



## Office Memorandum

**DATE:** February 7, 2012

**TO:** Representative Carol McFarlane (Chair)  
Permanent School Fund Advisory Committee

**FROM:** Jim Schowalter, Commissioner 

**PHONE:** 651-201-8011

**SUBJECT:** Permanent School Fund Annual Report

During the 2009 Session, language was adopted requiring Minnesota Management & Budget (MMB) to annually report to the Permanent School Fund Advisory Committee and the legislature on the “amount of the permanent school fund transfer and information about the investment of the permanent school fund provided by the State Board of Investment.”

Since the last Permanent School Fund report in December 2010, MMB transferred \$23,767,471.18 to the Department of Education for allocation to school districts.

The attached report provides an overview of the Permanent School Fund, reviews recent legislative changes, and provides recent transfer totals from the fund to the Minnesota Department of Education. The report also includes the State Board of Investment’s 2010 performance report on the Permanent School fund.

cc: Commissioner Thomas Landwehr, Dept. of Natural Resources  
Commissioner Brenda Cassellius, Dept. of Education  
Executive Director Howard Bicker, State Board of Investment  
Senator Gen Olson, Senate Education Finance Chair  
Senator LeRoy Stumpf, Senate Education Finance Ranking Minority  
Representative Garofalo, House Education Finance Chair  
Representative Greiling, House Education Finance Ranking Minority  
Jess Hopeman, Legislative Reference Library  
Legislative Staff (electronic copy)



# **Permanent School Fund**

## Report to the Legislature

*February 2012*

*As required by  
M.S. 16A.06*

## **ESTIMATED COSTS OF PREPARING THIS REPORT**

This report provides information that Minnesota Management & Budget normally collects as part of its business functions. The cost reported below is the estimated cost of preparing the report.

Special funding was not appropriated for the costs of preparing this report.

In accordance with M.S. 3.197, the estimated cost incurred by Minnesota Management and Budget in preparing this report is \$200.

## **Permanent School Fund Overview**

The Permanent School Fund is a trust fund created by the Minnesota Constitution (article XI, Section 8) and designated as a long-term source of revenue for public schools. The fund “consists of (a) the proceeds of lands granted by the United States for the use of schools within each township, (b) the proceeds derived from swamp lands granted to the state, (c) all cash and investments credited to the permanent school fund and to the swamp land fund, and (d) all cash and investments credited to the internal improvement land fund and the lands therein.” Proceeds from the school trust land are generated through land sales, mining royalties, timber sales, lake shore and other leases. The goal of the fund, as stated in M.S. 127A.31, is to “secure the maximum long-term economic return from the school trust lands consistent with fiduciary responsibilities imposed by the trust relationship established in the Minnesota Constitution, with sound natural resource conservation and management principles, and with other specific policy proved in state law”.

The Commissioner of Natural Resources, per M.S. 84.027, has authority and responsibility for the management of school trust lands, including the land and timber sales, royalties, and leases that fund the Permanent School Fund. While much of the initial land granted to the state has been sold, the Department of Natural Resources manages the remaining 2.5 million acres of school trust land and 1 million acres of school trust mineral rights. Administrative costs incurred by the department are deducted from the gross proceeds of land management activities (M.S. 16A.125 & M.S. 93.2236). The net proceeds are added to the principal, or corpus, of the Permanent School Fund monthly. The department reports biannually to the Permanent School Fund Advisory Committee (M.S. 127A.30) and the Legislature on the management of the land<sup>1</sup>.

**Table 1: School Trust Land by Original Grant Type**

<b>Type of Grant</b>	<b>Original Acres</b>	<b>Acres as of 12/31/07</b>
School	2,900,000	957,818
Swamp	4,706,503	1,550,818
Internal Improvements	500,000	6,508
<b>Total</b>	<b>8,106,503</b>	<b>2,515,144</b>

Source: DNR Biannual Report, June 2009

The State Board of Investment, per M.S. 11A.16, has been assigned investment responsibilities over the Permanent School Fund. In accordance with the Minnesota Constitution, the principal of the Permanent School Fund cannot be spent and instead must remain “perpetual and inviolate.” The fund is invested to produce a growing level of spendable income within the constraints of maintaining adequate portfolio quality and liquidity. Prior to FY 1998, the fund had been invested entirely in fixed income securities which maximized current income but limited long term growth. In 1997 the State Board of Investment presented alternative

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<sup>1</sup> See DNR Website for additional information on school trust land management: [www.dnr.state.mn.us](http://www.dnr.state.mn.us)

investment scenarios to the legislature. The decision was made to reallocate the investment to 50% stock, 48% fixed income and 2% cash; this allocation remains today<sup>2</sup>.

Every month the State Board of Investment transfers the net school trust land proceeds deposited by the Department of Natural Resources into the corpus of the Permanent School Fund. Twice a year, in March and September, the State Board of Investment certifies the interest and dividends earned from the fund and informs Minnesota Management & Budget (MMB). This certification includes any interest earned by the net school trust land proceeds while awaiting transfer into the corpus for investment. MMB then transfers the certified earnings to the School Endowment Fund created under M.S. 127A.32. The Department of Education then allocates funds in the School Endowment Fund to school districts in two semi-annual payments under M.S. 127A.33, which requires apportionment based on “the number of pupils in average daily membership during the preceding year.”

The Commissioner of Management & Budget, per M.S. 11A.16, has overall management responsibilities for the fund. MMB works with the Department of Natural Resources to estimate administrative expenses charged back to the fund, oversees the monthly transfers of interest to the appropriation, and transfers the earnings to the Department of Education semiannually. In addition, M.S. 16A.06 requires Minnesota Management & Budget to “annually report to the Permanent School Fund Advisory Committee and the legislature the amount of the permanent school fund transfer and information about the investment of the permanent school fund provided by the State Board of Investment. The State Board of Investment shall provide information about how they maximized the long-term economic return of the permanent school fund.”

### **Recent Legislative Changes**

The interest and dividends earned by the Permanent School Fund are required by the Minnesota Constitution to be distributed to the state’s school districts according to the method described in statute. Prior to FY 2010, the earnings distributed to school districts were offset with an equal reduction in the district’s General Education Aid. The statute requiring this offset (M.S. 126C.21, Subd. 1) was repealed under *Laws 2008, chapter 363, article 2, section 52, paragraph (a)*. Starting in FY 2010, Permanent School Fund earnings are allocated to school districts with no General Education Aid offset. The earnings are additional income for the school districts and are distributed under M.S. 127A.33.

Minnesota Statutes 16A.06 was amended under *Laws 2009, chapter 96, article 1, section 1* to clarify the Commissioner of Management and Budget’s permanent school fund reporting responsibility. Minnesota Management & Budget must “annually report to the Permanent School Fund Advisory Committee and the legislature the amount of the permanent school fund transfer and information about the investment of the permanent school fund provided by the

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<sup>2</sup> See SBI Website for additional information on Permanent School Fund investments: [www.sbi.state.mn.us](http://www.sbi.state.mn.us)

State Board of Investment. The State Board of Investment shall provide information about how they maximized the long-term economic return of the permanent school fund.”

Minnesota Statutes 11A.16 was amended under *Laws 2011, 1<sup>st</sup> special session, chapter 11, article 1, section 1* to clarify that the invested treasurer’s cash (ITC) interest earned on the Permanent School fund earnings is included in the investment income certified and paid to school districts. *Sections 8, 25, and 26* includes charter schools in the definition of a “school district” in order to enable charter schools to qualify for Permanent School fund payments. The new law changes the distribution of permanent school fund revenue from resident ADM pupils to adjusted ADM pupils and excludes charter schools from the definition of school district for purposes of aid anticipation borrowing. The law becomes effective March 1, 2012. Additionally, *Laws 2011, 1<sup>st</sup> special session, chapter 2, article 1, section 4* appropriated \$200,000 in FY 2012 and \$200,000 in FY 2013 from the Permanent School Fund to the Department of Natural Resources for accelerating land exchanges, land sales, and commercial leasing of school trust lands in order to maximize the long-term economic return of the school trust lands.

### **Certified Transfers**

The State Board of Investment calculated that the Permanent School Fund earned \$12,062,134.06 for the period 3/2011 through 8/2011 and certified that amount as available for transfer from the Permanent School Fund to the School Endowment Fund.

<b>Time Period</b>	<b>Certified Earnings</b>	<b>General Education Aid Reduction</b>
3/2011 – 8/2011	\$12,062,134.06	No
9/2010 – 2/2011	\$11,705,337.12	No
3/2010 – 8/2010	\$11,121,067.24	No
9/2009 – 2/2010	\$11,140,765.83	No

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Attached:  
State Board of Investment [Annual Report 2010](#): Permanent School Fund.

Report to the Legislature – Permanent School Fund  
Minnesota Management & Budget  
February, 2012