



Lessard-Sams Outdoor Heritage Council  
The State of Minnesota

State Office Building, Room G95 100 Dr. Rev. Martin Luther King Jr. Blvd. Saint Paul, Minnesota 55155

Date: December 2, 2009

TO: Sen. Charles W. Wiger and Rep. Denise Dittrich, Chairs  
Permanent School Trust Fund Advisory Committee  
Sale & Exchange of Property and BWCA Subcommittee

From: William H. Becker *William H. Becker*  
Executive Director  
Lessard-Sams Outdoor Heritage Council

Re: Permitted Uses of the Outdoor Heritage Fund

It is my understanding that the Subcommittee is interested in whether or not the Outdoor Heritage Fund can be used to purchase lands designated as School Trust Lands.

The Council uses the Minnesota Constitution's guidelines to determine allowable uses of the Outdoor Heritage Fund. Article XI, Section 15 of the Minnesota Constitution describes the uses of the Outdoor Heritage Fund as:

..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.. .

The Council's interpretation of this language is expenditures from the Outdoor Heritage Fund to acquire land must demonstrably protect, restore or enhance natural resources.

If the natural resource on which money is to be spent is already partially protected, restored or enhanced, as may be the case with School Trust Lands, the OHF expenditure must incrementally add to the existing protection, restoration or enhancement. So, to the extent School Trust Land and the associated habitat is currently protected from degradation the Council would not consider it permissible, under the Constitution, to buy School Trust Land with money from the Outdoor Heritage Fund.

Attachment: Minnesota Constitution, Article XI, Section 15

**ARTICLE XI**  
**APPROPRIATIONS AND FINANCES**

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 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.** 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] **(Emphasis added)**