

A bill for an act

relating to natural resources; establishing the Lessard-Heritage Enhancement Council; providing appointments; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Section 1. **[97A.056] OUTDOOR HERITAGE FUND; LESSARD-HERITAGE ENHANCEMENT COUNCIL.**

Subdivision 1. **Outdoor heritage fund.** (a) The outdoor heritage fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the outdoor heritage fund must be credited to the fund. At least 97 percent of the money appropriated from the fund must be spent on specific fish, wildlife, habitat, and land conservation projects.

(b) A forest fragmentation and consolidation account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each fiscal year must be credited to the forest fragmentation and consolidation account. Money in the account may be spent only for the acquisition of permanent easements on private forest land or for the acquisition of land for forest consolidation. The conservation easements must guarantee public access, including, but not limited to, hunting and fishing access.

(c) A conservation partners account is created within the outdoor heritage fund. From the receipts deposited in the fund under the Minnesota Constitution, article XI, section 15, 20 percent each year must be credited to the conservation partners account. Money in the account may be spent only for matching grants of up to \$250,000 to local

sporting and wildlife conservation clubs for the improvement of fish, game, and wildlife habitat conservation.

Subd. 2. **Lessard-Heritage Enhancement Council.** (a) The Lessard-Heritage Enhancement Council of 16 members is created in the legislative branch, consisting of:

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

(2) three members of the house of representatives appointed by the speaker of the house;

(3) three public members representing hunting, fishing, and wildlife habitat conservation stakeholders appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(4) three public members representing hunting, fishing, and wildlife habitat conservation stakeholders appointed by the speaker of the house; and

(5) four public members representing hunting, fishing, and wildlife habitat conservation stakeholders appointed by the governor.

(b) One member from the senate and one member from the house of representatives must be from the minority caucus.

(c) At least one public member appointed by the speaker of the house and one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration must be a woman. At least two of the public members appointed by the governor must be women. At least one of the public members appointed by the governor must be an ethnic minority.

(d) The public members appointed and recommended to the appointing authorities according to subdivision 3 must:

(1) have experience or expertise in the science, policy, or practice of preservation, enhancement, and protection of the state's fish, game, and wildlife habitat;

(2) have strong knowledge in the state's fish, game, and wildlife habitat conservation issues around the state; and

(3) have demonstrated the ability to work in a collaborative environment.

(e) A public member may be removed by an appointing authority for cause.

(f) Citizen members serve four-year terms and 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 2013;

(2) two members 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 appointed by the speaker of the house for a term ending the first Monday in January 2013;

(3) one member appointed by the governor for a term ending the first Monday in January 2012;

(4) 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 2012, and one member appointed by the speaker of the house for a term ending the first Monday in January 2012; and

(5) one member appointed by the governor for a term ending the first Monday in January 2011.

(g) Legislative members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the council. The removal and, beginning July 1, 2009, the compensation of public members is as provided in section 15.0575.

(h) The first meeting of the council shall be convened by the chair of the Legislative Coordinating Commission. Members shall elect a chair, vice chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(i) Legislative membership terms are at the pleasure of the appointing authority, except that members shall serve on the council until their successors are appointed.

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

(k) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties.

(l) In addition to the appointments in paragraph (a), each appointing authority shall appoint one nonvoting member under the age of 18.

Subd. 3. **Citizen selection committee.** (a) The governor shall appoint an Outdoor Heritage Fund Citizen Selection Committee of five members who come from different regions of the state and represent hunting and fishing stakeholders. The duties of the Outdoor Heritage Enhancement Fund Citizen Selection Committee shall be to:

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

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

(3) interview the citizen candidates and recommend an adequate pool of candidates to be selected for council 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.

(b) The Outdoor Heritage Enhancement Fund Citizen Selection Committee shall give strong consideration to recommending candidates under the age of 30.

Subd. 4. Strategic plan required. (a) The council shall adopt a strategic plan for making expenditures from the outdoor heritage 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-term and long-term goals and strategies for outdoor heritage fund expenditures, must provide measurable outcomes for expenditures, and must determine areas of emphasis for funding.

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

Subd. 5. Duties of council. (a) The council, in consultation with statewide and local fishing, hunting, wildlife, forestry, agriculture, and land conservation groups, shall develop a biennial budget plan to recommend expenditures from the outdoor heritage fund to the legislature and the governor. Approval of the biennial budget plan for the outdoor heritage fund requires an affirmative vote of at least 11 members of the council.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the outdoor heritage fund as recommended by the council.

(c) As a condition of acceptance of an appropriation from the outdoor heritage fund, an agency or entity receiving an appropriation shall submit a work program and quarterly progress reports for appropriations from the outdoor heritage fund to the members of the Lessard-Heritage Enhancement Council in the form determined by the council.

Subd. 6. Council administration. (a) The council may employ personnel and contract with consultants as necessary to carry out the functions and duties of the council. Permanent employees shall be in the unclassified service. The council may request staff assistance, legal opinion, and data from agencies of state government as needed for the execution of the responsibilities of the council.

(b) Beginning July 1, 2009, the administrative expenses of the council shall be paid from the outdoor heritage fund, as appropriated by law.

(c) A council member or an employee of the council may not participate in or vote on a decision of the council relating to an organization in which the member or employee

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5.1 has either a direct or indirect personal financial interest. While serving on or employed by
5.2 the council, a person shall avoid any potential conflict of interest.

5.3 Subd. 7. **Open meetings.** (a) Meetings of the council and other groups the council
5.4 may establish must be open to the public. Except where prohibited by law, the council
5.5 shall establish additional processes to broaden public involvement in all aspects of its
5.6 deliberations. For the purposes of this subdivision, a meeting occurs when a quorum is
5.7 present and action is taken regarding a matter within the jurisdiction of the council.

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

5.11 **EFFECTIVE DATE.** This section is effective November 15, 2008, if the
5.12 constitutional amendment proposed in Laws 2008, chapter 151, is adopted by the voters.