A bill for an act

relating to state government; appropriating money for environment, natural resources, and energy; creating accounts; modifying disposition of certain receipts; modifying responsibilities and authorities; creating an advisory committee; modifying Petroleum Tank Release Cleanup Act; modifying cooperative electric association petition provisions; repealing definitions and requirements; requiring rulemaking on wild rice standards; amending Minnesota Statutes 2010, sections 85.052, subdivision 4; 89.21; 97A.055, by adding a subdivision; 97A.071, subdivision 2; 97A.075; 103G.271, subdivision 6; 103G.301, subdivision 2; 103G.615, subdivision 2; 115A.1314; 115A.1320, subdivision 1; 115C.09, subdivision 3c; 115C.13; 116.07, subdivision 4h; 116P.04, by adding a subdivision; 116P.05, subdivision 2; 127A.31; 216B.026, subdivision 1; 290.431; 290.432; 357.021, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 16E; 84; 89; 97A; 103G; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 84.027, subdivision 11; 116P.09, subdivision 4; 116P.14.

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

ARTICLE 1

ENVIRONMENT AND NATURAL RESOURCES FINANCE

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

		2012		2013		Total
General	$	71,858,000	$	71,708,000	$	143,566,000
State Government Special Revenue		75,000		75,000		150,000
Environmental		62,614,000		62,783,000		125,397,000
Natural Resources		90,792,000		90,492,000		181,284,000
Game and Fish		88,217,000		87,617,000		175,834,000
Remediation		10,596,000		10,596,000		21,192,000

Permanent School		200,000		200,000		400,000
Total	$	**324,352,000**	$	**323,471,000**	$	**647,823,000**

Sec. 2. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

	APPROPRIATIONS Available for the Year Ending June 30	
	2012	**2013**

Sec. 3. **POLLUTION CONTROL AGENCY**

Subdivision 1. **Total Appropriation**	$	**76,228,000**	$	**76,397,000**

Appropriations by Fund		
	2012	2013
General	3,043,000	3,043,000
State Government Special Revenue	75,000	75,000
Environmental	62,614,000	62,783,000
Remediation	10,496,000	10,496,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

A recipient of a grant funded by an appropriation under this section shall display on its Web site detailed information on the expenditure of the grant funds and measurable outcomes as a result of the expenditure of funds and submit this information to the agency by June 30 each year. A recipient without an active Web site shall report to the agency by June 30 each year detailed information on the expenditure of the grant funds and measurable outcomes as a result of the expenditure of funds. The commissioner shall display the information received by recipients under this paragraph on the agency's Web site.

Subd. 2. **Water**			21,734,000	21,734,000

Appropriations by Fund

	2012	2013
General	3,043,000	3,043,000
State Government Special Revenue	75,000	75,000
Environmental	18,616,000	18,616,000

$1,378,000 the first year and $1,378,000 the second year are for water program operations.

$1,665,000 the first year and $1,665,000 the second year are for grants to delegated counties to administer the county feedlot program under Minnesota Statutes, section 116.0711, subdivisions 2 and 3. Money remaining after the first year is available for the second year.

$740,000 the first year and $740,000 the second year are from the environmental fund to address the need for continued increased activity in the areas of new technology review, technical assistance for local governments, and enforcement under Minnesota Statutes, sections 115.55 to 115.58, and to complete the requirements of Laws 2003, chapter 128, article 1, section 165.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2013, as grants or contracts for SSTS's, surface water and groundwater assessments, total maximum daily loads, storm water, and local basinwide water quality protection in this subdivision are available until June 30, 2016.

Subd. 3. **Air**	12,297,000	12,466,000

Appropriations by Fund

	2012	2013
Environmental	12,297,000	12,466,000

$200,000 the first year and $200,000 the second year are from the environmental fund for a monitoring program under Minnesota Statutes, section 116.454.

Subd. 4. **Land**	17,412,000	17,412,000

Appropriations by Fund

	2012	2013
Environmental	6,916,000	6,916,000
Remediation	10,496,000	10,496,000

All money for environmental response, compensation, and compliance in the remediation fund not otherwise appropriated is appropriated to the commissioners of the Pollution Control Agency and agriculture for purposes of Minnesota Statutes, section 115B.20, subdivision 2, clauses (1), (2), (3), (6), and (7). At the beginning of each fiscal year, the two commissioners shall jointly submit an annual spending plan to the commissioner of management and budget that maximizes the utilization of resources and appropriately allocates the money between the two departments. This appropriation is available until June 30, 2013.

$3,616,000 the first year and $3,616,000 the second year are from the petroleum tank fund to be transferred to the remediation fund for purposes of the leaking underground storage tank program to protect the land.

$252,000 the first year and $252,000 the second year are from the remediation fund for transfer to the commissioner of health for private water supply monitoring and health assessment costs in areas contaminated by unpermitted mixed municipal solid waste disposal facilities and drinking water advisories and public information activities for areas contaminated by hazardous releases.

Subd. 5. **Environmental Assistance and Cross-Media**	24,785,000	24,785,000

Appropriations by Fund		
	2012	2013
Environmental	24,785,000	24,785,000

$14,250,000 the first year and $14,250,000 the second year are from the environmental fund for SCORE block grants to counties.

$119,000 the first year and $119,000 the second year are from the environmental fund for environmental assistance grants or loans under Minnesota Statutes, section 115A.0716. Any unencumbered grant and loan balances in the first year do not cancel but are available for grants and loans in the second year.

$89,000 the first year and $89,000 the second year are from the environmental fund for duties related to harmful chemicals in products under Minnesota Statutes, section 116.9401 to 116.9407. Of this amount,

$57,000 each year is transferred to the commissioner of health.

$315,000 the first year and $315,000 the second year are from the environmental fund for the electronics waste program under Minnesota Statutes, sections 115A.1310 to 115A.1330.

All money deposited in the environmental fund for the metropolitan solid waste landfill fee in accordance with Minnesota Statutes, section 473.843, and not otherwise appropriated, is appropriated for the purposes of Minnesota Statutes, section 473.844.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2013, as contracts or grants for surface water and groundwater assessments; environmental assistance awarded under Minnesota Statutes, section 115A.0716; technical and research assistance under Minnesota Statutes, section 115A.152; technical assistance under Minnesota Statutes, section 115A.52; and pollution prevention assistance under Minnesota Statutes, section 115D.04, are available until June 30, 2015.

Subd. 6. **Remediation Fund**

The commissioner may transfer money from the environmental fund to the remediation fund for the purposes of the remediation fund under Minnesota Statutes, section 116.155, subdivision 2.

Sec. 4. **NATURAL RESOURCES**

Subdivision 1. **Total Appropriation**	**$**	**221,809,000**	**$**	**220,904,000**

Appropriations by Fund		
	2012	2013
General	48,520,000	48,515,000
Natural Resources	84,772,000	84,472,000
Game and Fish	88,217,000	87,617,000
Remediation	100,000	100,000
Permanent School	200,000	200,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Land and Mineral Resources Management** 8,963,000 8,963,000

Appropriations by Fund		
	2012	2013
General	2,500,000	2,500,000
Natural Resources	4,861,000	4,861,000
Game and Fish	1,402,000	1,402,000
Permanent School	200,000	200,000

$2,696,000 the first year and $2,696,000 the second year are from the minerals management account in the natural resources fund for use as provided in Minnesota Statutes, section 93.2236, paragraph (c), for mineral resource management, projects to enhance future mineral income, and projects to promote new mineral resource opportunities.

$68,000 the first year and $68,000 the second year are for minerals cooperative environmental research, of which $34,000 the first year and $40,000 the second year are available only as matched by $1 of nonstate money for each $1 of state money. The match may be cash or in-kind.

$251,000 the first year and $251,000 the second year are for iron ore cooperative research. Of this amount, $200,000 each year is from the minerals management account in the natural resources fund. $51,000 the first year and $51,000 the second year are available only as matched by $1 of nonstate money for each $1 of state money. The match may be cash or in-kind.

Subd. 3. **Ecological and Water Resources**	20,107,000	20,107,000

Appropriations by Fund

	2012	2013
General	6,728,000	6,728,000
Natural Resources	9,680,000	9,680,000
Game and Fish	3,699,000	3,699,000

$2,142,000 the first year and $2,142,000 the second year are from the invasive species account in the natural resources fund and $1,674,000 the first year and $1,674,000 the second year are from the general fund for management, public awareness, assessment and monitoring research, law enforcement, and water access inspection to prevent the spread of invasive species; management of invasive plants in public waters; and management of terrestrial invasive species on state-administered lands.

$5,000,000 the first year, and $5,000,000 the second year are from the water management account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 103G.27, subdivision 2.

$264,000 the first year and $264,000 the second year are for grants for up to 50 percent of the cost of implementation of the Red River mediation agreement. The commissioner shall submit a report to the chairs of the legislative committees having primary jurisdiction over environment and natural resources policy and finance on the accomplishments achieved with the grants by January 15, 2014.

$1,636,000 the first year and $1,636,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1).

$1,223,000 the first year and $1,223,000 the second year are from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management. Notwithstanding Minnesota Statutes, section 290.431, $100,000 the first year and $100,000 the second year may be used for nongame wildlife information, education, and promotion.

Subd. 4. **Forest Management** 32,211,000 32,211,000

Appropriations by Fund

	2012	2013
General	17,854,000	17,854,000
Natural Resources	13,093,000	13,093,000
Game and Fish	1,264,000	1,264,000

$7,145,000 the first year and $7,145,000 the second year are for prevention, presuppression, and suppression costs of emergency firefighting and other costs incurred under Minnesota Statutes, section 88.12. The amount necessary to pay for presuppression and suppression costs during the biennium is appropriated from the general fund.

By January 15 of each year, the commissioner of natural resources shall submit a report to the chairs and ranking minority members of the house and senate committees and divisions having jurisdiction over environment and natural resources finance, identifying all firefighting costs incurred and reimbursements received in the prior fiscal year. These appropriations may not be transferred. Any reimbursement of firefighting expenditures made to the commissioner from any source other than federal mobilizations shall be deposited into the general fund.

$13,093,000 the first year and $13,093,000 the second year are from the forest management investment account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 89.039, subdivision 2.

$580,000 the first year and $580,000 the second year are for the Forest Resources Council for implementation of the Sustainable Forest Resources Act.

$250,000 in the first year and $250,000 in the second year are reductions for the FORIST system.

$1,000,000 the first year and $1,000,000 the second year are from the heritage enhancement account in the game and fish fund to maintain and expand the ecological classification system program. This is a onetime appropriation.

Subd. 5. **Parks and Trails Management**	66,529,000	66,224,000

Appropriations by Fund		
	2012	2013
General	18,135,000	18,130,000
Natural Resources	46,200,000	45,900,000
Game and Fish	2,194,000	2,194,000

$1,000,000 the first year and $1,000,000 the second year are from the water recreation account in the natural resources fund to enable the department to develop and implement best management practices for public water access facilities to implement aquatic invasive species prevention strategies.

The appropriation in Laws 2003, chapter 128, article 1, section 5, subdivision 6, from the water recreation account in the natural resources fund for a cooperative project with the United States Army Corps of Engineers to develop the Mississippi Whitewater Park is available until June 30, 2013. The project must be designed to prevent the spread of aquatic invasive species.

$5,731,000 the first year and $5,731,000 the second year are from the natural resources fund for state trail, park, and recreation area operations. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (2).

$8,424,000 the first year and $8,424,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for the snowmobile grants-in-aid program. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

$1,360,000 the first year and $1,360,000 the second year are from the natural resources fund for the off-highway vehicle grants-in-aid program. Of this amount, $1,110,000 each year is from the all-terrain vehicle account; $150,000 each year is from the off-highway motorcycle account; and $100,000 each year is from the off-road vehicle account. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

$805,000 the first year and $805,000 the second year are from the natural resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grants. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (4).

$200,000 the first year from the off-highway vehicle damage account in the natural resources fund is for all-terrain vehicle grants-in-aid.

$100,000 the first year is from the all-terrain vehicle account in the natural resources fund for a pass-through grant to Lake County for completion of the Lake County Regional All-Terrain Vehicle Trail. This is a onetime appropriation and is available until spent.

$400,000 each year is from the all-terrain vehicle account in the natural resources fund. Of this amount, $100,000 the first year is for developing a comprehensive all-terrain vehicle trail plan under current forest designation. The plan shall be provided to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over environment and natural resources policy and finance by January 15, 2012. $200,000 the first year and $300,000 the second year are for the all-terrain vehicle grant-in-aid program for trail building. $100,000 each year is to provide downloadable trail maps on the Internet and is a onetime appropriation.

Subd. 6. **Fish and Wildlife Management**	60,761,000	60,161,000

Appropriations by Fund

	2012	2013
General	199,000	199,000
Natural Resources	1,899,000	1,899,000
Game and Fish	58,663,000	58,063,000

$100,000 the first year and $100,000 the second year are from the nongame wildlife account in the natural resources fund for gray wolf research.

$120,000 the first year and $120,000 the second year are from the game and fish fund for gray wolf management.

$8,167,000 the first year and $8,167,000 the second year are from the heritage enhancement account in the game and fish fund only for activities specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1). Notwithstanding Minnesota Statutes, section 297A.94, five percent of this appropriation may be used for expanding hunter and angler recruitment and retention.

Notwithstanding Minnesota Statutes, section 84.943, $13,000 the first year and $13,000 the second year from the critical habitat private sector matching account may be used to publicize the critical habitat license plate match program.

$199,000 the first year and $199,000 the second year are for preserving, restoring, and enhancing grassland and wetland complexes on public or private lands.

$600,000 the first year is from the game and fish fund for land acquisition.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2013, for aquatic restoration grants and wildlife habitat grants are available until June 30, 2014.

Subd. 7. **Enforcement** 30,928,000 30,928,000

Appropriations by Fund

	2012	2013
General	2,216,000	2,216,000
Natural Resources	8,558,000	8,558,000
Game and Fish	20,054,000	20,054,000
Remediation	100,000	100,000

$1,204,000 the first year and $1,307,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1). The base appropriation in 2014 is $1,297,000.

Notwithstanding Minnesota Statutes, section 84.780, $100,000 the first year is from the game and fish fund to fund a conservation officer academy in 2011. This is a onetime appropriation.

$315,000 the first year and $315,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for grants to local law enforcement agencies for snowmobile enforcement activities. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

$250,000 the first year and $250,000 the second year are from the all-terrain vehicle account for grants to qualifying organizations to assist in safety and environmental education and monitoring trails on public lands under Minnesota Statutes, section 84.9011. Grants issued under this paragraph: (1) must be issued through a formal agreement with the organization; and (2) must not be used as a substitute for traditional spending by the organization. By December 15 each year, an organization receiving a grant under this paragraph shall report to the commissioner with details on expenditures and outcomes from the grant. By January 15, 2013, the commissioner shall report on the expenditures and outcomes of the grants to the chairs and ranking minority members of the legislative committees and divisions having jurisdiction over natural resources policy and finance. Of this appropriation, $25,000 each year is for administration of these grants. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

$510,000 the first year and $510,000 the second year are from the natural resources fund for grants to county law enforcement agencies for off-highway vehicle enforcement and public education activities based on off-highway vehicle use in the county. Of this amount, $498,000 each year is from the all-terrain vehicle account; $11,000 each year is from the off-highway motorcycle account; and $1,000 each year is from the off-road vehicle account. The county enforcement agencies may use money received under this appropriation to make grants to other local enforcement agencies within the county that have a high concentration of off-highway vehicle use. Of this appropriation, $25,000 each year is for administration of these grants. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

$1,082,000 the first year and $1,082,000 the second year are from the water recreation account in the natural resources fund for grants to counties for boat and water safety. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

Subd. 8. **Operations Support** 2,310,000 2,310,000

Appropriations by Fund

	2012	2013
General	888,000	888,000
Natural Resources	481,000	481,000
Game and Fish	941,000	941,000

$320,000 the first year and $320,000 the second year are from the natural resources fund for grants to be divided equally between the city of St. Paul for the Como Park Zoo and Conservatory and the city of Duluth for the Duluth Zoo. This appropriation is from the revenue deposited to the fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (5).

Sec. 5. **BOARD OF WATER AND SOIL RESOURCES**	**$**	**11,532,000**	**$**	**11,532,000**

$2,996,000 the first year and $2,996,000 the second year are for natural resources block grants to local governments. The board may reduce the amount of the natural resources block grant to a county by an amount equal to any reduction in the county's general services allocation to a soil and water conservation district from the county's previous year allocation when the board determines that the reduction was disproportionate. Grants must be matched with a combination of local cash or in-kind contributions. The base grant portion related to water planning must be matched by an amount as specified by Minnesota Statutes, section 103B.3369.

$2,707,000 the first year and $2,707,000 the second year are for grants requested by soil and water conservation districts for general purposes, nonpoint engineering, and implementation of the reinvest in Minnesota reserve program. Upon approval of the board, expenditures may be made from these appropriations for supplies and services benefiting soil and water conservation districts. Any district requesting a grant under this paragraph shall maintain a Web page that publishes, at a minimum, its annual plan, annual report, annual audit, annual budget, including membership dues, and meeting notices and minutes.

$1,797,000 the first year and $1,797,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control, water quality management, feedlot water quality projects, and establishing and maintaining riparian vegetation buffers of restored native prairie and for county cooperative weed management programs.

$386,000 the first year and $386,000 the second year are for implementation and enforcement of the Wetland Conservation Act.

$51,000 the first year and $51,000 the second year are for staff to monitor and enforce wetland replacement, wetland bank sites, and the Wetland Conservation Act. The board must include in its biennial report to the legislature information on all state and local units of government, including special purpose districts, and impacts on wetlands in the state.

$166,000 the first year and $166,000 the second year are to provide assistance to local drainage management officials and for the costs of the Drainage Work Group.

$84,000 the first year and $84,000 the second year are for a grant to the Red River Basin Commission for water quality and floodplain management, including administration of programs. If the appropriation in either year is insufficient, the appropriation in the other year is available for it.

$120,000 the first year and $120,000 the second year are for grants to Area II Minnesota River Basin Projects for floodplain management.

Notwithstanding Minnesota Statutes, section 103C.501, the board may shift cost-share funds in this section and may adjust the technical and administrative assistance portion of the grant funds to leverage federal or other nonstate funds or to address high-priority needs identified in local water management plans.

The appropriations for grants in this section are available until expended. If an appropriation for grants in either year is insufficient, the appropriation in the other year is available for it.

Sec. 6. **METROPOLITAN COUNCIL**	**$**	**8,226,000**	**$**	**8,226,000**

Appropriations by Fund

	2012	2013
General	2,856,000	2,856,000
Natural Resources	5,370,000	5,370,000

$2,856,000 the first year and $2,856,000 the second year are for metropolitan area regional parks operation and maintenance according to Minnesota Statutes, section 473.351.

$5,370,000 the first year and $5,370,000 the second year are from the natural resources fund for metropolitan area regional parks and trails maintenance and operations. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (3).

Sec. 7. **CONSERVATION CORPS MINNESOTA**	**$**	**790,000** **$**	**645,000**

Appropriations by Fund		
	2012	2013
General	300,000	155,000
Natural Resources	490,000	490,000

Conservation Corps Minnesota may receive money appropriated from the natural resources fund under this section only as provided in an agreement with the commissioner of natural resources.

Sec. 8. **ZOOLOGICAL BOARD**	**$**	**5,767,000** **$**	**5,767,000**

Appropriations by Fund		
	2012	2013
General	5,607,000	5,607,000
Natural Resources	160,000	160,000

$160,000 the first year and $160,000 the second year are from the natural resources fund from the revenue deposited under Minnesota Statutes, section 297A.94, paragraph (e), clause (5).

ARTICLE 2

ENERGY FINANCE

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

		2012		**2013**		**Total**
General	$	25,171,000	$	25,179,000	$	50,350,000
Special Revenue		400,000		400,000		800,000
Petroleum Tank Cleanup		1,052,000		1,052,000		2,104,000

Workers' Compensation		751,000		751,000		1,502,000
Total	**$**	**27,374,000**	**$**	**27,382,000**	**$**	**54,756,000**

Sec. 2. **ENERGY FINANCE APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

	APPROPRIATIONS Available for the Year Ending June 30			
		2012		**2013**
Sec. 3. **DEPARTMENT OF COMMERCE**				
Subdivision 1. **Total Appropriation**	**$**	**21,542,000**	**$**	**21,550,000**

Appropriations by Fund	2012	2013
General	19,739,000	19,747,000
Petroleum Cleanup	1,052,000	1,052,000
Workers' Compensation	751,000	751,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Financial Institutions**	6,774,000	6,778,000

$138,000 the first year and $142,000 the second year are for the regulation of mortgage originators and servicers under Minnesota Statutes, chapters 58 and 58A.

Subd. 3. **Petroleum Tank Release Cleanup Board**	1,052,000	1,052,000

This appropriation is from the petroleum tank release cleanup fund.

Subd. 4. **Administrative Services**	3,465,000	3,465,000
Subd. 5. **Telecommunications**	1,010,000	1,010,000
Subd. 6. **Market Assurance**	6,251,000	6,255,000

Appropriations by Fund

	2012	2013
General	5,500,000	5,504,000
Workers' Compensation	751,000	751,000

Subd. 7. **Office of Energy Security**	2,990,000	2,990,000

Subd. 8. **Transfer**

$300,000 first year and $300,000 the second year are for transfer to the commissioner of human services to supplement the ongoing operational expenses of the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans. This appropriation is from the telecommunication access Minnesota fund.

Sec. 4. **TELECOMMUNICATIONS ACCESS MINNESOTA FUND**	**$ 400,000**	**$ 400,000**

In addition to the appropriation authorized in Minnesota Statutes, section 237.52, $400,000 the first year and $400,000 the second year are from the telecommunications access Minnesota fund as follows:

(1) $230,000 each year is to the Office of Enterprise Technology;

(2) $20,000 each year is to the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans to provide information on their Web site in American Sign Language and to provide technical assistance to state agencies; and

(3) $150,000 each year is to the Legislative Coordinating Commission to provide captioning of live streaming of legislative activity on the commission's Web site and for a consolidated access fund for other state agencies.

These appropriations are onetime.

Sec. 5. **PUBLIC UTILITIES COMMISSION**	**$**	**5,432,000**	**$**	**5,432,000**

Sec. 6. **TRANSFERS.**

(a) By June 30, 2013, the commissioner of management and budget shall transfer $3,000,000 from the special revenue fund to the general fund. The transfers must be from the following appropriation reductions and accounts with the special revenue fund:

(1) $250,000 is from the telecommunications access Minnesota fund established in Minnesota Statutes, section 237.52;

(2) $250,000 is from the Department of Commerce license technology surcharge account established in Minnesota Statutes, section 45.24;

(3) $300,000 is from the energy and conservation account established in Minnesota Statutes, section 216B.241;

(4) $500,000 is from the insurance fraud prevention account established in Minnesota Statutes, section 45.0135;

(5) $1,500,000 is from the automobile theft prevention account established in Minnesota Statutes, section 168A.40; and

(6) $200,000 is from the real estate education, research and recovery fund established in Minnesota Statutes, section 82.86.

(b) By June 30, 2013, the commissioner of management and budget shall transfer $15,000,000 in assets of the workers' compensation assigned risk plan created under Minnesota Statutes, section 79.252, to the general fund.

Sec. 7. Minnesota Statutes 2010, section 216B.026, subdivision 1, is amended to read:

Subdivision 1. **Election.** ~~(a)~~ A cooperative electric association may elect to become subject to rate regulation by the commission pursuant to sections 216B.03 to 216B.23. The election shall be approved by a majority of members or stockholders voting by mail ballot initiated by petition of not less than five percent of the members or stockholders of the association, as determined by membership figures submitted by the association to the Rural Electric Administration for the month in which the petition was submitted.

~~(b) For a cooperative electric association that is the product of a merger or consolidation of three or more associations between December 30, 1996, and January 1, 2001, the number of members or stockholders necessary to initiate the petition shall be no less than one percent of the members or stockholders of the association.~~

ARTICLE 3

STATUTORY CHANGES

Section 1. **[16E.0475] ADVISORY COMMITTEE FOR TECHNOLOGY STANDARDS FOR ACCESSIBILITY AND USABILITY.**

Subdivision 1. **Membership.** (a) The Advisory Committee for Technology Standards for Accessibility and Usability consists of ten members, appointed as follows:

(1) the state chief information officer, or the state chief information officer's designee;

(2) a representative from State Services for the Blind, appointed by the commissioner of employment and economic development;

(3) the commissioner of administration, or the commissioner's designee;

(4) a representative selected by the Minnesota system of technology to achieve results program;

(5) a representative selected by the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans;

(6) the commissioner of education, or the commissioner's designee;

(7) the commissioner of health, or the commissioner's designee;

(8) the commissioner of human services, or the commissioner's designee;

(9) one representative from the Minnesota judicial system designated by the chief justice; and

(10) one staff member from the legislature, appointed by the chair of the Legislative Coordinating Commission.

(b) The appointing authorities under this subdivision must use their best efforts to ensure that the membership of the advisory committee includes at least one representative who is deaf, hard-of-hearing, or deafblind and at least one representative who is blind.

(c) The advisory committee shall elect a chair from its membership.

Subd. 2. **Duties.** (a) The advisory committee shall:

(1) recommend review processes to be used for the evaluation or certification of accessibility of technology against accessibility standards;

(2) recommend an exception process and thresholds for any deviation from the accessibility standards;

(3) identify, in consultation with state agencies serving Minnesotans with disabilities, resources for training and technical assistance for state agency staff, including instruction regarding compliance with accessibility standards;

(4) convene customer groups composed of individuals with disabilities to assist in implementation of accessibility standards;

(5) review customer comments about accessibility and usability issues collected by State Services for the Blind; and

(6) develop proposals for funding captioning of live videoconferencing, live Webcasts, Web streaming, podcasts, and other emerging technologies.

(b) The advisory committee shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over state technology systems by January 15 each year regarding the findings, progress, and recommendations made by the advisory committee under this subdivision. The report shall include any draft legislation necessary to implement the committee's recommendations.

Subd. 3. **Terms, compensation, and removal.** The terms, compensation, and removal of members are governed by section 15.059.

Subd. 4. **Expiration.** This section expires June 30, 2013.

Sec. 2. Minnesota Statutes 2010, section 85.052, subdivision 4, is amended to read:

Subd. 4. **Deposit of fees.** (a) Fees paid for providing contracted products and services within a state park, state recreation area, or wayside, and for special state park uses under this section shall be deposited in the natural resources fund and credited to a state parks account.

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and credited to the state parks working capital account. ~~The appropriation under section 85.22 for revenue deposited in this section is limited to $25,000 per fiscal year.~~

(c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle Recreation Area shall be deposited in the dedicated accounts in the natural resources fund from which the purchase of the stockpile material was made.

Sec. 3. **[89.0385] FOREST MANAGEMENT INVESTMENT ACCOUNT; COST CERTIFICATION.**

(a) After each fiscal year, the commissioner shall certify the total costs incurred for forest management, forest improvement, and road improvement on state-managed lands during that year. The commissioner shall distribute forest management receipts credited to various accounts according to this section.

(b) The amount of the certified costs incurred for forest management activities on state lands shall be transferred from the account where receipts are deposited to the forest management investment account in the natural resources fund, except for those costs certified under section 16A.125. Transfers in a fiscal year cannot exceed receipts credited to the account.

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

Sec. 4. Minnesota Statutes 2010, section 89.21, is amended to read:

89.21 CAMPGROUNDS, ESTABLISHMENT AND FEES.

(a) The commissioner is authorized to establish and develop state forest campgrounds and may establish minimum standards not inconsistent with the laws of the state for the care and use of such campgrounds and charge fees for such uses as specified by the commissioner of natural resources.

(b) Notwithstanding section 16A.1283, the commissioner shall, by written order, establish fees providing for the use of state forest campgrounds. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(c) All fees shall be deposited in ~~the general fund~~ an account in the natural resources fund and are appropriated annually to the commissioner.

Sec. 5. **[97A.052] PEACE OFFICER TRAINING ACCOUNT.**

Subdivision 1. **Account established; sources.** The peace officer training account is created in the game and fish fund in the state treasury. Revenue from the portion of the surcharges assessed to criminal and traffic offenders in section 357.021, subdivision 7, clause (1), shall be deposited in the account and is appropriated to the commissioner. Money in the account may be spent only for the purposes provided in subdivision 2.

Subd. 2. **Purposes of account.** Money in the peace officer training account may only be spent by the commissioner for peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863 to enforce game and fish laws.

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

Sec. 6. Minnesota Statutes 2010, section 97A.055, is amended by adding a subdivision to read:

Subd. 2b. **Certified costs.** Money for the certified costs under section 89.0385 is appropriated annually to the commissioner for reimbursement of certified costs on state lands acquired by purchase or gift for game and fish purposes.

Sec. 7. Minnesota Statutes 2010, section 97A.071, subdivision 2, is amended to read:

Subd. 2. **Revenue from small game license surcharge and lifetime licenses.** Revenue from the small game surcharge and $6.50 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under sections 97A.473, subdivisions 3 and 5, and 97A.474, subdivision 3, shall be credited to the wildlife acquisition account and is appropriated to the commissioner. The money in the account shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

Sec. 8. Minnesota Statutes 2010, section 97A.075, is amended to read:

97A.075 USE OF LICENSE REVENUES.

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5), (6), (7), (13), (14), and (15), and 3, clauses (2), (3), (4), (10), (11), and (12),and licenses issued under section 97B.301, subdivision 4.

(b) $2 from each annual deer license and $2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account and ~~shall be used~~ is appropriated to the commissioner for deer habitat improvement or deer management programs.

(c) $1 from each annual deer license and each bear license and $1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear management account and ~~shall be used~~ is appropriated to the commissioner for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.

When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management exceeds $2,500,000 at the end of a fiscal year, the unencumbered balance in excess of $2,500,000 is canceled and available for deer and bear management programs and computerized licensing.

Subd. 2. **Minnesota migratory waterfowl stamp.** (a) Ninety percent of the revenue from the Minnesota migratory waterfowl stamps must be credited to the waterfowl habitat improvement account~~. Money in the account may be used~~ and is appropriated to the commissioner only for:

(1) development of wetlands and lakes in the state and designated waterfowl management lakes for maximum migratory waterfowl production including habitat evaluation, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development

and management of existing migratory waterfowl habitat and the designation of waters under section 97A.101;

(2) management of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;

(4) acquisition of and access to structure sites; and

(5) the promotion of waterfowl habitat development and maintenance, including promotion and evaluation of government farm program benefits for waterfowl habitat.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), clause (1), (3), (4), or (5), or to specific management activities under paragraph (a), clause (2).

Subd. 3. **Trout and salmon stamp.** (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account~~. Money in the account may be used~~ and is appropriated to the commissioner only for:

(1) the development, restoration, maintenance, improvement, protection, and preservation of habitat for trout and salmon in trout streams and lakes, including, but not limited to, evaluating habitat; stabilizing eroding stream banks; adding fish cover; modifying stream channels; managing vegetation to protect, shade, or reduce runoff on stream banks; and purchasing equipment to accomplish these tasks;

(2) rearing trout and salmon, including utility and service costs associated with coldwater hatchery buildings and systems; stocking trout and salmon in streams and lakes and Lake Superior; and monitoring and evaluating stocked trout and salmon;

(3) acquisition of easements and fee title along trout waters;

(4) identifying easement and fee title areas along trout waters; and

(5) research and special management projects on trout streams, trout lakes, and Lake Superior and portions of its tributaries.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), to specific fish rearing activities under paragraph (a), clause (2), or for costs associated with supplies and equipment to implement trout and salmon management activities under paragraph (a).

Subd. 4. **Pheasant stamp.** (a) Ninety percent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account~~. Money in the account may be used~~ and is appropriated to the commissioner only for:

(1) the development, restoration, and maintenance of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

(3) reimbursement of expenditures to provide pheasant habitat on public and private land;

(4) the promotion of pheasant habitat development and maintenance, including promotion and evaluation of government farm program benefits for pheasant habitat; and

(5) the acquisition of lands suitable for pheasant habitat management and public hunting.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clause (1), (3), or (5), or to specific promotional or evaluative activities under paragraph (a), clause (4); or

(2) any personnel costs, except that prior to July 1, 2019, personnel may be hired to provide technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs.

Subd. 5. **Turkey account.** (a) $4.50 from each turkey license sold, except youth licenses under section 97A.475, subdivision 2, clause (4), and subdivision 3, clause (7), must be credited to the wild turkey management account~~. Money in the account may be used~~ <u>and is appropriated to the commissioner</u> only for:

(1) the development, restoration, and maintenance of suitable habitat for wild turkeys on public and private land including forest stand improvement and establishment of nesting cover, winter roost area, and reliable food sources;

(2) acquisitions of, or easements on, critical wild turkey habitat;

(3) reimbursement of expenditures to provide wild turkey habitat on public and private land;

(4) trapping and transplantation of wild turkeys; and

(5) the promotion of turkey habitat development and maintenance, population surveys and monitoring, and research.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4), or to specific promotional or evaluative activities under paragraph (a), clause (5); or

(2) any permanent personnel costs.

Subd. 6. **Walleye stamp.** (a) Revenue from walleye stamps must be credited to the walleye stamp account~~. Money in the account must be used~~ <u>and is appropriated to the commissioner</u> only for stocking walleye in waters of the state and related activities.

(b) Money in the account may not be used for costs unless they are directly related to a specific body of water under paragraph (a), or for costs associated with supplies and equipment to implement walleye stocking activities under paragraph (a).

Sec. 9. **[103G.27] WATER MANAGEMENT ACCOUNT.**

Subdivision 1. **Account established; sources.** The water management account is created in the natural resources fund in the state treasury. Revenues collected from water use permits, penalties, and other receipts according to section 103G.271, shall be deposited in the account for the purposes described in subdivision 2. Interest earned on money in the account accrues to the account.

Subd. 2. **Purposes of account.** Money in the water management account may only be spent for the costs associated with permit applications, inspections, and other expenditures under sections 103G.271 and 103G.301.

Sec. 10. Minnesota Statutes 2010, section 103G.271, subdivision 6, is amended to read:

Subd. 6. **Water use permit processing fee.** (a) Except as described in paragraphs (b) to (f), a water use permit processing fee must be prescribed by the commissioner in accordance with the schedule of fees in this subdivision for each water use permit in force at any time during the year. Fees collected under this paragraph are credited to the water management account in the natural resources fund. The schedule is as follows, with the stated fee in each clause applied to the total amount appropriated:

(1) $140 for amounts not exceeding 50,000,000 gallons per year;

(2) $3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less than 100,000,000 gallons per year;

(3) $4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than 150,000,000 gallons per year;

(4) $4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less than 200,000,000 gallons per year;

(5) $5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than 250,000,000 gallons per year;

(6) $5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less than 300,000,000 gallons per year;

(7) $6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than 350,000,000 gallons per year;

(8) $6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less than 400,000,000 gallons per year;

(9) $7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than 450,000,000 gallons per year;

(10) $7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less than 500,000,000 gallons per year; and

(11) $8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

(b) For once-through cooling systems, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) for nonprofit corporations and school districts, $200 per 1,000,000 gallons; and

(2) for all other users, $420 per 1,000,000 gallons.

(c) The fee is payable based on the amount of water appropriated during the year and, except as provided in paragraph (f), the minimum fee is $100.

(d) For water use processing fees other than once-through cooling systems:

(1) the fee for a city of the first class may not exceed $250,000 per year;

(2) the fee for other entities for any permitted use may not exceed:

(i) $60,000 per year for an entity holding three or fewer permits;

(ii) $90,000 per year for an entity holding four or five permits; or

(iii) $300,000 per year for an entity holding more than five permits;

(3) the fee for agricultural irrigation may not exceed $750 per year;

(4) the fee for a municipality that furnishes electric service and cogenerates steam for home heating may not exceed $10,000 for its permit for water use related to the cogeneration of electricity and steam; and

(5) no fee is required for a project involving the appropriation of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the commissioner.

(e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two percent per month calculated from the original due date must be imposed on the unpaid balance of fees remaining 30 days after the sending of a second notice of fees due. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) The minimum water use processing fee for a permit issued for irrigation of agricultural land is $20 for years in which:

(1) there is no appropriation of water under the permit; or

(2) the permit is suspended for more than seven consecutive days between May 1 and October 1.

(g) A surcharge of $30 per million gallons in addition to the fee prescribed in paragraph (a) shall be applied to the volume of water used in each of the months of June, July, and August that exceeds the volume of water used in January for municipal water use, irrigation of golf courses, and landscape irrigation. The surcharge for municipalities with more than one permit shall be determined based on the total appropriations from all permits that supply a common distribution system.

Sec. 11. Minnesota Statutes 2010, section 103G.301, subdivision 2, is amended to read:

Subd. 2. **Permit application fees.** (a) A permit application fee to defray the costs of receiving, recording, and processing the application must be paid for a permit authorized under this chapter and for each request to amend or transfer an existing permit. Fees established under this subdivision, unless specified in paragraph (c), shall be compliant with section 16A.1285.

(b) Proposed projects that require water in excess of 100 million gallons per year must be assessed fees to recover the costs incurred to evaluate the project and the costs incurred for environmental review. ~~Fees collected under this paragraph must be credited to an account in the natural resources fund and are appropriated to the commissioner.~~

(c) The fee to apply for a permit to appropriate water, in addition to any fee under paragraph (b); a permit to construct or repair a dam that is subject to dam safety inspection; or a state general permit is $150. The application fee for a permit to work in public waters or to divert waters for mining must be at least $150, but not more than $1,000.

<u>(d) Fees collected under this subdivision must be credited to the water management account in the natural resources fund.</u>

Sec. 12. Minnesota Statutes 2010, section 103G.615, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The commissioner shall establish a fee schedule for permits to control or harvest aquatic plants other than wild rice. The fees must be set by rule, and section 16A.1283 does not apply~~, but the rule must not take effect until 45 legislative days after it has been reported to the legislature~~. The fees ~~shall be~~ <u>may not exceed $750 per permit</u> based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit, and enforce aquatic plant management rules and permit requirements.

(b) ~~A~~ <u>The</u> fee for a permit for the control of rooted aquatic vegetation <u>is $35</u> for each contiguous parcel of shoreline owned by an owner ~~may be charged~~. This fee may not be charged for permits issued in connection with purple loosestrife control or lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) A fee for a permit for the control of rooted aquatic vegetation in a public water basin that is 20 acres or less in size shall be one-half of the fee established under paragraph (a).

(e) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the water recreation account.

Sec. 13. Minnesota Statutes 2010, section 115A.1314, is amended to read:

115A.1314 MANUFACTURER'S REGISTRATION FEE~~; CREATION OF ACCOUNT~~.

Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section 115A.1312 must, by September 1, 2007, and each year thereafter, pay to the commissioner of revenue an annual registration fee. The commissioner of revenue must deposit the fee in the ~~account established in subdivision 2~~ state treasury and credit the fee to the environmental fund.

(b) ~~The registration fee for the initial program year during which a manufacturer's video display devices are sold to households is $5,000. Each year thereafter,~~ The registration fee is equal to a base fee of $2,500, plus a variable recycling fee calculated according to the formula:

((A x B) - (C + D)) x E, where:

(1) A = the number of pounds of a manufacturer's video display devices sold to households during the previous program year, as reported to the department under section 115A.1316, subdivision 1;

(2) B = the proportion of sales of video display devices required to be recycled, set at 0.6 for the first program year and 0.8 for the second program year and every year thereafter;

(3) C = the number of pounds of covered electronic devices recycled by a manufacturer from households during the previous program year, as reported to the department under section 115A.1316, subdivision 1;

(4) D = the number of recycling credits a manufacturer elects to use to calculate the variable recycling fee, as reported to the department under section 115A.1316, subdivision 1; and

(5) E = the estimated per-pound cost of recycling, initially set at $0.50 per pound for manufacturers who recycle less than 50 percent of the product (A x B); $0.40 per pound

for manufacturers who recycle at least 50 percent but less than 90 percent of the product (A x B); and $0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the product (A x B).

(c) If, as specified in paragraph (b), the term C - (A x B) equals a positive number of pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer may retain recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, during any succeeding program year, provided that no more than 25 percent of a manufacturer's obligation (A x B) for any program year may be met with recycling credits generated in a prior program year. A manufacturer may sell any portion or all of its recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(d) For the purpose of calculating a manufacturer's variable recycling fee under paragraph (b), the weight of covered electronic devices collected from households located outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (c), is calculated at 1.5 times their actual weight.

(e) The registration fee for the initial program year and the base registration fee thereafter for a manufacturer who produces fewer than 100 video display devices for sale annually to households is $1,250.

Subd. 2. **~~Creation of account; appropriations~~** **Use of registration fees.** ~~(a) The electronic waste account is established in the environmental fund. The commissioner of revenue must deposit receipts from the fee established in subdivision 1 in the account. Any interest earned on the account must be credited to the account. Money from other sources may be credited to the account. Beginning in the second program year and continuing each program year thereafter, as of the last day of each program year, the commissioner shall determine the total amount of the variable fees that were collected. To the extent that the total fees collected by the commissioner in connection with this section exceed the amount the commissioner determines necessary to operate the program for the new program year, the commissioner shall refund on a pro rata basis, to all manufacturers who paid any fees for the previous program year, the amount of fees collected by the commissioner in excess of the amount necessary to operate the program for the new program year. No individual refund is required of amounts of $100 or less for a fiscal year. Manufacturers who report collections less than 50 percent of their obligation for the previous program year are not eligible for a refund.~~

~~(b) Until June 30, 2011, money in the account is annually appropriated to the Pollution Control Agency:~~ (a) Registration fees may be used by the commissioner for:

(1) ~~for the purpose of~~ implementing sections 115A.1312 to 115A.1330, including transfer to the commissioner of revenue to carry out the department's duties under section 115A.1320, subdivision 2, and transfer to the commissioner of administration for responsibilities under section 115A.1324; and

(2) ~~to the commissioner of the Pollution Control Agency to be distributed on a competitive basis through contracts with~~ grants to counties outside the 11-county metropolitan area, as defined in paragraph ~~(c)~~ (b), and ~~with~~ to private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, where the collection and recycling is consistent with the respective county's solid waste plan, for the purpose of carrying out the activities under sections 115A.1312 to 115A.1330. In awarding competitive grants under this clause, the commissioner must give preference to counties and private entities that are working cooperatively with manufacturers to help them meet their recycling obligations under section 115A.1318, subdivision 1.

~~(c)~~ (b) The 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

Sec. 14. Minnesota Statutes 2010, section 115A.1320, subdivision 1, is amended to read:

Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections 115A.1310 to 115A.1330.

(b) The agency shall establish procedures for:

(1) receipt and maintenance of the registration statements and certifications filed with the agency under section 115A.1312; and

(2) making the statements and certifications easily available to manufacturers, retailers, and members of the public.

(c) The agency shall annually review the value of the following variables that are part of the formula used to calculate a manufacturer's annual registration fee under section 115A.1314, subdivision 1:

(1) the proportion of sales of video display devices sold to households that manufacturers are required to recycle;

(2) the estimated per-pound price of recycling covered electronic devices sold to households;

(3) the base registration fee; and

(4) the multiplier established for the weight of covered electronic devices collected in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that any of

these values must be changed in order to improve the efficiency or effectiveness of the activities regulated under sections 115A.1312 to 115A.1330 ~~or if the revenues in the account exceed the amount that the agency determines is necessary~~, the agency shall submit recommended changes and the reasons for them to the chairs of the senate and house of representatives committees with jurisdiction over solid waste policy.

(d) By January 15 each year, beginning in 2008, the agency shall calculate estimated sales of video display devices sold to households by each manufacturer during the preceding program year, based on national sales data, and forward the estimates to the department.

~~(e) The agency shall manage the account established in section 115A.1314, subdivision 2. If the revenues in the account exceed the amount that the agency determines is necessary for efficient and effective administration of the program, including any amount for contingencies, the agency must recommend to the legislature that the base registration fee, the proportion of sales of video display devices required to be recycled, or the estimated per pound cost of recycling established under section 115A.1314, subdivision 1, paragraph (b), or any combination thereof, be lowered in order to reduce revenues collected in the subsequent program year by the estimated amount of the excess.~~

~~(f)~~ <u>(e)</u> On or before December 1, 2010, and each year thereafter, the agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330.

~~(g)~~ <u>(f)</u> The agency shall promote public participation in the activities regulated under sections 115A.1312 to 115A.1330 through public education and outreach efforts.

~~(h)~~ <u>(g)</u> The agency shall enforce sections 115A.1310 to 115A.1330 in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those provisions enforced by the department, as provided in subdivision 2. The agency may revoke a registration of a collector or recycler found to have violated sections 115A.1310 to 115A.1330.

~~(i)~~ (h) The agency shall facilitate communication between counties, collection and recycling centers, and manufacturers to ensure that manufacturers are aware of video display devices available for recycling.

~~(j)~~ (i) The agency shall develop a form retailers must use to report information to manufacturers under section 115A.1318 and post it on the agency's Web site.

~~(k)~~ (j) The agency shall post on its Web site the contact information provided by each manufacturer under section 115A.1318, paragraph (e).

Sec. 15. Minnesota Statutes 2010, section 115C.09, subdivision 3c, is amended to read:

Subd. 3c. **Release at refineries and tank facilities not eligible for reimbursement.** (a) Reimbursement may not be made under this chapter for costs associated with a release:

(1) from a tank located at a petroleum refinery; or

(2) from a tank facility, including a pipeline terminal, with more than 1,000,000 gallons of total petroleum storage capacity at the tank facility.

(b) Paragraph (a), clause (2), does not apply to reimbursement for costs associated with a release from a tank facility:

(1) owned or operated by a person engaged in the business of mining iron ore or taconite;

(2) owned by a political subdivision, a housing and redevelopment authority, an economic development authority, or a port authority that acquired the tank facility prior to May 23, 1989; ~~or~~

(3) owned by a person:

(i) who acquired the tank facility prior to May 23, 1989;

(ii) who did not use the tank facility for the bulk storage of petroleum; and

(iii) who is not affiliated with the party who used the tank facility for the bulk storage of petroleum~~.~~; or

(4) that is not a petroleum refinery or pipeline terminal and is owned by a person engaged in the business of storing used oil primarily for sales to end users.

Sec. 16. Minnesota Statutes 2010, section 115C.13, is amended to read:

115C.13 REPEALER.

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.093, 115C.094, 115C.10, 115C.11, 115C.111, 115C.112, 115C.113, 115C.12, and 115C.13, are repealed effective June 30, ~~2012~~ 2017.

Sec. 17. Minnesota Statutes 2010, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. **Financial responsibility rules.** (a) The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 30 years after closure for a mixed municipal solid waste disposal facility or for a minimum of 20 years after closure, as determined by agency rules, for any other solid waste disposal facility, and to provide for the closure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or by July 1, 1987, whichever is later, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules and the requirements of paragraph (b) is a condition of obtaining or retaining a permit to operate the facility.

(b) A municipality, as defined in section 475.51, subdivision 2, including a sanitary district, that owns or operates a solid waste disposal facility that was in operation on May 15, 1989, may meet its financial responsibility for all or a portion of the contingency action portion of the reasonable and necessary response costs at the facility by pledging its full faith and credit to meet its responsibility.

The pledge must be made in accordance with the requirements in chapter 475 for issuing bonds of the municipality, and the following additional requirements:

(1) The governing body of the municipality shall enact an ordinance that clearly accepts responsibility for the costs of contingency action at the facility and that reserves, during the operating life of the facility and for the time period required in paragraph (a) after closure, a portion of the debt limit of the municipality, as established under section 475.53 or other law, that is equal to the total contingency action costs.

(2) The municipality shall require that all collectors that haul to the facility implement a plan for reducing solid waste by using volume-based pricing, recycling incentives, or other means.

(3) When a municipality opts to meet a portion of its financial responsibility by relying on its authority to issue bonds, it shall also begin setting aside in a dedicated long-term care trust fund money that will cover a portion of the potential contingency action costs at the facility, the amount to be determined by the agency for each facility based on at least the amount of waste deposited in the disposal facility each year, and the likelihood and potential timing of conditions arising at the facility that will necessitate

response action. The agency may not require a municipality to set aside more than five percent of the total cost in a single year.

(4) A municipality shall have and consistently maintain an investment grade bond rating as a condition of using bonding authority to meet financial responsibility under this section.

(5) The municipality shall file with the commissioner of revenue its consent to have the amount of its contingency action costs deducted from state aid payments otherwise due the municipality and paid instead to the remediation fund created in section 116.155, if the municipality fails to conduct the contingency action at the facility when ordered by the agency. If the agency notifies the commissioner that the municipality has failed to conduct contingency action when ordered by the agency, the commissioner shall deduct the amounts indicated by the agency from the state aids in accordance with the consent filed with the commissioner.

(6) The municipality shall file with the agency written proof that it has complied with the requirements of paragraph (b).

(c) The method for proving financial responsibility under paragraph (b) may not be applied to a new solid waste disposal facility or to expansion of an existing facility, unless the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities cannot be permitted for a duration of longer than three years.

(d) The commissioner shall consult with the commissioner of management and budget for guidance on the forms of financial assurance that are acceptable for private owners and public owners, and in carrying out a periodic review of the adequacy of financial assurance for solid waste disposal facilities. Financial assurance rules shall allow financial mechanisms to public owners of solid waste disposal facilities that are appropriate to their status as subdivisions of the state.

(e) Persons who wish the agency to consider unique financial assurance mechanisms to meet their obligations under this subdivision and subdivisions 4f and 4g must reimburse the agency for the costs of consultant services needed to complete a review to determine the appropriateness of the proposed mechanism. The reimbursement shall be in addition to any other fees imposed by law. Reimbursements accepted by the agency are deposited in the miscellaneous special revenue fund and appropriated to the agency for the cost to review the financial assurance mechanism.

Sec. 18. Minnesota Statutes 2010, section 127A.31, is amended to read:

127A.31 GOAL OF THE PERMANENT SCHOOL FUND.

The legislature intends that it is the goal of the permanent school fund to secure the maximum long-term economic return from the school trust lands consistent with the fiduciary responsibilities imposed by the trust relationship established in the Minnesota Constitution~~, with sound natural resource conservation and management principles, and with other specific policy provided in state law~~.

Sec. 19. Minnesota Statutes 2010, section 357.021, subdivision 7, is amended to read:

Subd. 7. **Disbursement of surcharges by commissioner of management and budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of management and budget shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the peace officer training account in the game and fish fund ~~to provide~~ and is annually appropriated to the commissioner of natural resources for peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The commissioner of management and budget shall credit $3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit $47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the $12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional $1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The $1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

Sec. 20. **WILD RICE STANDARDS; RULEMAKING.**

(a) Within 30 days of enactment, the commissioner of the Pollution Control Agency shall initiate a process to amend Minnesota Rules, chapter 7050, which may be accomplished through rulemaking already in progress related to the water quality standards contained in Minnesota Rules, chapter 7050. The amended rule shall designate each body of water, or specific portion thereof, to which the wild rice water quality standards apply and the specific times of year during which the standard applies. Before designating waters containing natural beds of wild rice as waters subject to a standard, the commissioner shall establish criteria for such waters after consultation with the commissioner of natural resources, Minnesota Indian tribes, and other interested parties and after public notice and comment. The criteria shall include, but not be limited to, documented history of wild rice harvests, minimum acreage, and wild rice density. Waters where individual wild rice plants or isolated, sparse stands of wild rice exist shall not be designated as subject to the standard.

(b) Within 30 days of enactment, the commissioner of the Pollution Control Agency must create an advisory group to provide input to the commissioner on a protocol for scientific research to assess the impacts of sulfates and other substances on the growth of wild rice, review research results, and provide other advice on the development of future rule amendments to protect wild rice. The advisory group must include representatives of tribal governments, municipal wastewater treatment facilities, industrial dischargers, wild rice harvesters, and wild rice research experts.

(c) After receiving the advice of the advisory group under paragraph (b), the commissioner shall, after consultation with the commissioner of natural resources and review of all available scientific research on water quality and other environmental impacts on the growth of wild rice, adopt and implement a wild rice research plan using the funding appropriated for a wild rice standards study in this act to contract with appropriate scientific experts. The commissioner shall periodically review the results of the research with the commissioner of natural resources and the advisory group.

(d) Upon completion of the research referenced in paragraph (c), the commissioner shall initiate a process to amend Minnesota Rules to revise water quality standards related to the protection of wild rice to be consistent with the results of the research.

(e) Until the rule amendment described in paragraph (d) is complete, in any permit issued for the discharge of wastewater, the commissioner of the Pollution Control Agency may only require that the permittee monitor sulfate concentrations in discharges, and if appropriate based on site-specific conditions, implement a sulfate minimization plan to avoid or minimize sulfate concentrations during periods when wild rice may be susceptible to damage, but may not require expenditures for design and implementation of sulfate treatment technologies. Upon completion of the rule amendment processes described in paragraph (d), the commissioner of the Pollution Control Agency shall provide permittees a reasonable period of time in which to comply with the amended standards.

(f) By December 15, 2011, the commissioner shall submit a report to the chairs of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources policy and finance on the status of implementation of this section. The report must include an estimated timeline for completion of the wild rice research plan and initiation and completion of the formal rulemaking process under Minnesota Statutes, chapter 14.

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

Sec. 21. **WILD RICE WATER QUALITY STANDARD.**

Notwithstanding Minnesota Rules, part 7050.0224, subpart 2, the water quality standard for sulfates in Class 4A waters is 50 milligrams per liter, applicable to water used for production of wild rice during periods when the rice may be susceptible to damage by high sulfate levels. This standard is effective until the new standard developed through the rulemaking required under section 14 goes into effect.

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

Sec. 22. **HARVEST OF TIMBER; STATE PARKS.**

Notwithstanding Minnesota Statutes, section 86A.05, subdivision 2, or any other law to the contrary, the commissioner of natural resources shall assess the black walnut and other timber resources in Frontenac State Park and Whitewater State Park, harvest the black walnut and timber resources suitable for harvest, and deposit the proceeds from the sale into the state parks account in the natural resources fund by June 30, 2013.

Sec. 23. **REPEALER.**

Minnesota Statutes 2010, section 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8, are repealed.

ARTICLE 4

ENVIRONMENT AND NATURAL RESOURCES TRUST FUND

Section 1. **MINNESOTA RESOURCES APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the environment and natural resources trust fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. The appropriations in this article are onetime.

		APPROPRIATIONS Available for the Year Ending June 30	
		2012	**2013**
Sec. 2. **MINNESOTA RESOURCES**			
Subdivision 1. **Total Appropriation**	$	**26,011,000** $	**25,261,000**

Appropriations by Fund	2012	2013
Environment and natural resources trust fund	25,261,000	25,261,000
State land and water conservation account (LAWCON)	750,000	-0-

Appropriations are available for two years beginning July 1, 2011, unless otherwise stated in the appropriation. Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

Subd. 2. **Definitions**

(a) "Trust fund" means the Minnesota environment and natural resources trust fund referred to in Minnesota Statutes, section 116P.02, subdivision 6.

(b) "State land and water conservation account (LAWCON)" means the state land and water conservation account in the natural resources fund referred to in Minnesota Statutes, section 116P.14.

Subd. 3. **Natural Resource Data and Information**	3,867,000	5,368,000

(a) **Minnesota County Biological Survey**

$1,125,000 the first year and $1,125,000 the second year are from the trust fund to the commissioner of natural resources for continuation of the Minnesota county biological survey to provide a foundation for conserving biological diversity by systematically collecting, interpreting, and delivering data on plant and animal distribution and ecology, native plant communities, and functional landscapes.

(b) **County Geologic Atlases for Sustainable Water Management**

$900,000 the first year and $900,000 the second year are from the trust fund to accelerate the production of county geologic atlases to provide information essential to sustainable management of ground water resources by defining aquifer boundaries and the connection of aquifers to the land surface and surface water resources. Of this appropriation, $600,000 each year is to the Board of Regents of the University of Minnesota for the Geologic Survey and $300,000 each year is to the commissioner of natural resources. This appropriation is available until June 30, 2015, by which time the project must be completed and final products delivered.

(c) **Completion of Statewide Digital Soil Survey**

$250,000 the first year and $250,000 the second year are from the trust fund to the Board of Water and Soil Resources to accelerate the completion of county soil survey mapping and Web-based data delivery. The soil surveys must be done on a cost-share basis with local and federal funds.

(d) **Updating National Wetlands Inventory for Minnesota - Phase III**

$1,500,000 the second year is from the trust fund to the commissioner of natural resources to continue the update of wetland inventory maps for Minnesota. This appropriation is available until June 30, 2015, by which time the project must be completed and final products delivered.

(e) **Golden Eagle Survey**

$45,000 the first year and $45,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the National Eagle Center to increase the understanding of golden eagles in Minnesota through surveys and education. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(f) **Determining Causes of Mortality in Moose Populations**

$300,000 the first year and $300,000 the second year are from the trust fund to the commissioner of natural resources to determine specific causes of moose mortality and population decline in Minnesota and to develop specific management actions to prevent further population decline. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(g) **Prairie Management for Wildlife and Bioenergy - Phase II**

$300,000 the first year and $300,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to research and evaluate methods of managing diverse working prairies for wildlife and renewable bioenergy production. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(h) **Evaluation of Biomass Harvesting Impacts on Minnesota's Forests**

$175,000 the first year and $175,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to assess the impacts biomass harvests for energy have on soil nutrients, native forest vegetation, invasive species spread, and long-term tree productivity within Minnesota's forests. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(i) **Change and Resilience in Boreal Forests in Northern Minnesota**

$100,000 the first year and $100,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to assess the potential response of northern Minnesota's boreal forests to observed and predicted changes in climate conditions and develop related management guidelines and adaptation strategies. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(j) **Information System for Wildlife and Aquatic Management Areas**

$250,000 the first year and $250,000 the second year are from the trust fund to the commissioner of natural resources to develop an information system to facilitate improved management of wildlife and fish habitat and facilities. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(k) **Strengthening Natural Resource Management with LiDAR Training**

$90,000 the first year and $90,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to provide workshops and Web-based training and information on the use of LiDAR elevation data in planning for and managing natural resources.

(l) **Measuring Conservation Practice Outcomes**

$170,000 the first year and $170,000 the second year are from the trust fund to the Board of Water and Soil Resources to improve measurement of impacts of conservation practices through refinement of existing and development of new pollution estimators and by providing local government training.

(m) **Conservation-Based Approach for Assessing Public Drainage Benefits**

$75,000 the first year and $75,000 the second year are from the trust fund to the Board of Water and Soil Resources to develop an alternative framework to assess drainage benefits on public systems to enhance water conservation. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(n) **Mississippi River Central Minnesota Conservation Planning**

$87,000 the first year and $88,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Stearns County Soil and Water Conservation District to develop and adopt river protection strategies in cooperation with local jurisdictions in the communities of the 26 miles of the Mississippi River between Benton and Stearns Counties. This appropriation must be matched by $175,000 of nonstate cash or qualifying in-kind funds.

Subd. 4. **Land, Habitat, and Recreation** 15,173,000 12,584,000

Summary by Fund

Environment and natural resources trust fund	14,423,000	12,584,000
State land and water conservation account (LAWCON)	750,000	-0-

(a) **Lake Vermilion State Park Development**

$2,421,000 the first year and $579,000 the second year are from the trust fund to the commissioner of natural resources for initial phases of development of Lake Vermilion State Park. A master plan must be completed and a specific list of proposed projects and project elements must be provided to the Legislative-Citizen Commission on Minnesota Resources before any expenditure of money appropriated in this paragraph.

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

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

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

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

$1,000,000 the first year and $1,000,000 the second year are from the trust fund to the commissioner of natural resources to provide matching grants to local units of government for acquisition and development of regional parks, regional trails, and trail connections. The local match required for a grant to acquire a regional park or regional outdoor recreation area is two dollars of nonstate money for each three dollars of state money. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(e) **State Recreation Area Acquisition and Restoration**

$820,000 the first year and $820,000 the second year are from the trust fund to the commissioner of natural resources to acquire lands with high-quality native plant communities and rare features to be established as state recreation areas as provided in Minnesota Statutes, section 85.013, restore parts of state recreation areas, and provide technical assistance and outreach. A list of proposed acquisitions must be provided as part of the required work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(f) **LaSalle Lake State Recreation Area Acquisition**

$1,000,000 the first year and $1,000,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with The Trust for Public Land to acquire approximately 190 acres to be designated as a state recreation area as provided in Minnesota Statutes, section 85.013, on LaSalle Lake adjacent to the upper Mississippi River. If this acquisition is not completed by July 15, 2012, then the appropriation is canceled. Up to $10,000 may be retained by the Department of Natural Resources at the request of The Trust for Public Land for transaction costs, associated professional services, and restoration needs.

(g) **Minnesota River Valley State Recreation Area Acquisition**

$1,000,000 the first year and $1,000,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Redwood Area Communities Foundation to acquire lands with high-quality native plant communities and rare features to be established as state recreation areas as provided in Minnesota Statutes, section 85.013. A list of proposed acquisitions must be provided as part of the required work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Up to $54,000 may be retained by the Department of Natural Resources at the request of the Redwood Area Communities Foundation for transaction costs, associated professional services, and restoration needs. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

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

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

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

$1,737,000 the first year and $1,738,000 the second year are from the trust fund to the commissioner of natural resources for the acceleration of agency programs and cooperative agreements. Of this appropriation, $150,000 the first year and $150,000 the second year are to the commissioner of natural resources for agency programs and $3,175,000 is for the agreements as follows: $100,000 the first year and $100,000 the second year with Friends of the Mississippi River; $517,000 the first year and $518,000 the second year with Dakota County; $200,000 the first year and $200,000 the second year with Great River Greening; $220,000 the first year and $220,000 the second year with Minnesota Land Trust; $300,000 the first year and $300,000 the second year with Minnesota Valley National Wildlife Refuge Trust, Inc.; and $250,000 the first year and $250,000 the second year with The Trust for Public Land for planning, restoring, and protecting priority natural areas in the metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties, through contracted services, technical assistance, conservation easements, and fee title acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Expenditures are limited to the identified project corridor areas as defined in the work program. This appropriation may not be used for the purchase of habitable residential structures, unless specified in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. An entity that acquires a conservation easement with appropriations from the trust fund must have a long-term stewardship plan for the easement and a fund established for monitoring and enforcing the agreement as provided in subdivision 17. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

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

$1,737,000 the first year and $1,738,000 the second year are from the trust fund to the commissioner of natural resources for the acceleration of agency programs and cooperative agreements. Of this appropriation, $125,000 the first year and $125,000 the second year are to the commissioner of natural resources for agency programs and $3,225,000 is for agreements as follows: $637,000 the first year and $638,000 the second year with Ducks Unlimited, Inc.; $38,000 the first year and $37,000 the second year with Friends of Detroit Lakes Wetland Management District; $25,000 the first year and $25,000 the second year with Leech Lake Band of Ojibwe; $225,000 the first year and $225,000 the second year with Minnesota Land Trust; $200,000 the first year and $200,000 the second year with Minnesota Valley National Wildlife Refuge Trust, Inc.; $242,000 the first year and $243,000 the second year with Pheasants Forever, Inc.; and $245,000 the first year and $245,000 the second year with The Trust for Public Land to plan, restore, and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants. The United States Department of Agriculture, Natural Resources Conservation Service, is an authorized cooperating partner in the appropriation. Expenditures are limited to the project corridor areas as defined in the work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum habitat and facility management standards, as determined by the commissioner of natural resources. This appropriation may not be used for the purchase of habitable residential structures, unless specified in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. An entity that acquires a conservation easement with appropriations from the trust fund must have a long-term stewardship plan for the easement and a fund established for monitoring and enforcing the agreement as provided in subdivision 17. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

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

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

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

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

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

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

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

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

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

$97,000 the first year and $98,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to research the genetic diversity of wild rice population throughout Minnesota for use in related conservation and restoration efforts. This appropriation is contingent upon demonstration of review and cooperation with the Native American tribal nations in Minnesota. Equipment purchased with this appropriation must be available for future publicly funded projects at no charge except for typical operating expenses. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(p) **Southeast Minnesota Stream Restoration**

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

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

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

(r) **Northeast Minnesota White Cedar Plant Community Restoration**

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

(s) **Land and Water Conservation Account (LAWCON) Federal Reimbursement**

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

Subd. 5. **Water Resources**	778,000	779,000

(a) **Itasca County Sensitive Lakeshore Identification**

$80,000 the first year and $80,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Itasca County Soil and Water Conservation District to identify sensitive lakeshore and restorable shoreline in Itasca County. Up to $130,000 may be retained by the Department of Natural Resources at the request of Itasca County to provide technical assistance.

(b) **Trout Stream Springshed Mapping in Southeast Minnesota - Phase III**

$250,000 the first year and $250,000 the second year are from the trust fund to continue to identify and delineate water supply areas and springsheds for springs serving as cold water sources for trout streams and to assess the impacts from development and water appropriations. Of this appropriation, $140,000 each year is to the Board of Regents of the University of Minnesota and $110,000 each year is to the commissioner of natural resources.

(c) **Mississippi River Water Quality Assessment**

$278,000 the first year and $279,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to assess water quality in the Mississippi River using DNA sequencing approaches and chemical analyses. The assessments shall be incorporated into a Web-based educational tool for use in classrooms and public exhibits. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(d) **Zumbro River Watershed Restoration Prioritization**

$75,000 the first year and $75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Zumbro Watershed Partnership, Inc. to identify sources of erosion and runoff in the Zumbro River

Watershed in order to prioritize restoration and protection projects.

(e) **Assessment of Minnesota River Antibiotic Concentrations**

$95,000 the first year and $95,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Saint Thomas University in cooperation with Gustavus Adolphus College and the University of Minnesota to measure antibiotic concentrations and antibiotic resistance levels at sites on the Minnesota River.

Subd. 6. **Aquatic and Terrestrial Invasive Species**	435,000	435,000

(a) **Improved Detection of Harmful Microbes in Ballast Water**

$125,000 the first year and $125,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota for the University of Minnesota Duluth to identify and analyze potentially harmful bacteria transported into Lake Superior through ship ballast water discharge. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(b) **Emerald Ash Borer Biocontrol Research and Implementation**

$250,000 the first year and $250,000 the second year are from the trust fund to the commissioner of agriculture to assess a biocontrol method for suppressing emerald ash borers by testing bioagent winter survival potential, developing release and monitoring methods, and piloting implementation of emerald ash borer biocontrol. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

(c) **Evaluation of Switchgrass as Biofuel Crop**

$60,000 the first year and $60,000 the second year are from the trust fund to the Minnesota State Colleges and Universities System for Central Lakes College in cooperation with the University of Minnesota to determine the invasion risk of selectively bred native grasses for biofuel production and develop strategies to minimize the invasion potential and impacts on biodiversity. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

Subd. 7. **Renewable Energy and Air Quality**	75,000	75,000

Supporting Community-Driven Sustainable Bioenergy Projects

$75,000 the first year and $75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Dovetail Partners, Inc. in cooperation with the University of Minnesota to assess feasibility, impacts, and management needs of community-scale forest bioenergy systems through pilot studies in Ely and Cook County and to disseminate findings to inform related efforts in other communities.

Subd. 8. **Environmental Education**	123,000	123,000

Youth-Led Renewable Energy and Energy Conservation in West Central and Southwest Minnesota

$123,000 the first year and $123,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Prairie Woods Environmental Learning Center to initiate youth-led renewable energy and conservation projects in over 30 communities in west central and southwest Minnesota.

Subd. 9. **Emerging Issues**	4,984,000	5,324,000

(a) **Minnesota Conservation Apprentice Academy**

$100,000 the first year and $100,000 the second year are from the trust fund to the Board of Water and Soil Resources in cooperation with Conservation Corps Minnesota to train and mentor future conservation professionals by providing apprenticeship service opportunities to soil and water conservation districts. This appropriation is available until June 30, 2014, by which time the project must be completed and the final products delivered.

(b) **Wild Rice Standards**

$1,000,000 the first year is from the trust fund to the commissioner of the Pollution Control Agency for a wild rice standards study. This appropriation is available until June 30, 2015.

(c) **Chronic Wasting Disease and Animal Health**

$600,000 the first year and $600,000 the second year are from the trust fund to the commissioner of natural resources to address chronic wasting disease and accelerate wildlife health programs.

(d) **Aquatic Invasive Species**

$1,822,000 the first year and $3,804,000 the second year are from the trust fund to the commissioner of natural resources to accelerate aquatic invasive species programs, including the development and implementation of best management practices for public water access facilities to implement aquatic invasive species prevention strategies.

(e) **Coon Rapids Dam**

$442,000 the first year is from the trust fund to the commissioner of natural resources for a grant to Three Rivers Park District for predesign and design of the Coon Rapids Dam for improvements and to function as a barrier to invasive fish.

(f) **Accelerated Land Sales and Exchanges**

$200,000 the first year is from the trust fund to the commissioner of natural resources to accelerate evaluation of the department's land holdings and sell, exchange, and acquire property more efficiently and effectively to achieve the department's land management goals in counties where public land ownership exceeds 50 percent.

(g) **Environment and Natural Resources Trust Fund Land Management Account**

$820,000 the first year and $820,000 the second year are to the commissioner of management and budget to be deposited into the environment and natural resources trust fund land management account within the special revenue fund to be used to pay for future restoration and enhancement of lands purchased in fee with money from the trust fund and held by the state and to make the payments required under Minnesota Statutes, sections 97A.061, subdivision 1, and 477A.12.

Subd. 10. **Administration and Contract Management**	576,000	573,000

(a) **Legislative-Citizen Commission on Minnesota Resources (LCCMR)**

$473,000 the first year and $473,000 the second year are from the trust fund to the LCCMR for administration as provided in Minnesota Statutes, section 116P.09, subdivision 5.

(b) **Contract Management**

$100,000 the first year and $100,000 the second year are from the trust fund to the commissioner of natural resources for expenses incurred for contract fiscal services for the agreements specified in this section. The commissioner shall provide documentation to the Legislative-Citizen Commission on Minnesota Resources on the expenditure of these funds. This appropriation is available until June 30, 2014.

(c) **LCC Web Site**

$3,000 in the first year is appropriated to the Legislative Coordinating Commission for the Web site required in Minnesota Statutes, section 3.303, subdivision 10.

Subd. 11. **Availability of Appropriations**

Money appropriated in this section may not be spent on activities unless they are directly related to the specific appropriation and are specified in the work program. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges. Unless otherwise provided, the amounts in this section are available until June 30, 2013, when projects must be completed and final products delivered. For acquisition of real property, the amounts in this section are available until June 30, 2014, if a binding contract is entered into by June 30, 2013, and closed not later than June 30, 2014. If a project receives a federal grant, the time period of the appropriation is extended to equal the federal grant period.

Subd. 12. **Data Availability Requirements**

Data collected by the projects funded under this section must conform to guidelines and standards adopted by the Office of Enterprise Technology. Spatial data also must conform to additional guidelines and standards designed to support data coordination and distribution that have been published by the Minnesota Geospatial Information Office. Descriptions of spatial data must be prepared as specified in the state's geographic metadata guideline and must be submitted to the Minnesota Geospatial Information Office. All data must be accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet and identified as an environment and natural resources trust fund project.

Subd. 13. **Project Requirements**

(a) As a condition of accepting an appropriation under this section, any agency or entity receiving an appropriation or a party to an agreement from an appropriation must comply with paragraphs (b) to (k) and Minnesota Statutes, chapter 116P, and must submit a work program and semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources for any project funded in whole or in part with funds from the appropriation.

(b) For all restorations conducted with money appropriated under this section, a recipient must prepare an ecological restoration and management plan that, to the degree practicable, is consistent with the highest quality conservation and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success of the restoration projects. The plan must include the proposed timetable for implementing the restoration, including site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and take advantage of the best available science and include innovative techniques to achieve the best restoration.

(c) Any entity receiving an appropriation in this section for restoration activities must provide an initial restoration evaluation at the completion of the appropriation and an evaluation three years beyond the completion of the expenditure. Restorations must be evaluated relative to the stated goals and standards in the restoration plan, current science, and, when applicable, the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. The evaluation shall determine whether the restorations are meeting planned goals, identify any problems with the implementation of the restorations, and, if necessary, give recommendations on improving restorations. The evaluation shall be focused on improving future restorations.

(d) Except as otherwise provided in this section, all restoration and enhancement projects funded with money appropriated in this section must be on land permanently protected by a conservation easement or public ownership or in public waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.

(e) A recipient of money from an appropriation under this section must give consideration to contracting with Conservation Corps Minnesota or its successor for contract restoration and enhancement services.

(f) All conservation easements acquired with money appropriated under this section must:

(1) be perpetual;

(2) specify the parties to an easement in the easement;

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

(4) be sent to the Office of the Legislative-Citizen Commission on Minnesota Resources in an electronic format;

(5) include a long-term monitoring and enforcement plan and funding for monitoring and enforcing the easement agreement; and

(6) include requirements in the easement document to address specific water quality protection activities such as keeping water on the landscape, reducing nutrient and contaminant loading, protecting groundwater, and not permitting artificial hydrological modifications.

(g) For any acquisition of land or interest in land, a recipient of money appropriated under this section must give priority to high quality natural resources or conservation lands that provide natural buffers to water resources.

(h) For new lands acquired with money appropriated under this section, a recipient must prepare a restoration and management plan in compliance with paragraph (b), including sufficient funding for implementation unless the work program addresses why a portion of the money is not necessary to achieve a high-quality restoration.

(i) To the extent an appropriation is used to acquire an interest in real property, a recipient of an appropriation under this section must provide to the Legislative-Citizen Commission on Minnesota Resources and the commissioner of management and budget an analysis of increased operations and maintenance costs likely to be incurred by public entities as a result of the acquisition and how these costs are to be paid.

(j) To ensure public accountability for the use of public funds, a recipient of money appropriated under this section must provide to the Legislative-Citizen Commission on Minnesota Resources documentation of the selection process used to identify parcels acquired and provide documentation of all related transaction costs, including but not limited to appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient must also report to the Legislative-Citizen Commission on Minnesota Resources any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal, if a state-certified or state-reviewed appraisal was conducted. Acquisition data such as appraisals may remain private during negotiations but must ultimately be made public according to Minnesota Statutes, chapter 13. The Legislative-Citizen Commission on Minnesota Resources shall review the requirement in this paragraph and provide a recommendation on whether to continue or modify the requirement in future years. The commission may waive the application of this paragraph for specific projects.

(k) A recipient of an appropriation from the trust fund under this section must acknowledge financial support from the Minnesota environment and natural resources trust fund in project publications, signage, and other public communications and outreach related to work completed using the appropriation. Acknowledgment may occur, as appropriate, through use of the trust fund logo or inclusion of language attributing support from the trust fund.

Subd. 14. **Payment Conditions and Capital Equipment Expenditures**

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 2011, or the date specified in the work program, whichever is later, are eligible for reimbursement unless otherwise provided in this section. Periodic payment must be made upon receiving documentation that the deliverable items articulated in the work program have been achieved, including partial achievements as evidenced by progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or match federal money. The advances must be specified in the work program. No expenditures for capital equipment are allowed unless specified in the work program.

Subd. 15. **Purchase of Recycled and Recyclable Materials**

A political subdivision, public or private corporation, or other entity that receives an appropriation under this section must use the appropriation in compliance with Minnesota Statutes, section 16B.121, regarding purchase of recycled, repairable, and durable materials; and Minnesota Statutes, section 16B.122, regarding purchase and use of paper stock and printing.

Subd. 16. **Energy Conservation and Sustainable Building Guidelines**

A recipient to whom an appropriation is made under this section for a capital improvement project must ensure that the project complies with the applicable energy conservation and sustainable building guidelines and standards contained in law, including Minnesota Statutes, sections 16B.325, 216C.19, and 216C.20, and rules adopted under those sections. The recipient may use the energy planning, advocacy, and State Energy Office units of the Department of Commerce to obtain information and technical assistance on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

Subd. 17. **Easement Monitoring and Enforcement Requirements**

Money appropriated under this section and adjustments made under subdivision 20 for easement monitoring and enforcement may be spent only on activities included in an easement monitoring and enforcement plan contained within the work program. Money received for monitoring and enforcement, including earnings on the money received, shall be kept in a monitoring and enforcement fund held by the organization and dedicated to monitoring and enforcing conservation easements within Minnesota. Within 120 days after the close of the entity's fiscal year, an entity receiving appropriations for easement monitoring and enforcement must provide an annual financial report to the Legislative-Citizen Commission on Minnesota Resources on the easement monitoring and enforcement fund as specified in the work program. Money appropriated under this section for monitoring and enforcement of easements and earnings on the money appropriated shall revert to the state if:

(1) the easement transfers to the state;

(2) the holder of the easement fails to file an annual report and then fails to cure that default within 30 days of notification of the default by the state; or

(3) the holder of the easement fails to comply with the terms of the monitoring and

enforcement plan contained within the work program and fails to cure that default within 90 days of notification of the default by the state.

Subd. 18. **Accessibility**

Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.

Subd. 19. **Carryforward**

(a) The availability of the appropriation for the following projects is extended to June 30, 2012:

(1) Laws 2008, chapter 367, section 2, subdivision 4, paragraph (f), Native Shoreland Buffer Incentives Program;

(2) Laws 2008, chapter 367, section 2, subdivision 4, paragraph (g), Southeast Minnesota Stream Restoration Projects;

(3) Laws 2009, chapter 143, section 2, subdivision 4, paragraph (a), State Park Acquisition;

(4) Laws 2009, chapter 143, section 2, subdivision 4, paragraph (b), State Trail Acquisition;

(5) Laws 2009, chapter 143, section 2, subdivision 6, paragraph (c), Improving Emerging Fish Disease Surveillance in Minnesota; and

(6) Laws 2009, chapter 143, section 2, subdivision 8, paragraph (a), Contract Management.

(b) The availability of the appropriation for the following project is extended to June 30, 2013:

(1) Laws 2010, chapter 362, section 2, subdivision 8, paragraph (f), Expanding Outdoor Classrooms at Minnesota Schools; and

(2) Laws 2010, chapter 362, section 2, subdivision 8, paragraph (g), Integrating Environmental and Outdoor Education in Grades 7-12.

Subd. 20. **Appropriations Adjustment**

(a) **Metropolitan Conservation Corridors**

(1) Of the amount appropriated in Laws 2003, chapter 128, article 1, section 9, subdivision 5, paragraph (b), $48,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(2) Of the amount appropriated in Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 5, paragraph (b), $49,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(3) Of the amount appropriated in Laws 2007, chapter 30, section 2, subdivision 4, paragraph (c), $59,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(4) Of the amount appropriated in Laws 2008, chapter 367, section 2, subdivision 3, paragraph (a), $42,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(5) Of the amount appropriated in Laws 2009, chapter 143, section 2, subdivision 4, paragraph (f), $80,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(6) Of the amount appropriated in Laws 2010, chapter 362, section 2, subdivision 4, paragraph (g), $10,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(b) **Habitat Conservation Partnership**

(1) Of the amount appropriated in Laws 2001, First Special Session chapter 2, section 14, subdivision 4, paragraph (e), $288,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(2) Of the amount appropriated in Laws 2003, chapter 128, article 1, section 9, subdivision 5, paragraph (a), up to $78,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(3) Of the amount appropriated in Laws 2005, First Special Session chapter 1, section 11, subdivision 5, paragraph (a), $25,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(4) Of the amount appropriated in Laws 2007, chapter 30, section 2, subdivision 4, paragraph (b), $69,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(5) Of the amount appropriated in Laws 2008, chapter 367, section 2, subdivision 3, paragraph (c), $66,000 is for deposit in

a monitoring and enforcement account as authorized in subdivision 17.

(6) Of the amount appropriated in Laws 2009, chapter 143, section 2, subdivision 4, paragraph (e), $60,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(7) Of the amount appropriated in Laws 2010, chapter 362, section 2, subdivision 4, paragraph (f), $30,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(c) **Preserving the Avon Hills Landscape**

Of the amount appropriated in Laws 2008, chapter 367, section 2, subdivision 3, paragraph (d), $120,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(d) **New Models for Land-Use Planning**

Of the amount appropriated in Laws 1997, chapter 216, section 15, subdivision 9, paragraph (d), up to $33,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

(e) **Conservation-Based Development Program**

Of the amount appropriated in Laws 1999, chapter 231, section 16, subdivision 8, paragraph (e), $5,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 17.

Sec. 3. **[84.0264] FEDERAL LAND AND WATER CONSERVATION FUNDS.**

Subdivision 1. **Designated agency.** The Department of Natural Resources is designated as the state agency to apply for, accept, receive, and disburse federal reimbursement funds and private funds that are granted to the state of Minnesota from section 6 of the federal Land and Water Conservation Fund Act.

Subd. 2. **State land and water conservation account.** A state land and water conservation account is created in the natural resources fund. All of the money made available to the state from funds granted under subdivision 1 shall be deposited in the state land and water conservation account.

Subd. 3. **Local share.** Fifty percent of all money made available to the state from funds granted under subdivision 1 shall be distributed for projects to be acquired, developed, and maintained by local units of government, provided that any project approved is consistent with a statewide or a county or regional recreational plan and compatible with the statewide recreational plan. All money received by the commissioner for local units of government is appropriated annually to carry out the purposes for which the funds are received.

Subd. 4. **State share.** Fifty percent of the money made available to the state from funds granted under subdivision 1 shall be used for state land acquisition and development for the state outdoor recreation system under chapter 86A and the administrative expenses necessary to maintain eligibility for the federal land and water conservation fund.

Sec. 4. Minnesota Statutes 2010, section 116P.04, is amended by adding a subdivision to read:

Subd. 6. **Environment and natural resources trust fund land management account.** An environment and natural resources trust fund land management account is created as an account in the special revenue fund. The State Board of Investment shall ensure the account is invested under section 11A.24. The commissioner of management and budget shall credit to the account all money appropriated to the account and all money earned by the account. The principal of the account and any unexpended earnings must be invested and reinvested by the State Board of Investment. Nothing in this section limits the source of contributions to the account. No more than five and one-half percent of the market value of the account as of June 30 of the prior fiscal year is appropriated to the commissioner of natural resources to pay for future restoration and enhancement of lands purchased in fee with money from the environment and natural resources trust fund and held by the state and to reimburse the general fund for payments made under sections 97A.061, subdivision 1, and 477A.12 for lands purchased with funds from the environment and natural resources trust fund.

Sec. 5. Minnesota Statutes 2010, section 116P.05, subdivision 2, is amended to read:

Subd. 2. **Duties.** (a) The commission shall recommend an annual or biennial legislative bill for appropriations from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. Approval of the recommended legislative bill requires an affirmative vote of at least 12 members of the commission.

(b) ~~The commission shall recommend expenditures to the legislature from the state land and water conservation account in the natural resources fund.~~

~~(c)~~ It is a condition of acceptance of the appropriations made from the Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources, and comply with applicable reporting requirements under section 116P.16. ~~None of the money provided may be spent unless the commission has approved the pertinent work program.~~

~~(d)~~ (c) The peer review panel created under section 116P.08 must also review, comment, and report to the commission on research proposals applying for an appropriation from the oil overcharge money under section 4.071, subdivision 2.

~~(e)~~ (d) The commission may adopt operating procedures to fulfill its duties under this chapter.

~~(f)~~ (e) As part of the operating procedures, the commission shall:

(1) ensure that members' expectations are to participate in all meetings related to funding decision recommendations;

(2) recommend adequate funding for increased citizen outreach and communications for trust fund expenditure planning;

(3) allow administrative expenses as part of individual project expenditures based on need;

(4) provide for project outcome evaluation;

(5) keep the grant application, administration, and review process as simple as possible; and

(6) define and emphasize the leveraging of additional sources of money that project proposers should consider when making trust fund proposals.

Sec. 6. Minnesota Statutes 2010, section 290.431, is amended to read:

290.431 NONGAME WILDLIFE CHECKOFF.

Every individual who files an income tax return or property tax refund claim form may designate on their original return that $1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that individual and paid into an account to be established for the management of nongame wildlife. The commissioner of revenue shall, on the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their tax or refund shall be paid into the nongame wildlife management account. The sum of the amounts so designated to be paid shall be credited to the nongame wildlife management account for use by the nongame program in the Department of Natural Resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the commissioner of management and budget, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. ~~The commissioner of natural resources shall submit a work program for each fiscal year and semiannual progress reports to the Legislative-Citizen Commission on Minnesota Resources in the form determined by the commission.~~

The state pledges and agrees with all contributors to the nongame wildlife management account to use the funds contributed solely for the management of nongame wildlife projects and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of nongame wildlife. The commissioner may use funds appropriated for nongame wildlife programs for the purpose of developing, preserving, restoring, and maintaining wintering habitat for neotropical migrant birds in Latin America and the Caribbean under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of such projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. Under this authority, the commissioner may execute agreements and contracts if the commissioner determines that the use of the funds will benefit neotropical migrant birds that breed in or migrate through the state.

Sec. 7. Minnesota Statutes 2010, section 290.432, is amended to read:

290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.

A corporation that files an income tax return may designate on its original return that $1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that corporation and paid into the nongame wildlife management account established by section 290.431 for use by the Department of Natural Resources for its nongame wildlife program. The commissioner of revenue shall, on the corporate tax return, notify filers of their right to designate that a portion of their tax return be paid into the nongame wildlife management account for the protection of endangered natural resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the commissioner of management and budget, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. ~~The commissioner of natural resources shall submit a work program for each fiscal year to the Legislative-Citizen Commission on Minnesota Resources in the form determined by the commission.~~

The state pledges and agrees with all corporate contributors to the nongame wildlife account to use the funds contributed solely for the nongame wildlife program and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of those programs.

Sec. 8. **REPEALER.**

Minnesota Statutes 2010, sections 84.027, subdivision 11; 116P.09, subdivision 4; and 116P.14, are repealed.

APPENDIX
Article locations in H1010-2