

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 2493

1.2 A bill for an act
1.3 relating to natural resources; appropriating money from the outdoor heritage
1.4 fund; modifying requirements for outdoor heritage fund appropriations;
1.5 appropriating money for clean water; appropriating money for an Aquatic
1.6 Invasive Species Cooperative Research Center; modifying prior appropriations;
1.7 modifying certain parks and trails grant program provisions; amending
1.8 Minnesota Statutes 2010, sections 85.535, subdivision 3; 97A.056, by adding
1.9 subdivisions; Laws 2009, chapter 172, article 3, section 3; Laws 2011, First
1.10 Special Session chapter 2, article 3, section 2, subdivision 9; Laws 2011, First
1.11 Special Session chapter 6, article 2, section 7.

1.12 April 25, 2012
1.13 The Honorable Michelle L. Fischbach
1.14 President of the Senate

1.15 The Honorable Kurt Zellers
1.16 Speaker of the House of Representatives

1.17 We, the undersigned conferees for S.F. No. 2493 report that we have agreed upon
1.18 the items in dispute and recommend as follows:

1.19 That the House recede from its amendments and that S.F. No. 2493 be further
1.20 amended as follows:

1.21 Delete everything after the enacting clause and insert:

1.22 "ARTICLE 1

1.23 **OUTDOOR HERITAGE FUND**

1.24 Section 1. **OUTDOOR HERITAGE APPROPRIATION.**

1.25 The sums shown in the columns marked "Appropriations" are appropriated to the
1.26 agencies and for the purposes specified in this article. The appropriations are from the
1.27 outdoor heritage fund and are available for the fiscal years indicated for each purpose. The
1.28 figures "2012" and "2013" used in this article mean that the appropriations listed under the
1.29 figure are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively.
1.30 "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium"
1.31 is fiscal years 2012 and 2013. The appropriations in this article are onetime.

2.1	<u>APPROPRIATIONS</u>		
2.2	<u>Available for the Year</u>		
2.3	<u>Ending June 30</u>		
2.4	<u>2012</u>	<u>2013</u>	
2.5	Sec. 2. <u>OUTDOOR HERITAGE</u>		
2.6	<u>Subdivision 1. Total Appropriation</u>	\$ -0-	\$ <u>99,920,000</u>
2.7	<u>This appropriation is from the outdoor</u>		
2.8	<u>heritage fund. The amounts that may be</u>		
2.9	<u>spent for each purpose are specified in the</u>		
2.10	<u>following subdivisions.</u>		
2.11	<u>Subd. 2. Prairies</u>	<u>-0-</u>	<u>24,640,000</u>
2.12	<u>(a) Minnesota Buffers for Wildlife and Water</u>		
2.13	<u>- Phase II</u>		
2.14	<u>\$2,090,000 in the second year is to the</u>		
2.15	<u>Board of Water and Soil Resources in</u>		
2.16	<u>cooperation with Pheasants Forever to</u>		
2.17	<u>acquire permanent conservation easements</u>		
2.18	<u>to enhance habitat by expanding clean water</u>		
2.19	<u>fund riparian wildlife buffers on private land.</u>		
2.20	<u>A list of proposed permanent conservation</u>		
2.21	<u>easements must be provided as part of the</u>		
2.22	<u>final report. The accomplishment plan must</u>		
2.23	<u>include an easement stewardship plan. Up</u>		
2.24	<u>to \$90,000 is for establishing a monitoring</u>		
2.25	<u>and enforcement fund as approved in</u>		
2.26	<u>the accomplishment plan and subject to</u>		
2.27	<u>Minnesota Statutes, section 97A.056,</u>		
2.28	<u>subdivision 17. An annual financial report is</u>		
2.29	<u>required for any monitoring and enforcement</u>		
2.30	<u>fund established, including expenditures</u>		
2.31	<u>from the fund and a description of annual</u>		
2.32	<u>monitoring and enforcement activities.</u>		
2.33	<u>(b) Minnesota Prairie Recovery Project - Phase</u>		
2.34	<u>III</u>		

3.1 \$4,610,000 in the second year is to the
3.2 commissioner of natural resources for an
3.3 agreement with The Nature Conservancy to
3.4 acquire native prairie and savanna and restore
3.5 and enhance grasslands and savanna. A list of
3.6 proposed land acquisitions must be provided
3.7 as part of the required accomplishment plan.
3.8 Annual income statements and balance sheets
3.9 for income and expenses from land acquired
3.10 with this appropriation must be submitted to
3.11 the Lessard-Sams Outdoor Heritage Council
3.12 no later than 180 days following the close of
3.13 The Nature Conservancy's fiscal year.

3.14 **(c) Cannon River Headwaters Habitat**
3.15 **Complex - Phase II**

3.16 \$1,760,000 in the second year is to the
3.17 commissioner of natural resources for an
3.18 agreement with The Trust for Public Land
3.19 to acquire and restore lands in the Cannon
3.20 River watershed for wildlife management
3.21 area purposes under Minnesota Statutes,
3.22 section 86A.05, subdivision 8, or aquatic
3.23 management area purposes under Minnesota
3.24 Statutes, sections 86A.05, subdivision
3.25 14, and 97C.02. A list of proposed land
3.26 acquisitions must be provided as part of the
3.27 required accomplishment plan.

3.28 **(d) Wildlife Management Area Acquisition**

3.29 \$2,900,000 in the second year is to the
3.30 commissioner of natural resources to acquire
3.31 land in fee for wildlife management area
3.32 purposes under Minnesota Statutes, section
3.33 86A.05, subdivision 8. A list of proposed
3.34 land acquisitions must be provided as part of
3.35 the required accomplishment plan.

4.1 **(e) Northern Tallgrass Prairie National**
4.2 **Wildlife Refuge Land Acquisition - Phase IV**

4.3 \$1,580,000 in the second year is to the
4.4 commissioner of natural resources for an
4.5 agreement with The Nature Conservancy
4.6 in cooperation with the United States Fish
4.7 and Wildlife Service to acquire land in
4.8 fee or permanent conservation easements
4.9 within the Northern Tallgrass Prairie Habitat
4.10 Preservation Area in western Minnesota for
4.11 addition to the Northern Tallgrass Prairie
4.12 National Wildlife Refuge. A list of proposed
4.13 land acquisitions must be provided as part
4.14 of the required accomplishment plan. The
4.15 accomplishment plan must include an
4.16 easement monitoring and enforcement plan.

4.17 **(f) Accelerating the Wildlife Management Area**
4.18 **Program - Phase IV**

4.19 \$3,300,000 in the second year is to the
4.20 commissioner of natural resources for an
4.21 agreement with Pheasants Forever to acquire
4.22 land in fee for wildlife management area
4.23 purposes under Minnesota Statutes, section
4.24 86A.05, subdivision 8. A list of proposed
4.25 land acquisitions must be provided as part of
4.26 the required accomplishment plan.

4.27 **(g) Green Corridor Legacy Program - Phase IV**

4.28 \$1,730,000 in the second year is to the
4.29 commissioner of natural resources for
4.30 an agreement with the Redwood Area
4.31 Development Corporation to acquire land in
4.32 fee for wildlife management area purposes
4.33 under Minnesota Statutes, section 86A.05,
4.34 subdivision 8, and for aquatic management
4.35 areas under Minnesota Statutes, sections

5.1 86A.05, subdivision 14, and 97C.02. A list of
5.2 proposed land acquisitions must be provided
5.3 as part of the required accomplishment plan.

5.4 **(h) Accelerated Prairie Restoration and**
5.5 **Enhancement on DNR Lands - Phase IV**

5.6 \$4,300,000 in the second year is to the
5.7 commissioner of natural resources to
5.8 accelerate the restoration and enhancement
5.9 of wildlife management areas, scientific
5.10 and natural areas, and land under native
5.11 prairie bank easements. A list of proposed
5.12 restorations and enhancements must
5.13 be provided as part of the required
5.14 accomplishment plan.

5.15 **(i) Anoka Sand Plain Habitat Restoration and**
5.16 **Enhancement - Phase II**

5.17 \$1,050,000 in the second year is to the
5.18 commissioner of natural resources for
5.19 agreements to restore and enhance habitat on
5.20 public lands in the Anoka Sand Plain and
5.21 along the Rum River as follows: \$558,750 to
5.22 Great River Greening; \$99,400 to the Anoka
5.23 Conservation District; and \$391,850 to the
5.24 National Wild Turkey Federation. A list
5.25 of proposed restorations and enhancements
5.26 must be provided as part of the required
5.27 accomplishment plan.

5.28 **(j) Enhanced Public Grasslands**

5.29 \$1,320,000 in the second year is to the
5.30 commissioner of natural resources for
5.31 an agreement with Pheasants Forever in
5.32 cooperation with the Minnesota Prairie
5.33 Chicken Society to restore and enhance
5.34 habitat on public lands. The criteria for
5.35 selection of projects must be included in the

6.1 accomplishment plan. A list of proposed
6.2 restorations and enhancements must be
6.3 provided as part of the final report.

6.4 Subd. 3. Forests -0- 15,300,000

6.5 **(a) Protecting Mississippi River Corridor**
6.6 **Habitat ACUB Partnership - Phase II**

6.7 \$480,000 in the second year is to the
6.8 Board of Water and Soil Resources to
6.9 acquire permanent conservation easements
6.10 on land adjacent to the Nokasippi River
6.11 and the boundaries of the Minnesota
6.12 National Guard Army compatible use buffer
6.13 (ACUB). A list of proposed land acquisitions
6.14 must be provided as part of the required
6.15 accomplishment plan. The accomplishment
6.16 plan must include an easement stewardship
6.17 plan. Up to \$4,800 is for establishing
6.18 a monitoring and enforcement fund as
6.19 approved in the accomplishment plan and
6.20 subject to Minnesota Statutes, section
6.21 97A.056, subdivision 17. An annual financial
6.22 report is required for any monitoring and
6.23 enforcement fund established, including
6.24 expenditures from the fund and a description
6.25 of annual monitoring and enforcement
6.26 activities.

6.27 **(b) Mississippi Northwoods Habitat Complex**
6.28 **Protection**

6.29 \$11,040,000 in the second year is to the
6.30 commissioner of natural resources for an
6.31 agreement with Crow Wing County to
6.32 acquire land in fee along the Mississippi
6.33 River in Crow Wing County to be added
6.34 to the county forest system. The purchase
6.35 price must not exceed the appraised fair

7.1 market value of the property as reviewed
7.2 and approved under established procedures
7.3 in compliance with the Uniform Standards
7.4 of Professional Appraisal Practice and
7.5 the Department of Natural Resources'
7.6 Supplemental Appraisal and Appraisal
7.7 Review Guidelines (effective July 15,
7.8 2009). A land description must be provided
7.9 as part of the required accomplishment
7.10 plan. Development of a paved trail on land
7.11 acquired under this paragraph constitutes an
7.12 alteration of the intended use of the interest in
7.13 real property and must be handled according
7.14 to Minnesota Statutes, section 97A.056,
7.15 subdivision 15. Any plan, including trail
7.16 alignment, for the development of a paved
7.17 trail must be submitted to the Lessard-Sams
7.18 Outdoor Heritage Council for approval. No
7.19 paved trail development or paved trail use
7.20 is allowed unless it is specified in the plan
7.21 for trail use and alignment approved by the
7.22 Lessard-Sams Outdoor Heritage Council.

7.23 If additional money is needed to acquire
7.24 the land under this paragraph, by December
7.25 15, 2012, the amount necessary to complete
7.26 the acquisition shall be transferred from
7.27 unspent appropriations under subdivision
7.28 5, paragraph (h), and added to this
7.29 appropriation.

7.30 **(c) Northeastern Minnesota Sharp-Tailed**
7.31 **Grouse Habitat Partnership - Phase III**

7.32 \$1,340,000 in the second year is to the
7.33 commissioner of natural resources for
7.34 an agreement with Pheasants Forever in
7.35 cooperation with the Minnesota Sharp-Tailed
7.36 Grouse Society to acquire and enhance

8.1 lands for wildlife management area purposes
8.2 under Minnesota Statutes, section 86A.05,
8.3 subdivision 8. A list of proposed land
8.4 acquisitions must be provided as part of the
8.5 required accomplishment plan.

8.6 **(d) Protect Key Forest Habitat Lands in Cass**
8.7 **County - Phase III**

8.8 \$480,000 in the second year is to the
8.9 commissioner of natural resources for an
8.10 agreement with Cass County to acquire land
8.11 in fee in Cass County for forest wildlife
8.12 habitat. A list of proposed land acquisitions
8.13 must be provided as part of the required
8.14 accomplishment plan.

8.15 **(e) Minnesota Moose Habitat Collaborative**

8.16 \$960,000 in the second year is to the
8.17 commissioner of natural resources for an
8.18 agreement with the Minnesota Deer Hunters
8.19 Association to restore and enhance public
8.20 forest lands in northeastern Minnesota
8.21 for moose habitat purposes. A list of
8.22 proposed restorations and enhancements
8.23 must be provided as part of the required
8.24 accomplishment plan.

8.25 **(f) LaSalle Lake: Protecting Critical Minnesota**
8.26 **Headwaters Habitat**

8.27 \$1,000,000 in the second year is added
8.28 to the appropriation in Laws 2011, First
8.29 Special Session chapter 6, article 1, section
8.30 2, subdivision 3, paragraph (b).

8.31 Subd. 4. **Wetlands** -0- 31,140,000

8.32 **(a) Reinvest in Minnesota Wetlands Reserve**
8.33 **Program Partnership - Phase IV**

9.1 \$13,810,000 in the second year is to the
9.2 Board of Water and Soil Resources to
9.3 acquire permanent conservation easements
9.4 and restore wetlands and associated upland
9.5 habitat in cooperation with the United
9.6 States Department of Agriculture Wetlands
9.7 Reserve Program. A list of land acquisitions
9.8 must be provided as part of the final report.
9.9 The accomplishment plan must include
9.10 an easement stewardship plan. Up to
9.11 \$180,000 is for establishing a monitoring
9.12 and enforcement fund as approved in
9.13 the accomplishment plan and subject to
9.14 Minnesota Statutes, section 97A.056,
9.15 subdivision 17. An annual financial report is
9.16 required for any monitoring and enforcement
9.17 fund established, including expenditures
9.18 from the fund and a description of annual
9.19 monitoring and enforcement activities.

9.20 **(b) Accelerating the Waterfowl Production**
9.21 **Area Program - Phase IV**

9.22 \$5,400,000 in the second year is to the
9.23 commissioner of natural resources for an
9.24 agreement with Pheasants Forever to acquire
9.25 land in fee to be managed and designated as
9.26 waterfowl production areas in Minnesota,
9.27 in cooperation with the United States Fish
9.28 and Wildlife Service. A list of proposed land
9.29 acquisitions must be provided as part of the
9.30 required accomplishment plan.

9.31 **(c) Columbus Lake Conservation Area**

9.32 \$940,000 in the second year is to the
9.33 commissioner of natural resources for an
9.34 agreement with Anoka County to acquire
9.35 land in fee for conservation purposes that

10.1 connect wetlands and shallow lakes to
10.2 the Lamprey Pass Wildlife Management
10.3 Area. A list of proposed land acquisitions
10.4 must be provided as part of the required
10.5 accomplishment plan.

10.6 **(d) Living Shallow Lakes and Wetlands**
10.7 **Initiative - Phase II**

10.8 \$4,490,000 in the second year is to the
10.9 commissioner of natural resources for an
10.10 agreement with Ducks Unlimited to assess,
10.11 restore, and enhance shallow lakes and
10.12 wetlands, including technical assistance,
10.13 survey, design, and engineering to develop
10.14 new enhancement and restoration projects
10.15 for future implementation. A list of
10.16 proposed restorations and enhancements
10.17 must be provided as part of the required
10.18 accomplishment plan.

10.19 **(e) Accelerated Shallow Lakes and Wetlands**
10.20 **Enhancement - Phase IV**

10.21 \$3,870,000 in the second year is to the
10.22 commissioner of natural resources to
10.23 develop engineering designs and complete
10.24 construction to enhance shallow lakes and
10.25 wetlands. A list of proposed restorations and
10.26 enhancements must be provided as part of
10.27 the required accomplishment plan. Work
10.28 must be completed within three years of the
10.29 effective date of this article.

10.30 **(f) Marsh Lake Enhancement**

10.31 \$2,630,000 in the second year is to the
10.32 commissioner of natural resources to
10.33 complete design and construction to modify
10.34 the dam at Marsh Lake and return the historic

11.1 outlet of the Pomme de Terre River to Lac
 11.2 Qui Parle.
 11.3 Subd. 5. Habitats -0- 28,620,000
 11.4 **(a) DNR Aquatic Habitat - Phase IV**
 11.5 \$3,480,000 in the second year is to the
 11.6 commissioner of natural resources to
 11.7 acquire interests in land in fee or permanent
 11.8 conservation easements for aquatic
 11.9 management areas under Minnesota Statutes,
 11.10 sections 86A.05, subdivision 14, and
 11.11 97C.02, and to restore and enhance aquatic
 11.12 habitat. A list of proposed land acquisitions
 11.13 must be provided as part of the required
 11.14 accomplishment plan. The accomplishment
 11.15 plan must include an easement stewardship
 11.16 plan. Up to \$25,000 is for establishing
 11.17 a monitoring and enforcement fund as
 11.18 approved in the accomplishment plan and
 11.19 subject to Minnesota Statutes, section
 11.20 97A.056, subdivision 17. An annual financial
 11.21 report is required for any monitoring and
 11.22 enforcement fund established, including
 11.23 expenditures from the fund and a description
 11.24 of annual monitoring and enforcement
 11.25 activities.
 11.26 **(b) Metro Big Rivers Habitat - Phase III**
 11.27 \$3,680,000 in the second year is to the
 11.28 commissioner of natural resources for
 11.29 agreements to acquire interests in land in
 11.30 fee or permanent conservation easements
 11.31 and to restore and enhance natural systems
 11.32 associated with the Mississippi, Minnesota,
 11.33 and St. Croix Rivers as follows: \$1,000,000
 11.34 to the Minnesota Valley National Wildlife
 11.35 Refuge Trust, Inc.; \$375,000 to the Friends

12.1 of the Mississippi; \$375,000 to Great River
12.2 Greening; \$930,000 to The Minnesota
12.3 Land Trust; and \$1,000,000 to The Trust
12.4 for Public Land. A list of proposed
12.5 acquisitions, restorations, and enhancements
12.6 must be provided as part of the required
12.7 accomplishment plan. The accomplishment
12.8 plan must include an easement stewardship
12.9 plan. Up to \$51,000 is for establishing
12.10 a monitoring and enforcement fund as
12.11 approved in the accomplishment plan and
12.12 subject to Minnesota Statutes, section
12.13 97A.056, subdivision 17. An annual financial
12.14 report is required for any monitoring and
12.15 enforcement fund established, including
12.16 expenditures from the fund and a description
12.17 of annual monitoring and enforcement
12.18 activities.

12.19 **(c) Dakota County Riparian and Lakeshore**
12.20 **Protection and Management - Phase III**

12.21 \$480,000 in the second year is to the
12.22 commissioner of natural resources for an
12.23 agreement with Dakota County to acquire
12.24 permanent conservation easements and
12.25 restore and enhance habitats along the
12.26 Mississippi, Cannon, and Vermillion Rivers.
12.27 A list of proposed acquisitions, restorations,
12.28 and enhancements must be provided as
12.29 part of the required accomplishment plan.
12.30 The accomplishment plan must include
12.31 an easement stewardship plan. Up to
12.32 \$20,000 is for establishing a monitoring
12.33 and enforcement fund as approved in
12.34 the accomplishment plan and subject to
12.35 Minnesota Statutes, section 97A.056,
12.36 subdivision 17. An annual financial report is

13.1 required for any monitoring and enforcement
13.2 fund established, including expenditures
13.3 from the fund and a description of annual
13.4 monitoring and enforcement activities.

13.5 **(d) Lower St. Louis River Habitat Restoration**

13.6 \$3,670,000 in the second year is to the
13.7 commissioner of natural resources to restore
13.8 habitat in the lower St. Louis River estuary.
13.9 A list of proposed projects must be provided
13.10 as part of the required accomplishment plan.

13.11 **(e) Coldwater Fish Habitat Enhancement -**
13.12 **Phase IV**

13.13 \$2,120,000 in the second year is to the
13.14 commissioner of natural resources for an
13.15 agreement with Minnesota Trout Unlimited
13.16 to restore and enhance coldwater fish lake,
13.17 river, and stream habitats in Minnesota. A list
13.18 of proposed restorations and enhancements
13.19 must be provided as part of the required
13.20 accomplishment plan.

13.21 **(f) Grand Marais Creek Outlet Restoration**

13.22 \$2,320,000 in the second year is to the
13.23 commissioner of natural resources for an
13.24 agreement with the Red Lake Watershed
13.25 District to restore and enhance stream and
13.26 related habitat in Grand Marais Creek. A list
13.27 of proposed restorations and enhancements
13.28 must be provided as part of the required
13.29 accomplishment plan.

13.30 **(g) Knife River Habitat Restoration**

13.31 \$380,000 in the second year is to the
13.32 commissioner of natural resources for an
13.33 agreement with the Lake Superior Steelhead
13.34 Association to restore trout habitat in the

- 14.1 Upper Knife River Watershed. A list of
14.2 proposed restorations must be provided as
14.3 part of the required accomplishment plan.
14.4 Notwithstanding rules of the commissioner
14.5 of natural resources, restorations conducted
14.6 pursuant to this paragraph may be
14.7 accomplished by excavation.
- 14.8 **(h) Protect Aquatic Habitat from Asian Carp**
- 14.9 \$7,500,000 in the second year is to the
14.10 commissioner of natural resources to
14.11 design, construct, operate, and evaluate
14.12 structural deterrents for Asian carp to protect
14.13 Minnesota's aquatic habitat. Use of this
14.14 money requires a one-to-one match for
14.15 projects on state boundary waters.
- 14.16 **(i) Outdoor Heritage Conservation Partners**
14.17 **Grant Program - Phase IV**
- 14.18 \$4,990,000 in the second year is to the
14.19 commissioner of natural resources for a
14.20 program to provide competitive, matching
14.21 grants of up to \$400,000 to local, regional,
14.22 state, and national organizations for
14.23 enhancing, restoring, or protecting forests,
14.24 wetlands, prairies, and habitat for fish, game,
14.25 or wildlife in Minnesota. Grants shall not
14.26 be made for activities required to fulfill
14.27 the duties of owners of lands subject to
14.28 conservation easements. Grants shall not be
14.29 made from appropriations in this paragraph
14.30 for projects that have a total project cost
14.31 exceeding \$575,000. \$366,000 of this
14.32 appropriation may be spent for personnel
14.33 costs and other direct and necessary
14.34 administrative costs. Grantees may acquire
14.35 land or interests in land. Easements must be

15.1 permanent. Land acquired in fee must be
15.2 open to hunting and fishing during the open
15.3 season unless otherwise provided by state
15.4 law. The program shall require a match of
15.5 at least ten percent from nonstate sources
15.6 for all grants. The match may be cash or
15.7 in-kind resources. For grant applications
15.8 of \$25,000 or less, the commissioner shall
15.9 provide a separate, simplified application
15.10 process. Subject to Minnesota Statutes, the
15.11 commissioner of natural resources shall,
15.12 when evaluating projects of equal value,
15.13 give priority to organizations that have a
15.14 history of receiving or charter to receive
15.15 private contributions for local conservation
15.16 or habitat projects. If acquiring land or a
15.17 conservation easement, priority shall be
15.18 given to projects associated with existing
15.19 wildlife management areas under Minnesota
15.20 Statutes, section 86A.05, subdivision 8;
15.21 scientific and natural areas under Minnesota
15.22 Statutes, sections 84.033 and 86A.05,
15.23 subdivision 5; and aquatic management areas
15.24 under Minnesota Statutes, sections 86A.05,
15.25 subdivision 14, and 97C.02. All restoration
15.26 or enhancement projects must be on land
15.27 permanently protected by a conservation
15.28 easement or public ownership or in public
15.29 waters as defined in Minnesota Statutes,
15.30 section 103G.005, subdivision 15. Priority
15.31 shall be given to restoration and enhancement
15.32 projects on public lands. Minnesota Statutes,
15.33 section 97A.056, subdivision 13, applies
15.34 to grants awarded under this paragraph.
15.35 This appropriation is available until June
15.36 30, 2016. No less than five percent of the

16.1 amount of each grant must be held back from
 16.2 reimbursement until the grant recipient has
 16.3 completed a grant accomplishment report by
 16.4 the deadline and in the form prescribed by
 16.5 and satisfactory to the Lessard-Sams Outdoor
 16.6 Heritage Council. The commissioner shall
 16.7 provide notice of the grant program in
 16.8 the game and fish law summaries that are
 16.9 prepared under Minnesota Statutes, section
 16.10 97A.051, subdivision 2.

16.11 Subd. 6. Administration -0- 220,000

16.12 **(a) Contract Management**

16.13 \$175,000 in the second year is to the
 16.14 commissioner of natural resources for
 16.15 contract management duties assigned in this
 16.16 section. The commissioner shall provide a
 16.17 work program in the form specified by the
 16.18 Lessard-Sams Outdoor Heritage Council
 16.19 on the expenditure of this appropriation.
 16.20 No money may be expended prior to
 16.21 Lessard-Sams Outdoor Heritage Council
 16.22 approval of the work program.

16.23 **(b) Technical Evaluation Panel**

16.24 \$45,000 in the second year is to the
 16.25 commissioner of natural resources for a
 16.26 technical evaluation panel to conduct up to
 16.27 ten restoration evaluations under Minnesota
 16.28 Statutes, section 97A.056, subdivision 10.

16.29 **Subd. 7. Availability of Appropriation**

16.30 Money appropriated in this section may
 16.31 not be spent on activities unless they are
 16.32 directly related to and necessary for a
 16.33 specific appropriation and are specified in
 16.34 the accomplishment plan approved by the

17.1 Lessard-Sams Outdoor Heritage Council.
17.2 Money appropriated in this section must not
17.3 be spent on indirect costs or other institutional
17.4 overhead charges that are not directly related
17.5 to and necessary for a specific appropriation.
17.6 Unless otherwise provided, the amounts
17.7 in this section are available until June 30,
17.8 2015, when projects must be completed and
17.9 final accomplishments reported. Funds for
17.10 restoration or enhancement are available
17.11 until June 30, 2017, or four years after
17.12 acquisition, whichever is later, in order to
17.13 complete initial restoration or enhancement
17.14 work. If a project receives federal funds,
17.15 the time period of the appropriation is
17.16 extended to equal the availability of federal
17.17 funding. Funds appropriated for fee title
17.18 acquisition of land may be used to restore,
17.19 enhance, and provide for public use of the
17.20 land acquired with the appropriation. Public
17.21 use facilities must have a minimal impact
17.22 on habitat in acquired lands. If the purchase
17.23 price for a fee title acquisition funded with
17.24 an appropriation in this article falls below
17.25 the estimated purchase price contained in
17.26 the approved accomplishment plan and no
17.27 other acquisitions are listed in the approved
17.28 accomplishment plan, the difference between
17.29 the purchase price and the estimated purchase
17.30 price is canceled for the project and added
17.31 to the appropriation under subdivision 5,
17.32 paragraph (h).

17.33 **Subd. 8. Payment Conditions and Capital**
17.34 **Equipment Expenditures**

17.35 All agreements referred to in this section must
17.36 be administered on a reimbursement basis

18.1 unless otherwise provided in this section.
18.2 Notwithstanding Minnesota Statutes, section
18.3 16A.41, expenditures directly related to each
18.4 appropriation's purpose made on or after July
18.5 1, 2012, or the date of accomplishment plan
18.6 approval, whichever is later, are eligible for
18.7 reimbursement unless otherwise provided in
18.8 this section. Periodic reimbursement must
18.9 be made upon receiving documentation that
18.10 the items articulated in the accomplishment
18.11 plan approved by the Lessard-Sams Outdoor
18.12 Heritage Council have been achieved,
18.13 including partial achievements as evidenced
18.14 by progress reports approved by the
18.15 Lessard-Sams Outdoor Heritage Council.
18.16 Reasonable amounts may be advanced to
18.17 projects to accommodate cash flow needs,
18.18 support future management of acquired
18.19 lands, or match a federal share. The
18.20 advances must be approved as part of the
18.21 accomplishment plan. Capital equipment
18.22 expenditures for specific items in excess of
18.23 \$10,000 must be itemized in and approved as
18.24 part of the accomplishment plan.

18.25 Sec. 3. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
18.26 to read:

18.27 Subd. 12. **Accomplishment plans.** It is a condition of acceptance of money
18.28 appropriated from the outdoor heritage fund that the agency or entity using the
18.29 appropriation submits an accomplishment plan and periodic accomplishment reports
18.30 to the Lessard-Sams Outdoor Heritage Council in the form determined by the council.
18.31 The accomplishment plan must identify the project manager responsible for expending
18.32 the appropriation and the final product. The accomplishment plan must account for
18.33 the use of the appropriation and outcomes of the expenditure in measures of wetlands,
18.34 prairies, forests, and fish, game, and wildlife habitat restored, protected, and enhanced.
18.35 The plan must include an evaluation of results. If lands are acquired by fee with money

19.1 from the outdoor heritage fund, the accomplishment plan must include a hunting and
19.2 fishing management plan for the lands acquired by fee. No money appropriated from the
19.3 outdoor heritage fund may be expended unless the council has approved the pertinent
19.4 accomplishment plan.

19.5 Sec. 4. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
19.6 to read:

19.7 Subd. 13. **Project requirements.** (a) As a condition of accepting money
19.8 appropriated from the outdoor heritage fund, an agency or entity receiving money from
19.9 an appropriation must comply with this subdivision for any project funded in whole or
19.10 in part with funds from the appropriation.

19.11 (b) All conservation easements acquired with money appropriated from the outdoor
19.12 heritage fund must:

19.13 (1) be permanent;

19.14 (2) specify the parties to the easement;

19.15 (3) specify all of the provisions of an agreement that are permanent;

19.16 (4) specify the habitat types and location being protected;

19.17 (5) where appropriate for conservation or water protection outcomes, require the
19.18 grantor to employ practices retaining water on the eased land as long as practicable;

19.19 (6) specify the responsibilities of the parties for habitat enhancement and restoration
19.20 and the associated costs of these activities;

19.21 (7) be sent to the office of the Lessard-Sams Outdoor Heritage Council;

19.22 (8) include a long-term stewardship plan and identify the sources and amount of
19.23 funding for monitoring and enforcing the easement agreement; and

19.24 (9) identify the parties responsible for monitoring and enforcing the easement
19.25 agreement.

19.26 (c) For all restorations, a recipient must prepare and retain an ecological restoration
19.27 and management plan that, to the degree practicable, is consistent with current
19.28 conservation science and ecological goals for the restoration site. Consideration should
19.29 be given to soil, geology, topography, and other relevant factors that would provide the
19.30 best chance for long-term success and durability of the restoration. The plan must include
19.31 the proposed timetable for implementing the restoration, including, but not limited to,
19.32 site preparation, establishment of diverse plant species, maintenance, and additional
19.33 enhancement to establish the restoration; identify long-term maintenance and management
19.34 needs of the restoration and how the maintenance, management, and enhancement will be
19.35 financed; and use current conservation science to achieve the best restoration.

20.1 (d) For new lands acquired, a recipient must prepare a restoration and management
20.2 plan in compliance with paragraph (c), including identification of sufficient funding for
20.3 implementation.

20.4 (e) To ensure public accountability for the use of public funds, a recipient must
20.5 provide to the Lessard-Sams Outdoor Heritage Council documentation of the process used
20.6 to select parcels acquired in fee or as permanent conservation easements and must provide
20.7 the council with documentation of all related transaction costs, including, but not limited
20.8 to, appraisals, legal fees, recording fees, commissions, other similar costs, and donations.
20.9 This information must be provided for all parties involved in the transaction. The recipient
20.10 must also report to the Lessard-Sams Outdoor Heritage Council any difference between
20.11 the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal,
20.12 if a state-certified or state-reviewed appraisal was conducted. Acquisition data such as
20.13 appraisals may remain private during negotiations but must ultimately be made public
20.14 according to chapter 13.

20.15 (f) Except as otherwise provided in the appropriation, all restoration and
20.16 enhancement projects funded with money appropriated from the outdoor heritage fund
20.17 must be on land permanently protected by a conservation easement or public ownership or
20.18 in public waters as defined in section 103G.005, subdivision 15.

20.19 (g) To the extent an appropriation is used to acquire an interest in real property,
20.20 a recipient of an appropriation from the outdoor heritage fund must provide to the
20.21 Lessard-Sams Outdoor Heritage Council and the commissioner of management and
20.22 budget an analysis of increased operation and maintenance costs likely to be incurred by
20.23 public entities as a result of the acquisition and of how the costs are to be paid.

20.24 (h) A recipient of money appropriated from the outdoor heritage fund must give
20.25 consideration to and make timely written contact with Conservation Corps Minnesota for
20.26 possible use of the corps' services to contract for restoration and enhancement services.
20.27 A copy of the written contact must be filed with the Lessard-Sams Outdoor Heritage
20.28 Council within 15 days of execution.

20.29 (i) A recipient of money appropriated from the outdoor heritage fund must erect
20.30 signage according to Laws 2009, chapter 172, article 5, section 10.

20.31 Sec. 5. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
20.32 to read:

20.33 Subd. 14. **Purchase of recycled and recyclable materials.** A political subdivision,
20.34 public or private corporation, or other entity that receives money appropriated from the
20.35 outdoor heritage fund must use the money in compliance with sections 16B.121, regarding

21.1 purchase of recycled, repairable, and durable materials, and 16B.122, regarding purchase
21.2 and use of paper stock and printing.

21.3 Sec. 6. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
21.4 to read:

21.5 Subd. 15. **Land acquisition restrictions.** (a) An interest in real property, including,
21.6 but not limited to, an easement or fee title, that is acquired with money appropriated
21.7 from the outdoor heritage fund must be used in perpetuity or for the specific term of an
21.8 easement interest for the purpose for which the appropriation was made. The ownership
21.9 of the interest in real property transfers to the state if: (1) the holder of the interest in
21.10 real property fails to comply with the terms and conditions of the grant agreement or
21.11 accomplishment plan; or (2) restrictions are placed on the land that preclude its use for the
21.12 intended purpose as specified in the appropriation.

21.13 (b) A recipient of funding that acquires an interest in real property subject to this
21.14 subdivision may not alter the intended use of the interest in real property or convey any
21.15 interest in the real property acquired with the appropriation without the prior review and
21.16 approval of the Lessard-Sams Outdoor Heritage Council or its successor. The council
21.17 shall notify the chairs and ranking minority members of the legislative committees and
21.18 divisions with jurisdiction over the outdoor heritage fund at least 15 business days before
21.19 approval under this paragraph. The council shall establish procedures to review requests
21.20 from recipients to alter the use of or convey an interest in real property. These procedures
21.21 shall allow for the replacement of the interest in real property with another interest in real
21.22 property meeting the following criteria:

21.23 (1) the interest must be at least equal in fair market value, as certified by the
21.24 commissioner of natural resources, to the interest being replaced; and

21.25 (2) the interest must be in a reasonably equivalent location and have a reasonably
21.26 equivalent useful conservation purpose compared to the interest being replaced, taking
21.27 into consideration all effects from fragmentation of the whole habitat.

21.28 (c) A recipient of funding who acquires an interest in real property under paragraph
21.29 (a) must separately record a notice of funding restrictions in the appropriate local
21.30 government office where the conveyance of the interest in real property is filed. The
21.31 notice of funding agreement must contain:

21.32 (1) a legal description of the interest in real property covered by the funding
21.33 agreement;

21.34 (2) a reference to the underlying funding agreement;

21.35 (3) a reference to this section; and

22.1 (4) the following statement: "This interest in real property shall be administered in
22.2 accordance with the terms, conditions, and purposes of the grant agreement controlling the
22.3 acquisition of the property. The interest in real property, or any portion of the interest in
22.4 real property, shall not be sold, transferred, pledged, or otherwise disposed of or further
22.5 encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor
22.6 Heritage Council or its successor. The ownership of the interest in real property transfers to
22.7 the state if: (1) the holder of the interest in real property fails to comply with the terms and
22.8 conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed
22.9 on the land that preclude its use for the intended purpose as specified in the appropriation."

22.10 Sec. 7. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
22.11 to read:

22.12 Subd. 16. **Real property interest report.** (a) By December 1 each year, a recipient
22.13 of money appropriated from the outdoor heritage fund that is used for the acquisition of an
22.14 interest in real property, including, but not limited to, an easement or fee title, must submit
22.15 annual reports on the status of the real property to the Lessard-Sams Outdoor Heritage
22.16 Council or its successor in a form determined by the council. If lands are acquired by fee
22.17 with money from the outdoor heritage fund, the real property interest report must include
22.18 a verification of the status of the hunting and fishing management plan for the lands
22.19 acquired by fee. The responsibility for reporting under this subdivision may be transferred
22.20 by the recipient of the appropriation to another person or entity that holds the interest in
22.21 the real property. To complete the transfer of reporting responsibility, the recipient of
22.22 the appropriation must:

22.23 (1) inform the person to whom the responsibility is transferred of that person's
22.24 reporting responsibility;

22.25 (2) inform the person to whom the responsibility is transferred of the property
22.26 restrictions under subdivision 15; and

22.27 (3) provide written notice to the council of the transfer of reporting responsibility,
22.28 including contact information for the person to whom the responsibility is transferred.

22.29 (b) After the transfer, the person or entity that holds the interest in the real property
22.30 is responsible for reporting requirements under this subdivision.

22.31 Sec. 8. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
22.32 to read:

22.33 Subd. 17. **Easement monitoring and enforcement requirements.** Money
22.34 appropriated from the outdoor heritage fund for easement monitoring and enforcement

23.1 may be spent only on activities included in an easement monitoring and enforcement
23.2 plan contained within the accomplishment plan. Money received for monitoring and
23.3 enforcement, including earnings on the money received, shall be kept in a monitoring
23.4 and enforcement fund held by the organization and is appropriated for monitoring and
23.5 enforcing conservation easements in the state. Within 120 days after the close of the
23.6 entity's fiscal year, an entity receiving appropriations for easement monitoring and
23.7 enforcement must provide an annual financial report to the Lessard-Sams Outdoor
23.8 Heritage Council on the easement monitoring and enforcement fund as specified in the
23.9 accomplishment plan. Money appropriated from the outdoor heritage fund for monitoring
23.10 and enforcement of easements and earnings on the money appropriated shall revert
23.11 to the state if:

- 23.12 (1) the easement transfers to the state under subdivision 15;
23.13 (2) the holder of the easement fails to file an annual report and then fails to cure that
23.14 default within 30 days of notification of the default by the state; or
23.15 (3) the holder of the easement fails to comply with the terms of the monitoring and
23.16 enforcement plan contained within the accomplishment plan and fails to cure that default
23.17 within 90 days of notification of the default by the state.

23.18 Sec. 9. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
23.19 to read:

23.20 Subd. 18. **Successor organizations.** The Lessard-Sams Outdoor Heritage Council
23.21 may approve the continuation of a project with an organization that has adopted a new
23.22 name. Continuation of a project with an organization that has undergone a significant
23.23 change in mission, structure, or purpose requires:

- 23.24 (1) notice to the chairs of the legislative committees and divisions with jurisdiction
23.25 over the outdoor heritage fund; and
23.26 (2) presentation by the council of proposed legislation either ratifying or rejecting
23.27 continued involvement with the new organization.

23.28 Sec. 10. Minnesota Statutes 2010, section 97A.056, is amended by adding a
23.29 subdivision to read:

23.30 Subd. 19. **Fee title acquisition; open season.** (a) Lands acquired by fee with
23.31 money appropriated from the outdoor heritage fund that are held by the state must be open
23.32 to the public taking of fish and game during the open season, unless otherwise provided by
23.33 state law.

24.1 (b) Lands acquired by fee with money appropriated from the outdoor heritage fund
24.2 that are held by the U.S. Fish and Wildlife Service must be open to the public taking of
24.3 fish and game during the open season according to the National Wildlife Refuge System
24.4 Improvement Act, United States Code, title 16, section 668dd, et seq.

24.5 (c) Except as provided in paragraph (b), lands acquired by fee with money
24.6 appropriated from the outdoor heritage fund that are held by a nonstate entity must be open
24.7 to the public taking of fish and game during the open season, unless otherwise prescribed
24.8 by the commissioner of natural resources.

24.9 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2009.

24.10 Sec. 11. **LEGACY FUNDING REQUIREMENTS APPLY.**

24.11 Each direct recipient of money appropriated in this article, as well as each
24.12 recipient of a grant awarded pursuant to this article, must satisfy all reporting and other
24.13 requirements incumbent upon legacy funding recipients as provided in Laws 2011, First
24.14 Special Session chapter 6, article 5.

24.15 **ARTICLE 2**

24.16 **CLEAN WATER FUND**

24.17 Section 1. Minnesota Statutes 2011 Supplement, section 114D.30, subdivision 4, is
24.18 amended to read:

24.19 Subd. 4. **Terms; compensation; removal.** The terms of members representing the
24.20 state agencies and the Metropolitan Council are four years and are coterminous with the
24.21 governor. The terms of other nonlegislative members of the council shall be as provided
24.22 in section 15.059, subdivision 2. Members may serve until their successors are appointed
24.23 and qualify. Compensation and removal of nonlegislative council members is as provided
24.24 in section 15.059, subdivisions 3 and 4. Compensation of legislative members is as
24.25 determined by the appointing authority. The Pollution Control Agency may reimburse
24.26 legislative members for expenses. A vacancy on the council may be filled by the
24.27 appointing authority provided in subdivision 1 for the remainder of the unexpired term.

24.28 Sec. 2. Laws 2009, chapter 172, article 2, section 4, as amended by Laws 2010, chapter
24.29 361, article 2, section 2, and Laws 2011, First Special Session chapter 6, article 2, section
24.30 23, is amended to read:

24.31 Sec. 4. **POLLUTION CONTROL AGENCY** \$ **24,076,000** \$ **27,630,000**

25.1 (a) \$9,000,000 the first year and \$9,000,000
25.2 the second year are to develop total
25.3 maximum daily load (TMDL) studies and
25.4 TMDL implementation plans for waters
25.5 listed on the United States Environmental
25.6 Protection Agency approved impaired
25.7 waters list in accordance with Minnesota
25.8 Statutes, chapter 114D. The agency shall
25.9 complete an average of ten percent of the
25.10 TMDLs each year over the biennium. Of
25.11 this amount, \$348,000 the first year is to
25.12 retest the comprehensive assessment of the
25.13 biological conditions of the lower Minnesota
25.14 River and its tributaries within the Lower
25.15 Minnesota River Major Watershed, as
25.16 previously assessed from 1976 to 1992 under
25.17 the Minnesota River Assessment Project
25.18 (MRAP). The assessment must include the
25.19 same fish species sampling at the same 116
25.20 locations and the same macroinvertebrate
25.21 sampling at the same 41 locations as the
25.22 MRAP assessment. The assessment must:
25.23 (1) include an analysis of the findings; and
25.24 (2) identify factors that limit aquatic life in
25.25 the Minnesota River.
25.26 Of this amount, \$250,000 the first year is
25.27 for a pilot project for the development of
25.28 total maximum daily load (TMDL) studies
25.29 conducted on a watershed basis within
25.30 the Buffalo River watershed in order to
25.31 protect, enhance, and restore water quality
25.32 in lakes, rivers, and streams. The pilot
25.33 project shall include all necessary field
25.34 work to develop TMDL studies for all
25.35 impaired subwatersheds within the Buffalo

26.1 River watershed and provide information
26.2 necessary to complete reports for most of the
26.3 remaining watersheds, including analysis of
26.4 water quality data, identification of sources
26.5 of water quality degradation and stressors,
26.6 load allocation development, development
26.7 of reports that provide protection plans
26.8 for subwatersheds that meet water quality
26.9 standards, and development of reports that
26.10 provide information necessary to complete
26.11 TMDL studies for subwatersheds that do not
26.12 meet water quality standards, but are not
26.13 listed as impaired.

26.14 (b) \$500,000 the first year is for development
26.15 of an enhanced TMDL database to manage
26.16 and track progress. Of this amount, \$63,000
26.17 the first year is to promulgate rules. By
26.18 November 1, 2010, the commissioner shall
26.19 submit a report to the chairs of the house of
26.20 representatives and senate committees with
26.21 jurisdiction over environment and natural
26.22 resources finance on the outcomes achieved
26.23 with this appropriation.

26.24 (c) \$1,500,000 the first year and \$3,169,000
26.25 the second year are for grants under
26.26 Minnesota Statutes, section 116.195, to
26.27 political subdivisions for up to 50 percent of
26.28 the costs to predesign, design, and implement
26.29 capital projects that use storm water or
26.30 treated municipal wastewater instead of
26.31 groundwater from drinking water aquifers,
26.32 in order to demonstrate the beneficial use
26.33 of wastewater or storm water, including
26.34 the conservation and protection of water
26.35 resources. Of this amount, \$1,000,000 the
26.36 first year is for grants to ethanol plants that

27.1 are within one and one-half miles of a city for
27.2 improvements that use storm water or reuse
27.3 ~~greater than 300,000 gallons of~~ wastewater
27.4 ~~per day~~. This appropriation is available until
27.5 June 30, 2016.

27.6 (d) \$1,125,000 the first year and \$1,125,000
27.7 the second year are for groundwater
27.8 assessment and drinking water protection to
27.9 include:

27.10 (1) the installation and sampling of at least
27.11 30 new monitoring wells;

27.12 (2) the analysis of samples from at least 40
27.13 shallow monitoring wells each year for the
27.14 presence of endocrine disrupting compounds;
27.15 and

27.16 (3) the completion of at least four to
27.17 five groundwater models for TMDL and
27.18 watershed plans.

27.19 (e) \$2,500,000 the first year is for the clean
27.20 water partnership program. Priority shall be
27.21 given to projects preventing impairments and
27.22 degradation of lakes, rivers, streams, and
27.23 groundwater in accordance with Minnesota
27.24 Statutes, section 114D.20, subdivision 2,
27.25 clause (4). Any balance remaining in the first
27.26 year does not cancel and is available for the
27.27 second year.

27.28 (f) \$896,000 the first year is to establish
27.29 a network of water monitoring sites, to
27.30 include at least 20 additional sites, in public
27.31 waters adjacent to wastewater treatment
27.32 facilities across the state to assess levels of
27.33 endocrine-disrupting compounds, antibiotic
27.34 compounds, and pharmaceuticals as required

28.1 in this article. The data must be placed on
28.2 the agency's Web site.

28.3 (g) \$155,000 the first year is to provide
28.4 notification of the potential for coal tar
28.5 contamination, establish a storm water
28.6 pond inventory schedule, and develop best
28.7 management practices for treating and
28.8 cleaning up contaminated sediments as
28.9 required in this article. \$490,000 the second
28.10 year is to provide grants to local units of
28.11 government for up to 50 percent of the costs
28.12 to implement best management practices to
28.13 treat or clean up contaminated sediments
28.14 in storm water ponds and other waters as
28.15 defined under this article. Local governments
28.16 must have adopted an ordinance for the
28.17 restricted use of undiluted coal tar sealants
28.18 in order to be eligible for a grant, unless a
28.19 statewide restriction has been implemented.
28.20 A grant awarded under this paragraph must
28.21 not exceed \$100,000. Up to \$145,000 of the
28.22 appropriation in the second year may be used
28.23 to complete work required under section 28,
28.24 paragraph (c).

28.25 (h) \$350,000 the first year and \$600,000 the
28.26 second year are for a restoration project in
28.27 the lower St. Louis River and Duluth harbor
28.28 in order to improve water quality. This
28.29 appropriation must be matched by nonstate
28.30 money at a rate of at least \$2 for every \$1 of
28.31 state money.

28.32 (i) \$150,000 the first year and \$196,000 the
28.33 second year are for grants to the Red River
28.34 Watershed Management Board to enhance
28.35 and expand existing river watch activities in

29.1 the Red River of the North. The Red River
29.2 Watershed Management Board shall provide
29.3 a report that includes formal evaluation
29.4 results from the river watch program to the
29.5 commissioners of education and the Pollution
29.6 Control Agency and to the legislative natural
29.7 resources finance and policy committees
29.8 and K-12 finance and policy committees by
29.9 February 15, 2011.

29.10 (j) \$200,000 the first year and \$300,000 the
29.11 second year are for coordination with the
29.12 state of Wisconsin and the National Park
29.13 Service on comprehensive water monitoring
29.14 and phosphorus reduction activities in the
29.15 Lake St. Croix portion of the St. Croix
29.16 River. The Pollution Control Agency
29.17 shall work with the St. Croix Basin Water
29.18 Resources Planning Team and the St. Croix
29.19 River Association in implementing the
29.20 water monitoring and phosphorus reduction
29.21 activities. This appropriation is available
29.22 to the extent matched by nonstate sources.
29.23 Money not matched by November 15, 2010,
29.24 cancels for this purpose and is available for
29.25 the purposes of paragraph (a).

29.26 (k) \$7,500,000 the first year and \$7,500,000
29.27 the second year are for completion of 20
29.28 percent of the needed statewide assessments
29.29 of surface water quality and trends. Of this
29.30 amount, \$175,000 the first year and \$200,000
29.31 the second year are for monitoring and
29.32 analyzing endocrine disruptors in surface
29.33 waters.

29.34 (l) \$100,000 the first year and \$150,000
29.35 the second year are for civic engagement

30.1 in TMDL development. The agency shall
30.2 develop a plan for expenditures under
30.3 this paragraph. The agency shall give
30.4 consideration to civic engagement proposals
30.5 from basin or sub-basin organizations,
30.6 including the Mississippi Headwaters Board,
30.7 the Minnesota River Joint Powers Board,
30.8 Area II Minnesota River Basin Projects,
30.9 and the Red River Basin Commission.
30.10 By November 15, 2009, the plan shall be
30.11 submitted to the house and senate chairs
30.12 and ranking minority members of the
30.13 environmental finance divisions.

30.14 (m) \$5,000,000 the second year is for
30.15 groundwater protection or prevention of
30.16 groundwater degradation activities. By
30.17 January 15, 2010, the commissioner, in
30.18 consultation with the commissioner of
30.19 natural resources, the Board of Water and
30.20 Soil Resources, and other agencies, shall
30.21 submit a report to the chairs of the house of
30.22 representatives and senate committees with
30.23 jurisdiction over the clean water fund on the
30.24 intended use of these funds. The legislature
30.25 must approve expenditure of these funds by
30.26 law.

30.27 Notwithstanding Minnesota Statutes, section
30.28 16A.28, the appropriations encumbered on or
30.29 before June 30, 2011, as grants or contracts in
30.30 this section are available until June 30, 2013.

30.31 Sec. 3. Laws 2011, First Special Session chapter 6, article 2, section 7, is amended to
30.32 read:

30.33	Sec. 7. BOARD OF WATER AND SOIL			27,534,000
30.34	RESOURCES	\$	27,534,000	\$ <u>31,734,000</u>

31.1 (a) \$13,750,000 the first year and
31.2 ~~\$13,750,000~~ \$15,350,000 the second year are
31.3 for pollution reduction and restoration grants
31.4 to local government units and joint powers
31.5 organizations of local government units to
31.6 protect surface water and drinking water; to
31.7 keep water on the land; to protect, enhance,
31.8 and restore water quality in lakes, rivers,
31.9 and streams; and to protect groundwater
31.10 and drinking water, including feedlot water
31.11 quality and subsurface sewage treatment
31.12 system (SSTS) projects and stream bank,
31.13 stream channel, and shoreline restoration
31.14 projects. The projects must be of long-lasting
31.15 public benefit, include a match, and be
31.16 consistent with TMDL implementation plans
31.17 or local water management plans.

31.18 (b) \$3,000,000 the first year and ~~\$3,000,000~~
31.19 \$3,600,000 the second year are for targeted
31.20 local resource protection and enhancement
31.21 grants. The board shall give priority
31.22 consideration to projects and practices
31.23 that complement, supplement, or exceed
31.24 current state standards for protection,
31.25 enhancement, and restoration of water
31.26 quality in lakes, rivers, and streams or that
31.27 protect groundwater from degradation. Of
31.28 this amount, at least \$1,500,000 each year is
31.29 for county SSTS implementation.

31.30 (c) \$900,000 the first year and ~~\$900,000~~
31.31 \$1,200,000 the second year are to
31.32 provide state oversight and accountability,
31.33 evaluate results, and develop an electronic
31.34 system to measure and track the value of
31.35 conservation program implementation by
31.36 local governments, including submission

32.1 to the legislature by March 1 each year
32.2 an annual report prepared by the board,
32.3 in consultation with the commissioners of
32.4 natural resources, health, agriculture, and
32.5 the Pollution Control Agency, detailing the
32.6 recipients and projects funded under this
32.7 section. The board shall require grantees to
32.8 specify the outcomes that will be achieved
32.9 by the grants prior to any grant awards.

32.10 (d) \$1,000,000 the first year and ~~\$1,000,000~~
32.11 \$1,700,000 the second year are for technical
32.12 assistance and grants for the conservation
32.13 drainage program in consultation with
32.14 the Drainage Work Group, created under
32.15 Minnesota Statutes, section 103B.101,
32.16 subdivision 13, ~~that consists of projects to~~
32.17 to facilitate the installation of conservation
32.18 practices on drainage systems that will result
32.19 in water quality improvements and evaluate
32.20 the outcomes of these installations. retrofit
32.21 ~~existing drainage systems with water quality~~
32.22 ~~improvement practices, evaluate outcomes,~~
32.23 ~~and provide outreach to landowners, public~~
32.24 ~~drainage authorities, drainage engineers~~
32.25 ~~and contractors, and others.~~ The board
32.26 shall coordinate practice standards with the
32.27 Natural Resources Conservation Service of
32.28 the United States Department of Agriculture
32.29 and seek to leverage federal funds as
32.30 part of conservation drainage program
32.31 implementation.

32.32 (e) \$6,000,000 the first year and \$6,000,000
32.33 the second year are to purchase and restore
32.34 permanent conservation easements on
32.35 riparian buffers adjacent to public waters,
32.36 excluding wetlands, to keep water on the

33.1 land in order to decrease sediment, pollutant,
33.2 and nutrient transport; reduce hydrologic
33.3 impacts to surface waters; and increase
33.4 infiltration for groundwater recharge. The
33.5 riparian buffers must be at least 50 feet
33.6 unless there is a natural impediment, a road,
33.7 or other impediment beyond the control
33.8 of the landowner. This appropriation may
33.9 be used for restoration of riparian buffers
33.10 protected by easements purchased with
33.11 this appropriation and for stream bank
33.12 restorations when the riparian buffers have
33.13 been restored.

33.14 (f) \$1,300,000 the first year and ~~\$1,300,000~~
33.15 \$2,300,000 the second year are for
33.16 permanent conservation easements on
33.17 wellhead protection areas under Minnesota
33.18 Statutes, section 103F.515, subdivision 2,
33.19 paragraph (d). Priority must be placed on
33.20 land that is located where the vulnerability
33.21 of the drinking water supply is designated
33.22 as high or very high by the commissioner
33.23 of health. The board shall coordinate
33.24 with the United States Geological Survey,
33.25 the commissioners of health and natural
33.26 resources, and local communities contained
33.27 in the Decorah and St. Lawrence Edge areas
33.28 of Winona, Goodhue, Olmsted, and Wabasha
33.29 Counties to obtain easements in identified
33.30 areas as having the most vulnerability to
33.31 groundwater contamination.

33.32 (g) \$1,500,000 the first year and \$1,500,000
33.33 the second year are for community partners
33.34 grants to local units of government for:
33.35 (1) structural or vegetative management
33.36 practices that reduce storm water runoff

34.1 from developed or disturbed lands to reduce
34.2 the movement of sediment, nutrients, and
34.3 pollutants for restoration, protection, or
34.4 enhancement of water quality in lakes, rivers,
34.5 and streams and to protect groundwater
34.6 and drinking water; and (2) installation
34.7 of proven and effective water retention
34.8 practices including, but not limited to, rain
34.9 gardens and other vegetated infiltration
34.10 basins and sediment control basins in order
34.11 to keep water on the land. The projects
34.12 must be of long-lasting public benefit,
34.13 include a local match, and be consistent with
34.14 TMDL implementation plans or local water
34.15 management plans. Local government unit
34.16 staff and administration costs may be used
34.17 as a match.

34.18 (h) \$84,000 the first year and \$84,000 the
34.19 second year are for a technical evaluation
34.20 panel to conduct up to ten restoration
34.21 evaluations under Minnesota Statutes,
34.22 section 114D.50, subdivision 6.

34.23 (i) The board shall contract for services
34.24 with Conservation Corps Minnesota for
34.25 restoration, maintenance, and other activities
34.26 under this section for \$500,000 the first year
34.27 and \$500,000 the second year.

34.28 (j) The board may shift grant or cost-share
34.29 funds in this section and may adjust the
34.30 technical and administrative assistance
34.31 portion of the funds to leverage federal or
34.32 other nonstate funds or to address oversight
34.33 responsibilities or high-priority needs
34.34 identified in local water management plans.

36.1 Sec. 2. Laws 2009, chapter 172, article 3, section 3, is amended to read:

36.2 Sec. 3. **METROPOLITAN COUNCIL** \$ 12,641,000 \$ 15,140,000

36.3 (a) \$12,641,000 the first year and
36.4 \$15,140,000 the second year are from the
36.5 parks and trails fund to be distributed as
36.6 required under new Minnesota Statutes,
36.7 section 85.535, subdivision 3, except that
36.8 of this amount, \$40,000 the first year is for
36.9 a grant to Hennepin County to plant trees
36.10 along the Victory Memorial Parkway. For
36.11 acquisition of an interest in real property,
36.12 appropriations under this section are
36.13 available until June 30, 2013.

36.14 (b) The Metropolitan Council shall submit
36.15 a report on the expenditure and use of
36.16 money appropriated under this section to
36.17 the legislature as provided in Minnesota
36.18 Statutes, section 3.195, by March 1 of each
36.19 year. The report must detail the outcomes in
36.20 terms of additional use of parks and trails
36.21 resources, user satisfaction surveys, and
36.22 other appropriate outcomes.

36.23 (c) Grant agreements entered into by the
36.24 Metropolitan Council and recipients of
36.25 money appropriated under this section shall
36.26 ensure that the funds are used to supplement
36.27 and not substitute for traditional sources of
36.28 funding.

36.29 (d) The implementing agencies receiving
36.30 appropriations under this section shall
36.31 give consideration to contracting with the
36.32 Minnesota Conservation Corps for contract
36.33 restoration, maintenance, and other activities.

36.34 **EFFECTIVE DATE.** This section is effective the day following final enactment.

ARTICLE 4

ENVIRONMENT AND NATURAL RESOURCE TRUST FUND

Section 1. Laws 2011, First Special Session chapter 2, article 3, section 2, subdivision 4, is amended to read:

37.5			13,755,000
37.6	Subd. 4. Land, Habitat, and Recreation	14,629,000	<u>12,755,000</u>

Summary by Fund

37.8	Environment and		
37.9	natural resources		13,755,000
37.10	trust fund	13,879,000	<u>12,755,000</u>
37.11	State land and		
37.12	water conservation		
37.13	account (LAWCON)	750,000	-0-

(a) State Park and Recreation Area

Operations and Improvements

\$1,877,000 the first year and \$1,750,000 the second year are from the trust fund to the commissioner of natural resources for state park and recreation area operations and improvements, including activities directly related to and necessary for this appropriation. This appropriation is not subject to Minnesota Statutes, sections 116P.05, subdivision 2, paragraph (b), and 116P.09, subdivision 4.

(b) State Parks and Trails Land

Acquisition

\$1,500,000 the first year and \$1,500,000 the second year are from the trust fund to the commissioner of natural resources to acquire state trails and critical parcels within the statutory boundaries of state parks. State park land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural

38.1 resources. A list of proposed acquisitions
38.2 must be provided as part of the required work
38.3 program. This appropriation is available
38.4 until June 30, 2014, by which time the
38.5 project must be completed and final products
38.6 delivered.

38.7 **(c) Metropolitan Regional Park System**
38.8 **Acquisition**

38.9 \$1,125,000 the first year and \$1,125,000
38.10 the second year are from the trust fund to
38.11 the Metropolitan Council for grants for the
38.12 acquisition of lands within the approved park
38.13 unit boundaries of the metropolitan regional
38.14 park system. This appropriation may not
38.15 be used for the purchase of residential
38.16 structures. A list of proposed fee title and
38.17 easement acquisitions must be provided as
38.18 part of the required work program. This
38.19 appropriation must be matched by at least
38.20 40 percent of nonstate money and must be
38.21 committed by December 31, 2011, or the
38.22 appropriation cancels. This appropriation
38.23 is available until June 30, 2014, at which
38.24 time the project must be completed and final
38.25 products delivered, unless an earlier date is
38.26 specified in the work program.

38.27 **(d) Regional Park, Trail, and Connection**
38.28 **Acquisition and Development Grants**

38.29 \$1,000,000 the first year and \$1,000,000 the
38.30 second year are from the trust fund to the
38.31 commissioner of natural resources to provide
38.32 matching grants to local units of government
38.33 for acquisition and development of regional
38.34 parks, regional trails, and trail connections.
38.35 The local match required for a grant to

39.1 acquire a regional park or regional outdoor
39.2 recreation area is two dollars of nonstate
39.3 money for each three dollars of state money.
39.4 This appropriation is available until June
39.5 30, 2014, by which time the project must be
39.6 completed and final products delivered.

39.7 **(e) Scientific and Natural Area Acquisition**
39.8 **and Restoration**

39.9 \$820,000 the first year and \$820,000 the
39.10 second year are from the trust fund to
39.11 the commissioner of natural resources
39.12 to acquire lands with high-quality native
39.13 plant communities and rare features to be
39.14 established as scientific and natural areas
39.15 as provided in Minnesota Statutes, section
39.16 86A.05, subdivision 5, restore parts of
39.17 scientific and natural areas, and provide
39.18 technical assistance and outreach. A list
39.19 of proposed acquisitions must be provided
39.20 as part of the required work program.
39.21 Land acquired with this appropriation
39.22 must be sufficiently improved to meet at
39.23 least minimum management standards, as
39.24 determined by the commissioner of natural
39.25 resources. This appropriation is available
39.26 until June 30, 2014, by which time the
39.27 project must be completed and final products
39.28 delivered.

39.29 **(f) La Salle Lake State Recreation Area**
39.30 **Acquisition**

39.31 \$1,000,000 the first year ~~and \$1,000,000~~
39.32 ~~the second year are~~ is from the trust fund
39.33 to the commissioner of natural resources
39.34 for an agreement with The Trust for Public
39.35 Land to acquire ~~approximately 190 acres~~

40.1 land to be designated as a state recreation
40.2 area as provided in Minnesota Statutes,
40.3 section 86A.05, subdivision 3, on La Salle
40.4 Lake adjacent to the upper Mississippi
40.5 River. If this acquisition is not completed
40.6 by July 15, 2012, then the appropriation
40.7 is available to the Department of Natural
40.8 Resources for other state park and recreation
40.9 area acquisitions on the priority list. Up to
40.10 \$10,000 may be retained by the Department
40.11 of Natural Resources at the request of
40.12 The Trust for Public Land for transaction
40.13 costs, associated professional services, and
40.14 restoration needs.

40.15 **(g) Minnesota River Valley Green**
40.16 **Corridor Scientific and Natural Area**
40.17 **Acquisition**

40.18 \$1,000,000 the first year and \$1,000,000
40.19 the second year are from the trust fund
40.20 to the commissioner of natural resources
40.21 for an agreement with the Redwood Area
40.22 Communities Foundation to acquire lands
40.23 with high-quality native plant communities
40.24 and rare features to be established as scientific
40.25 and natural areas as provided in Minnesota
40.26 Statutes, section 86A.05, subdivision 5. A list
40.27 of proposed acquisitions must be provided
40.28 as part of the required work program.
40.29 Land acquired with this appropriation
40.30 must be sufficiently improved to meet at
40.31 least minimum management standards, as
40.32 determined by the commissioner of natural
40.33 resources. Up to \$54,000 may be retained by
40.34 the Department of Natural Resources at the
40.35 request of the Redwood Area Communities
40.36 Foundation for transaction costs, associated

41.1 professional services, and restoration needs.
41.2 This appropriation is available until June
41.3 30, 2014, by which time the project must be
41.4 completed and final products delivered.

41.5 **(h) Native Prairie Stewardship and Native**
41.6 **Prairie Bank Acquisition**

41.7 \$500,000 the first year and \$500,000 the
41.8 second year are from the trust fund to the
41.9 commissioner of natural resources to acquire
41.10 native prairie bank easements, prepare
41.11 baseline property assessments, restore and
41.12 enhance native prairie sites, and provide
41.13 technical assistance to landowners. This
41.14 appropriation is available until June 30,
41.15 2014, by which time the project must be
41.16 completed and final products delivered.

41.17 **(i) Metropolitan Conservation Corridors**
41.18 **(MeCC) - Phase VI**

41.19 \$1,737,000 the first year and \$1,738,000
41.20 the second year are from the trust fund
41.21 to the commissioner of natural resources
41.22 for the acceleration of agency programs
41.23 and cooperative agreements. Of this
41.24 appropriation, \$150,000 the first year
41.25 and \$150,000 the second year are to the
41.26 commissioner of natural resources for
41.27 agency programs and \$3,175,000 is for the
41.28 agreements as follows: \$100,000 the first
41.29 year and \$100,000 the second year with
41.30 Friends of the Mississippi River; \$517,000
41.31 the first year and \$518,000 the second year
41.32 with Dakota County; \$200,000 the first year
41.33 and \$200,000 the second year with Great
41.34 River Greening; \$220,000 the first year and
41.35 \$220,000 the second year with Minnesota

42.1 Land Trust; \$300,000 the first year and
42.2 \$300,000 the second year with Minnesota
42.3 Valley National Wildlife Refuge Trust, Inc.;
42.4 and \$250,000 the first year and \$250,000
42.5 the second year with The Trust for Public
42.6 Land for planning, restoring, and protecting
42.7 priority natural areas in the metropolitan area,
42.8 as defined under Minnesota Statutes, section
42.9 473.121, subdivision 2, and portions of the
42.10 surrounding counties, through contracted
42.11 services, technical assistance, conservation
42.12 easements, and fee title acquisition. Land
42.13 acquired with this appropriation must
42.14 be sufficiently improved to meet at least
42.15 minimum management standards, as
42.16 determined by the commissioner of natural
42.17 resources. Expenditures are limited to the
42.18 identified project corridor areas as defined
42.19 in the work program. This appropriation
42.20 may not be used for the purchase of
42.21 habitable residential structures, unless
42.22 expressly approved in the work program. All
42.23 conservation easements must be perpetual
42.24 and have a natural resource management
42.25 plan. Any land acquired in fee title by the
42.26 commissioner of natural resources with
42.27 money from this appropriation must be
42.28 designated as an outdoor recreation unit
42.29 under Minnesota Statutes, section 86A.07.
42.30 The commissioner may similarly designate
42.31 any lands acquired in less than fee title. A
42.32 list of proposed restorations and fee title
42.33 and easement acquisitions must be provided
42.34 as part of the required work program. An
42.35 entity that acquires a conservation easement
42.36 with appropriations from the trust fund

43.1 must have a long-term stewardship plan
43.2 for the easement and a fund established for
43.3 monitoring and enforcing the agreement.
43.4 Money appropriated from the trust fund for
43.5 easement acquisition may be used to establish
43.6 a monitoring, management, and enforcement
43.7 fund as approved in the work program. An
43.8 annual financial report is required for any
43.9 monitoring, management, and enforcement
43.10 fund established, including expenditures
43.11 from the fund. This appropriation is available
43.12 until June 30, 2014, by which time the
43.13 project must be completed and final products
43.14 delivered.

43.15 **(j) Habitat Conservation Partnership**
43.16 **(HCP) - Phase VII**

43.17 \$1,737,000 the first year and \$1,738,000
43.18 the second year are from the trust fund
43.19 to the commissioner of natural resources
43.20 for the acceleration of agency programs
43.21 and cooperative agreements. Of this
43.22 appropriation, \$125,000 the first year
43.23 and \$125,000 the second year are to the
43.24 commissioner of natural resources for
43.25 agency programs and \$3,225,000 is for
43.26 agreements as follows: \$637,000 the first
43.27 year and \$638,000 the second year with
43.28 Ducks Unlimited, Inc.; \$38,000 the first year
43.29 and \$37,000 the second year with Friends
43.30 of Detroit Lakes Wetland Management
43.31 District; \$25,000 the first year and \$25,000
43.32 the second year with Leech Lake Band of
43.33 Ojibwe; \$225,000 the first year and \$225,000
43.34 the second year with Minnesota Land Trust;
43.35 \$200,000 the first year and \$200,000 the
43.36 second year with Minnesota Valley National

44.1 Wildlife Refuge Trust, Inc.; \$242,000 the
44.2 first year and \$243,000 the second year
44.3 with Pheasants Forever, Inc.; and \$245,000
44.4 the first year and \$245,000 the second year
44.5 with The Trust for Public Land to plan,
44.6 restore, and acquire fragmented landscape
44.7 corridors that connect areas of quality habitat
44.8 to sustain fish, wildlife, and plants. The
44.9 United States Department of Agriculture,
44.10 Natural Resources Conservation Service,
44.11 is an authorized cooperating partner in the
44.12 appropriation. Expenditures are limited to
44.13 the project corridor areas as defined in the
44.14 work program. Land acquired with this
44.15 appropriation must be sufficiently improved
44.16 to meet at least minimum habitat and facility
44.17 management standards, as determined by
44.18 the commissioner of natural resources.
44.19 This appropriation may not be used for the
44.20 purchase of habitable residential structures,
44.21 unless expressly approved in the work
44.22 program. All conservation easements must
44.23 be perpetual and have a natural resource
44.24 management plan. Any land acquired in fee
44.25 title by the commissioner of natural resources
44.26 with money from this appropriation must
44.27 be designated as an outdoor recreation unit
44.28 under Minnesota Statutes, section 86A.07.
44.29 The commissioner may similarly designate
44.30 any lands acquired in less than fee title. A
44.31 list of proposed restorations and fee title
44.32 and easement acquisitions must be provided
44.33 as part of the required work program. An
44.34 entity who acquires a conservation easement
44.35 with appropriations from the trust fund
44.36 must have a long-term stewardship plan

45.1 for the easement and a fund established for
45.2 monitoring and enforcing the agreement.
45.3 Money appropriated from the trust fund for
45.4 easement acquisition may be used to establish
45.5 a monitoring, management, and enforcement
45.6 fund as approved in the work program. An
45.7 annual financial report is required for any
45.8 monitoring, management, and enforcement
45.9 fund established, including expenditures
45.10 from the fund. This appropriation is available
45.11 until June 30, 2014, by which time the
45.12 project must be completed and final products
45.13 delivered.

45.14 **(k) Natural and Scenic Area Acquisition**
45.15 **Grants**

45.16 \$500,000 the first year and \$500,000 the
45.17 second year are from the trust fund to the
45.18 commissioner of natural resources to provide
45.19 matching grants to local governments for
45.20 acquisition of natural and scenic areas, as
45.21 provided in Minnesota Statutes, section
45.22 85.019, subdivision 4a. This appropriation
45.23 is available until June 30, 2014, by which
45.24 time the project must be completed and final
45.25 products delivered.

45.26 **(l) Acceleration of Minnesota Conservation**
45.27 **Assistance**

45.28 \$313,000 the first year and \$312,000 the
45.29 second year are from the trust fund to the
45.30 Board of Water and Soil Resources to provide
45.31 grants to soil and water conservation districts
45.32 to provide technical assistance to secure
45.33 enrollment and retention of private lands in
45.34 federal and state programs for conservation.

46.1 **(m) Conservation Easement Stewardship**
46.2 **and Enforcement Program - Phase II**

46.3 \$250,000 the first year and \$250,000 the
46.4 second year are from the trust fund to
46.5 the commissioner of natural resources to
46.6 accelerate the implementation of the Phase
46.7 I Conservation Easement Stewardship Plan
46.8 being developed with an appropriation
46.9 from Laws 2008, chapter 367, section 2,
46.10 subdivision 5, paragraph (h).

46.11 **(n) Recovery of At-Risk Native Prairie**
46.12 **Species**

46.13 \$73,000 the first year and \$74,000 the second
46.14 year are from the trust fund to the Board of
46.15 Water and Soil Resources for an agreement
46.16 with the Martin County Soil and Water
46.17 Conservation District to collect, propagate,
46.18 and plant declining, at-risk native species
46.19 on protected habitat and to enhance private
46.20 market sources for local ecotype native seed.
46.21 This appropriation is available until June
46.22 30, 2014, by which time the project must be
46.23 completed and final products delivered.

46.24 **(o) Understanding Threats, Genetic**
46.25 **Diversity, and Conservation Options for**
46.26 **Wild Rice**

46.27 \$97,000 the first year and \$98,000 the second
46.28 year are from the trust fund to the Board
46.29 of Regents of the University of Minnesota
46.30 to research the genetic diversity of wild
46.31 rice population throughout Minnesota for
46.32 use in related conservation and restoration
46.33 efforts. This appropriation is contingent upon
46.34 demonstration of review and cooperation
46.35 with the Native American tribal nations

47.1 in Minnesota. Equipment purchased with
47.2 this appropriation must be available for
47.3 future publicly funded projects at no charge
47.4 except for typical operating expenses. This
47.5 appropriation is available until June 30,
47.6 2014, by which time the project must be
47.7 completed and final products delivered.

47.8 **(p) Southeast Minnesota Stream**
47.9 **Restoration**

47.10 \$125,000 the first year and \$125,000 the
47.11 second year are from the trust fund to the
47.12 commissioner of natural resources for an
47.13 agreement with Trout Unlimited to restore at
47.14 least four miles of riparian corridor for trout
47.15 and nongame species in southeast Minnesota
47.16 and increase local capacities to implement
47.17 stream restoration through training and
47.18 technical assistance. This appropriation is
47.19 available until June 30, 2014, by which time
47.20 the project must be completed and final
47.21 products delivered.

47.22 **(q) Restoration Strategies for Ditched**
47.23 **Peatland Scientific and Natural Areas**

47.24 \$100,000 the first year and \$100,000 the
47.25 second year are from the trust fund to the
47.26 commissioner of natural resources to evaluate
47.27 the hydrology and habitat of the Winter Road
47.28 Lake peatland watershed protection area to
47.29 determine the effects of ditch abandonment
47.30 and examine the potential for restoration
47.31 of patterned peatlands. This appropriation
47.32 is available until June 30, 2014, by which
47.33 time the project must be completed and final
47.34 products delivered.

48.1 **(r) Northeast Minnesota White Cedar**

48.2 **Plant Community Restoration**

48.3 \$125,000 for the first year and \$125,000
 48.4 the second year are from the trust fund to
 48.5 the Board of Water and Soil Resources to
 48.6 assess the decline of northern white cedar
 48.7 plant communities in northeast Minnesota,
 48.8 prioritize cedar sites for restoration, and
 48.9 provide cedar restoration training to local
 48.10 units of government.

48.11 **(s) Land and Water Conservation Account**

48.12 **(LAWCON) Federal Reimbursement**

48.13 \$750,000 is from the state land and water
 48.14 conservation account (LAWCON) in the
 48.15 natural resources fund to the commissioner of
 48.16 natural resources for priorities established by
 48.17 the commissioner for eligible state projects
 48.18 and administrative and planning activities
 48.19 consistent with Minnesota Statutes, section
 48.20 116P.14, and the federal Land and Water
 48.21 Conservation Fund Act. This appropriation
 48.22 is available until June 30, 2014, by which
 48.23 time the project must be completed and final
 48.24 products delivered.

48.25 Sec. 2. Laws 2011, First Special Session chapter 2, article 3, section 2, subdivision 9,
 48.26 is amended to read:

48.27			4,213,000
48.28	Subd. 9. Emerging Issues	4,522,000	<u>3,213,000</u>

48.29 **(a) Minnesota Conservation Apprentice**

48.30 **Academy**

48.31 \$100,000 the first year and \$100,000 the
 48.32 second year are from the trust fund to
 48.33 the Board of Water and Soil Resources
 48.34 in cooperation with Conservation Corps

49.1 Minnesota to train and mentor future
49.2 conservation professionals by providing
49.3 apprenticeship service opportunities to
49.4 soil and water conservation districts. This
49.5 appropriation is available until June 30,
49.6 2014, by which time the project must be
49.7 completed and the final products delivered.

49.8 **(b) Chronic Wasting Disease and Animal**
49.9 **Health**

49.10 \$600,000 the first year and \$600,000 the
49.11 second year are from the trust fund to the
49.12 commissioner of natural resources to address
49.13 chronic wasting disease and accelerate
49.14 wildlife health programs, including activities
49.15 directly related to and necessary for this
49.16 appropriation.

49.17 **(c) Aquatic Invasive Species**

49.18 \$2,177,000 the first year and ~~\$3,513,000~~
49.19 \$2,513,000 the second year are from the
49.20 trust fund to the commissioner of natural
49.21 resources to accelerate aquatic invasive
49.22 species programs, including the development
49.23 and implementation of best management
49.24 practices for public water access facilities
49.25 to implement aquatic invasive species
49.26 prevention strategies, including activities
49.27 directly related to and necessary for this
49.28 appropriation. \$50,000 is for a grant
49.29 to develop and produce a documentary
49.30 identifying the challenges presented by
49.31 aquatic invasive species. The documentary
49.32 shall be available to the Department of
49.33 Natural Resources to distribute to watercraft
49.34 license purchasers and the general public
49.35 through online and other media.

50.1 **(d) Reinvest in Minnesota Wetlands**
50.2 **Reserve Acquisition and Restoration**
50.3 **Program Partnership**

50.4 \$1,645,000 the first year is to the Board
50.5 of Water and Soil Resources to acquire
50.6 permanent conservation easements and
50.7 restore wetlands and associated upland
50.8 habitat in cooperation with the United States
50.9 Department of Agriculture Wetlands Reserve
50.10 Program. A list of proposed land acquisitions
50.11 must be provided as part of the required work
50.12 program.

50.13 **(e) Limitation**

50.14 Appropriations in paragraphs (b) and (c) are
50.15 not subject to Minnesota Statutes, sections
50.16 116P.05, subdivision 2, paragraph (b), and
50.17 116P.09, subdivision 4.

50.18 **Sec. 3. AQUATIC INVASIVE SPECIES COOPERATIVE RESEARCH**
50.19 **CENTER; APPROPRIATION.**

50.20 \$2,000,000 is appropriated in fiscal year 2013 from the environment and natural
50.21 resources trust fund to the Board of Regents of the University of Minnesota to develop
50.22 and implement an Aquatic Invasive Species Cooperative Research Center, including
50.23 equipment and facility development. As a condition of receiving this appropriation, the
50.24 University of Minnesota is requested to collaborate with the commissioner of natural
50.25 resources in developing solutions to control aquatic invasive species. Money appropriated
50.26 in this section may not be spent on activities unless they are directly related to and
50.27 necessary for the purposes of this section. Money appropriated in this section must not be
50.28 spent on indirect costs or other institutional overhead charges that are not directly related
50.29 to and necessary for the purposes of this section. This is a onetime appropriation and
50.30 is available until June 30, 2018.

50.31 **ARTICLE 5**

50.32 **ARTS AND CULTURAL HERITAGE FUND**

50.33 Section 1. Minnesota Statutes 2010, section 16B.98, subdivision 5, is amended to read:

51.1 Subd. 5. **Creation and validity of grant agreements.** (a) A grant agreement is
51.2 not valid and the state is not bound by the grant unless:

51.3 (1) the grant has been executed by the head of the agency or a delegate who is
51.4 party to the grant; ~~and~~

51.5 (2) the accounting system shows an encumbrance for the amount of the grant in
51.6 accordance with policy approved by the commissioner; and

51.7 (3) the grant agreement includes an effective date that references either section
51.8 16C.05, subdivision 2, or 16B.98, subdivisions 5 and 7, as determined by the granting
51.9 agency.

51.10 (b) The combined grant agreement and amendments must not exceed five years
51.11 without specific, written approval by the commissioner according to established policy,
51.12 procedures, and standards, or unless the commissioner determines that a longer duration is
51.13 in the best interest of the state.

51.14 (c) A fully executed copy of the grant agreement with all amendments and other
51.15 required records relating to the grant must be kept on file at the granting agency for a time
51.16 equal to that required of grantees in subdivision 8.

51.17 (d) Grant agreements must comply with policies established by the commissioner
51.18 for minimum grant agreement standards and practices.

51.19 (e) The attorney general may periodically review and evaluate a sample of state
51.20 agency grants to ensure compliance with applicable laws.

51.21 Sec. 2. Minnesota Statutes 2010, section 16B.98, subdivision 7, is amended to read:

51.22 Subd. 7. **Grant payments.** Payments to the grantee may not be issued until the
51.23 grant agreement is fully executed. Encumbrances for grants issued by June 30 may be
51.24 certified for a period of one year beyond the year in which the funds were originally
51.25 appropriated as provided by section 16A.28, subdivision 6.

51.26 Sec. 3. Minnesota Statutes 2010, section 116U.26, is amended to read:

51.27 **116U.26 FILM PRODUCTION JOBS PROGRAM.**

51.28 (a) The film production jobs program is created. The program shall be operated
51.29 by the Minnesota Film and TV Board with administrative oversight and control by the
51.30 ~~director of Explore Minnesota Tourism~~ commissioner of administration. The program
51.31 shall make payment to producers of feature films, national television or Internet programs,
51.32 documentaries, music videos, and commercials that directly create new film jobs in
51.33 Minnesota. To be eligible for a payment, a producer must submit documentation to the

52.1 Minnesota Film and TV Board of expenditures for production costs incurred in Minnesota
52.2 that are directly attributable to the production in Minnesota of a film product.

52.3 The Minnesota Film and TV Board shall make recommendations to the ~~director of~~
52.4 ~~Explore Minnesota Tourism~~ commissioner of administration about program payment, but
52.5 the ~~director~~ commissioner has the authority to make the final determination on payments.
52.6 The ~~director's~~ commissioner's determination must be based on proper documentation of
52.7 eligible production costs submitted for payments. No more than five percent of the funds
52.8 appropriated for the program in any year may be expended for administration.

52.9 (b) For the purposes of this section:

52.10 (1) "production costs" means the cost of the following:

52.11 (i) a story and scenario to be used for a film;

52.12 (ii) salaries of talent, management, and labor, including payments to personal
52.13 services corporations for the services of a performing artist;

52.14 (iii) set construction and operations, wardrobe, accessories, and related services;

52.15 (iv) photography, sound synchronization, lighting, and related services;

52.16 (v) editing and related services;

52.17 (vi) rental of facilities and equipment; or

52.18 (vii) other direct costs of producing the film in accordance with generally accepted
52.19 entertainment industry practice; and

52.20 (2) "film" means a feature film, television or Internet show, documentary, music
52.21 video, or television commercial, whether on film, video, or digital media. Film does not
52.22 include news, current events, public programming, or a program that includes weather
52.23 or market reports; a talk show; a production with respect to a questionnaire or contest; a
52.24 sports event or sports activity; a gala presentation or awards show; a finished production
52.25 that solicits funds; or a production for which the production company is required under
52.26 United States Code, title 18, section 2257, to maintain records with respect to a performer
52.27 portrayed in a single-media or multimedia program.

52.28 (c) Notwithstanding any other law to the contrary, the Minnesota Film and TV Board
52.29 may make reimbursements of: (1) up to 20 percent of film production costs for films that
52.30 locate production outside the metropolitan area, as defined in section 473.121, subdivision
52.31 2, or that incur production costs in excess of \$5,000,000 in the metropolitan area within
52.32 a 12-month period; or (2) up to 15 percent of film production costs for films that incur
52.33 production costs of \$5,000,000 or less in the metropolitan area within a 12-month period.

52.34 Sec. 4. Laws 2011, First Special Session chapter 6, article 4, section 2, subdivision 5,
52.35 is amended to read:

53.1			12,050,000
53.2	Subd. 5. Minnesota Historical Society	12,050,000	<u>12,950,000</u>

53.3 These amounts are appropriated to the
 53.4 governing board of the Minnesota Historical
 53.5 Society to preserve and enhance access to
 53.6 Minnesota's history and its cultural and
 53.7 historical resources. Grant agreements
 53.8 entered into by the Minnesota Historical
 53.9 Society and other recipients of appropriations
 53.10 in this subdivision shall ensure that
 53.11 these funds are used to supplement and
 53.12 not substitute for traditional sources of
 53.13 funding. Funds directly appropriated to the
 53.14 Minnesota Historical Society shall be used to
 53.15 supplement, and not substitute for, traditional
 53.16 sources of funding. Notwithstanding
 53.17 Minnesota Statutes, section 16A.28, for
 53.18 historic preservation projects that improve
 53.19 historic structures, the amounts are available
 53.20 until June 30, 2015.

53.21 **Statewide Historic and Cultural Grants.**
 53.22 \$5,250,000 the first year and ~~\$5,250,000~~
 53.23 \$5,450,000 the second year are for history
 53.24 programs and projects operated or conducted
 53.25 by or through local, county, regional, or
 53.26 other historical or cultural organizations; or
 53.27 for activities to preserve significant historic
 53.28 and cultural resources. Funds are to be
 53.29 distributed through a competitive grants
 53.30 process. The Minnesota Historical Society
 53.31 shall administer these funds using established
 53.32 grants mechanisms, with assistance from
 53.33 the advisory committee created under Laws
 53.34 2009, chapter 172, article 4, section 2,
 53.35 subdivision 4, paragraph (b), item (ii).

54.1 **Programs.** \$4,800,000 the first year and
54.2 ~~\$4,800,000~~ \$5,200,000 the second year are
54.3 for programs and purposes related to the
54.4 historical and cultural heritage of the state
54.5 of Minnesota, conducted by the Minnesota
54.6 Historical Society.

54.7 **History Partnerships.** \$1,500,000 the first
54.8 year and ~~\$1,500,000~~ \$1,700,000 the second
54.9 year are for partnerships involving multiple
54.10 organizations, which may include the
54.11 Minnesota Historical Society, to preserve and
54.12 enhance access to Minnesota's history and
54.13 cultural heritage in all regions of the state.

54.14 **Statewide Survey of Historical and**
54.15 **Archaeological Sites.** \$250,000 the first
54.16 year and \$250,000 the second year are
54.17 for a contract or contracts to be let on a
54.18 competitive basis to conduct statewide
54.19 surveys of Minnesota's sites of historical,
54.20 archaeological, and cultural significance.
54.21 Results of this survey must be published in
54.22 a searchable form, available to the public on
54.23 a cost-free basis. The Minnesota Historical
54.24 Society, the Office of the State Archaeologist,
54.25 and the Indian Affairs Council shall each
54.26 appoint a representative to an oversight
54.27 board to select contractors and direct the
54.28 conduct of these surveys. The oversight
54.29 board shall consult with the Departments of
54.30 Transportation and Natural Resources.

54.31 **Digital Library.** \$250,000 the first year and
54.32 \$250,000 the second year are for a digital
54.33 library project to preserve, digitize, and share
54.34 Minnesota images, documents, and historical
54.35 materials. The Minnesota Historical Society

55.1 shall cooperate with the Minitex interlibrary
55.2 loan system and shall jointly share this
55.3 appropriation for these purposes.

55.4 **Commemoration Activities. \$100,000**

55.5 the second year is for activities that
55.6 commemorate the sesquicentennial of
55.7 the American Civil War and the Dakota
55.8 Conflict, as recommended by the Civil War
55.9 Commemoration Task Force established in
55.10 Executive Order 11-15 (2011).

55.11 **Sec. 5. COMMEMORATION PROGRAMMING; APPROPRIATION.**

55.12 \$80,000 is appropriated in fiscal year 2013 from the arts and cultural heritage fund
55.13 to the commissioner of administration for grants to public broadcasting organizations to
55.14 develop programming that commemorates the sesquicentennial. Of this appropriation,
55.15 \$50,000 is for grants to the Minnesota Public Television Association and \$30,000 is for
55.16 public radio grants.

55.17 **Sec. 6. FILM PRODUCTION INCENTIVE PROGRAM; APPROPRIATION.**

55.18 \$600,000 is appropriated in fiscal year 2013 from the arts and cultural heritage fund
55.19 to the commissioner of administration for a grant to the Minnesota Film and TV Board
55.20 for a new competitive film production incentive program. The Minnesota Film and TV
55.21 Board in consultation with Independent Feature Project/Minnesota shall reimburse film
55.22 producers for eligible production costs incurred to produce a film or documentary in
55.23 Minnesota. Eligible production costs are expenditures incurred in Minnesota that are
55.24 directly attributable to the production of a film or documentary in Minnesota. Eligible
55.25 production costs include talent, management, labor, set construction and operation,
55.26 wardrobe, sound synchronization, lighting, editing, rental facilities and equipment, and
55.27 other direct costs of producing a film or documentary in accordance with generally
55.28 accepted entertainment industry practices. A producer must agree, to the greatest extent
55.29 possible, to procure all eligible production inputs in Minnesota. A producer must submit
55.30 proper documentation of eligible production costs incurred. The commissioner of
55.31 administration may use up to one percent of this appropriation for grant administration.

55.32 **Sec. 7. HISTORICAL RULEMAKING WEB SITE; APPROPRIATION.**

56.1 \$35,000 is appropriated in fiscal year 2013 from the arts and cultural heritage fund to
56.2 the revisor of statutes to design and implement a Web site to provide the public searchable
56.3 access to historical documents relating to state agency rulemaking. It is anticipated that
56.4 the revisor of statutes will match this appropriation from carryforward funds and that the
56.5 revisor will use the carryforward funds to design and implement a Web site that will
56.6 provide the public searchable access to future state agency rulemaking documents.

56.7 Sec. 8. **LEGACY FUNDING REQUIREMENTS APPLY.**

56.8 All appropriations in this article are onetime and are subject to the requirements
56.9 and availability provisions provided under Laws 2011, First Special Session chapter 6,
56.10 articles 4 and 5. Each direct recipient of money appropriated in this article, as well as each
56.11 recipient of a grant awarded pursuant to this article, must satisfy all reporting and other
56.12 requirements incumbent upon legacy funding recipients as provided in Laws 2011, First
56.13 Special Session chapter 6, articles 4 and 5.

56.14 **ARTICLE 6**

56.15 **GENERAL**

56.16 Section 1. Minnesota Statutes 2011 Supplement, section 3.303, subdivision 10, is
56.17 amended to read:

56.18 Subd. 10. **Constitutionally dedicated funding accountability.** (a) The Legislative
56.19 Coordinating Commission shall develop and maintain a user-friendly, public-oriented
56.20 Web site that informs, educates, and demonstrates to the public how the constitutionally
56.21 dedicated funds in the arts and cultural heritage fund, outdoor heritage fund, clean water
56.22 fund, parks and trails fund, and environment and natural resources trust fund are being
56.23 expended to meet the requirements established for each fund in the state constitution.

56.24 Information provided on the Web site must include, but is not limited to:

56.25 (1) information on all project proposals received by the Outdoor Heritage Council
56.26 and the Legislative-Citizen Commission on Minnesota Resources;

56.27 (2) information on all projects receiving funding, including:

56.28 (i) the name of the project and a project description;

56.29 (ii) the name, telephone number, members of the board or equivalent governing
56.30 body, and e-mail address of the funding recipient and, when applicable, the Web site
56.31 address where the public can directly access detailed information on the recipient's receipt
56.32 and use of money for the project;

56.33 (iii) the amount and source of funding, including the fiscal year of the appropriation;

56.34 (iv) the amount and source of any additional funding or leverage;

57.1 (v) the duration of the project;

57.2 (vi) the number of full-time equivalents funded under the project. For the purposes
57.3 of this item, "full-time equivalent" means a position directly attributed to the receipt of
57.4 money from one or more of the funds covered under this section, calculated as the total
57.5 number of hours planned for the position divided by 2,088;

57.6 (vii) the direct expenses and administration costs of the project;

57.7 (viii) proposed measurable outcomes and the plan for measuring and evaluating
57.8 the results;

57.9 (ix) for pass-through, noncompetitive grants, the entity acting as the fiscal agent or
57.10 administering agency and a point of contact for additional information; and

57.11 (x) for competitive grants, the name and a brief description of the qualifications of
57.12 all board members or members of an equivalent governing body ultimately responsible
57.13 for awarding the grants, as well as any grant-making advisory group. In addition, an
57.14 entity that awards competitive grants, including but not limited to a state agency or any
57.15 statewide, regional, or local organization, must report whether an employee, decision
57.16 maker, advisory group member, or other person involved in the grant process disclosed
57.17 a conflict of interest or potential conflict of interest. If the entity reports that a conflict
57.18 of interest or potential conflict of interest was disclosed, the entity must provide the
57.19 Legislative Coordinating Commission with a contact person for additional information and
57.20 the Legislative Coordinating Commission must post this information on the Web site. An
57.21 entity that awards competitive grants must obtain and apply the conflict of interest policies
57.22 developed by the commissioner of administration under section 16B.98, subdivision 3,
57.23 unless the entity maintains and applies its own documented conflict of interest policies
57.24 which are substantially similar to the commissioner of administration's policies;

57.25 (3) actual measured outcomes and evaluation of projects as required under sections
57.26 85.53, subdivision 2; 114D.50, subdivision 4; and 129D.17, subdivision 2;

57.27 (4) education about the areas and issues the projects address, including, when
57.28 feasible, maps of where projects have been undertaken;

57.29 (5) all frameworks developed for future uses of each fund; and

57.30 (6) methods by which members of the public may apply for project funds under
57.31 any of the constitutionally dedicated funds.

57.32 Information that could be used to identify, contact, or locate an individual minor
57.33 shall be withheld from the information required for the Web site.

57.34 (b) As soon as practicable or by January 15 of the applicable fiscal year, whichever
57.35 comes first, a state agency or other recipient of a direct appropriation from a fund covered
57.36 under this section shall submit the information required under paragraph (a) and, when

58.1 applicable, compile and submit the same information for any grant recipient or other
58.2 subrecipient of funding. All information for proposed and funded projects, including
58.3 the proposed measurable outcomes, must be made available on the Web site as soon
58.4 as practicable. Information on the measured outcomes and evaluation must be posted
58.5 as soon as it becomes available. The costs of these activities shall be paid out of the
58.6 arts and cultural heritage fund, outdoor heritage fund, clean water fund, parks and
58.7 trails fund, and the environment and natural resources trust fund proportionately. For
58.8 purposes of this section, "measurable outcomes" means outcomes, indicators, or other
58.9 performance measures that may be quantified or otherwise measured in order to measure
58.10 the effectiveness of a project or program in meeting its intended goal or purpose.

58.11 (c) The Legislative Coordinating Commission shall be responsible for receiving all
58.12 ten-year plans and 25-year frameworks for each of the constitutionally dedicated funds. To
58.13 the extent practicable, staff for the commission shall provide assistance and oversight to
58.14 these planning efforts and shall coordinate public access to hearings and public meetings
58.15 for all planning efforts."

58.16 Delete the title and insert:

58.17 "A bill for an act
58.18 relating to natural resources; appropriating money from the outdoor heritage
58.19 fund, clean water fund, arts and cultural heritage fund, and environment and
58.20 natural resources trust fund; modifying requirements for outdoor heritage
58.21 fund appropriations; appropriating money for an Aquatic Invasive Species
58.22 Cooperative Research Center; modifying prior appropriations; modifying
58.23 certain parks and trails grant program provisions; changing provisions of
58.24 grant management; changing control and oversight of the film production jobs
58.25 program to the commissioner of administration; amending Minnesota Statutes
58.26 2010, sections 16B.98, subdivisions 5, 7; 85.535, subdivision 3; 97A.056, by
58.27 adding subdivisions; 116U.26; Minnesota Statutes 2011 Supplement, sections
58.28 3.303, subdivision 10; 114D.30, subdivision 4; Laws 2009, chapter 172, article
58.29 2, section 4, as amended; article 3, section 3; Laws 2011, First Special Session
58.30 chapter 2, article 3, section 2, subdivisions 4, 9; Laws 2011, First Special Session
58.31 chapter 6, article 2, section 7; article 4, section 2, subdivision 5."

59.1 We request the adoption of this report and repassage of the bill.

59.2 Senate Conferees:

59.3
59.4 Bill G. Ingebrigtsen John J. Carlson

59.5
59.6 Tom Saxhaug

59.7 House Conferees:

59.8
59.9 Dean Urdahl Denny McNamara

59.10
59.11 Leon Lillie