

# THE ROAD TO DEDICATED CONSERVATION FUNDING

## I. Introduction

This paper is an attempt to summarize and highlight several factors in recent years that allowed citizen groups to join together for the cause of dedicating a funding source for state conservation purposes. Concentrating in the first decade of this century, it also looks briefly at earlier discussion of dedicated conservation funding over the past 25 years. It culminates in the success at the 2008 general election where 57 percent of people who voted supported a constitutional amendment asking for a sales tax increase for four new dedicated funds.

This narrative concentrates on three funds pertaining to conservation: the Outdoor Heritage Fund, the Clean Water Fund, and the Parks and Trails Fund. The new Arts and Cultural Heritage Fund won't be discussed here. The funds receive 3/8 of one percent sales tax revenue split by percentage in law, receiving about 200 million dollars a year at the start. The funds will last at least until the year 2034.

The paper will discuss the initiators and supporters, along with coalition efforts, of dedicated conservation funding. Included will be the expressed support of certain legislators and past governors. The goals and anticipated outcomes for expenditure of monies from the three funds is summarized, and information on tracking the expenditures and monitoring the results is included.

The paper was compiled by interviewing several people involved in the overall effort and campaign; by reviewing major newspaper articles and clippings; by listening to some recent legislative committee meeting tapes; and by reading key state agency and conservation group reports issued in the past several years.

## II. The Beginning

At the end of 1984, a report entitled the "Governor's Citizen Commission to Promote Hunting and Fishing in Minnesota" was presented to the legislature and governor. The report spelled out that Minnesota's fish and wildlife resources could not, in their present condition, offer any increased tourism attraction because they suffer a long and steady process of depletion. It further stated that the state was losing many of its sportsmen to other states and Canadian provinces because of our depleted wildlife resource.

A depressed farm economy in the mid-1980's added to the resource woe by years of draining wetlands and plowing up wood lots, both important wildlife habitat areas. The Commission recommended a ten-year reinvestment plan for wildlife by proposing the equivalent of our six percent sales tax on the billion-dollar (at that time) wildlife industry. In other words, 60 million dollars annually for ten years to improve things.

The state budget was going through some rough times then and the Commission's ambitious recommendation was somewhat greeted with startled eyes by legislators. The product that emerged from the Commission's report at the legislature was the Reinvest in Minnesota Resources program, or RIM, which proposed long-term easements on marginal agricultural land to develop wildlife habitat, diminish soil erosion, and maintain clean water. RIM received ten million dollars in 1986 to start the program through bonding, but it was far short of what the Commission had hoped for.

While the RIM funding debate was going on, the House and Senate Environment and Natural Resources Committees met jointly during the interim and brought up a Missourian, Ed Stegner, who had a large part in campaigning for a sales tax increase there for conservation purposes. At the time, the Missouri 1/8 of one percent sales tax amounted to 60 million dollars a year, increasing in subsequent years.

Another effort occurred a couple of years later when the Environment and Natural Resources Trust Fund was enacted by constitutional amendment. Authored by long-time Representative Willard Munger from Duluth, it originally called for 1/4 of one percent sales tax to fund innovative programs that weren't being funded through the state's general fund. When a state lottery was passed at the same time, seven cents of every dollar played became the funding source instead of Representative Munger's original sales tax idea. The Trust Fund law declared the monies were "for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources."

The continuing concern over diminished wildlife resources didn't abate in the 1990's. In 1996, the legislature mandated a report to assess the success of RIM, still receiving continuous funding for easement acquisition, and to address an emerging concern that the state's Game and Fish Fund was threatened with operating in the red. A report called, "Citizen's Advisory Committee to Promote Minnesota's Hunting, Fishing, and Trapping Heritage" was issued the next year. The key recommendation was that to continue to provide high quality, wildlife-based outdoor recreation, the state must increase investment into programs that protect and restore fish, wildlife, and native plant habitat.

Also in the late 1990's, long-time Senator Bob Lessard from International Falls pushed for a constitutional amendment for the inherent right of citizens to hunt and fish. It declared that hunting and fishing, and the taking of game and fish are a valued part of the state's heritage and shall be forever preserved by law for the public good. The amendment passed in the general election by 77 percent of the voters. Senator Lessard, who originally introduced the initial bills for dedicated funding for wildlife purposes, has said that the popular vote for the "right to hunt and fish" amendment made him confident that dedicated funding for wildlife eventually could be enacted too.

In 1999, Senator Lessard introduced S.F. 1761 dedicating 1/8 of one percent sales tax to the DNR's Game and Fish Fund. Representative Dennis Ozment in the House introduced the companion bill, H.F. 2178.

This started a string of bills being introduced and eventually getting hearings, and some traction, by various legislators into the 2008 session. What began as a bill for wildlife purposes alone and to aid the Game and Fish Fund broadened out to wider conservation purposes as the need for dedicated funding grew greater. The sales tax percentages changed and whether the monies would come from existing revenue or an additional sales tax was constantly debated.

### III. The Changing of the Landscape

What started with RIM to save marginal agricultural land from being plowed under by using easement acquisition for conservation purposes on the land led to increased awareness that the state's natural resource base was threatened by constant eroding. In preparation for the next section of the paper that discusses the push for some legislative action for dedicated conservation funding, this section summarizes the threats and trends that helped bring about eventual action.

- Wetland drainage using new tile systems continued unabated until a new state law in 1991 mandated a replacement ratio for ditching and filling; however, a lot of damage to wildlife habitat had already occurred.
- Ditches and many streams were unbuffered from erosion and runoff, causing pollution concerns downstream.
- The continuing loss of wildlife habitat in Minnesota led many hunters to leave the state for duck and pheasant hunting in the Dakotas and elsewhere.
- Anglers grew frustrated because of diminishment of natural shorelines, earlier algae blooms in their favorite lakes, loss of water clarity, and fish that couldn't be eaten as contamination increased.
- Forests were becoming fragmented by timber companies who were selling off land to private individuals and investment firms, leading to loss of hunter access and diminishment of natural habitat and wildlife. Between 1999 and 2006, over 400,000 acres of Minnesota industrial forestland were subdivided and sold.
- More intense lakeshore development, even along shallow lakes, was happening too. The median number of homes per lakeshore mile in the state grew from fewer than three in 1950 to over 16 in 2005.
- Population growth in Minnesota, which became the fastest-growing state in the Midwest, was converting natural land and farmland into industrial, residential and commercial development. Projections were that Minnesota could gain one million new residents by 2030, a number that equates to one million acres of land converted to development purposes.
- Water consumption in the state increased twice as fast as the state's population from 1990 to 2000.
- More people coming here brought more demand for all types of outdoor recreation, some of it affecting wildlife management areas and local and state parks.

- Impaired waters to be cleaned up under the Federal Clean Water Act grew dramatically with better monitoring for the various pollutants. Early in the first decade of this century, the PCA Commissioner predicted we may have 10,000 segments of impaired waters in our lakes and streams by 2010.
- The state's budget woes beginning in 2002 led to many cuts and loss of experienced staff for conservation and environmental program funding. Until 2009, there was a 51% decline in real dollars for governmental spending on conservation purposes in the state – a drop of \$100 million alone from the general fund.
- A trend to shift to fee-based financing for some programs was thought to diminish Minnesota's overall environmental efforts by moving money to benefit certain user groups, at the expense of broader efforts that delivered across-the-board conservation value.

The above trends and concerns led the Minneapolis Star/Tribune to editorialize: “This is not acceptable in a state that so highly values its natural resources, not only for their own sake but also as foundations of important tourism and recreation industries.”

#### IV. Slow and Steady at the Legislature

The wildlife community felt that their issues and passion were being undervalued, and polls began to show how important conservation values were.

A 1998 Minnesota Poll found 95% of respondents believed participating in outdoor recreation – hunting and fishing – “was an important part of being a Minnesotan.” Asked to rank those activities on a 1-10 scale, with 10 being extremely important, ¼ of the respondents picked 10, with 7 being the average rank. Nearly half said they had seen declines in wildlife habitat, and three-quarters expected fish and game populations to fall significantly in the next 10 years. Two-thirds saw global warming as a serious threat to wildlife.

A 2002 Minnesota poll indicated that more citizens favored protecting the state's lakes, rivers and forests (75%) than paying lower taxes (20%). The same poll found more Minnesotans favor protecting the environment (60%), even at the risk of halting economic growth (31%). More than 4 out of 5 citizens consider outdoor experiences to be very important to them.

Former governors began speaking out on our declining natural resource base. Arne Carlson stated that once a wetland is filled and replaced by a strip mall, it is gone for good. When we fragment our forests, the birds are gone for good. By establishing a dedicated fund and strategically targeting it toward the critical needs of our natural and cultural resources, we have a chance to protect our lakes, land and way of life. Wendy Anderson said: “We've inherited such a wonderful land, the great lakes and so forth. We have a responsibility to enhance it, not only to protect what we have, but to make it better.”

Dennis Anderson, Minneapolis Star Tribune Outdoor Columnist, stated that we only have 20 years to get this “stuff” (i.e., enhancing conservation) done. “After that, it’s bye-bye to many of the remaining open spaces in and near our most populous cities, and bye-bye to still more swimmable lakes and rivers, wetlands, shallow lakes, and public forests.”

Prominent conservationist Dave Zentner from Duluth, former national President of the Izaak Walton League, said: “If we are to save the state by whose trees and waters and soils we are defined by, then something has to change. We (the conservation community) are committed to a permanent funding feature, through constitutional amendment in our state, including a new model for delivering conservation...one that offers hope.”

Certain state legislators were strong supporters of dedicated funding for conservation. Senator Bob Lessard continued to introduce legislation on the issue until he retired in 2002. He said he realized in the 1990’s, before his effort to place the right to hunt and fish in the state constitution, that you had to look very hard on the state’s pie chart expenditures for wildlife activities, including the Game and Fish Fund. The senator that then raised the flag for dedicated funding, Dallas Sams, took over and carried the bill versions until his unfortunate death in 2007.

State House members, like Representatives Dennis Ozment, Mark Holsten and Tom Hackbarth, also offered strong support for dedicated conservation funding. It became more apparent, both to legislators and conservationists, that environment and natural resources conservation could not compete with the funding needs of education, healthcare and transportation, among other things.

When she became an environment budget chair in the Senate, Senator Ellen Anderson saw that environmental needs were always at the bottom of state funding priorities, even though Minnesotans value the outdoors so highly. She said she became convinced that we could not adequately take care of our environmental priorities out of our normal budgeting process because the legislature and the governor would not raise taxes for clean water and the environment.

Dennis Anderson wrote that the problem was three-fold: “lack of leadership, lack of political will and lack of money.” He stated the deck always has been stacked so that natural resources conservation plays second fiddle to exploitation of the resources. “That, after all, is where the money is.”

A tax for clean water purposes was recommended in 2005 by the “G-16” coalition, a group of stakeholders who met to try and come up with a solution to clean up impaired waters under provisions of the Federal Clean Water Act. Chaired by former state senator Steve Morse, the G-16 group said \$80-100 million would be needed for at least ten years to do the job. He said: “Plenty is at stake; development, wildlife habitat, a \$9.2 billion tourism industry, and the legacy we’ll pass on to our children.”

The clean water effort tax proposal never went anywhere, but a clean water legacy funding bill was passed in 2006 with one-time general fund dollars amounting to \$25 million, far short of what the G-16 group had recommended. As the dedicated conservation funding bills received increased hearings and support in the House and the Senate, more people realized that it might only get done through a constitutional amendment voted on by the public.

A key event and rallying point to bring attention to the press and the public was a “Duck Rally”, orchestrated by Dave Zentner and Lance Ness, along with other state conservationists. First held in the Spring of 2005, and followed by another rally the next year, it attracted 5,000 supporters on the Capitol Mall for educational and speech-making reasons. In addition to conservationists, several key legislators and the Governor spoke in support of dedicated conservation funding.

Both the Senate Majority Leader, Dean Johnson, and the House Speaker, Steve Sviggum, came out strongly for the 2005 legislation. Governor Tim Pawlenty also offered significant support in his remarks. He said that conservation funding had taken a back seat for too long in Minnesota, and that we have a crisis in the outdoors and a closing window of opportunity

“We have a moral obligation to be good stewards of our natural resources”, Governor Pawlenty exclaimed. Under state law, he didn’t have the power to sign the legislation or veto it because of the constitutional amendment provision. Promises were made at both rallies to pass the bills in each legislative body, but progress was slow.

What the duck rallies accomplished was to feature the dedicated funding issue for the public, and to solidly bring the clean water issue into the forefront for more concentrated effort. The legislative bills debated for the first four years concentrated on game, fish and wildlife habitat funding, but some supporters knew that clean water was an important issue for most Minnesotans and could increase voting support for conservation if it reached the polls. The G-16 effort and report for significant funding when the overall state budget was suffering badly also made clean water a natural partner.

The power struggle over the bill in the legislature boiled down to the House, with Republicans in the majority, wanting a dedicated sales tax for conservation to come out of existing revenue, while the Senate, with the Democrats in the majority, pushed an additional sales tax, which ranged over the years from ¼ to 3/8 of one percent. The Senate Democrats thought an addition to the sales tax would have a better chance of getting voter’s approval. If additional, rather than existing and therefore competing with other state needs, they argued, it wouldn’t be opposed by education, health and social program advocates.

Impetus was growing all along to include parks and trails needs in the dedicated funding mix. A DNR report had shown that there was deferred maintenance of \$500 million in the state park system alone. And there was an interest to create regional parks outside the metropolitan area where there were significant scenic resources. The dedicated funding supporters thought, however, that parks and trails should get a lesser amount than equal monies for wildlife and clean water – something on the order of 20 percent of the total available and 40 percent for each of the latter conservation efforts.

Because legislative leaders were slow in getting the dedicated funding bills toward final passage, conservationists supporting the wildlife portion began to insist that they would only support the overall effort if citizens with specialized expertise sit on a council to decide on the initial expenditure of the monies promised. Citizens had recently been added to the Legislative Commission on Minnesota Resources, the group that recommends expenditures from the 1988 Environment and Natural Resources Trust Fund. Supporters felt citizens with wildlife interests could help legislators distribute funding through a more strategic conservation vision.

In 2006, the Governor created a 15-member Conservation Legacy Council of citizens and legislators to review and consider new methods of management and funding for fish, game and wildlife habitat, water quality protection, and biological diversity.

About the same time, a Campaign for Conservation was brought forth by metro-area conservationist David Hartwell that traveled and surveyed the regions of the state to come up with an assessment of Minnesota's natural resources. Both groups issued reports suggesting that they would help find a strategic and long-term conservation vision.

The Senate passed a dedicated funding conservation bill on the floor early in the 2006 session, and the House did so later. Still at odds over whether new monies would come out of existing revenue, or an additional sales tax was necessary to pose to the voters, they debated in conference committee without any final agreement. The tide shifted the next session when the election brought the Democrats control in the House, just as they were in the Senate. Both bodies passed an additional 3/8 of one percent sales tax, without the possibility of a veto by the governor who consistently was against any tax raises in his administration.

A 2007 conference committee mainly concerned with other issues in the bill finally reached agreement at the end of session, but time ran out on the last day and a final vote was not be realized. That was rectified early in the 2008 session when the legislature approved the conference committee report. Over the period of time from 1999 when a dedicated conservation funding bill was first introduced until final passage in 2008, more than half of the legislators who first heard the proposal left office or were replaced.

## V. A Collection of Statements from Dedicated Funding Supporters

Lance Ness, conservationist: “We only have 25 years to restore 100 years of damage to our lakes and rivers and wildlife habitat. If we don’t get this done, the very soul of Minnesota will be lost.”

Bud Grant, conservationist: “I’ve seen our resources diminish; we can’t replace it all but we can keep what we’ve got left. Minnesota could end up like Europe, with a preponderance of private land where only the rich can hunt.’

Dave Zentner, conservationist: “This is the most important thing in my life for our state’s future, make no mistake about it. Without dedicated funding, the future of our outdoor heritage and traditions is not good.”

Ryan Heiniger, conservationist: “If there ever was a silver bullet for wetlands, waterfowl and conservation in Minnesota, dedicated funding is it.”

Susan Schmidt, conservationist: “Minnesota voters know that the lakes and natural lands play an important role in preserving our quality of life. They are willing to pay to protect our waters and natural lands for our children and grandchildren.”

Garry Leaf, sportsman: “Dedicated funding is the future of hunting and angling in Minnesota. It’s our last best hope.”

Floyd Steward, citizen: “Our forefathers gave us this resource, and we need to preserve it.”

Arne Carlson, former governor: “I think Americans always understood as part of the American dream that we wanted to leave more to our children than we ourselves inherit.”

Wendell Anderson, former governor: “We have enjoyed an unparalleled reputation as a state with a deep commitment to its lakes, rivers, prairies and forests. We must maintain our tremendous natural gifts.”

Ellen Anderson, former legislator: “Protecting clean water, preserving natural lands and habitat, and having parks for all of us to enjoy is a core part of Minnesota’s heritage; its part of who we are as a people. Our natural heritage and attachment to the great outdoors is important enough to be a legacy issue that belongs in the Constitution.”

Bob Lessard, former legislator and sportsman: “The history and passion of sportsmen made this happen for future generations.”

Dennis Ozment, former legislator: “Only through your support (the public) and direction will Minnesota ever dedicate the needed dollars to clean up our waters and protect open space for future generations.”



## VI. The Amendment and Key Points

### Minnesota Constitution, Article XI, Section 15

“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 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 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 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.”

The key elements of this historic amendment for the conservation community are:

- 1) A 25-year tax amounting to \$300 million a year and growing over time.
- 2) 33% to the Outdoor Heritage Fund for fish, game and wildlife; the same percent to Clean Water Fund, with five % of it to protect drinking water sources; 14.25% to Parks and Trails Fund (the remaining 19.75% to Arts and Cultural Heritage Fund).
- 3) The new money must SUPPLEMENT traditional sources of funding for the above purposes, not substitute for them.
- 4) Acquired land under the Outdoor Heritage Fund must be open to public taking of fish and game during the open season.

## VII. Goals and Outcomes for Fund Expenditures

Each of the new conservation funds have 25-year framework plans that focus on the long-range goals and expected outcomes for spending the dollars for effective results. A combination of citizens, government specialists, and experts from the academic and nonprofit communities helped form each conservation framework plan. A summary follows:

- a) Outdoor Heritage Fund ([www.isohe.org/25yr\\_plan/FINAL\\_25\\_Year\\_Framework.pdf](http://www.isohe.org/25yr_plan/FINAL_25_Year_Framework.pdf))

The adopted framework focused on historic and contemporary protection, restoration and enhancement activity for conservation throughout Minnesota. Three different scenarios were developed to help the Lessard-Sams Outdoor Heritage Council and other decision makers understand the potential impact and trade-offs connected with various levels of support for habitat protection, restoration and enhancement. A conclusion was reached that conservation success will depend on leveraging traditional and other sources of conservation funding with available OHF funds, as well as coordinating efforts with conservation partners.

In evaluating projects for possible funding, statewide priority criteria were adopted:

- Are ongoing, successful, transparent and accountable programs addressing actions and targets of one or more of the state's ecological sections
- Produce multiple enduring conservation benefits
- Are able to leverage effort and/or funding to supplement a OHF appropriation
- Allow public access
- Address conservation opportunities that may be lost if not immediately acted on
- Restore or enhance habitat on state-owned wildlife management areas, aquatic management areas, scientific and natural areas, and state forests
- Use a science-based strategic planning and evaluation model to guide protection, restoration and enhancement
- Address wildlife species of greatest conservation need, county biological survey data, and species inventories in land and water decisions
- Provide Minnesotans with greater public access to outdoor environments with hunting, fishing and other outdoor recreational opportunities
- Ensure activities for protecting, restoring and enhancing are coordinated among agencies, nonprofits and others
- Target unique Minnesota landscapes that have historical value to fish and wildlife.

b) Clean Water Fund ([wrc.umn.edu/watersustainabilityframework/](http://wrc.umn.edu/watersustainabilityframework/))

The framework plan looks at major water sustainability issues, including drinking water, stormwater, agricultural and industrial use, surface and groundwater interactions, infrastructure needs, and land use, climate and demographic changes, and provides strategies and recommendations for addressing these issues. It is not a specific spending plan for the Clean Water Fund, but includes recommendations for investments from all types of funding sources for water resource sustainability. It does identify the ten major water issues and includes strategies and recommendations to meet the challenges for a desired Minnesota water future.

Principles for a state sustainable water policy are highlighted as:

- Protect, maintain and restore the biological, chemical and physical health of the state's water resources
- Provide resiliency to our ecosystems, our communities, and our economies
- Increase our understanding of our state water balance and the processes and stressors affecting it to provide for improved decision-making
- Improve our capacity for water management that can adapt to new knowledge, changing biogeochemical systems, and long-term challenges
- Encourage sustainable, conservation-minded land use practices
- Recognize and honor our many uses of water, including recreational, cultural and spiritual values
- Preserve our water-rich heritage and ensure our future legacy as national and international water stewards
- Provide for a lasting foundation to achieve and maintain sustainable water management.

c) Parks and Trails Fund ([www.legacy.leg.mn/funds/parks-trails-fund/plan](http://www.legacy.leg.mn/funds/parks-trails-fund/plan))

The plan recognizes the great network of parks and trails Minnesota currently has in place. It proposes to build on this foundation, making user experiences even better. Four strategic directions are provided: 1) connect people and the outdoors; 2) acquire land and create opportunities; 3) take care of what we have; 4) coordinate among providers by

- better developing stewards of tomorrow through efforts to increase life-long participation in parks and trails
- creating new and expanded parks and trails opportunities to satisfy current customers and reach out to new ones
- providing safe, high-quality park and trail experiences by regular reinvestment in infrastructure needs and natural resources management
- enhancing coordination across the large and complex network of public, private and nonprofit partners that support Minnesota parks and trails to ensure seamless, enjoyable experiences.

Desired outcomes are included in the plan for each long-range strategy.

## VIII. Tracking the Expenditures and Monitoring the Results

### a) Web Site

A legislative web site has been set up at [www.legacy.leg.mn](http://www.legacy.leg.mn) that describes each fund, summarizes projects receiving money by topic and county location, and depicts opportunities for funding. The site also contains information on the Environment and Natural Resources Trust Fund, as recommended by the Legislative-Citizen Commission on Minnesota Resources.

### b) Traditional sources of conservation revenue

Generally speaking, traditional sources include:

- State General Fund, consisting of income, property and sales tax revenue
- Capital Bonding, for acquisition, betterment and improvement of publically owned assets with a 20 year life or more
- Game and Fish Fund, consisting mainly of revenue from sale of game and fish licenses
- Natural Resources Fund, mainly fee-based and consisting of various accounts within the DNR for recreation purposes, minerals management and forestry
- Environmental Fund, mainly for environmental programs and assistance of the Pollution Control Agency
- Remediation Fund, covers response, compensation and compliance costs of the PCA

The Constitutional Amendment, or the Constitution generally, does not define “traditional sources of funding.” It’s possible that federal and local unit of government funding sources could be construed as “traditional”, and may have to be clarified by court interpretation. It has been suggested that the “traditional source of funding” is the immediately prior level of funding for an activity. Under this type of interpretation, newly dedicated conservation revenue from the Constitutional Amendment could not be used to support an activity if the immediately prior amount of appropriated funding for that activity had been reduced.

### c) Supplement the traditional sources, not supplant them

A key element of the Constitutional Amendment, supporters always thought that this means new conservation legacy activities that the state wasn’t doing because they didn’t have the money. Since the General Fund expenditures for conservation and environment purposes has ranged between 1 and 2 percent of the total over the past 30 years, conservationists and interest groups have proclaimed that at least 1 percent of the budget must be maintained for these purposes and legacy funds would be used for additional purposes. Similarly, capital bonding for conservation and environment has been 22% of the total over the past ten years, and the same supporters feel this amount must be maintained as well as a traditional source of funding for these purposes.

The LCCMR has almost exact statutory language for their recommended project appropriations to not substitute for traditional funding sources, but to supplement the sources. Although the LCCMR does not have written guidelines to define an interpretation of substitute/supplement, they have looked at this on a case-by-case basis and they require project proposers to identify past sources of funding. There has been no case law interpreting the LCCMR statutes on substitute vs. supplement. Since the Constitutional Amendment is not sufficiently clear on both paragraphs (b) and (c) – traditional sources and substitute/supplement – it may mean in these very difficult budget years that an eventual interpretation has to come from the courts.\*

\*See a House Research Department memorandum from Mark Shepard, Legislative Analyst, dated February 18, 2009, for more comprehensive analysis.

Folks I interviewed for “The Road to Dedicated Conservation Funding:”

Lance Ness – Longtime and continuous presence on conservation legislative issues, he is President of the Minnesota Fish & Wildlife Legislative Alliance and the Anglers for Habitat.

Gary Botzek – Another continuous presence at the Legislature on conservation issues, he is the Chief Lobbyist for the Minnesota Environmental Partnership and the Executive Director of the Minnesota Conservation Federation.

Dave Zentner – Longtime stalwart of the Minnesota Izaak Walton League; former IKES national board president; Co-Chair of the 2005-05 Duck Rallies for the legacy act passage.

Bob Lessard – Former state senator from International Falls area, and Chair of the Senate Environment and Natural Resources Committee; also served for many years on the Legislative Commission on Minnesota Resources (LCMR); now special assistant to the Commissioner of Natural Resources.

Susan Schmidt – Director of the Minnesota office of the Trust for Public Land; formerly the Executive Director of the Legislative Commission on Water.

David Hartwell – Business owner and member of many conservation-related boards, including the National Audubon Society, Land Trust Alliance, Conservation Minnesota, Belwin Conservancy, and Minnesota Land Trust; formerly a member of the Legislative Citizen-Commission on Minnesota Resources (LCCMR); currently the Chair of the Lessard-Sams Outdoor Heritage Council.

Hugh Price – Business owner and first Chair of the Governor’s Citizen Committee to Promote Hunting and Fishing in the mid-1980’s.

Joe Duggan – Long active in Minnesota wildlife issues, he is now the Vice-President for Corporate Affairs for Pheasants Forever.

Nancy Gibson – Co-Founder of the International Wolf Center and current board member in Ely, she formerly was the long-standing chair of the LCMR's Citizen Advisory Committee; currently a member of the LCCMR., and member of Belwin Conservancy.

John Curry – Active in statewide conservation campaigns for the past two decades, he was former lobbyist for the Minnesota Center for Environmental Advocacy (MCEA) and Minnesota Audubon; currently the Assistant Director, Central Partnership Office of the National Fish & Wildlife Foundation.

Martha Brand – Retired former Executive Director of the MCEA, she now serves as a board member of Fresh Energy.

Dennis Anderson – Longtime Outdoors Columnist for the Minneapolis Star/Tribune, he formerly served in the same capacity with the St. Paul Pioneer Press; Co-Founder of Pheasants Forever and active outdoor's enthusiast.

Mark Ten Eyck – Currently the land conservation program manager for the Minnehaha Creek Watershed District, he formerly served as an attorney with MCEA.

Reports Consulted:

“Minnesota Statewide Conservation and Preservation Plan”, LCCMR, 2007

“Outdoor Heritage Fund: A 25-Year Framework”, L-SOHC, 2010

“Parks and Trails Legacy Plan”, Minnesota DNR, 2011

“Minnesota Water Sustainability Framework”, University of Minnesota Water Resources Center, 2010

“A Strategic Conservation Agenda, 2003-2007”, DNR, 2007

“Governor's Conservation Legacy Council Report”, Governor's Office, 2007

“Minnesota Calling: Conservation Facts, Trends and Challenges”, Campaign for Conservation Report, 2006

“Clean Water Legacy Coalition Report”, Minnesota Environmental Initiative, 2006

“Wildlife Management Area Acquisition – The Next 50 Years”, DNR, 2002

“Minnesota Forests for the Future”, DNR, 2008

“Tomorrow’s Habitat for the Wild and Rare”, DNR, 2005

“Long-Range Duck Recovery Plan”, DNR, 2003

“Aquatic Management Area Acquisition Plan”, DNR, 2006

“Managing Minnesota’s Shallow Lakes for Wildlife & Waterfowl”, DNR, 2007

“Report of the Governor’s Citizen Commission to Promote Hunting and Fishing in Minnesota”, Governor’s Office, 1984

“The Continuing Journey to Preserve Minnesota’s Outdoor Heritage”, Citizen’s Advisory Committee to Promote Minnesota’s Hunting, Fishing and Trapping Heritage, 1998