

1/20/10 DRAFT – House Legislative Guide for Constitutional Amendment Expenditures

This guide is developed under Laws 2009, chapter 172, which requires the House Cultural and Outdoor Resources Division, the appropriate Senate committees, and the Lessard-Sams Outdoor Heritage Council to develop a legislative guide stating principles for the use and expected outcomes of funds derived from the dedicated sales taxes imposed under Article XI, section 15 of the Minnesota Constitution. The guide covers the period from 2010 to 2015.

Principles that apply to all four funds

Legal Compliance

- Legislation should ensure that funds are spent only for the purposes specified in Article XI, section 15 of the constitution, and that funds are spent only to supplement traditional sources of funding, and not as a substitute for these sources.
- Expenditure of funds must comply with all principles, definitions and other requirements specified in state law.

Accountability and administration

- All of the funds are subject to audit by the Legislative Auditor or another auditor designated by law. Private entities who are not accustomed to being audited in this manner should be advised of potential audits before receiving funds. The legislature should ensure that the Office of the Legislative Auditor has appropriate resources to conduct audits.
- Grants must be implemented according to standards, including conflict of interest standards, developed by the Office of Grants Management.
- The legislature should ensure the establishment and maintenance of systems that track spending of funds, track outcomes achieved through expenditure of funds, and make all of this information easily available to the public.
- Projects funded with constitutionally-dedicated money should be identified as such, with signage or other appropriate means of credit.
- As much as possible existing systems and agencies should be used to distribute the funds rather than creating new or outsourced administrative systems. Agencies should be appropriated sufficient funds to carry out administrative responsibilities.

Priorities and substantive principles

- Laws 2009, chapter 172 established processes for stakeholder groups to develop plans and frameworks for use of the dedicated sales tax money. In making decisions for the period covered by this guide (2010-2015), the legislature should carefully consider the frameworks and plans developed by these groups.
- The needs of the entire state should be considered in allocation of funds. Funding proposals over time should reflect geographical and regional fairness
- To the extent consistent with statutory and constitutional requirements, priority should be given to projects that leverage and maximize non-state money, improve the state or regional economy, create jobs, or increase community involvement.

- Outreach efforts should be made to encourage broad participation in the legislative and grant making process, so that a wide variety of Minnesotans and organizations have an opportunity to receive funds.
- Priority should be given to projects for which each dollar provides multiple benefits.
- Projects should encourage a high level of local input and participation. Local units of government and local interest groups, such as lake associations, local historical societies, or community artist co-ops, should have an opportunity to have input into where and how money is spent at the local level.

Future costs

- When making funding decisions, project proposers should give the legislature a clear understanding of what future costs may be incurred to maintain the benefits of the project being funded. The legislature should understand who is likely to pay the ongoing costs and with what funds.
- To the extent practical, anticipated future costs for a project should be arranged for at the time of initial funding, either by provided funds to meet anticipated future costs or by clearly assigning responsibilities for these costs.

Outdoor Heritage Fund

Principles

- Public benefits should be clearly identified and protected.
- Priority acquisitions should have multiple uses and be throughout the state, including the metro area.
- Endangered species, threatened species, or species of concern should be protected.
- When appropriate, expenditures should move towards a goal of having more private land open to recreational uses, rather than more land acquisitions by the state.
- Protection investments that have to do with the spread of infectious pests or diseases should be focused on the outcome of reducing the risk to public resources, not narrowly construed to focus only on resource ownership in a manner that allows the risk of loss to grow.
- Prairies, wetlands, forests and habitat may be restored or enhanced on existing public property, including parks and trails, to improve quality.
- Existing public properties should be complemented by acquisitions that provide expansions, connections, or otherwise close gaps providing less fragmented ecosystems and habitat.
- Expenditures should include habitat projects and habitat protection for purposes including scientific and natural areas and park/natural areas in order to protect habitat for many important public purposes, including not only hunting and fishing, but wildlife health, recreation, water quality, and biological diversity, in accordance with the language of Article XI, section 15 of the Minnesota Constitution.
- State agencies should not enter into or propose permanent easements or land transfers with outdoor heritage funds until they establish a policy to ensure full disclosure of all rights being purchased and those retained by sellers in easements, including wetland mitigation or carbon credits, and other land values, and the impact on the state budget.
- Anticipated future costs for a project, including payment in lieu of taxes (PILT) and land stewardship costs, should be identified at the time of initial funding, either by providing funds

to meet anticipated future costs or by clearly identifying the source/responsibility for these costs

Outcomes

The following are desired outcomes for use of the outdoor heritage fund:

- Increase in the percentage of Minnesotan's who participate in the enjoyment of the outdoors, including: hunters and anglers as measured by game taken, and licenses sold; and other users such as birdwatchers, hikers, mountain bikers, snowmobilers and ATV operators.
- An increase in the fish, game and wildlife impacts, including an increase in populations of a variety of species found on the lands, of habitat investments on lands acquired or managed by easement. Acknowledgment that some of the game species in Minnesota are not native, but are desired and that this money may be used to protect their habitat.
- Increase in the fish, game and wildlife populations in the state consistent with long term population trends.
- Existing public properties will be complimented by acquisitions that provide expansions, connections, or otherwise close gaps providing less fragmented ecosystems and habitat.
- Endangered, threatened or species of concern will be protected.
- Invasive species will be prevented or mitigated.
- Prairie, wetland, and forest ecosystems, functions and biodiversity will be increased and their quality improved.
- Habitat will be increased and quality improved for the production and protection of fish, game and wildlife.

Clean Water Fund

Principles

- The following activities should be funded:
 - Drinking water protection focused on public health priority areas where achievable results can be accomplished.
 - Sufficient assessment of water quality to identify impaired and high quality waters on a timeline of at least once every 10 years.
 - Total Maximum Daily Load (TMDL) development for all impaired waters in a timely manner in accordance with federal TMDL requirements.
 - TMDL implementation to restore impaired waters.
 - Targeted assistance, enforcement, and incentives to begin restoration of waters listed as impaired but which do not yet have an approved TMDL addressing the impairment.
 - Targeted assistance, enforcement, and incentives to prevent waters from becoming impaired.
- Prioritization should occur on a watershed basis to focus on immediate and achievable results.
- Funds may be used for new studies that provide the science needed to protect, enhance and/or restore waters.
- Funds may be used to set water quality standards for surface water, groundwater, and drinking water.

- Groundwater and drinking water recharge areas may be acquired through permanent easement or fee title acquisition for the purpose of preventing, reducing or eliminating contamination.
- Prevention activities may be targeted at biological contaminants, such as aquatic invasive species, which may be considered to have degraded lakes, rivers and streams.
- Drinking water protection should be emphasized and highly effective and visible.

Outcomes

The following are desired outcomes for use of the clean water fund:

- Measurable improvements to groundwater, drinking water sources and surface waters can be seen.
- Assessments of the state’s waters are completed in a ten year period.
- A measurable improvement in the number and quality of fish and aquatic life consumed from Minnesota lakes, rivers and streams as determined by Department of Health fish consumption guidelines.
- A reduction in the number of impaired waters in the state.

Parks and Trails Fund

Principles

- Parks and Trails Fund expenditures shall include adequate funding to protect and restore land and water in order to complete existing, and in some cases create new, parks and trails in the areas of our state where population growth is occurring.
- Overall planning shall be coordinated so that, to the extent possible, opportunities are not duplicated across political boundaries, trails are connected to one another, and, where appropriate, provide opportunities for commuting.
- Priority will be given to maintenance efforts that are for public safety purposes.
- Priority will be given to retrofitting existing systems for energy efficiency, water management and accessibility.

Outcomes

The following are desired outcomes for use of the parks and trails fund:

- Increase in the percentage of Minnesotan’s that use parks and trails.
- Increase in the percentage of the public who report having visited a regional or state park or used a regional trail in the past year broken down by city.
- Increase in the percentage of the public who visited a state or regional park significantly outside their immediate area.

Arts and Cultural Heritage Fund

Principles

- Priority should be given to investments in arts, history, music and cultural activities that demonstrably help student achievement in schools.
- Funds should be used in part to create a sustainable climate in which artists can live and work.
- Funds for long-term activities should be allocated strategically so that the activity or organization funded can be successful beyond the life of the arts and cultural heritage fund.
- Expenditures from the fund should reflect the fact that art can describe several things: a study of creative skill, a process of using the creative skill, a product of the creative skill, or the audience's experience with the creative skill.
- Funding for arts education should reflect that arts education can mean lifelong educational activities meant to impart knowledge, teaching a new creative skill, or further developing an existing skill in any arts discipline.
- Funding for preservation of our cultural heritage should involve funding of both tangible and intangible cultural heritage
- In addition to public schools, community education, local arts councils, museums and libraries should be recognized as venues for providing arts and culture experiences.
- Grant-giving organizations and the legislature should consider funding new and emerging organizations and venues, to develop organizational capacity. In these instances, match requirements may be reduced or eliminated depending on the capacity of the organization funded.
- Funding should be used to make investments that ensure that historic structures and resources will be preserved for future generations.
- Investments in public broadcasting should expand Minnesotans' access to knowledge, information, and access to arts, and Minnesota's history and cultural heritage.

Outcomes

Desired outcomes for use of the arts and cultural heritage fund are:

- Arts, culture and history will be interwoven into every facet of community life.
- There will be an increase in the number of people of all ages, ethnicities, abilities and incomes who participate in the arts, culture and history.
- People will trust Minnesota's stewardship of public arts, culture and history funding.
- Arts, culture and history will thrive in Minnesota.
- Increased student exposure to professional performing arts, and the work of professional artists.
- Increased number of K-12 students who can affordably learn to read music and play a musical instrument, participate in dance, choral, drama and other performing arts for which financial barriers can limit access to this educational experience.
- Increase in the visual and literary artists in Minnesota who report that they earn over half of their income from their art.
- Increase in the locally focused content and Minnesota focused content produced by public television and radio, and an increase in the number of local artists, historians, writers and others that have their work showcased through public broadcasting.
- Increased focus on Minnesota artists in Minnesota museums and literary performances.
- Increased knowledge and awareness of the way that history affects people's lives and how that knowledge can help people make informed decisions for the future.