

A bill for an act
relating to metropolitan parks; authorizing the creation of a nonprofit foundation;
authorizing the use of funds to establish the foundation; requiring a report;
clarifying the distribution of state lottery gross proceeds in lieu of sales tax for
metropolitan parks and open space; modifying the compensation for members
of the parks and open space commission; amending Minnesota Statutes 2006,
sections 297A.94; 473.303, subdivision 6.

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

ARTICLE 1
FOUNDATION

Section 1. FINDINGS AND PURPOSE.

The availability and adequacy of parks and open spaces are critical to the social, environmental, and economic health and vitality of the state's metropolitan areas. By 2030, the population of the seven-county metropolitan area comprising Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties is expected to increase by nearly one million. This expected growth will significantly affect land uses in the metropolitan area, including the availability of land for recreation and open space purposes. State, regional, and local governments' ability to acquire and preserve property for public recreation and open space purposes is limited but can be enhanced through cooperative public-private initiatives. The legislature therefore finds and declares that it is in the public's interest for the Metropolitan Council to create a private parks foundation to supplement public tax dollars in filling regional park acquisition and preservation needs by improving the region's access to private funding sources and other support for regional recreation and open space purposes.

Sec. 2. **NONPROFIT FOUNDATION.**

Subdivision 1. **Nonprofit foundation may be established.** Pursuant to Minnesota Statutes, section 465.717, subdivision 1, the Metropolitan Council established by Minnesota Statutes, section 473.123, may incorporate, create, or otherwise establish a foundation. The purpose of the foundation shall be to help acquire or finance the acquisition of lands and other assets for public recreation and open space within the metropolitan area defined in Minnesota Statutes, section 473.121, subdivision 2, in order to preserve and develop regional parks and related facilities. The foundation shall be a private nonprofit organization and tax exempt under appropriate federal and state laws. The foundation may accept gifts, donations, money, property, and other assets and may transfer, donate, or otherwise provide such gifts, donations, money, property, and other assets consistent with its dedicated purpose.

Subd. 2. **Formation; board of directors; employees.** The foundation's initial board of directors must include business leaders, representatives of civic and nonprofit organizations, and at least one representative from each of the following: the Metropolitan Council, the Metropolitan Parks and Open Space Commission, the Department of Natural Resources, and conservation and parks and trails advocacy organizations like the Trust for Public Land and the Parks and Trails Council of Minnesota. The members of the initial board must not be compensated by the foundation for their services but may be reimbursed for reasonable expenses incurred in connection with their duties as board members. Persons employed by the foundation are not public employees and must not participate in retirement, deferred compensation, insurance, or other plans that apply to public employees generally.

Subd. 3. **Advisory committee.** The foundation may appoint an advisory committee to help establish the foundation. The advisory committee should include one or more representatives of the following: the regional park implementing agencies within the metropolitan area, the National Park Service, the United States Fish and Wildlife Service, the Metropolitan Council, the Department of Natural Resources, existing public park organizations, and other organizations as the foundation deems appropriate. Advisory committee members shall not be compensated for their membership on the advisory committee but may be reimbursed for reasonable expenses incurred in connection with their duties as advisory committee members. The advisory committee may be dissolved by the foundation when the foundation determines the advisory committee's work is complete.

Sec. 3. **METROPOLITAN COUNCIL ASSISTANCE.**

The Metropolitan Council may provide from its general fund up to \$500,000 to help create and establish the foundation. Until the foundation is established and functioning, the council may provide, from the funding made available under this section, office space and administrative support. The council may accept gifts, donations, money, property, and other assets for purposes consistent with the foundation's purposes and shall, when the foundation is established and functioning, transfer such gifts, donations, money, property, and other assets to the foundation. The use of council funds and resources for these purposes is a public purpose.

Sec. 4. **REPORT.**

On or before January 15, 2009, the council shall prepare and submit to the legislature, as provided in Minnesota Statutes, section 3.195, a report on the creation and establishment of the foundation including a description of the public and private funds and resources used to help create and establish the foundation.

ARTICLE 2

PARKS AND OPEN SPACE STATUTORY CHANGES

Section 1. Minnesota Statutes 2006, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

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

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

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

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

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61,

subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

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

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

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

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

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

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

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on ~~metropolitan~~ park and trail grants for the regional recreation open space system defined by section 473.351, subdivision 1, paragraph (d), and disbursed by the Metropolitan Council under section 473.351;

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

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

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during

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5.1 certain times of the year and hunting may be prohibited. At least 87 percent of the money
5.2 deposited in the game and fish fund for improvement, enhancement, or protection of fish
5.3 and wildlife resources under paragraph (e) must be allocated for field operations.

5.4 Sec. 2. Minnesota Statutes 2006, section 473.303, subdivision 6, is amended to read:

5.5 Subd. 6. **Compensation.** Members and the chair shall ~~serve without compensation~~
5.6 ~~but~~ be paid \$50 for each day that the member or chair attends a regular or special meeting
5.7 of the commission, and shall be reimbursed for all actual and necessary expenses incurred
5.8 in the performance of duties as determined by the Metropolitan Council.

5.9 Sec. 3. **APPLICATION.**

5.10 Section 2 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
5.11 Scott, and Washington.

5.12 Sec. 4. **EFFECTIVE DATE.**

5.13 Sections 1 to 3 are effective the day following final enactment.