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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1065**

02/28/2013 Authored by Metsa, Urdahl, Radinovich, Fabian, Dorholt and others

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

03/06/2013 Adoption of Report: Pass and re-referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to natural resources; creating the Greater Minnesota Parks and Trails
1.3 Commission; appropriating money; amending Minnesota Statutes 2012, section
1.4 160.266, subdivision 5; proposing coding for new law in Minnesota Statutes,
1.5 chapter 85; repealing Minnesota Statutes 2012, section 85.535.

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

1.7 Section 1. **[85.536] GREATER MINNESOTA PARKS AND TRAILS**
1.8 **COMMISSION.**

1.9 Subdivision 1. **Establishment; purpose.** The Greater Minnesota Parks and
1.10 Trails Commission is created as a nonprofit corporation under section 501(c)(3) of the
1.11 Internal Revenue Code of 1986, as amended. The Greater Minnesota Parks and Trails
1.12 Commission is established to undertake system planning and provide grants to counties
1.13 and cities outside of the seven-county metropolitan area for parks and trails of statewide
1.14 or regional significance.

1.15 Subd. 2. **Commission.** (a) The commission is comprised of:
1.16 (1) one representative from each Association of Minnesota Counties district outside
1.17 of the seven-county metropolitan area; and

1.18 (2) one representative from each Department of Natural Resources administrative
1.19 region outside of the seven-county metropolitan area.

1.20 (b) The commission shall develop the terms, compensation, removal, and procedures
1.21 for selection and succession of representatives on the commission in the commission's
1.22 bylaws.

1.23 (c) Initial appointment of the commission shall be made by the Greater Minnesota
1.24 Regional Parks and Trails Coalition for a term of two years.

1.25 Subd. 3. **Duties.** The commission shall:

(1) develop and implement a parks and trails plan for greater Minnesota parks and trails of regional or statewide significance consistent with the Greater Minnesota Regional Parks and Trails Strategic Plan and the Minnesota State and Regional Parks and Trails Legacy Plan; and

(2) distribute grants to counties and cities for parks and trails of regional or statewide significance.

Subd. 4. Grant priorities; amounts. (a) In awarding grants under this section, the commission shall consult and incorporate recommendations of the Greater Minnesota Regional Parks and Trails Strategic Plan and the Minnesota State and Regional Parks and Trails Legacy Plan.

(b) The commission shall determine grant amounts through an adopted merit-based evaluation process. The evaluation process is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Subd. 5. Staff. The commission may hire a director, consultants, and other staff as necessary to carry out the duties of the commission. Persons employed by the commission are not state employees but may participate in state retirement, deferred compensation, insurance, or other plans that apply to state employees generally and are subject to regulation by the state Campaign Finance and Public Disclosure Commission.

Subd. 6. Bylaws. The commission shall adopt bylaws necessary for the conduct of the business of the commission consistent with this section. The commission must publish bylaws and amendments to the bylaws in the State Register.

Subd. 7. Place of business. The commission shall locate and maintain the commission's place of business within the state.

Subd. 8. Chair. The commission shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 9. Meetings. The commission shall meet at least twice each year and may hold additional meetings upon giving notice according to the bylaws of the commission. Commission meetings are subject to chapter 13D.

Subd. 10. Conflict of interest. A director, employee, or officer of the commission may not participate in or vote on a decision of the commission relating to an organization in which the director, employee, or officer has either a direct or indirect financial interest.

Subd. 11. No benefit to private individuals or corporations. The commission shall not afford pecuniary gain, incidental or otherwise, to any private individual, firm, or corporation, except the payment of reasonable fees for goods and services provided and approved according to the bylaws of the commission. No part of the net income or net

earnings of the commission shall, directly or indirectly, be distributable to or otherwise inure to the benefit of any individual.

Subd. 12. **Funds.** The commission may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the commission may sell, exchange, or otherwise dispose of and invest or reinvest the money, securities, or other property given or bequested to it. The principal of the funds, the income from them, and all other revenues received by the commission from any nonstate source must be placed in the depositories the commission determines and is subject to expenditure for the commission's purposes. Expenditures of more than \$25,000 must be approved by the full commission.

Subd. 13. **Accounts; audits.** The commission may establish funds and accounts that it finds convenient. The commission shall provide for and pay the cost of an independent annual audit of its official books and records by the legislative auditor subject to sections 3.971 and 3.972. A copy of this audit shall be filed with the secretary of state.

Subd. 14. **Definition.** For purposes of this section, "commission" means the Greater Minnesota Parks and Trails Commission established under this section.

Sec. 2. Minnesota Statutes 2012, section 160.266, subdivision 5, is amended to read:

Subd. 5. **Funding.** Bicycle paths included within the bikeway and not administered by the commissioner of natural resources are eligible for funding from the environment and natural resources trust fund under chapter 116P, from the parks and trails grant program under section ~~85.535~~ 85.536, from the local recreation grants program under section 85.019, subdivision 4b, and from other sources.

Sec. 3. **APPROPRIATION.**

\$..... in fiscal year 2014 and \$..... in fiscal year 2015 from the parks and trails fund are appropriated to the commissioner of natural resources to contract with the Greater Minnesota Parks and Trails Commission for the purposes of Minnesota Statutes, section 85.536, subdivision 3. Of this amount, not more than 2.5 percent each year may be used to develop the park and trails plan under Minnesota Statutes, section 85.536, subdivision 3, clause (1). The appropriation must be made directly to the commission after fiscal year 2015.

Sec. 4. **REPEALER.**

Minnesota Statutes 2012, section 85.535, is repealed.

APPENDIX
Repealed Minnesota Statutes: 13-1949

85.535 PARKS AND TRAILS GRANT PROGRAM.

Subdivision 1. **Establishment.** The commissioner of natural resources shall administer a program to provide grants from the parks and trails fund to support parks and trails of regional or statewide significance. Grants shall not be made under this section for state parks, state recreational areas, or state trails.

Subd. 2. **Priorities.** In awarding trails grants under this section, the commissioner shall give priority to trail projects that provide:

- (1) connectivity;
- (2) enhanced opportunities for commuters; and
- (3) enhanced safety.

Subd. 3. **Grant amount.** A grant amount is not subject to a maximum grant award limitation. Additional consideration shall be given to applicants who provide a nonstate cash match.

Subd. 4. **Rule exemption.** The commissioner is not subject to the rulemaking provisions of chapter 14 in implementing this section, and section 14.386 does not apply.