responds to RFP funding priorities and LCCMR Six-Year Strategic Plan for the Environment and Natural Resources Trust Fund articulated and adopted by the LCCMR.
2. **MULTIPLE BENEFITS:** Delivers multiple benefits to Minnesota’s environment and natural resources.
3. **OUTCOMES:** Identifies clear objectives likely to result in measurable, demonstrated, and meaningful outcomes.
4. **KNOWLEDGE BASE:** Contributes to the knowledge base or disseminates information that will benefit other related efforts.
5. **EXTENT OF IMPACTS:** Results in broad, long-term impacts of statewide or regional significance.
6. **INNOVATION:** Employs or demonstrates innovative approaches to more effectively and efficiently solve specific environment and natural resources issues.
7. **SCIENTIFIC/TECHNICAL BASIS:** Reflects current scientific and technical knowledge, standards, and best practices.
8. **URGENCY:** Addresses an issue for which immediate future action is necessary and urgent to avoid undesirable consequences.
9. **CAPACITY AND READINESS:** Demonstrates capacity and readiness for efforts to be managed and completed in a timely, accountable, and effective manner.
10. **LEVERAGE:** Leverages collaborative partnerships and additional efforts, resources, and non-state dollars.
11. **RESULTING ADDITIONAL EMPLOYMENT:** Employs a significant number of additional or new employees or students in natural resources jobs that are direct to the funding request.

# Legislative-Citizen Commission on Minnesota Resources (LCCMR)

February 2009

## ENVIRONMENT AND NATURAL RESOURCES TRUST FUND 2010 REQUEST FOR PROPOSALS (LOCATED @ WWW.LCCMR.LEG.MN)

### FUNDING PRIORITIES FOR 2010

- A. WATER RESOURCES
- B. RENEWABLE ENERGY RELATED TO CLIMATE CHANGE
- C. HABITAT RESTORATION, ENHANCEMENT, AND ACQUISITION
- D. INVASIVE SPECIES
- E. NATURAL RESOURCE CONSERVATION PLANNING AND IMPLEMENTATION
- F. ENVIRONMENTAL EDUCATION
- G. CREATIVE IDEAS

**FUNDING BEGINNING: JULY 1, 2010**

**DEADLINE TO SUBMIT\*: 4:30 PM, FRIDAY MAY 1, 2009**

**ELECTRONIC SUBMISSION OF PROPOSALS REQUIRED**

**\*LCCMR STAFF ARE AVAILABLE TO REVIEW AND PROVIDE FEEDBACK ON DRAFTS OF PROPOSALS IF SUBMITTED BY MONDAY APRIL 27, 2009**

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### FUNDING SOURCES:

The LCCMR makes funding recommendations to the MN Legislature on an annual basis for up to 5.5% of the existing value of the MN Environment & Natural Resources Trust Fund (Trust Fund). An estimated \$25.6 million is available from the Trust Fund for the funding cycle beginning July 1, 2010.



# 2010 FUNDING PRIORITIES

## Targeted Issue Areas

Projects are sought that provide multiple ecological and other public benefits and are consistent with the LCCMR Six-Year Strategic Plan and the Statewide Conservation and Preservation Plan.

(Plans available at: <http://www.lccmr.leg.mn>)

Proposals are requested in the following seven areas, described in more detail below:

- A. Water Resources**
- B. Renewable Energy Related to Climate Change**
- C. Habitat Restoration, Enhancement, and Acquisition**
- D. Invasive Species**
- E. Natural Resource Conservation Planning and Implementation**
- F. Environmental Education**
- G. Creative Ideas**

### **A. Water Resources**

Projects are sought that address water issues on a surface watershed or groundwater watershed basis as follows:

1. Groundwater Sustainability
  - a. Develop new or improved methods to identify and protect aquifer and groundwater recharge areas from loss or contamination.
  - b. Undertake scientific assessment of groundwater quality, quantity, and sustainability that can be utilized in regional and statewide ways to lead to improved groundwater recharge protection.
2. Estrogenic and Pharmaceutical Contaminants in Surface and Ground Waters
  - a. Document and evaluate the extent and level of estrogenic and pharmaceutical contaminants of wastewater treatment and industrial facility effluent in water bodies around the state.
  - b. Evaluate and quantify the threat to humans and animals from estrogenic compounds and pharmaceuticals in waters around the state.
  - c. Develop, test, and evaluate protocols and public education efforts for the proper disposal of estrogenic compounds and pharmaceuticals in order to protect water resources.
3. Aquatic Habitat Protection
  - a. Demonstrate and evaluate innovative practices to protect, improve, and prevent degradation of native aquatic habitat, including shoreland and near-shore, in-water habitat.
  - b. Continue to update the National Wetlands Inventory in Minnesota.

## 2010 FUNDING PRIORITIES

### B. Renewable Energy Related to Climate Change

Projects are sought that reduce carbon and other greenhouse gas emissions as follows:

1. Evaluate applicability and effective implementation of different clean energy technologies in Minnesota, such as solar and geothermal technologies.
2. Encourage adoption of community-based, locally-produced, renewable and innovative clean energy technologies (this could include microgrids or smaller community networks).
3. Develop innovative pilot or demonstration projects to reduce carbon emissions from residential and other small energy consumers.

### C. Habitat Restoration, Enhancement, and Acquisition

Projects are sought that protect, restore, and enhance lands with high quality natural resources and habitat for wildlife and human benefit. This includes but is not limited to Scientific and Natural Areas (SNAs), state and regional parks and trails, and sensitive shorelands or riparian habitat.

1. Restoration and Enhancement
  - a. Develop and disseminate guidelines for and/or provide training in state-of-the-art, science-based restoration for each of Minnesota's major ecotypes. Training should include field experience.
  - b. Conduct innovative restoration projects, including evaluation of the methods used.
  - c. Evaluate the effectiveness of restoration methods and projects in order to improve the effectiveness of future efforts.
2. Acquisition

Protect and enhance through fee title or permanent easement acquisition strategic lands that make the largest contribution to multiple benefits for conservation. The following parameters apply:

  - Lands to be acquired should be identified in an adopted state, regional, or local natural resource plan.
  - All acquisition proposals must include an explanation as to how a restoration/enhancement and/or management plan for the site will be developed, implemented, and funded (either under this proposal or through other funding sources).
  - Management should enhance the quality and diversity of natural resources.

### D. Invasive Species

Projects are sought that address the threat of aquatic and terrestrial invasive species by developing new, innovative, and more effective control methods and by decreasing invasibility (making habitats less susceptible to invasion). Potential efforts could include:

1. Preventing introductions of new invasive species.
2. Providing early detection of new invasive species.
3. Reducing the spread of invasive species along transportation routes and other vectors.
4. Alternative control techniques for containing or suppressing invasive species already present in Minnesota, including but not limited to Curly-leaf Pondweed and Eurasian Watermilfoil. *\*This does not include funding typical maintenance activities such as harvesting and annual chemical treatments.*
5. Restoring or re-establishing terrestrial or aquatic habitats impacted by invasive species. Priority will be given to habitats located on public land or private lands protected by permanent conservation easements.

## 2010 FUNDING PRIORITIES

### **E. Natural Resource Conservation Planning and Implementation**

Projects are sought that develop and/or implement integrated community-based natural resource, open space, and conservation plans to identify key opportunities to conserve local, regional, and state ecological, cultural, and outdoor recreational resources. Funds are intended to focus on natural resources including water and habitat, parks and open space, and other conservation planning and implementation efforts and not intended to subsidize other required local planning efforts.

### **F. Environmental Education**

Projects are sought that provide innovative delivery of environmental education, including professional development, to both K-12 and adult audiences and result in increased community involvement and leadership on environmental issues. Preference will be given toward efforts that develop understanding of climate change or that involve outdoor classroom settings.

### **G. Creative Ideas**

Projects are sought that could produce transformative changes for the benefit of Minnesota's environment and natural resources, but which do not fit under categories A through F. The intention here is for "out of the box" thinking, ideas, and innovation that could result in significant, measureable benefits for Minnesota's air, land, water, fish, wildlife, and other natural resources.

# REQUIREMENTS AND CRITERIA

- Trust Fund expenditures must strictly adhere to the constitutional requirements (pg. 14).
- Trust Fund expenditures must conform to the Trust Fund law M.S. 116P.08 (pg. 14)
- Projects must be able to start by July 1, 2010 and should be able to spend money from an appropriation within 36 months.
- All projects are subject to additional proposal requirements that may include and pertain to accessibility, data availability, land acquisition, energy conservation and sustainability guidelines, and recyclable material requirements. Information located at [www.lccmr.leg.mn](http://www.lccmr.leg.mn) titled "Additional Proposal Requirements".

## Proposal Requirements

Proposals should be consistent with the funding priorities identified in the 2010 RFP and the LCCMR's Six-Year Strategic Plan.

Project managers and partners must be accountable and able to complete project objectives.

All proposals should, as appropriate:

- **Demonstrate innovative approaches** to solving natural resource issues;
- Have approaches that are **measurable and reflect current scientific standards** so that they can be evaluated to determine the most effective approaches;
- Have approaches that are **replicable** on future projects to more effectively and efficiently solve specific natural resource issues;
- Have **broad applicability** on a regional and/or statewide basis;
- **Add to the knowledge base** of addressing natural resource issues;
- State **clear objectives** for what the proposal will accomplish.

For acquisition and conservation easements, priority is to be given to acquiring lands with high quality natural resources and conservation lands that provide natural buffers to water resources. Conservation easements must be perpetual and include stewardship provisions to perpetually monitor and enforce the conditions of the conservation easements.

The use and protection of native species is required for all projects.

Restorations must utilize seeds and plants of the local ecotypes unless not available. The second preference is to have seeds and plants of the same eco-region, and the third preference is to have seeds and plants of an adjacent eco-region.

## Criteria for Scoring Proposals:

The following seven criteria will be considered in evaluating Trust Fund proposals (in alphabetical order):

- Add to the knowledge base and disseminate information
- Broad applicability with long term impacts having statewide or regional significance
- Innovation
- Leverage
- Measurable and demonstrated outcomes
- Partnerships
- Urgency

Some of the criteria may not be relevant to all proposals and may be determined to be non-applicable (N/A). A minimum of five of the seven criteria will be used to evaluate each proposal.

# Legislative-Citizen Commission on Minnesota Resources (LCCMR)

JUNE 2008

## ENVIRONMENT AND NATURAL RESOURCES TRUST FUND 2009 PHASE 1 REQUEST FOR PROPOSALS (RFP)

### FUNDING PRIORITIES FOR 2009

**PHASE 1: SELECTED ONGOING PROJECTS (due 08/25/08)**

**PHASE 2: TARGETED ISSUE AREAS\* (due 10/01/08)**

\* A Phase 2 Request for Proposals (RFP) will be issued as a separate document on or around July 30, 2008. See pages 3-5 of this document for additional information.

**FUNDING BEGINNING: JULY 1, 2009**

**PHASE 1 DEADLINE TO SUBMIT: MONDAY, AUGUST 25, 2008**  
POSTMARKED BY OR RECEIVED AT THE LCCMR OFFICE BY 4:30 PM

**ELECTRONIC SUBMISSION OF PROPOSALS REQUESTED**

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### FUNDING SOURCES:

The LCCMR makes funding recommendations to the MN legislature on an annual basis for up to 5.5% of the existing value of the MN Environment & Natural Resources Trust Fund (Trust Fund). An estimated \$25 million is expected to be available from the Trust Fund for the funding cycle beginning July 1, 2009.

This LCCMR “Request for Proposal” was adopted June 11, 2008 and is located at [www.lccmr.leg.mn](http://www.lccmr.leg.mn).

# 2009 PHASE 1 FUNDING PRIORITIES

## Selected Ongoing Projects

For Phase 1 funding priorities, all existing Trust Fund funded projects were reviewed, ongoing projects that might benefit from additional funding were identified, and a selection of those projects identified were chosen as priorities for the LCCMR to consider for additional funding based on the guidelines listed below. Specific individual projects within this selection are being asked to submit a proposal requesting additional funds that outlines how the funds could extend, accelerate and/or enhance their existing efforts. Those projects that respond to this request will be asked to present their proposals before the LCCMR on September 23 or 24.

Proposals from projects and organizations not specifically identified in the Phase 1 Funding Priorities will not be accepted or considered as part of the Phase 1 RFP process. **A Phase 2 Request for Proposal (RFP) will be open to everyone** for all proposals consistent with the funding priorities identified for Phase 2. Phase 2 funding priorities will be determined in July 2008 and a Phase 2 RFP is expected to be issued on July 30, 2008. Projects and organizations not specifically identified and requested to submit a proposal for Phase 1 should review the Phase 2 priorities and, if appropriate, consider submitting a proposal in response to the Phase 2 RFP.

Projects submitting a proposal under Phase 1 are not guaranteed additional funding. Phase 1 proposals will be evaluated and considered for funding at the same time as Phase 2 proposals.

For projects selected to submit a proposal in response to this Phase 1 request, if current project funding is adequate and the project does not wish to submit an additional proposal at this time the project can decline this request by notifying LCCMR staff. Projects declining to submit a proposal in response to a Phase 1 request are not precluded from submitting a related future proposal.

**GUIDELINES: Projects selected as priorities to submit a proposal for Phase 1 were chosen based on the following guidelines. Projects or programs that:**

1. Continue efforts to maintain significant progress to complete a previously defined multi-phase project/program.
2. Continue a multi-phase project that will provide timely and relevant research or baseline data.
3. Are part of a continuum of researching, demonstrating, piloting, or refining natural resources practices that can be scaled up for broader implementation.
4. Are part of a coherent plan that is well developed and generally accepted by natural resource professionals.
5. Update or expand important statewide natural resource data or information.
6. Enhances the outdoor recreation system (M.S. Chapter 86A), the metropolitan regional park system and the Local Grants Program administered by the DNR for non-metro regional and local parks.

**SELECTION CRITERIA: Projects that submit a proposal for Phase 1 will be considered for additional funding based on the following selection criteria. Projects or programs that:**

1. Have statewide or regional significance.
2. Have long term relevance.
3. Are a strategic or catalytic investment.
4. Have an urgent need for funding (i.e. do not have significant existing funds remaining from new or existing appropriations).
5. Have proven success in achieving results.
6. Have a project manager that has successfully managed past Trust Fund projects.

## 2009 PHASE 1 FUNDING PRIORITIES

The existing projects listed below have been specifically selected by the LCCMR as priorities to consider for additional funding for Phase 1 of the 2009 RFP. The goal of this selection is to extend, accelerate, enhance, and/or advance these existing efforts to their next logical stage or scope of work directly in accordance with the intent of the existing project. Each of these individual projects is being asked to submit a proposal requesting additional funds that outlines how additional funds could be used.

### A. Natural Resource Data and Information

Project Title	Organization	Project Overview	Appropriations since 2005
Minnesota County Biological Survey	MN Department of Natural Resources	County-by-county survey, interpretation, and mapping of the state's natural habitats and the species they contain.	ML 2005-06 (08a) ML 2007 (6a) ML 2008 (3m)
County Geological Atlas and Groundwater Monitoring*	MN Department of Natural Resources & MN Geological Survey	County-by-county survey, interpretation, mapping, and monitoring of the state's groundwater resources.	ML 2007 (5j) ML 2008 (4h)
Soil Survey	MN Board of Water and Soil Resources	County-by-county survey, interpretation, and mapping of the state's soil resources.	ML 2005-06 (08b) ML 2007 (6b) ML 2008 (5b)
Innovative Springshed Mapping for Trout Stream Management	University of MN	Identification, assessment, and mapping of springs and recharge areas supplying trout streams in SE Minnesota.	ML 2007 (5g)
Updating the National Wetlands Inventory for Minnesota	MN Department of Natural Resources	Update of information on the characteristics, extent, and status of wetlands and deep-water habitats in MN.	ML 2008 (5a)
Restorable Wetlands Inventory	Ducks Unlimited	Identification and mapping of drained wetlands in MN to help prioritize wetland restoration.	ML 2008 (5e)

\* Actual project titles for individual appropriations to this ongoing effort were "County Geologic Atlas Acceleration" (ML 2007) & "South-Central MN Groundwater Monitoring & County Geological Atlas" (ML 2008).

# 2009 PHASE 1 FUNDING PRIORITIES

## B. State Parks, Trails, and Natural Areas Acquisition & Restoration

Project Title	Organization	Project Overview	Appropriations since 2005
State Park Acquisition**	MN Department of Natural Resources	Acquisition of privately held land within existing state park boundaries.	ML 2005-06 (6a) ML 2007 (4e) ML 2008 (3h)
State Trail Acquisition**	MN Department of Natural Resources	Acquisition of parcels of land along state trail corridors.	ML 2005-06 (06f,g,h) ML 2007 (4e) ML 2008 (3h)
Metropolitan Regional Park System Land Acquisition	Metropolitan Council	Subgrants for acquisition of land for metropolitan regional park system.	ML 2005-06 (6e) ML 2007 (4f) ML 2008 (3i)
Non-Metropolitan Regional Parks and Natural and Scenic Area Acquisition	MN Department of Natural Resources	Subgrants for acquisition of parkland outside the metropolitan area and natural and scenic areas statewide.	ML 2005 (6j) ML 2007 (4g)
Scientific and Natural Area Acquisition	MN Department of Natural Resources	Acquisition of MN lands containing rare natural features and resources of exceptional scientific and educational value.	ML 2005 (5c) ML 2008 (3f)
Forest Legacy Conservation Easements	MN Department of Natural Resources	Acquisition of permanent easements on private forest land that allow existing uses but prevent habitat degradation.	ML 2005-06 (9c) ML 2006 (11) ML 2007 (4a)
MN Habitat Conservation Partnership (HCP)	MN Department of Natural Resources, NGOs, Fed. agencies	Acquisition and restoration of lands to connect quality habitat in 11 major landscape corridors in outstate MN.	ML 2005-06 (05a) ML 2007 (4b) ML 2008 (3c)
Metro Conservation Corridors (MeCC)	MN Department of Natural Resources, NGOs	Acquisition and restoration of lands to connect quality habitat in 7 county metro area and surrounding counties.	ML 2005-06 (05b) ML 2007 (4c) ML 2008 (3a)

\*\* Past state park and trail acquisitions were sometimes included under the same appropriation and actual project titles differed from those indicated here to reflect this; specifically, this includes "State Parks and Trails Land Acquisition" (ML 2007) and "State Park and Trail Land Acquisition" (ML 2008). For the purposes of this document and Phase 1 request, "State Park Acquisition" and "State Trail Acquisition" are being indicated as separate projects.



## 2009 PHASE 1 FUNDING PRIORITIES

### C. Water-Related Research

Project Title	Organization	Project Overview	Appropriations since 2005
Unwanted Hormone Therapy: Protecting Water and Public Health	University of MN	Research to determine where behavior-altering estrogenic compounds come from and how they are distributed through wastewater treatment plant systems.	ML 2005-06 (07e)
Climate Change Impacts on Minnesota's Aquatic Resources	University of MN	Research measuring long-term trends in the MN's climate, ecology, and water resources; making projections about impacts of change; and identifying indicators to monitor changes.	ML 2006 (07) ML 2007 (5k)
Improved River Quality Monitoring Using Airborne Remote Sensing	Minnesota State University - Mankato	Research improving methods for monitoring and studying river water quality and riparian habitat in MN.	ML 2007 (5e)
Water Resource Sustainability	University of MN	Research improving surface water and groundwater resources planning in MN.	ML 2007 (5i)
Cedar Creek Groundwater Project using Prairie Biofuel Buffers	University of MN	Research on ability of native prairie plants to provide cellulosic biofuel feedstock while creating wildlife habitat, protecting groundwater, and reducing greenhouse gas emissions.	ML 2007 (5n)
Future of Energy and Minnesota's Water Resources	University of MN	Research assessing water demand in MN under various energy production scenarios.	ML 2008 (4a)

## 2009 PHASE 2 FUNDING PRIORITIES

### PHASE 2 RFP EXPECTED TO BE ISSUED JULY 30, 2008

The Phase 2 Request for Proposal (RFP) will be open to everyone for all proposals consistent with the funding priorities identified for Phase 2. Phase 2 funding priorities will be determined in July 2008 and a Phase 2 RFP is expected to be issued on July 30, 2008. Projects and organizations not specifically identified and requested to submit a proposal for Phase 1 should review the Phase 2 priorities and, if appropriate, consider submitting a proposal under that process. See pages 3-5 for additional information.

## PROJECT CRITERIA

- Trust Fund expenditures must strictly adhere to the constitutional requirements (pg. 19).
- Trust Fund expenditures must conform to the Trust Fund law M.S. 116P.08 (pg. 19)
- Projects must be able to start by July 1, 2009 and should be able to spend money from an appropriation within 36 months.
- All projects are subject to additional proposal requirements that may include and pertain to accessibility, data availability, land acquisition, energy conservation and sustainability guidelines, and recyclable material requirements. Information located at [www.lccmr.leg.mn](http://www.lccmr.leg.mn) titled "Additional Proposal Requirements".

**Project managers and partners must be accountable and able to complete project objectives.**

All proposals **should, as appropriate:**

- **demonstrate innovative approaches** to solving natural resource issues
- have approaches that are **measurable and reflect current scientific standards** so that they can be evaluated to determine the most effective approaches
- have approaches that are **replicable** on future projects to more effectively and efficiently solve specific natural resource issues
- have **broad applicability** on a regional and/or statewide basis
- **add to the knowledge base** of addressing natural resource issues
- State **clear objectives** for what the proposal will accomplish

For acquisition and conservation easements, priority is to be given to acquiring lands with high quality natural resources and conservation lands that provide natural buffers to water resources. Conservation easements must be perpetual and include stewardship provisions to perpetually monitor and enforce the conditions of the conservation easements.

The use and protection of native species is required for all projects.

Restorations must utilize seeds and plants of the local ecotypes unless not available. The second preference is to have seeds and plants of the same eco-region, and the third preference is to have seeds and plants of an adjacent eco-region.



# Legislative-Citizen Commission on Minnesota Resources (LCCMR)

JULY 2008

## ENVIRONMENT AND NATURAL RESOURCES TRUST FUND 2009 PHASE 2 REQUEST FOR PROPOSALS (RFP)

### FUNDING PRIORITIES FOR 2009

**PHASE 2: TARGETED ISSUE AREAS** (due 10/01/08)

**PHASE 1: SELECTED ONGOING PROJECTS\*** (due 08/25/08)

\* A Phase 1 Request for Proposals (RFP) was issued as a separate document on June 18, 2008. See pages 2,3, & 7 of this document for additional information.

**FUNDING BEGINNING: JULY 1, 2009**

**PHASE 2 DEADLINE TO SUBMIT: WED., OCTOBER 1, 2008**  
POSTMARKED BY OR RECEIVED AT THE LCCMR OFFICE BY 4:30 PM

**ELECTRONIC SUBMISSION OF PROPOSALS REQUESTED**

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### FUNDING SOURCES:

The LCCMR makes funding recommendations to the MN legislature on an annual basis for up to 5.5% of the existing value of the MN Environment & Natural Resources Trust Fund (Trust Fund). An estimated \$25 million is expected to be available from the Trust Fund for the funding cycle beginning July 1, 2009.

This LCCMR “Request for Proposal” was adopted July 18, 2008 and is located at [www.lccmr.leg.mn](http://www.lccmr.leg.mn).

# 2009 PHASE 2 FUNDING PRIORITIES

## Targeted Issue Areas

Projects are sought that provide multiple ecological and other public benefits. Proposals are requested in the following four areas:

- Land and Habitat
- Water Quality
- Invasive Species
- Energy

Additionally, further specification has been made in regard to three projects requested to submit proposals under Phase 1.

### A. Land and Habitat

#### 1. Critical Lands Analysis

Use applicable data to identify the Conservation Reserve Program (CRP) lands and other ecologically sensitive lands, at local and regional levels, that have the highest ecological value and provide multiple other benefits. The data must be provided in a prioritized listing and ranked in order of conservation values.

*\*An example of values and benefits include providing high quality and connected habitat with minimal fragmentation, protecting water quality with vegetative buffer strips along surface waters to reduce nutrient, solids, and toxics loading, reducing soil erosion caused by water and wind, reducing flooding, infiltrating water to the ground water system, and protecting native plant species.*

#### 2. Conservation Reserve Program (CRP) Lands

Develop and implement a program to permanently protect and retain the conservation status of lands in the Conservation Reserve Program (CRP) with contracts due to expire in the near future and that have the highest ecological value and provide multiple other benefits, focusing on lands with lower crop productivity potential, as indicated by applicable data.

#### 3. Technical Assistance for Conserving Land

Provide landowners, land managers, planners, and conservationists with information and evaluation tools pertaining to various land conservation options in order to permanently protect lands in the Conservation Reserve Program (CRP) with contracts due to expire in the near future and/or other ecologically sensitive lands. Efforts should focus on lands that have the highest ecological value and provide multiple other benefits, as indicated by applicable data.

*\*Lands of high ecological value in the CRP program with contracts expiring in the near future are the highest priority for providing outreach in order to help provide permanent protection.*

## 2009 PHASE 2 FUNDING PRIORITIES

### B. Water Quality

#### 1. Reduce Soil Erosion

Reduce nutrient, solids, and toxics loading in surface waters by addressing streambank, shoreland, and other erosion on a watershed basis through analysis of the loading and its causes. Develop and implement a demonstration of effective best management practices (BMPs) to mitigate the nutrient, solids, and toxics loading. Proposals must include an evaluation and monitoring component for the implementation of the BMPs.

#### 2. Reduce Peak Water Flows

On a watershed basis, help control peak flows to improve surface water quality, reduce flooding, and facilitate infiltration of water to groundwater systems by developing and implementing methods to keep water on the land longer for both working lands and habitat.

*\*Priority will be given to proposals that address lakes, rivers, and wetlands with "Multiple Impairments" as defined in the Minnesota Pollution Control Agency's "Minnesota Draft 2008 Inventory of Impaired Waters". Also see [page 113](#) of the Statewide Conservation and Preservation Plan: <http://www.lccmr.leg.mn/statewideconservationplan/StatewidePlan.htm>*

#### 3. Minnesota Drainage Law Analysis and Evaluation

Conduct a legal analysis of Minnesota drainage laws (M.S. Chapter 103E and other applicable drainage law) to determine the economic costs and benefits and environmental impacts of the laws and consider alternative strategies that would best serve the collective needs of public waters and property owners alike.

#### 4. Deep Water Lakes

Protect and enhance the lakesheds and aquatic communities of high quality deep water lakes in Minnesota through inventory and evaluation of cold water aquatic communities in the lakes; development and implementation of effective best management practices (BMPs); and/or implementation of other protection efforts for uplands, shoreland, and groundwater. All proposals implementing shoreland protection must include monitoring and evaluation components.

*\*Examples of deep water lakes are given on [page 78](#) of the Statewide Conservation and Preservation Plan: <http://www.lccmr.leg.mn/statewideconservationplan/StatewidePlan.htm>*

### C. Invasive Species

#### 1. Aquatic and Terrestrial Invasive Species

Address the threat of aquatic and terrestrial invasive species by developing new, innovative, and more effective control methods. Potential efforts could include:

- a. Preventing introductions of new invasive species.
- b. Providing early detection of new invasive species.
- c. Reducing the spread of invasive species along transportation routes and other vectors.
- d. Containing or suppressing invasive species already present in Minnesota, including Curly-leaf Pondweed and Eurasian Watermilfoil. *\*This does not include funding typical maintenance activities such as harvesting and annual chemical treatments.*
- e. Restoring or reestablishing terrestrial or aquatic habitats impacted by invasive species. Priority will be given to habitats located on public lands or private lands covered by permanent conservation easements.

## 2009 PHASE 2 FUNDING PRIORITIES

### D. Energy

#### 1. Renewable Energy Life Cycle Costs and Impacts

Using new and existing data, research and evaluate over-arching climate change and life cycle costs and impacts of renewable energy options in Minnesota. Relevant factors include effects on the economy, greenhouse gas emissions, water consumption, water quality, carbon sequestration, gene flow risks, wildlife populations, native pollinators, transport and delivery, and utilization by the transportation sector.

*\*Analysis of various biofuels should include life cycle costs and impacts of individual crop harvests as well as potential growth of overall production systems in order to evaluate multiple benefits such as increased yields, best management practices, best suited growing conditions, relative availability, and sustainable production rates.*

#### 2. Residential Energy Conservation

Develop innovative pilot or demonstration programs to increase the implementation and effectiveness of residential energy conservation efforts, including delivery of creative financing options for residential energy customers.

*\*Potential proposers could include cooperatives, utilities, lenders and community groups.*

### E. Additional Information for Phase 1 Proposers (Due August 25, 2008)

The following three projects were requested to submit a proposal under Phase 1 of the RFP for 2009 funding. On July 18, 2008, the LCCMR added some guidance to their Phase 1 requests for these specific projects:

#### 1. Minnesota Habitat Conservation Partnership (HCP) &

#### 2. Metro Conservation Corridors (MeCC)

The LCCMR has requested that HCP and MeCC projects address the following in their Phase 1 proposals:

- a. Prioritization of Acquisition and Restoration – Utilize the *Statewide Conservation and Preservation Plan* mapping efforts to help further identify the highest priority lands for protection, conservation, and restoration. Acquisitions must be based on protecting the highest ecological value in addition to willing sellers.
- b. Shoreland – Shoreland areas should be given a very high priority of protection and restoration because of their ecological importance as the interface between land and water.
- c. Shallow lakes – Shallow lake restoration proposed for funding should include innovative restoration pilots, evaluation and monitoring components for the restorations, and address the upland impacts on the shallow lakes.

#### 3. The Minnesota County Geologic Atlas

The LCCMR requests that the proposal submitted address updating geothermal heat flow maps for Minnesota to assist in assessing the potential for shallow and deep geothermal energy options.



# 2009 PHASE 1 FUNDING PRIORITIES

## Selected Ongoing Projects

### PHASE 1 RFP WAS ISSUED JUNE 18, 2008

[http://www.lccmr.leg.mn/RequestforProposals/2009/RFP\\_2009\\_Phase\\_1.pdf](http://www.lccmr.leg.mn/RequestforProposals/2009/RFP_2009_Phase_1.pdf)

The Phase 1 Request for Proposals (RFP) was a request for proposals from specific existing, ongoing Environment and Natural Resources Trust Fund funded projects. Only projects and organizations identified in the Phase 1 RFP are eligible to apply in Phase 1. In determining priorities for the Phase 1 RFP, all existing Trust Fund funded projects were reviewed, ongoing projects that might benefit from additional funding were identified, and a selection of those projects identified were chosen for the LCCMR to consider for additional funding based on the following guidelines—projects or programs that:

1. Continue efforts to maintain significant progress to complete a previously defined multi-phase project/program.
2. Continue a multi-phase project that will provide timely and relevant research or baseline data.
3. Are part of a continuum of researching, demonstrating, piloting, or refining natural resources practices that can be scaled up for broader implementation.
4. Are part of a coherent plan that is well developed and generally accepted by natural resource professionals.
5. Update or expand important statewide natural resource data or information.
6. Enhances the outdoor recreation system ([M.S. Chapter 86A](#)), the metropolitan regional park system and the Local Grants Program administered by the DNR for non-metro regional and local parks.

**For more information and to view the Phase 1 RFP  
visit: <http://www.lccmr.leg.mn/2009Process.html>**

## PROJECT CRITERIA

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- Projects must be able to start by July 1, 2009 and should be able to spend money from an appropriation within 36 months.
- All projects are subject to additional proposal requirements that may include and pertain to accessibility, data availability, land acquisition, energy conservation and sustainability guidelines, and recyclable material requirements. Information located at [www.lccmr.leg.mn](http://www.lccmr.leg.mn) titled "Additional Proposal Requirements".

**Project managers and partners must be accountable and able to complete project objectives.**

**The Phase 2 RFP is open to everyone for all proposals consistent with Phase 2 funding priorities.**

**All proposals should, as appropriate:**

- **demonstrate innovative approaches** to solving natural resource issues
- have approaches that are **measurable and reflect current scientific standards** so that they can be evaluated to determine the most effective approaches
- have approaches that are **replicable** on future projects to more effectively and efficiently solve specific natural resource issues
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The use and protection of native species is required for all projects.

Restorations must utilize seeds and plants of the local ecotypes unless not available. The second preference is to have seeds and plants of the same eco-region, and the third preference is to have seeds and plants of an adjacent eco-region.

### **Criteria for scoring proposals:**

The following seven criteria will be considered in evaluating Trust Fund proposals (in alphabetical order):

- Add to the knowledge base and disseminate information
- Broad applicability with long term impacts having statewide or regional significance
- Innovation
- Leverage
- Measurable and demonstrated outcomes
- Partnerships
- Urgency

Each of the criteria will be eligible for zero to ten points. Some of the criteria may not be relevant to all proposals and may be determined to be non-applicable (N/A). A minimum of five of the seven criteria will be used to evaluate each proposal.

Proposals that do not receive scores for all seven criteria will be equalized with those that do by determining what percentage of the total possible points each proposal receives.

## **June 23, 2011 LCCMR Meeting Minutes**

### **Item #9 Review of the Environment and Natural Resources Trust Fund, M.S. 116P.08 “Trust Fund Expenditures” and adopted LCCMR Six-Year Strategic Plan**

#### **Summary of member’s discussion and ideas related to the next LCCMR request for proposals (RFP) as recorded on the flip chart during the meeting.**

1. Matrix of ENRTF and Legacy Funds
2. Coordination – funding and schedules
3. Initiate and Transition
4. Fund leading edge
5. Identify research needs to assist all funds
6. Subcommittees to review and recommend
7. Biennial or annual cycle and associated schedule
8. Specific focus of funding for alternating years
9. Are the key strategies of the ENRTF Six year Strategic Plan still the key strategies?
10. What additional reports or plans (i.e., water plan) have been developed in the past two years that we may want to review?
11. How do we want to spend available funds? Consider recommended percentage
12. Supplant vs. supplement issue
13. Applicants – LGUs: How can we assist LGUs in preparing proposals and encourage submission of proposals?
14. Support continuation of jobs in MN (specific criteria)
15. Balance: Geographic? Topic/issue?

## September 27, 2011 LCCMR Meeting Minutes

### Item # 9 Ongoing discussion of setting future funding priorities

**Members discussed different priorities for the next request for proposal. Members concluded to have an additional meeting in November to discuss in more detail.**

#### Overview of Comments:

- How to determine supplement vs. supplant?
- Last year the subject of supplement vs. supplant became cloudy. The LCCMR members need to be able to say “what we are doing and why”.
- What will be the focus in the Legislature?
- Fund more project implementation.
- Concern about rising administrative costs being added to project budgets.
- Work plans for all projects should be provided for accountability.
- Review eligible and ineligible costs.
- The current criteria for scoring is good and allows the best ideas to be considered. These should be kept.
- The ENRTF money should be used for research but would like to see more research that is work on the ground.
- The LCCMR has been actively funding invasive species projects but the new money for invasive species seems to be more for administrative costs.
- Review funding of foundation documents needed for resource management and request proposals for them such as County Biological Survey, Soil Survey, Update National Wetlands, and Inventory County Geologic Atlas.
- Should fund research and development (R & D) projects.
- Consider establishing a proposed range of dollars or percentage for each priority in the next RFP with the goal of focusing.
- Research and natural resource data needed to assist most cost effective management of natural resources.
- Without data obtained through research, it’s difficult to manage natural resources. Can waste dollars without the right information. Research ensures getting good return on investment.
- Applied research can have a huge economic impact.
- Review former priorities as a group to decide next year’s priorities.
- Fund research and studies that are smart and tangible.
- LSOHC – keep in mind their funding goals and draw a distinct line with some possible overlap.
- The list was not being narrowed throughout the years but it has grown. A statement with the sort of things the LCCMR is looking for could be included instead of listing priorities in the RFP. Use the statute M.S. 116P.08 language plus a philosophical statement for the next RFP.

**LCCMR - Potential Issue Seminar Topics for 2011 Meetings - Results of Member Poll**  
**[Members responding = 11 of 17]**

**NOTE:** From the below list of potential issue seminar topics brainstormed at the 06/23/11 LCCMR meeting, members were asked to select up to 5 topics that are of the greatest interest or highest priority to them.

POTENTIAL TOPICS	Berner	Broberg	Cook	DeKruif	Dill	Gibson	Herman	Hackbarth	Higgins	Ingebrigtsen	McNamara	Moody	Olson	Rukavina	Shimanski	Skoe	Wilkins	TOTAL
Air quality, including: airborne contaminants (toxic chemicals, heavy metals), risk of non-attainment for air quality standards and related efforts by the Pollution Control Agency, and research needs							X										X	2
Climate change, including biological indicators of change	X					X	X					X					X	5
Conservation easements	X			X							X	X	X		X			6
Current research and future research needs for non-game species and/or species of greatest conservation needs						X												1
Demographic changes and relationship to natural resource issues							X						X		X		X	4
Environmental education with a focus on "hands-on" efforts, efforts already taking place, and elements of successful projects			X			X			X						X		X	5
Innovative efforts to clean up water, particularly the potential of the Iron-Phosphorus relationship			X						X			X	X					4
Lake Superior, including invasive species and ballast water				X														1
Payment in-lieu of taxes (PILT)	X		X	X							X	X			X			6
Potential impacts of non-ferrous mining on habitat and species (e.g., lynx) in northern Minnesota.						X									X			2
Effectiveness of habitat corridors as a conservation tool, including an evaluation of the results and impacts of efforts to create habitat corridors in the Habitat Conservation Partnership (HCP) and Metro Conservation Corridors (MeCC) projects	X			X			X				X		X					5
Terrestrial and aquatic invasive species with a focus on potential for disruption to ecosystems, potential short and long-term financial costs, and information about what other states are doing on particular invasive species and whether there are opportunities for joint research	X		X	X		X	X		X			X	X					8
Water quality and impacts of contaminants, particularly heavy metals.			X														X	2
Other:																		0

**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

(emphasis added by underlining)

**ENVIRONMENT AND NATURAL RESOURCES TRUST  
FUND**

**OUTDOOR HERITAGE FUND**

**Constitutional Establishment of the Funds (Article XI)**

**Sec. 14. ENVIRONMENT AND NATURAL RESOURCES FUND.**

A permanent environment and natural resources trust fund is established in the state treasury. Loans may be made of up to five percent of the principal of the fund for water system improvements as provided by law. The assets of the fund shall be appropriated by law for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. The amount appropriated each year of a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, may be up to 5-1/2 percent of the market value of the fund on June 30 one year before the start of the biennium. Not less than 40 percent of the net proceeds from any state-operated lottery must be credited to the fund until the year 2025. [Adopted, November 8, 1988; Amended, November 6, 1990; November 3, 1998]

**Sec. 15. Outdoor heritage, clean water, parks and trails, and arts and cultural heritage; sales tax dedicated funds.**

Beginning July 1, 2009, until June 30, 2034, the sales and use tax rate shall be increased by three-eighths of one percent on sales and uses taxable under the general state sales and use tax law. Receipts from the increase, plus penalties and interest and reduced by any refunds, are dedicated, for the benefit of Minnesotans, to the following funds: 33 percent of the receipts shall be deposited in the outdoor heritage fund and may be spent only to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife; 33 percent of the receipts shall be deposited in the clean water fund and may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation, and at least five percent of the clean water fund must be spent only to protect drinking water sources; 14.25 percent of the receipts shall be deposited in the parks and trails fund and may be spent only to support parks and trails of regional or statewide significance; and 19.75 percent shall be deposited in the arts and cultural heritage fund and may be spent only for arts, arts education, and arts access and to preserve Minnesota's history and cultural heritage. An outdoor heritage fund; a parks and trails fund; a clean water fund and a sustainable drinking water account; and an arts and cultural heritage fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The

**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

(emphasis added by underlining)

<b>ENVIRONMENT AND NATURAL RESOURCES TRUST FUND</b>	<b>OUTDOOR HERITAGE FUND</b>
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<p>(Note: the environment and natural resources trust fund has similar substitution language under Minnesota Statutes, section 116P.03, paragraph (a) – see below)</p>	<p><u>dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute. Land acquired by fee with money deposited in the outdoor heritage fund under this section must be open to the public taking of fish and game during the open season unless otherwise provided by law.</u> If the base of the sales and use tax is changed, the sales and use tax rate in this section may be proportionally adjusted by law to within one-thousandth of one percent in order to provide as close to the same amount of revenue as practicable for each fund as existed before the change to the sales and use tax. [Adopted, November 4, 2008]</p>
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**Definitions**

<p><b>116P.02 DEFINITIONS.</b>          Subdivision 1. <b>Applicability.</b>          The definitions in this section apply to this chapter.          Subd. 2.          [Repealed, 2006 c 243 s 22]          Subd. 3. <b>Board.</b>          "Board" means the State Board of Investment.          Subd. 4. <b>Commission.</b>          "Commission" means the Legislative-Citizen Commission on Minnesota Resources.          Subd. 5. <b>Natural resources.</b>          "Natural resources" includes the outdoor recreation system under section 86A.04 and regional recreation open space systems as defined under section 473.351, subdivision</p>	<p><b>3.3006 APPLICATION.</b>          The definitions of "enhance," "protect," and "restore" in section 84.02 apply to all funds appropriated and purposes authorized under the clean water fund, parks and trails fund, and outdoor heritage fund.   <b>Minnesota Statutes, section 84.02, subdivisions 4a, 6a, and 6b read:</b>           Subd. 4a. <b>Enhance.</b> "Enhance" means to improve in value, quality, and desirability in order to increase the ecological value of the land or water.          Subd. 6a. <b>Protect.</b> "Protect" means protect or preserve ecological systems to maintain active and healthy ecosystems</p>
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**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

(emphasis added by underlining)

<b>ENVIRONMENT AND NATURAL RESOURCES TRUST FUND</b>	<b>OUTDOOR HERITAGE FUND</b>
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<p>1. Subd. 6. <b>Trust fund.</b>                  "Trust fund" means the Minnesota environment and natural resources trust fund established under Minnesota Constitution, article XI, section 14.</p>	<p>and prevent future degradation including, but not limited to, purchase in fee or easement.                  Subd. 6b. <b>Restore.</b> "Restore" means renewing degraded, damaged, or destroyed ecosystems through active human intervention to achieve high-quality ecosystems.</p> <p>(Note: these provisions were added in Laws 2009, chapter 172)</p>
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**Statutory Supplanting Prohibition**

<p><b>116P.03 TRUST FUND NOT TO SUPPLANT EXISTING FUNDING; APPROPRIATIONS.</b>                  (a) <u>The trust fund may not be used as a substitute for traditional sources of funding environmental and natural resources activities, but the trust fund shall supplement the traditional sources, including those sources used to support the criteria in section 116P.08, subdivision 1.</u> The trust fund must be used primarily to support activities whose benefits become available only over an extended period of time.                  (b) The commission must determine the amount of the state budget spent from traditional sources to fund environmental and natural resources activities before and after the trust fund is established and include a comparison of the amount in the report under section 116P.09, subdivision 7.                  (c) For the fiscal year beginning July 1, 2007, and each year thereafter, the amount of the environment and natural resources trust fund that is available for appropriation under</p>	<p>(See constitutional language above)</p>
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**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

**(emphasis added by underlining)**

**ENVIRONMENT AND NATURAL RESOURCES TRUST  
FUND**

**OUTDOOR HERITAGE FUND**

the terms of the Minnesota Constitution, article XI, section 14, shall be appropriated by law.

(d) The amount appropriated from the environment and natural resources trust fund may be spent only for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. Recommendations made by the commission under this chapter must be consistent with the Minnesota Constitution, article XI, section 14; this chapter; and the strategic plan adopted under section 116P.08, subdivision 3, and must demonstrate a direct benefit to the state's environment and natural resources.

**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

(emphasis added by underlining)

**ENVIRONMENT AND NATURAL RESOURCES TRUST  
FUND**

**OUTDOOR HERITAGE FUND**

**Statutory Fund Specifications**

**Minnesota Statutes, section 116P.04, subdivision 1, reads:**

**Subdivision 1. Establishment of account and investment.**

A Minnesota environment and natural resources trust fund, under article XI, section 14, of the Minnesota Constitution, is established as an account in the state treasury. The commissioner of finance shall credit to the trust fund the amounts authorized under this section and section 116P.10. The State Board of Investment shall ensure that trust fund money is invested under section 11A.24. All money earned by the trust fund must be credited to the trust fund. The principal of the trust fund and any unexpended earnings must be invested and reinvested by the State Board of Investment.

**Minnesota Statutes, section 97A.056, subdivision 1, reads:**

**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.

**Statutory Establishment of the Commission and Council**

**Minnesota Statutes, section 116P.05, subdivision 1 reads:**

**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

**Minnesota Statutes, section 97A.056, subdivision 2, paragraphs (a) to (g), read:**

**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;

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(emphasis added by underlining)

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appointed by the speaker.

At least two members from the senate and two members from the house of representatives must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.

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; and
- (3) have demonstrated ability to work in a collaborative environment.

(b) Members shall develop procedures to elect a chair that rotates between legislative and citizen members. The chair shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.

(c) 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

(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

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December of the next even-numbered year. Citizen and legislative members continue to serve until their successors are appointed.

(d) 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).

(e) Citizen members shall be initially appointed according to the following schedule of terms:

(1) two members appointed by the governor for a term ending the first Monday in January 2010;

(2) one member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2010 and one member appointed by the speaker of the house for a term ending the first Monday in January 2010;

(3) two members appointed by the governor for a term ending the first Monday in January 2009; and

(4) one member appointed by the governor for a term ending the first Monday in January 2008.

(f) 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.

(g) The governor's appointments are subject to the advice and consent of the senate.

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,

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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.

**Staffing**

**Minnesota Statutes, section 116P.09, subdivision 1, reads:**

**Subdivision 1. Administrative authority.**

The commission may appoint legal and other personnel and consultants necessary to carry out functions and duties of the commission. Permanent employees shall be in the unclassified service. In addition, the commission may request staff assistance and data from any other agency of state government as needed for the execution of the responsibilities of the commission and an agency must promptly furnish it.

**Minnesota Statutes, section 97A.056, subdivision 2, paragraph (h), reads:**

(h) Upon coordination with and approval by the Legislative Coordinating Commission, the council may appoint nonpartisan staff and contract with consultants as necessary to carry out the functions of the council. Up to one percent of the money appropriated from the fund may be used to pay for administrative expenses of the council and for compensation and expense reimbursement of council members.

**Administrative Expense Limits**

**Minnesota Statutes, section 116P.09, subdivision 5, reads:**

**Subd. 5. Administrative expense.**

The prorated expenses related to commission administration of the trust fund may not exceed an amount equal to four percent of the amount available for appropriation of the trust fund for the biennium.

**Minnesota Statutes, section 97A.056, subdivision 2, paragraph (h), reads:**

(h) Upon coordination with and approval by the Legislative Coordinating Commission, the council may appoint nonpartisan staff and contract with consultants as necessary to carry out the functions of the council. Up to one percent of the money appropriated from the fund may be used to pay for administrative expenses of the council and for compensation and expense reimbursement of council members.

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**Citizen Selection Committee**

**Minnesota Statutes, section 116P.05, subdivision 1a reads:**

**Subd. 1a. Citizen selection committee.**

The governor shall appoint a Trust Fund Citizen Selection Committee of five members who come from different regions of the state and who have knowledge and experience of state environment and natural resource issues.

The duties of the Trust Fund Citizen Selection Committee shall be to:

(1) identify citizen candidates to be members of the commission as part of the open appointments process under section 15.0597;

(2) request and review citizen candidate applications to be members of the commission; and

(3) interview the citizen candidates and recommend an adequate pool of candidates to be selected for commission membership by the governor, the senate, and the house of representatives.

Members are entitled to travel expenses incurred to fulfill their duties under this subdivision as provided in section 15.059, subdivision 6.

No similar provision.

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**Commission or Council Sunset**

**Minnesota Statutes, section 116P.05, subdivision 3 reads:**

Subd. 3. **Sunset.**

This section expires June 30, 2016, unless extended by law.

No similar provision.

**Funding Recommendations**

**Minnesota Statutes, section 116P.05, subdivision 2 reads:**

Subd. 2. **Duties.** (a) The commission shall recommend an annual or biennial legislative bill for appropriations from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. Approval of the recommended legislative bill requires an affirmative vote of at least 12 members of the commission.

(b) The commission shall recommend expenditures to the legislature from the state land and water conservation account in the natural resources fund.

**Minnesota Statutes, section 97A.056, subdivision 3, paragraphs (a) to (h), read:**

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 will achieve the outcomes of existing natural resource plans, including, but not limited to, the Minnesota Statewide 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

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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.

(f) The council may work with the Clean Water Council, the Legislative-Citizen Commission on Minnesota Resources, the



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(c) 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 program and 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 program.

(d) The peer review panel created under section 116P.08 must also review, comment, and report to the commission on research

Board of Water and Soil Resources, soil and water conservation districts, and experts from Minnesota State Colleges and Universities and the University of Minnesota in developing the council's recommendations.

(g) The council shall develop and implement a process that ensures that citizens and potential recipients of funds are included throughout the process, including the development and finalization of the council's recommendations. The process must include a fair, equitable, and thorough process for reviewing requests for funding and a clear and easily understood process for ranking projects.

(h) The council shall use the regions of the state based upon the ecological regions and subregions developed by the Department of Natural Resources and establish objectives for each region and subregion to achieve the purposes of the fund outlined in the state constitution.

(Note: Laws 2009, chapter 172, contains the requirement that accomplishment plans must be approved by the council before any 2009 appropriations are spent.)

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proposals applying for an appropriation from the oil overcharge money under section 4.071, subdivision 2.

(e) The commission may adopt operating procedures to fulfill its duties under this chapter.

(f) As part of the operating procedures, the commission shall:

(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.

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**Strategic Planning**

**Minnesota Statutes, section 116P.08, subdivision 3, reads:**

**Subd. 3. Strategic plan required.**

(a) The commission shall adopt a strategic plan for making expenditures from the trust fund, including identifying the priority areas for funding for the next six years. The strategic plan must be reviewed every two years. The strategic plan must have clearly stated short- and long-term goals and strategies for trust fund expenditures, must provide measurable outcomes for expenditures, and must determine areas of emphasis for funding.

(b) The commission shall consider the long-term strategic plans of agencies with environment and natural resource programs and responsibilities and plans of conservation and environmental organizations during the development and review of the strategic plan.

**Minnesota Statutes, section 97A.056, subdivision 3, paragraph (i), reads:**

(i) The council shall develop and submit to the Legislative Coordinating Commission plans for the first ten years of funding, and a framework for 25 years of funding, consistent with statutory and constitutional requirements. The council may use existing plans from other legislative, state, and federal sources, as applicable.

(Note: Laws 2009, chapter 172, includes additional requirements for strategic planning for the outdoor heritage fund.)

**Minnesota Statutes, section 116P.09, subdivision 6, reads:**

**Subd. 6. Conflict of interest.**

A commission member, a 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, advisory committee, or peer review panel

**Minnesota Statutes, section 97A.056, subdivision 4, reads:**

**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

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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 shall avoid any potential conflict of interest.

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.

**Open Meeting Requirements**

**Minnesota Statutes, section 116P.08, subdivision 5, reads:**

**Subd. 5. Public meetings.**

(a) Meetings of the commission, committees or subcommittees of the commission, technical advisory committees, and peer review panels must be open to the public. The commission shall attempt to meet throughout various regions of the state during each biennium. For purposes of this subdivision, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the commission, a committee or

**Minnesota Statutes, section 97A.056, subdivision 4, reads:**

**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

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subcommittee of the commission, a technical advisory committee, or a peer review panel.

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

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.

**Gifts and Donations**

**Minnesota Statutes, section 116P.04, subdivision 4, reads:**

**Subd. 4. Gifts and donations.**

Gifts and donations, including land or interests in land, may be made to the trust fund. Noncash gifts and donations must be disposed of for cash as soon as the board prudently can maximize the value of the gift or donation. Gifts and donations of marketable securities may be held or be disposed of for cash at the option of the board. The cash receipts of gifts and donations of cash or capital assets and marketable securities disposed of for cash must be credited immediately to the principal of the trust fund. The value of marketable securities at the time the gift or donation is made must be credited to the principal of the trust fund and any earnings from the marketable securities are earnings of the trust fund.

No similar provision.

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**Audit Requirements**

**Minnesota Statutes, section 116P.04, subdivision 5, reads:**

Subd. 5. **Audits required.**  
The legislative auditor shall audit trust fund expenditures to ensure that the money is spent for the purposes for which the money was appropriated.

**Minnesota Statutes, section 97A.056, subdivision 6, reads:**

Subd. 6. **Audit.** The legislative auditor shall audit the outdoor heritage fund expenditures, including administrative and staffing 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.

**Legislative Oversight Requirement**

No similar provision.

**Minnesota Statutes, section 97A.056, subdivision 7, reads:**

Subd. 7. **Legislative oversight.** 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 to receive reports on the council from the legislative auditor no later than June 30, 2014.

**Specific Statutory Expenditure Requirements**

**Minnesota Statutes, section 116P.08, subdivision 1, reads:**

Subdivision 1. **Expenditures.**  
Money in the trust fund may be spent only for:  
(1) the reinvest in Minnesota program as provided in section 84.95, subdivision 2;  
(2) research that contributes to increasing the

**Minnesota Statutes, section 97A.056, subdivision 3, paragraph (b), reads:**

(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

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effectiveness of protecting or managing the state's environment or natural resources;

(3) collection and analysis of information that assists in developing the state's environmental and natural resources policies;

(4) enhancement of public education, awareness, and understanding necessary for the protection, conservation, restoration, and enhancement of air, land, water, forests, fish, wildlife, and other natural resources;

(5) capital projects for the preservation and protection of unique natural resources;

(6) activities that preserve or enhance fish, wildlife, land, air, water, and other natural resources that otherwise may be substantially impaired or destroyed in any area of the state;

(7) administrative and investment expenses incurred by the State Board of Investment in investing deposits to the trust fund; and

(8) administrative expenses subject to the limits in section 116P.09.

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.

**Statutory Expenditure Prohibitions**

**Minnesota Statutes, section 116P.08, subdivision 2, reads:**

**Subd. 2. Exceptions.**

Money from the trust fund may not be spent for:  
(1) purposes of environmental compensation and

No similar provision.

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liability under chapter 115B and response actions under chapter 115C;  
(2) purposes of municipal water pollution control under the authority of chapters 115 and 116;  
(3) costs associated with the decommissioning of nuclear power plants;  
(4) hazardous waste disposal facilities;  
(5) solid waste disposal facilities; or  
(6) projects or purposes inconsistent with the strategic plan.

**Legislative Recommendations**

**Minnesota Statutes, section 116P.08, subdivision 4, reads:**

Subd. 4. **Legislative recommendations.** (a) Funding may be provided only for those projects that meet the categories established in subdivision 1.

(b) The commission must recommend an annual or biennial legislative bill to make appropriations from the trust fund for the purposes provided in subdivision 1. The recommendations must be submitted to the governor for inclusion in the biennial budget and supplemental budget submitted to the legislature.

(c) The commission may recommend regional block grants for a portion of trust fund expenditures to partner with existing regional organizations that have strong citizen involvement, to address unique local needs and capacity, and to leverage all

**Minnesota Statutes, section 97A.056, subdivision 3, paragraph (a), reads:**

(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 will achieve the outcomes of existing natural resource plans, including, but not limited to, the Minnesota Statewide 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



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available funding sources for projects.

(d) The commission may recommend the establishment of an emerging issues account in its 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.

(e) Money in the trust fund may not be spent except under an appropriation by law.

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.

**Peer Review Requirements**

**Minnesota Statutes, section 116P.08, subdivisions 6 and 7, reads**

**Subd. 6. Peer review.**

(a) Research proposals must include a stated purpose directly connected to the trust fund's constitutional mandate, this chapter, and the adopted strategic plan under subdivision 3, a timeline, potential outcomes, and an explanation of the need for the research. All research proposals must be reviewed by a peer review panel before receiving an appropriation.

(b) In conducting research proposal reviews, the peer review panel shall:

(1) comment on the methodology proposed and whether it can be expected to yield appropriate and useful information and data;

No similar provisions.

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(2) comment on the need for the research and about similar existing information available, if any; and  
(3) report to the commission on clauses (1) and (2).  
(c) The peer review panel also must review completed research proposals that have received an appropriation and comment and report upon whether the project reached the intended goals.

**Subd. 7. Peer review panel membership.**

(a) The peer review panel must consist of at least five members who are knowledgeable in general research methods in the areas of environment and natural resources. Not more than two members of the panel may be employees of state agencies in Minnesota.

(b) The commission shall select a chair every two years who shall be responsible for convening meetings of the panel as often as is necessary to fulfill its duties as prescribed in this section. Compensation of panel members is governed by section 15.059, subdivision 3.

**Royalties Copyrights, and Patents**

**116P.10 ROYALTIES, COPYRIGHTS, PATENTS, AND  
SALE OF PRODUCTS AND ASSETS.**

(a) This section applies to projects supported by the trust fund and the oil overcharge money referred to in section 4.071, subdivision 2, each of which is referred to in this section as a "fund."

(b) The fund owns and shall take title to the percentage of a

No similar provision.

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royalty, copyright, or patent resulting from a project supported by the fund equal to the percentage of the project's total funding provided by the fund. Cash receipts resulting from a royalty, copyright, or patent, or the sale of the fund's rights to a royalty, copyright, or patent, must be credited immediately to the principal of the fund. Receipts from Minnesota future resources fund projects must be credited to the trust fund. The commission may include in its legislative bill a recommendation to relinquish the ownership or rights to a royalty, copyright, or patent resulting from a project supported by the fund to the project's proposer when the amount of the original grant or loan, plus interest, has been repaid to the fund.

(c) If a project supported by the fund results in net income from the sale of products or assets developed or acquired by an appropriation from the fund, the appropriation must be repaid to the fund in an amount equal to the percentage of the project's total funding provided by the fund. The commission may include in its legislative bill a recommendation to relinquish the income if a plan is approved for reinvestment of the income in the project or when the amount of the original grant or loan, plus interest, has been repaid to the fund.

**Land Acquisition Restrictions**

**116P.15 LAND ACQUISITION RESTRICTIONS.**

Subdivision 1. **Scope.**

A recipient of an appropriation from the trust fund or the Minnesota future resources fund who acquires an interest in

(Note: Laws 2009, chapter 172, contains similar land acquisition restriction language for 2009 appropriations.)

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real property with the appropriation must comply with this section. If the recipient fails to comply with the terms of this section, ownership of the interest in real property transfers to the state. For the purposes of this section, "interest in real property" includes, but is not limited to, an easement or fee title to property.

**Subd. 2. Restrictions; modification procedure.**

(a) An interest in real property acquired with an appropriation from the trust fund or the Minnesota future resources fund must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made.

(b) A recipient of funding who acquires an interest in real property subject to this section may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without the prior review and approval of the commission. The commission shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:

(1) the interest is at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and

(2) the interest is in a reasonably equivalent location, and has a reasonably equivalent usefulness compared to the interest being replaced.

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**(emphasis added by underlining)**

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(c) A recipient of funding who acquires an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding agreement must contain:

- (1) a legal description of the interest in real property covered by the funding agreement;
- (2) a reference to the underlying funding agreement;
- (3) a reference to this section; and
- (4) the following statement:

"This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement or work program controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Legislative-Citizen Commission on Minnesota Resources or its successor. If the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or work program, ownership of the interest in real property shall transfer to this state."

**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

**(emphasis added by underlining)**

**ENVIRONMENT AND NATURAL RESOURCES TRUST  
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**Real Property Reports**

**116P.16 REAL PROPERTY INTEREST REPORT.**

By December 1 each year, a recipient of an appropriation from the trust fund, that is used for the acquisition of an interest in real property, must submit annual reports on the status of the real property to the Legislative-Citizen Commission on Minnesota Resources in a form determined by the commission. The responsibility for reporting under this section may be transferred by the recipient of the appropriation to another person who holds the interest in the real property. To complete the transfer of reporting responsibility, the recipient of the appropriation must:

(1) inform the person to whom the responsibility is transferred of that person's reporting responsibility;  
(2) inform the person to whom the responsibility is transferred of the property restrictions under section 116P.15; and

(3) provide written notice to the commission of the transfer of reporting responsibility, including contact information for the person to whom the responsibility is transferred.

After the transfer, the person who holds the interest in the real property is responsible for reporting requirements under this section.

(Note: Laws 2009, chapter 172, contains similar real interest reporting language for 2009 appropriations.)

**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

(emphasis added by underlining)

**ENVIRONMENT AND NATURAL RESOURCES TRUST  
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**Information Gathering**

**116P.07 INFORMATION GATHERING.**

The commission may convene public forums or employ other methods to gather information for establishing priorities for funding.

**Minnesota Statutes, section 97A.056, subdivision 3, paragraphs (g) and (h), read:**

(g) The council shall develop and implement a process that ensures that citizens and potential recipients of funds are included throughout the process, including the development and finalization of the council's recommendations. The process must include a fair, equitable, and thorough process for reviewing requests for funding and a clear and easily understood process for ranking projects.

(h) The council shall use the regions of the state based upon the ecological regions and subregions developed by the Department of Natural Resources and establish objectives for each region and subregion to achieve the purposes of the fund outlined in the state constitution.

**Web Site Requirements**

**Minnesota Statutes, section 3.303, subdivision 10, reads:**

Subd. 10. **Constitutionally dedicated funding accountability.** (a) The Legislative Coordinating Commission shall develop and maintain a user-friendly, public-oriented Web site that informs, educates, and demonstrates to the public how the constitutionally dedicated funds in the arts and cultural heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and environment and natural

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**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

(emphasis added by underlining)

**ENVIRONMENT AND NATURAL RESOURCES TRUST  
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resources trust fund are being expended to meet the requirements established for each fund in the state constitution. Information provided on the Web site must include, but is not limited to:

- (1) information on all project proposals received by the Outdoor Heritage Council and the Legislative-Citizen Commission on Minnesota Resources;
  - (2) information on all projects receiving funding, including proposed measurable outcomes and the plan for measuring and evaluating the results;
  - (3) measured outcomes and evaluation of projects as required under sections 85.53, subdivision 2; 97A.056, subdivision 9; 114D.50, subdivision 2; and 129D.17, subdivision 2;
  - (4) education about the areas and issues the projects address, including, when feasible, maps of where projects have been undertaken;
  - (5) all frameworks developed for future uses of each fund; and
  - (6) methods by which members of the public may apply for project funds under any of the constitutionally dedicated funds.
- (b) All information for proposed and funded projects, including the proposed measurable outcomes, must be made available on the Web site as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available. The costs of these activities shall be paid out of the arts and

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**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

(emphasis added by underlining)

ENVIRONMENT AND NATURAL RESOURCES TRUST FUND	OUTDOOR HERITAGE FUND
<p>cultural heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and the environment and natural resources trust fund proportionately. For purposes of this section, "measurable outcomes" means outcomes, indicators, or other performance measures that may be quantified or otherwise measured in order to measure the effectiveness of a project or program in meeting its intended goal or purpose.</p> <p>(c) The Legislative Coordinating Commission shall be responsible for receiving all ten-year plans and 25-year frameworks for each of the constitutionally dedicated funds. To the extent practicable, staff for the commission shall provide assistance and oversight to these planning efforts and shall coordinate public access to hearings and public meetings for all planning efforts.</p> <p>(Note: this was added in Laws 2009, chapter 172)</p>	<p>cultural heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and the environment and natural resources trust fund proportionately. For purposes of this section, "measurable outcomes" means outcomes, indicators, or other performance measures that may be quantified or otherwise measured in order to measure the effectiveness of a project or program in meeting its intended goal or purpose.</p> <p>(c) The Legislative Coordinating Commission shall be responsible for receiving all ten-year plans and 25-year frameworks for each of the constitutionally dedicated funds. To the extent practicable, staff for the commission shall provide assistance and oversight to these planning efforts and shall coordinate public access to hearings and public meetings for all planning efforts.</p> <p>(Note: this was added in Laws 2009, chapter 172)</p>
<p align="center"><b>Public Official Designation</b> (for the purposes of the lobbyist gift ban and economic interest reporting requirements)</p>	
<p><b>Minnesota Statutes, section 10A.01, subdivision 35 reads:</b></p> <p>Subd. 35.<b>Public official.</b> "Public official" means any: (1) <u>member of the legislature</u>; (2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house of representatives, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and</p>	<p><b>Minnesota Statutes, section 10A.01, subdivision 35 reads:</b></p> <p>Subd. 35.<b>Public official.</b> "Public official" means any: (1) <u>member of the legislature</u>; (2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house of representatives, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and</p>

**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

(emphasis added by underlining)

**ENVIRONMENT AND NATURAL RESOURCES TRUST  
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Research or House Research;

(3) constitutional officer in the executive branch and the officer's chief administrative deputy;

(4) solicitor general or deputy, assistant, or special assistant attorney general;

(5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;

(6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

(7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

(8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or unemployment law judge in the Department of Employment and Economic Development;

(12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;

(13) member or chief administrator of a metropolitan

Research or House Research;

(3) constitutional officer in the executive branch and the officer's chief administrative deputy;

(4) solicitor general or deputy, assistant, or special assistant attorney general;

(5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;

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**COMPARISON OF CONSTITUTIONAL AND STATUTORY PROVISIONS**

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**ENVIRONMENT AND NATURAL RESOURCES TRUST  
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agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Enterprise Minnesota, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

(18) member of the Minnesota Ballpark Authority established in section 473.755;

(19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

(20) manager of a watershed district, or member of a watershed management organization as defined under section 103B.205, subdivision 13;

(21) supervisor of a soil and water conservation district;

(22) director of Explore Minnesota Tourism; or

(23) citizen member of the Lessard Outdoor Heritage Council established in section 97A.056.

agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

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