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State of Minnesota

HOUSE OF REPRESENTATIVES

Unofficial Engrossment

House Engrossment of a Senate File

EIGHTY-SEVENTH SESSION

S. F. No. 2493

Senate Author(s): Ingebrigtsen

House Action

03/22/2012 Companion to House File No. 2430. (Authors:Urdahl, Marquart, Beard, Kahn and Davids)

Read First Time and Referred to the Committee on Environment, Energy and Natural Resources Policy and Finance

03/26/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to state government; appropriating money from the outdoor heritage
1.3 fund, clean water fund, and arts and cultural heritage fund; modifying
1.4 requirements for outdoor heritage fund appropriations; providing for public
1.5 grazing program; changing provisions of grant management; changing control
1.6 and oversight of the film production jobs program to the commissioner of
1.7 administration; modifying prior appropriations; amending Minnesota Statutes
1.8 2010, sections 16B.98, subdivisions 5, 7; 97A.056, by adding subdivisions;
1.9 116U.26; Minnesota Statutes 2011 Supplement, section 114D.30, subdivision 4;
1.10 Laws 2009, chapter 172, article 2, section 4, as amended; article 3, section 3;
1.11 Laws 2011, First Special Session chapter 6, article 1, section 2, subdivision 9;
1.12 article 2, section 7; article 4, section 2, subdivision 5; proposing coding for new
1.13 law in Minnesota Statutes, chapter 84.

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

1.15 ARTICLE 1

1.16 OUTDOOR HERITAGE FUND

1.17 Section 1. OUTDOOR HERITAGE APPROPRIATION.

1.18 The sums shown in the columns marked "Appropriations" are appropriated to the
1.19 agencies and for the purposes specified in this article. The appropriations are from the
1.20 outdoor heritage fund and are available for the fiscal years indicated for each purpose. The
1.21 figures "2012" and "2013" used in this article mean that the appropriations listed under the
1.22 figure are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively.
1.23 "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium"
1.24 is fiscal years 2012 and 2013. The appropriations in this article are onetime.

Table with 2 columns: 2012, 2013. Header: APPROPRIATIONS Available for the Year Ending June 30.

2.1 Sec. 2. **OUTDOOR HERITAGE**2.2 **Subdivision 1. Total Appropriation** \$ **-0-** \$ **97,420,000**

2.3 This appropriation is from the outdoor
 2.4 heritage fund. The amounts that may be
 2.5 spent for each purpose are specified in the
 2.6 following subdivisions.

2.7 **Subd. 2. Prairies** **-0-** **24,640,000**2.8 **(a) Minnesota Buffers for Wildlife and Water**
2.9 **- Phase II**

2.10 \$2,090,000 in the second year is to the
 2.11 Board of Water and Soil Resources in
 2.12 cooperation with Pheasants Forever to
 2.13 acquire permanent conservation easements
 2.14 to enhance habitat by expanding clean water
 2.15 fund riparian wildlife buffers on private land.
 2.16 A list of proposed permanent conservation
 2.17 easements must be provided as part of the
 2.18 final report. The accomplishment plan must
 2.19 include an easement stewardship plan. Up
 2.20 to \$90,000 is for establishing a monitoring
 2.21 and enforcement fund as approved in
 2.22 the accomplishment plan and subject to
 2.23 Minnesota Statutes, section 97A.056,
 2.24 subdivision 17. An annual financial report is
 2.25 required for any monitoring and enforcement
 2.26 fund established, including expenditures
 2.27 from the fund and a description of annual
 2.28 monitoring and enforcement activities.

2.29 **(b) Minnesota Prairie Recovery Project - Phase**
2.30 **III**

2.31 \$4,610,000 in the second year is to the
 2.32 commissioner of natural resources for an
 2.33 agreement with The Nature Conservancy to
 2.34 acquire native prairie and savanna and restore
 2.35 and enhance grasslands and savanna. A list of

3.1 proposed land acquisitions must be provided
3.2 as part of the required accomplishment plan.
3.3 Annual income statements and balance sheets
3.4 for income and expenses from land acquired
3.5 with this appropriation must be submitted to
3.6 the Lessard-Sams Outdoor Heritage Council
3.7 no later than 180 days following the close of
3.8 The Nature Conservancy's fiscal year.

3.9 **(c) Cannon River Headwaters Habitat**
3.10 **Complex - Phase II**

3.11 \$1,760,000 in the second year is to the
3.12 commissioner of natural resources for an
3.13 agreement with The Trust for Public Land
3.14 to acquire and restore lands in the Cannon
3.15 River watershed for wildlife management
3.16 area purposes under Minnesota Statutes,
3.17 section 86A.05, subdivision 8, or aquatic
3.18 management area purposes under Minnesota
3.19 Statutes, sections 86A.05, subdivision
3.20 14, and 97C.02. A list of proposed land
3.21 acquisitions must be provided as part of the
3.22 required accomplishment plan.

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

3.24 \$2,900,000 in the second year is to the
3.25 commissioner of natural resources to acquire
3.26 land in fee for wildlife management area
3.27 purposes under Minnesota Statutes, section
3.28 86A.05, subdivision 8. A list of proposed
3.29 land acquisitions must be provided as part of
3.30 the required accomplishment plan.

3.31 **(e) Northern Tallgrass Prairie National**
3.32 **Wildlife Refuge Land Acquisition - Phase IV**

3.33 \$1,580,000 in the second year is to the
3.34 commissioner of natural resources for an
3.35 agreement with The Nature Conservancy

4.1 in cooperation with the United States Fish
4.2 and Wildlife Service to acquire land in
4.3 fee or permanent conservation easements
4.4 within the Northern Tallgrass Prairie Habitat
4.5 Preservation Area in western Minnesota for
4.6 addition to the Northern Tallgrass Prairie
4.7 National Wildlife Refuge. A list of proposed
4.8 land acquisitions must be provided as part
4.9 of the required accomplishment plan. The
4.10 accomplishment plan must include an
4.11 easement monitoring and enforcement plan.

4.12 **(f) Accelerating the Wildlife Management Area**
4.13 **Program - Phase IV**

4.14 \$3,300,000 in the second year is to the
4.15 commissioner of natural resources for an
4.16 agreement with Pheasants Forever to acquire
4.17 land in fee for wildlife management area
4.18 purposes under Minnesota Statutes, section
4.19 86A.05, subdivision 8. A list of proposed
4.20 land acquisitions must be provided as part of
4.21 the required accomplishment plan.

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

4.23 \$1,730,000 in the second year is to the
4.24 commissioner of natural resources for
4.25 an agreement with the Redwood Area
4.26 Development Corporation to acquire land in
4.27 fee for wildlife management area purposes
4.28 under Minnesota Statutes, section 86A.05,
4.29 subdivision 8, and for aquatic management
4.30 areas under Minnesota Statutes, sections
4.31 86A.05, subdivision 14, and 97C.02. A list of
4.32 proposed land acquisitions must be provided
4.33 as part of the required accomplishment plan.

4.34 **(h) Accelerated Prairie Restoration and**
4.35 **Enhancement on DNR Lands - Phase IV**

5.1 \$4,300,000 in the second year is to the
 5.2 commissioner of natural resources to
 5.3 accelerate the restoration and enhancement
 5.4 of wildlife management areas, scientific
 5.5 and natural areas, and land under native
 5.6 prairie bank easements. A list of proposed
 5.7 restorations and enhancements must
 5.8 be provided as part of the required
 5.9 accomplishment plan.

5.10 **(i) Anoka Sand Plain Habitat Restoration and**
 5.11 **Enhancement - Phase II**

5.12 \$1,050,000 in the second year is to the
 5.13 commissioner of natural resources for
 5.14 agreements to restore and enhance habitat on
 5.15 public lands in the Anoka Sand Plain and
 5.16 along the Rum River as follows: \$558,750 to
 5.17 Great River Greening; \$99,400 to the Anoka
 5.18 Conservation District; and \$391,850 to the
 5.19 National Wild Turkey Federation. A list
 5.20 of proposed restorations and enhancements
 5.21 must be provided as part of the required
 5.22 accomplishment plan.

5.23 **(j) Enhanced Public Grasslands**

5.24 \$1,320,000 in the second year is to the
 5.25 commissioner of natural resources for
 5.26 an agreement with Pheasants Forever in
 5.27 cooperation with the Minnesota Prairie
 5.28 Chicken Society to restore and enhance
 5.29 habitat on public lands. The criteria for
 5.30 selection of projects must be included in the
 5.31 accomplishment plan. A list of proposed
 5.32 restorations and enhancements must be
 5.33 provided as part of the final report.

5.34 **Subd. 3. Forests**

-0-

10,300,000

6.1 **(a) Protecting Mississippi River Corridor**
6.2 **Habitat ACUB Partnership - Phase II**

6.3 \$480,000 in the second year is to the
6.4 Board of Water and Soil Resources to
6.5 acquire permanent conservation easements
6.6 on land adjacent to the Nokasippi River
6.7 and the boundaries of the Minnesota
6.8 National Guard Army compatible use buffer
6.9 (ACUB). A list of proposed land acquisitions
6.10 must be provided as part of the required
6.11 accomplishment plan. The accomplishment
6.12 plan must include an easement stewardship
6.13 plan. Up to \$4,800 is for establishing
6.14 a monitoring and enforcement fund as
6.15 approved in the accomplishment plan and
6.16 subject to Minnesota Statutes, section
6.17 97A.056, subdivision 17. An annual financial
6.18 report is required for any monitoring and
6.19 enforcement fund established, including
6.20 expenditures from the fund and a description
6.21 of annual monitoring and enforcement
6.22 activities.

6.23 **(b) Mississippi Northwoods Habitat Complex**
6.24 **Protection**

6.25 \$7,040,000 in the second year is to the
6.26 commissioner of natural resources to
6.27 acquire land in fee along the Mississippi
6.28 River in Crow Wing County to be added
6.29 to Crow Wing State Forest. Prior to the
6.30 acquisition, an independent state appraisal
6.31 must be conducted and the purchase price
6.32 must not exceed the appraised fair market
6.33 value determined by the appraisal. A land
6.34 description must be provided as part of the
6.35 required accomplishment plan. Development
6.36 of a paved trail on land acquired under this

7.1 paragraph constitutes an alteration of the
7.2 intended use of the interest in real property
7.3 and must be handled according to Minnesota
7.4 Statutes, section 97A.056, subdivision 15.

7.5 The commissioner of natural resources shall
7.6 consult with the Lessard-Sams Outdoor
7.7 Heritage Council when planning for any
7.8 paved trail on land acquired with this
7.9 appropriation, including any plans for trail
7.10 alignment.

7.11 **(c) Northeastern Minnesota Sharp-Tailed**
7.12 **Grouse Habitat Partnership - Phase III**

7.13 \$1,340,000 in the second year is to the
7.14 commissioner of natural resources for
7.15 an agreement with Pheasants Forever in
7.16 cooperation with the Minnesota Sharp-Tailed
7.17 Grouse Society to acquire and enhance
7.18 lands for wildlife management area purposes
7.19 under Minnesota Statutes, section 86A.05,
7.20 subdivision 8. A list of proposed land
7.21 acquisitions must be provided as part of the
7.22 required accomplishment plan.

7.23 **(d) Protect Key Forest Habitat Lands in Cass**
7.24 **County - Phase III**

7.25 \$480,000 in the second year is to the
7.26 commissioner of natural resources for an
7.27 agreement with Cass County to acquire land
7.28 in fee in Cass County for forest wildlife
7.29 habitat. A list of proposed land acquisitions
7.30 must be provided as part of the required
7.31 accomplishment plan.

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

7.33 \$960,000 in the second year is to the
7.34 commissioner of natural resources for an
7.35 agreement with the Minnesota Deer Hunters

8.1 Association to restore and enhance public
 8.2 forest lands in northeastern Minnesota
 8.3 for moose habitat purposes. A list of
 8.4 proposed restorations and enhancements
 8.5 must be provided as part of the required
 8.6 accomplishment plan.

8.7 Subd. 4. Wetlands -0- 31,140,000

8.8 (a) Reinvest in Minnesota Wetlands Reserve
 8.9 Program Partnership - Phase IV

8.10 \$13,810,000 in the second year is to the
 8.11 Board of Water and Soil Resources to
 8.12 acquire permanent conservation easements
 8.13 and restore wetlands and associated upland
 8.14 habitat in cooperation with the United
 8.15 States Department of Agriculture Wetlands
 8.16 Reserve Program. A list of land acquisitions
 8.17 must be provided as part of the final report.
 8.18 The accomplishment plan must include
 8.19 an easement stewardship plan. Up to
 8.20 \$180,000 is for establishing a monitoring
 8.21 and enforcement fund as approved in
 8.22 the accomplishment plan and subject to
 8.23 Minnesota Statutes, section 97A.056,
 8.24 subdivision 17. An annual financial report is
 8.25 required for any monitoring and enforcement
 8.26 fund established, including expenditures
 8.27 from the fund and a description of annual
 8.28 monitoring and enforcement activities.

8.29 (b) Accelerating the Waterfowl Production
 8.30 Area Program - Phase IV

8.31 \$5,400,000 in the second year is to the
 8.32 commissioner of natural resources for an
 8.33 agreement with Pheasants Forever to acquire
 8.34 land in fee to be managed and designated as
 8.35 waterfowl production areas in Minnesota,
 8.36 in cooperation with the United States Fish

9.1 and Wildlife Service. A list of proposed land
9.2 acquisitions must be provided as part of the
9.3 required accomplishment plan.

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

9.5 \$940,000 in the second year is to the
9.6 commissioner of natural resources for an
9.7 agreement with Anoka County to acquire
9.8 land in fee for conservation purposes that
9.9 connect wetlands and shallow lakes to
9.10 the Lamprey Pass Wildlife Management
9.11 Area. A list of proposed land acquisitions
9.12 must be provided as part of the required
9.13 accomplishment plan.

9.14 **(d) Living Shallow Lakes and Wetlands**
9.15 **Initiative - Phase II**

9.16 \$4,490,000 in the second year is to the
9.17 commissioner of natural resources for an
9.18 agreement with Ducks Unlimited to assess,
9.19 restore, and enhance shallow lakes and
9.20 wetlands, including technical assistance,
9.21 survey, design, and engineering to develop
9.22 new enhancement and restoration projects
9.23 for future implementation. A list of
9.24 proposed restorations and enhancements
9.25 must be provided as part of the required
9.26 accomplishment plan.

9.27 **(e) Accelerated Shallow Lakes and Wetlands**
9.28 **Enhancement - Phase IV**

9.29 \$3,870,000 in the second year is to the
9.30 commissioner of natural resources to
9.31 develop engineering designs and complete
9.32 construction to enhance shallow lakes and
9.33 wetlands. A list of proposed restorations and
9.34 enhancements must be provided as part of
9.35 the required accomplishment plan. Work

10.1 must be completed within three years of the
 10.2 effective date of this article.

10.3 **(f) Marsh Lake Enhancement**

10.4 \$2,630,000 in the second year is to the
 10.5 commissioner of natural resources to
 10.6 complete design and construction to modify
 10.7 the dam at Marsh Lake and return the historic
 10.8 outlet of the Pomme de Terre River to Lac
 10.9 Qui Parle.

10.10 **Subd. 5. Habitats** -0- 31,120,000

10.11 **(a) DNR Aquatic Habitat - Phase IV**

10.12 \$3,480,000 in the second year is to the
 10.13 commissioner of natural resources to
 10.14 acquire interests in land in fee or permanent
 10.15 conservation easements for aquatic
 10.16 management areas under Minnesota Statutes,
 10.17 sections 86A.05, subdivision 14, and
 10.18 97C.02, and to restore and enhance aquatic
 10.19 habitat. A list of proposed land acquisitions
 10.20 must be provided as part of the required
 10.21 accomplishment plan. The accomplishment
 10.22 plan must include an easement stewardship
 10.23 plan. Up to \$25,000 is for establishing
 10.24 a monitoring and enforcement fund as
 10.25 approved in the accomplishment plan and
 10.26 subject to Minnesota Statutes, section
 10.27 97A.056, subdivision 17. An annual financial
 10.28 report is required for any monitoring and
 10.29 enforcement fund established, including
 10.30 expenditures from the fund and a description
 10.31 of annual monitoring and enforcement
 10.32 activities.

10.33 **(b) Metro Big Rivers Habitat - Phase III**

11.1 \$3,680,000 in the second year is to the
 11.2 commissioner of natural resources for
 11.3 agreements to acquire interests in land in
 11.4 fee or permanent conservation easements
 11.5 and to restore and enhance natural systems
 11.6 associated with the Mississippi, Minnesota,
 11.7 and St. Croix Rivers as follows: \$1,000,000
 11.8 to the Minnesota Valley National Wildlife
 11.9 Refuge Trust, Inc.; \$375,000 to the Friends
 11.10 of the Mississippi; \$375,000 to Great River
 11.11 Greening; \$930,000 to The Minnesota
 11.12 Land Trust; and \$1,000,000 to The Trust
 11.13 for Public Land. A list of proposed
 11.14 acquisitions, restorations, and enhancements
 11.15 must be provided as part of the required
 11.16 accomplishment plan. The accomplishment
 11.17 plan must include an easement stewardship
 11.18 plan. Up to \$51,000 is for establishing
 11.19 a monitoring and enforcement fund as
 11.20 approved in the accomplishment plan and
 11.21 subject to Minnesota Statutes, section
 11.22 97A.056, subdivision 17. An annual financial
 11.23 report is required for any monitoring and
 11.24 enforcement fund established, including
 11.25 expenditures from the fund and a description
 11.26 of annual monitoring and enforcement
 11.27 activities.

11.28 **(c) Dakota County Riparian and Lakeshore**
 11.29 **Protection and Management - Phase III**

11.30 \$480,000 in the second year is to the
 11.31 commissioner of natural resources for an
 11.32 agreement with Dakota County to acquire
 11.33 permanent conservation easements and
 11.34 restore and enhance habitats along the
 11.35 Mississippi, Cannon, and Vermillion Rivers.
 11.36 A list of proposed acquisitions, restorations,

12.1 and enhancements must be provided as
12.2 part of the required accomplishment plan.
12.3 The accomplishment plan must include
12.4 an easement stewardship plan. Up to
12.5 \$20,000 is for establishing a monitoring
12.6 and enforcement fund as approved in
12.7 the accomplishment plan and subject to
12.8 Minnesota Statutes, section 97A.056,
12.9 subdivision 17. An annual financial report is
12.10 required for any monitoring and enforcement
12.11 fund established, including expenditures
12.12 from the fund and a description of annual
12.13 monitoring and enforcement activities.

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

12.15 \$3,670,000 in the second year is to the
12.16 commissioner of natural resources to restore
12.17 habitat in the lower St. Louis River estuary.
12.18 A list of proposed projects must be provided
12.19 as part of the required accomplishment plan.

12.20 **(e) Coldwater Fish Habitat Enhancement -**
12.21 **Phase IV**

12.22 \$2,120,000 in the second year is to the
12.23 commissioner of natural resources for an
12.24 agreement with Minnesota Trout Unlimited
12.25 to restore and enhance coldwater fish lake,
12.26 river, and stream habitats in Minnesota. A list
12.27 of proposed restorations and enhancements
12.28 must be provided as part of the required
12.29 accomplishment plan.

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

12.31 \$2,320,000 in the second year is to the
12.32 commissioner of natural resources for an
12.33 agreement with the Red Lake Watershed
12.34 District to restore and enhance stream and
12.35 related habitat in Grand Marais Creek. A list

- 13.1 of proposed restorations and enhancements
13.2 must be provided as part of the required
13.3 accomplishment plan.
- 13.4 **(g) Knife River Habitat Restoration**
- 13.5 \$380,000 in the second year is to the
13.6 commissioner of natural resources for an
13.7 agreement with the Lake Superior Steelhead
13.8 Association to restore trout habitat in the
13.9 Upper Knife River Watershed. A list of
13.10 proposed restorations must be provided as
13.11 part of the required accomplishment plan.
- 13.12 **(h) Protect Aquatic Habitat from Asian Carp**
- 13.13 \$7,500,000 in the second year is to the
13.14 commissioner of natural resources to design,
13.15 construct, operate, and evaluate structural
13.16 deterrents and electric fish barriers for Asian
13.17 carp to protect Minnesota's aquatic habitat
13.18 from Asian carp on the Mississippi River.
13.19 Use of this money requires a one-to-one
13.20 match for projects on state boundary waters.
- 13.21 **(i) Protect Aquatic Habitat from Aquatic**
13.22 **Invasive Species**
- 13.23 \$2,200,000 in the second year is to the Board
13.24 of Regents of the University of Minnesota
13.25 for research on aquatic invasive species that
13.26 threaten or have the potential to threaten
13.27 the state's lakes, rivers, streams, wetlands,
13.28 and other aquatic habitats for fish, game,
13.29 and wildlife. This appropriation is added to
13.30 the appropriation in article 2, section 4, for
13.31 the purposes specified in that section and is
13.32 available until June 30, 2018.
- 13.33 **(j) Aquatic Habitat Restoration Grants**

14.1 \$300,000 in the second year is to the
14.2 commissioner of natural resources for
14.3 grants to local units of government and lake
14.4 associations for aquatic habitat restoration.

14.5 **(k) Outdoor Heritage Conservation Partners**
14.6 **Grant Program - Phase IV**

14.7 \$4,990,000 in the second year is to the
14.8 commissioner of natural resources for a
14.9 program to provide competitive, matching
14.10 grants of up to \$400,000 to local, regional,
14.11 state, and national organizations for
14.12 enhancing, restoring, or protecting forests,
14.13 wetlands, prairies, and habitat for fish, game,
14.14 or wildlife in Minnesota. Grants shall not
14.15 be made for activities required to fulfill
14.16 the duties of owners of lands subject to
14.17 conservation easements. Grants shall not be
14.18 made from appropriations in this paragraph
14.19 for projects that have a total project cost
14.20 exceeding \$575,000. \$366,000 of this
14.21 appropriation may be spent for personnel
14.22 costs and other direct and necessary
14.23 administrative costs. Grantees may acquire
14.24 land or interests in land. Easements must be
14.25 permanent. Land acquired in fee must be
14.26 open to hunting and fishing during the open
14.27 season unless otherwise provided by state
14.28 law. The program shall require a match of
14.29 at least ten percent from nonstate sources
14.30 for all grants. The match may be cash or
14.31 in-kind resources. For grant applications
14.32 of \$25,000 or less, the commissioner shall
14.33 provide a separate, simplified application
14.34 process. Subject to Minnesota Statutes, the
14.35 commissioner of natural resources shall,
14.36 when evaluating projects of equal value,

15.1 give priority to organizations that have a
 15.2 history of receiving or charter to receive
 15.3 private contributions for local conservation
 15.4 or habitat projects. If acquiring land or a
 15.5 conservation easement, priority shall be
 15.6 given to projects associated with existing
 15.7 wildlife management areas under Minnesota
 15.8 Statutes, section 86A.05, subdivision 8;
 15.9 scientific and natural areas under Minnesota
 15.10 Statutes, sections 84.033 and 86A.05,
 15.11 subdivision 5; and aquatic management areas
 15.12 under Minnesota Statutes, sections 86A.05,
 15.13 subdivision 14, and 97C.02. All restoration
 15.14 or enhancement projects must be on land
 15.15 permanently protected by a conservation
 15.16 easement or public ownership or in public
 15.17 waters as defined in Minnesota Statutes,
 15.18 section 103G.005, subdivision 15. Priority
 15.19 shall be given to restoration and enhancement
 15.20 projects on public lands. Minnesota Statutes,
 15.21 section 97A.056, subdivision 13, applies
 15.22 to grants awarded under this paragraph.
 15.23 This appropriation is available until June
 15.24 30, 2016. No less than five percent of the
 15.25 amount of each grant must be held back from
 15.26 reimbursement until the grant recipient has
 15.27 completed a grant accomplishment report by
 15.28 the deadline and in the form prescribed by
 15.29 and satisfactory to the Lessard-Sams Outdoor
 15.30 Heritage Council. The commissioner shall
 15.31 provide notice of the grant program in
 15.32 the game and fish law summaries that are
 15.33 prepared under Minnesota Statutes, section
 15.34 97A.051, subdivision 2.

15.35 Subd. 6. **Administration**

-0-

220,000

15.36 (a) **Contract Management**

16.1 \$175,000 in the second year is to the
16.2 commissioner of natural resources for
16.3 contract management duties assigned in this
16.4 section. The commissioner shall provide a
16.5 work program in the form specified by the
16.6 Lessard-Sams Outdoor Heritage Council
16.7 on the expenditure of this appropriation.
16.8 No money may be expended prior to
16.9 Lessard-Sams Outdoor Heritage Council
16.10 approval of the work program.

16.11 **(b) Technical Evaluation Panel**

16.12 \$45,000 in the second year is to the
16.13 commissioner of natural resources for a
16.14 technical evaluation panel to conduct up to
16.15 ten restoration evaluations under Minnesota
16.16 Statutes, section 97A.056, subdivision 10.

16.17 **Subd. 7. Availability of Appropriation**

16.18 Money appropriated in this section may
16.19 not be spent on activities unless they are
16.20 directly related to and necessary for a
16.21 specific appropriation and are specified in
16.22 the accomplishment plan approved by the
16.23 Lessard-Sams Outdoor Heritage Council.
16.24 Money appropriated in this section must not
16.25 be spent on indirect costs or other institutional
16.26 overhead charges that are not directly related
16.27 to and necessary for a specific appropriation.

16.28 Unless otherwise provided, the amounts
16.29 in this section are available until June 30,
16.30 2015, when projects must be completed and
16.31 final accomplishments reported. Funds for
16.32 restoration or enhancement are available
16.33 until June 30, 2017, or four years after
16.34 acquisition, whichever is later, in order to
16.35 complete initial restoration or enhancement

17.1 work. If a project receives federal funds,
17.2 the time period of the appropriation is
17.3 extended to equal the availability of federal
17.4 funding. Funds appropriated for fee title
17.5 acquisition of land may be used to restore,
17.6 enhance, and provide for public use of the
17.7 land acquired with the appropriation. Public
17.8 use facilities must have a minimal impact
17.9 on habitat in acquired lands. If the purchase
17.10 price for a fee title acquisition funded with
17.11 an appropriation in this article falls below
17.12 the estimated purchase price contained in
17.13 the approved accomplishment plan and no
17.14 other acquisitions are listed in the approved
17.15 accomplishment plan, the difference between
17.16 the purchase price and the estimated purchase
17.17 price is canceled and returned to the outdoor
17.18 heritage fund.

17.19 **Subd. 8. Payment Conditions and Capital**
17.20 **Equipment Expenditures**

17.21 All agreements referred to in this section must
17.22 be administered on a reimbursement basis
17.23 unless otherwise provided in this section.
17.24 Notwithstanding Minnesota Statutes, section
17.25 16A.41, expenditures directly related to each
17.26 appropriation's purpose made on or after July
17.27 1, 2012, or the date of accomplishment plan
17.28 approval, whichever is later, are eligible for
17.29 reimbursement unless otherwise provided in
17.30 this section. Periodic reimbursement must
17.31 be made upon receiving documentation that
17.32 the items articulated in the accomplishment
17.33 plan approved by the Lessard-Sams Outdoor
17.34 Heritage Council have been achieved,
17.35 including partial achievements as evidenced
17.36 by progress reports approved by the

18.1 Lessard-Sams Outdoor Heritage Council.
18.2 Reasonable amounts may be advanced to
18.3 projects to accommodate cash flow needs,
18.4 support future management of acquired
18.5 lands, or match a federal share. The
18.6 advances must be approved as part of the
18.7 accomplishment plan. Capital equipment
18.8 expenditures for specific items in excess of
18.9 \$10,000 must be itemized in and approved as
18.10 part of the accomplishment plan.

18.11 **Sec. 3. [84.972] PRAIRIE AND GRASSLANDS PUBLIC GRAZING PROGRAM.**

18.12 The commissioner of natural resources shall establish a prairie and grasslands public
18.13 grazing program. The commissioner shall enter into cooperative farming agreements
18.14 or lease agreements with livestock owners to annually graze prairie and grasslands
18.15 administered by the commissioner where grazing will enhance wildlife habitat, including
18.16 management of invasive species. The commissioner shall establish a target of at least
18.17 50,000 acres of prairie and grasslands to be enrolled in the prairie and grasslands public
18.18 grazing program. The commissioner shall maintain a list of lands grazed under the
18.19 program describing the location, acreage, and years grazed. The program shall have a goal
18.20 of being financially self-sufficient. Unless otherwise provided by law, revenues received
18.21 under this section shall be deposited in the game and fish fund and are appropriated to the
18.22 commissioner for purposes of the program.

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

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

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

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

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

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

19.12 (1) be permanent;

19.13 (2) specify the parties to the easement;

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

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

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

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

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

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

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

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

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

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

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

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

20.24 (h) A recipient of money appropriated from the outdoor heritage fund must give
20.25 consideration to Conservation Corps Minnesota for possible use of the corps' services to
20.26 contract for restoration and enhancement services.

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

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

20.31 Subd. 14. **Purchase of recycled and recyclable materials.** A political subdivision,
20.32 public or private corporation, or other entity that receives money appropriated from the
20.33 outdoor heritage fund must use the money in compliance with sections 16B.121, regarding
20.34 purchase of recycled, repairable, and durable materials, and 16B.122, regarding purchase
20.35 and use of paper stock and printing.

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

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

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

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

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

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

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

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

21.33 (3) a reference to this section; and

21.34 (4) the following statement: "This interest in real property shall be administered in
21.35 accordance with the terms, conditions, and purposes of the grant agreement controlling the
21.36 acquisition of the property. The interest in real property, or any portion of the interest in

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

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

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

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

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

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

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

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

22.30 Subd. 17. **Easement monitoring and enforcement requirements.** Money
 22.31 appropriated from the outdoor heritage fund for easement monitoring and enforcement
 22.32 may be spent only on activities included in an easement monitoring and enforcement
 22.33 plan contained within the accomplishment plan. Money received for monitoring and
 22.34 enforcement, including earnings on the money received, shall be kept in a monitoring

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

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

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

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

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

23.25 Sec. 11. Minnesota Statutes 2010, section 97A.056, is amended by adding a
23.26 subdivision to read:

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

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

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

24.5 **EFFECTIVE DATE.** This section is effective retroactively to July 1, 2009.

24.6 Sec. 12. Minnesota Statutes 2010, section 97A.056, is amended by adding a
24.7 subdivision to read:

24.8 Subd. 20. **Pasture land.** (a) For the purposes of this subdivision, "pasture" means
24.9 any prairie or grassland that had been actively grazed anytime during the ten-year period
24.10 prior to acquisition and that is acquired in fee for wildlife management area purposes
24.11 under section 86A.05, subdivision 8.

24.12 (b) A recipient of money appropriated from the outdoor heritage fund that is used
24.13 to acquire, in fee, more than 20 acres of pasture, as defined in paragraph (a), or other
24.14 existing or restored prairie or grassland where grazing will be used as a wildlife habitat
24.15 management tool shall:

24.16 (1) maintain any existing fencing on the land consistent with a grazing management
24.17 program;

24.18 (2) install new perimeter fencing using funds from the outdoor heritage fund
24.19 appropriation, unless perimeter fencing capable of containing livestock for grazing is
24.20 already present; and

24.21 (3) enter into an agreement or agreements with a livestock owner or owners to
24.22 provide sufficient grazing of the pasture to enhance wildlife habitat, including management
24.23 of invasive species.

24.24 (c) The commissioner must annually report the location, acreage, and years grazed
24.25 for land subject to this subdivision.

24.26 Sec. 13. Laws 2011, First Special Session chapter 6, article 1, section 2, subdivision 9,
24.27 is amended to read:

24.28 **Subd. 9. Project Requirements**

24.29 (a) As a condition of accepting an
24.30 appropriation made under this section, an
24.31 agency or entity receiving an appropriation
24.32 must comply with this subdivision for any

25.1 project funded in whole or in part with funds
25.2 from the appropriation.

25.3 (b) All conservation easements acquired with
25.4 money appropriated under this section must:
25.5 (1) be permanent; (2) specify the parties to
25.6 the easement; (3) specify all of the provisions
25.7 of an agreement that are permanent; (4)
25.8 specify the habitat types and location
25.9 being protected; (5) where appropriate for
25.10 conservation or water protection outcomes,
25.11 require the grantor to employ practices
25.12 retaining water on the eased land as long as
25.13 practicable; (6) specify the responsibilities
25.14 of the parties for habitat enhancement and
25.15 restoration and the associated costs of these
25.16 activities; (7) be sent to the office of the
25.17 Lessard-Sams Outdoor Heritage Council; (8)
25.18 include a long-term stewardship plan and
25.19 identify the sources and amount of funding
25.20 for monitoring and enforcing the easement
25.21 agreement; and (9) identify the parties
25.22 responsible for monitoring and enforcing the
25.23 easement agreement.

25.24 (c) For all restorations, a recipient must
25.25 prepare and retain an ecological restoration
25.26 and management plan that, to the degree
25.27 practicable, is consistent with current
25.28 conservation science and ecological goals
25.29 for the restoration site. Consideration should
25.30 be given to soil, geology, topography, and
25.31 other relevant factors that would provide
25.32 the best chance for long-term success and
25.33 durability of the restoration projects. The
25.34 plan must include the proposed timetable for
25.35 implementing the restoration, including, but
25.36 not limited to, site preparation, establishment

26.1 of diverse plant species, maintenance, and
26.2 additional enhancement to establish the
26.3 restoration; identify long-term maintenance
26.4 and management needs of the restoration
26.5 and how the maintenance, management,
26.6 and enhancement will be financed; and use
26.7 current conservation science to achieve the
26.8 best restoration.

26.9 (d) For new lands acquired, a recipient
26.10 must prepare a restoration and management
26.11 plan in compliance with paragraph (c),
26.12 including identification of sufficient funding
26.13 for implementation.

26.14 (e) To ensure public accountability for the
26.15 use of public funds, a recipient must provide
26.16 to the Lessard-Sams Outdoor Heritage
26.17 Council documentation of the process
26.18 used to select parcels acquired in fee or as
26.19 permanent conservation easements and must
26.20 provide the council with documentation
26.21 of all related transaction costs, including,
26.22 but not limited to, appraisals, legal fees,
26.23 recording fees, commissions, other similar
26.24 costs, and donations. This information
26.25 must be provided for all parties involved
26.26 in the transaction. The recipient must
26.27 also report to the Lessard-Sams Outdoor
26.28 Heritage Council any difference between the
26.29 acquisition amount paid to the seller and the
26.30 state-certified or state-reviewed appraisal, if
26.31 a state-certified or state-reviewed appraisal
26.32 was conducted. Acquisition data such
26.33 as appraisals may remain private during
26.34 negotiations but must ultimately be made
26.35 public according to Minnesota Statutes,
26.36 chapter 13.

27.1 (f) Except as otherwise provided in this
27.2 section, all restoration and enhancement
27.3 projects funded with money appropriated
27.4 under this section must be on land
27.5 permanently protected by a conservation
27.6 easement or public ownership or in public
27.7 waters as defined in Minnesota Statutes,
27.8 section 103G.005, subdivision 15.

27.9 (g) To the extent an appropriation is used to
27.10 acquire an interest in real property, a recipient
27.11 of an appropriation under this section must
27.12 provide to the Lessard-Sams Outdoor
27.13 Heritage Council and the commissioner
27.14 of management and budget an analysis of
27.15 increased operations and maintenance costs
27.16 likely to be incurred by public entities as
27.17 a result of the acquisition and of how these
27.18 costs are to be paid.

27.19 (h) A recipient of money from an
27.20 appropriation under this section must give
27.21 consideration to ~~and make timely written~~
27.22 ~~contact with~~ Conservation Corps Minnesota
27.23 for possible use of the corps' services to
27.24 contract for restoration and enhancement
27.25 services. ~~A copy of the written contact~~
27.26 ~~must be filed with the Lessard-Sams~~
27.27 ~~Outdoor Heritage Council within 15 days of~~
27.28 ~~execution.~~

27.29 (i) A recipient of money under this section
27.30 must erect signage according to Laws 2009,
27.31 chapter 172, article 5, section 10.

27.32 Sec. 14. **LEGACY FUNDING REQUIREMENTS APPLY.**

27.33 Each direct recipient of money appropriated in this article, as well as each
27.34 recipient of a grant awarded pursuant to this article, must satisfy all reporting and other

28.1 requirements incumbent upon legacy funding recipients as provided in Laws 2011, First
 28.2 Special Session chapter 6, article 5.

28.3 **ARTICLE 2**

28.4 **CLEAN WATER FUND**

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

28.7 Subd. 4. **Terms; compensation; removal.** The terms of members representing the
 28.8 state agencies and the Metropolitan Council are four years and are coterminous with the
 28.9 governor. The terms of other nonlegislative members of the council shall be as provided
 28.10 in section 15.059, subdivision 2. Members may serve until their successors are appointed
 28.11 and qualify. Compensation and removal of nonlegislative council members is as provided
 28.12 in section 15.059, subdivisions 3 and 4. Compensation of legislative members is as
 28.13 determined by the appointing authority. The Pollution Control Agency may reimburse
 28.14 legislative members for expenses. A vacancy on the council may be filled by the
 28.15 appointing authority provided in subdivision 1 for the remainder of the unexpired term.

28.16 Sec. 2. Laws 2009, chapter 172, article 2, section 4, as amended by Laws 2010, chapter
 28.17 361, article 2, section 2, and Laws 2011, First Special Session chapter 6, article 2, section
 28.18 23, is amended to read:

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

28.20 (a) \$9,000,000 the first year and \$9,000,000
 28.21 the second year are to develop total
 28.22 maximum daily load (TMDL) studies and
 28.23 TMDL implementation plans for waters
 28.24 listed on the United States Environmental
 28.25 Protection Agency approved impaired
 28.26 waters list in accordance with Minnesota
 28.27 Statutes, chapter 114D. The agency shall
 28.28 complete an average of ten percent of the
 28.29 TMDLs each year over the biennium. Of
 28.30 this amount, \$348,000 the first year is to
 28.31 retest the comprehensive assessment of the
 28.32 biological conditions of the lower Minnesota
 28.33 River and its tributaries within the Lower

29.1 Minnesota River Major Watershed, as
29.2 previously assessed from 1976 to 1992 under
29.3 the Minnesota River Assessment Project
29.4 (MRAP). The assessment must include the
29.5 same fish species sampling at the same 116
29.6 locations and the same macroinvertebrate
29.7 sampling at the same 41 locations as the
29.8 MRAP assessment. The assessment must:
29.9 (1) include an analysis of the findings; and
29.10 (2) identify factors that limit aquatic life in
29.11 the Minnesota River.

29.12 Of this amount, \$250,000 the first year is
29.13 for a pilot project for the development of
29.14 total maximum daily load (TMDL) studies
29.15 conducted on a watershed basis within
29.16 the Buffalo River watershed in order to
29.17 protect, enhance, and restore water quality
29.18 in lakes, rivers, and streams. The pilot
29.19 project shall include all necessary field
29.20 work to develop TMDL studies for all
29.21 impaired subwatersheds within the Buffalo
29.22 River watershed and provide information
29.23 necessary to complete reports for most of the
29.24 remaining watersheds, including analysis of
29.25 water quality data, identification of sources
29.26 of water quality degradation and stressors,
29.27 load allocation development, development
29.28 of reports that provide protection plans
29.29 for subwatersheds that meet water quality
29.30 standards, and development of reports that
29.31 provide information necessary to complete
29.32 TMDL studies for subwatersheds that do not
29.33 meet water quality standards, but are not
29.34 listed as impaired.

30.1 (b) \$500,000 the first year is for development
30.2 of an enhanced TMDL database to manage
30.3 and track progress. Of this amount, \$63,000
30.4 the first year is to promulgate rules. By
30.5 November 1, 2010, the commissioner shall
30.6 submit a report to the chairs of the house of
30.7 representatives and senate committees with
30.8 jurisdiction over environment and natural
30.9 resources finance on the outcomes achieved
30.10 with this appropriation.

30.11 (c) \$1,500,000 the first year and \$3,169,000
30.12 the second year are for grants under
30.13 Minnesota Statutes, section 116.195, to
30.14 political subdivisions for up to 50 percent of
30.15 the costs to predesign, design, and implement
30.16 capital projects that use storm water or
30.17 treated municipal wastewater instead of
30.18 groundwater from drinking water aquifers,
30.19 in order to demonstrate the beneficial use
30.20 of wastewater or storm water, including
30.21 the conservation and protection of water
30.22 resources. Notwithstanding Minnesota
30.23 Statutes, section 116.195, of this amount,
30.24 \$1,000,000 the first year is for grants to
30.25 ethanol plants that are within one and
30.26 one-half miles of a city for improvements
30.27 that use storm water or reuse greater than
30.28 300,000 gallons of wastewater per day. 80
30.29 percent of the costs to predesign, design,
30.30 and implement capital improvements that
30.31 use storm water, reuse greater than 300,000
30.32 gallons of wastewater per day, or use
30.33 innovative technology that utilizes effluent
30.34 from a commercial water-treatment system
30.35 in order to reduce the use of groundwater.
30.36 A grant awarded under this paragraph shall

31.1 not be used to directly address existing or
31.2 projected deficiencies in performance in
31.3 order to meet state or federal environmental
31.4 regulatory requirements. This appropriation
31.5 is available until June 30, 2016.

31.6 (d) \$1,125,000 the first year and \$1,125,000
31.7 the second year are for groundwater
31.8 assessment and drinking water protection to
31.9 include:

31.10 (1) the installation and sampling of at least
31.11 30 new monitoring wells;

31.12 (2) the analysis of samples from at least 40
31.13 shallow monitoring wells each year for the
31.14 presence of endocrine disrupting compounds;
31.15 and

31.16 (3) the completion of at least four to
31.17 five groundwater models for TMDL and
31.18 watershed plans.

31.19 (e) \$2,500,000 the first year is for the clean
31.20 water partnership program. Priority shall be
31.21 given to projects preventing impairments and
31.22 degradation of lakes, rivers, streams, and
31.23 groundwater in accordance with Minnesota
31.24 Statutes, section 114D.20, subdivision 2,
31.25 clause (4). Any balance remaining in the first
31.26 year does not cancel and is available for the
31.27 second year.

31.28 (f) \$896,000 the first year is to establish
31.29 a network of water monitoring sites, to
31.30 include at least 20 additional sites, in public
31.31 waters adjacent to wastewater treatment
31.32 facilities across the state to assess levels of
31.33 endocrine-disrupting compounds, antibiotic
31.34 compounds, and pharmaceuticals as required

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

32.3 (g) \$155,000 the first year is to provide
32.4 notification of the potential for coal tar
32.5 contamination, establish a storm water
32.6 pond inventory schedule, and develop best
32.7 management practices for treating and
32.8 cleaning up contaminated sediments as
32.9 required in this article. \$490,000 the second
32.10 year is to provide grants to local units of
32.11 government for up to 50 percent of the costs
32.12 to implement best management practices to
32.13 treat or clean up contaminated sediments
32.14 in storm water ponds and other waters as
32.15 defined under this article. Local governments
32.16 must have adopted an ordinance for the
32.17 restricted use of undiluted coal tar sealants
32.18 in order to be eligible for a grant, unless a
32.19 statewide restriction has been implemented.

32.20 A grant awarded under this paragraph must
32.21 not exceed \$100,000. Up to \$145,000 of the
32.22 appropriation in the second year may be used
32.23 to complete work required under section 28,
32.24 paragraph (c).

32.25 (h) \$350,000 the first year and \$600,000 the
32.26 second year are for a restoration project in
32.27 the lower St. Louis River and Duluth harbor
32.28 in order to improve water quality. This
32.29 appropriation must be matched by nonstate
32.30 money at a rate of at least \$2 for every \$1 of
32.31 state money.

32.32 (i) \$150,000 the first year and \$196,000 the
32.33 second year are for grants to the Red River
32.34 Watershed Management Board to enhance
32.35 and expand existing river watch activities in

33.1 the Red River of the North. The Red River
33.2 Watershed Management Board shall provide
33.3 a report that includes formal evaluation
33.4 results from the river watch program to the
33.5 commissioners of education and the Pollution
33.6 Control Agency and to the legislative natural
33.7 resources finance and policy committees
33.8 and K-12 finance and policy committees by
33.9 February 15, 2011.

33.10 (j) \$200,000 the first year and \$300,000 the
33.11 second year are for coordination with the
33.12 state of Wisconsin and the National Park
33.13 Service on comprehensive water monitoring
33.14 and phosphorus reduction activities in the
33.15 Lake St. Croix portion of the St. Croix
33.16 River. The Pollution Control Agency
33.17 shall work with the St. Croix Basin Water
33.18 Resources Planning Team and the St. Croix
33.19 River Association in implementing the
33.20 water monitoring and phosphorus reduction
33.21 activities. This appropriation is available
33.22 to the extent matched by nonstate sources.
33.23 Money not matched by November 15, 2010,
33.24 cancels for this purpose and is available for
33.25 the purposes of paragraph (a).

33.26 (k) \$7,500,000 the first year and \$7,500,000
33.27 the second year are for completion of 20
33.28 percent of the needed statewide assessments
33.29 of surface water quality and trends. Of this
33.30 amount, \$175,000 the first year and \$200,000
33.31 the second year are for monitoring and
33.32 analyzing endocrine disruptors in surface
33.33 waters.

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

34.1 in TMDL development. The agency shall
 34.2 develop a plan for expenditures under
 34.3 this paragraph. The agency shall give
 34.4 consideration to civic engagement proposals
 34.5 from basin or sub-basin organizations,
 34.6 including the Mississippi Headwaters Board,
 34.7 the Minnesota River Joint Powers Board,
 34.8 Area II Minnesota River Basin Projects,
 34.9 and the Red River Basin Commission.

34.10 By November 15, 2009, the plan shall be
 34.11 submitted to the house and senate chairs
 34.12 and ranking minority members of the
 34.13 environmental finance divisions.

34.14 (m) \$5,000,000 the second year is for
 34.15 groundwater protection or prevention of
 34.16 groundwater degradation activities. By
 34.17 January 15, 2010, the commissioner, in
 34.18 consultation with the commissioner of
 34.19 natural resources, the Board of Water and
 34.20 Soil Resources, and other agencies, shall
 34.21 submit a report to the chairs of the house of
 34.22 representatives and senate committees with
 34.23 jurisdiction over the clean water fund on the
 34.24 intended use of these funds. The legislature
 34.25 must approve expenditure of these funds by
 34.26 law.

34.27 Notwithstanding Minnesota Statutes, section
 34.28 16A.28, the appropriations encumbered on or
 34.29 before June 30, 2011, as grants or contracts in
 34.30 this section are available until June 30, 2013.

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

| | | | | |
|-------|--|-----------|-------------------|--------------------------|
| 34.33 | Sec. 7. BOARD OF WATER AND SOIL | | | <u>27,534,000</u> |
| 34.34 | RESOURCES | \$ | 27,534,000 | \$ |
| | | | | <u>31,734,000</u> |

35.1 (a) \$13,750,000 the first year and
35.2 ~~\$13,750,000~~ \$15,350,000 the second year are
35.3 for pollution reduction and restoration grants
35.4 to local government units and joint powers
35.5 organizations of local government units to
35.6 protect surface water and drinking water; to
35.7 keep water on the land; to protect, enhance,
35.8 and restore water quality in lakes, rivers,
35.9 and streams; and to protect groundwater
35.10 and drinking water, including feedlot water
35.11 quality and subsurface sewage treatment
35.12 system (SSTS) projects and stream bank,
35.13 stream channel, and shoreline restoration
35.14 projects. The projects must be of long-lasting
35.15 public benefit, include a match, and be
35.16 consistent with TMDL implementation plans
35.17 or local water management plans.

35.18 (b) \$3,000,000 the first year and ~~\$3,000,000~~
35.19 \$3,600,000 the second year are for targeted
35.20 local resource protection and enhancement
35.21 grants. The board shall give priority
35.22 consideration to projects and practices
35.23 that complement, supplement, or exceed
35.24 current state standards for protection,
35.25 enhancement, and restoration of water
35.26 quality in lakes, rivers, and streams or that
35.27 protect groundwater from degradation. Of
35.28 this amount, at least \$1,500,000 each year is
35.29 for county SSTS implementation.

35.30 (c) \$900,000 the first year and ~~\$900,000~~
35.31 \$1,200,000 the second year are to
35.32 provide state oversight and accountability,
35.33 evaluate results, and develop an electronic
35.34 system to measure and track the value of
35.35 conservation program implementation by
35.36 local governments, including submission

36.1 to the legislature by March 1 each year
36.2 an annual report prepared by the board,
36.3 in consultation with the commissioners of
36.4 natural resources, health, agriculture, and
36.5 the Pollution Control Agency, detailing the
36.6 recipients and projects funded under this
36.7 section. The board shall require grantees to
36.8 specify the outcomes that will be achieved
36.9 by the grants prior to any grant awards.

36.10 (d) \$1,000,000 the first year and ~~\$1,000,000~~
36.11 \$1,700,000 the second year are for technical
36.12 assistance and grants for the conservation
36.13 drainage program in consultation with
36.14 the Drainage Work Group, created under
36.15 Minnesota Statutes, section 103B.101,
36.16 subdivision 13, that consists of projects to
36.17 retrofit ~~existing~~ or supplement drainage
36.18 systems with water quality improvement
36.19 practices, evaluate outcomes, and provide
36.20 outreach to landowners, public drainage
36.21 authorities, drainage engineers and
36.22 contractors, and others. The board shall
36.23 coordinate practice standards with the
36.24 Natural Resources Conservation Service of
36.25 the United States Department of Agriculture
36.26 and seek to leverage federal funds as
36.27 part of conservation drainage program
36.28 implementation.

36.29 (e) \$6,000,000 the first year and \$6,000,000
36.30 the second year are to purchase and restore
36.31 permanent conservation easements on
36.32 riparian buffers adjacent to public waters,
36.33 excluding wetlands, to keep water on the
36.34 land in order to decrease sediment, pollutant,
36.35 and nutrient transport; reduce hydrologic
36.36 impacts to surface waters; and increase

37.1 infiltration for groundwater recharge. The
37.2 riparian buffers must be at least 50 feet
37.3 unless there is a natural impediment, a road,
37.4 or other impediment beyond the control
37.5 of the landowner. This appropriation may
37.6 be used for restoration of riparian buffers
37.7 protected by easements purchased with
37.8 this appropriation and for stream bank
37.9 restorations when the riparian buffers have
37.10 been restored.

37.11 (f) \$1,300,000 the first year and ~~\$1,300,000~~
37.12 \$2,300,000 the second year are for
37.13 permanent conservation easements on
37.14 wellhead protection areas under Minnesota
37.15 Statutes, section 103F.515, subdivision 2,
37.16 paragraph (d). Priority must be placed on
37.17 land that is located where the vulnerability
37.18 of the drinking water supply is designated
37.19 as high or very high by the commissioner
37.20 of health. The board shall coordinate
37.21 with the United States Geological Survey,
37.22 the commissioners of health and natural
37.23 resources, and local communities contained
37.24 in the Decorah and St. Lawrence Edge areas
37.25 of Winona, Goodhue, Olmsted, and Wabasha
37.26 Counties to obtain easements in identified
37.27 areas as having the most vulnerability to
37.28 groundwater contamination.

37.29 (g) \$1,500,000 the first year and \$1,500,000
37.30 the second year are for community partners
37.31 grants to local units of government for:
37.32 (1) structural or vegetative management
37.33 practices that reduce storm water runoff
37.34 from developed or disturbed lands to reduce
37.35 the movement of sediment, nutrients, and
37.36 pollutants for restoration, protection, or

38.1 enhancement of water quality in lakes, rivers,
38.2 and streams and to protect groundwater
38.3 and drinking water; and (2) installation
38.4 of proven and effective water retention
38.5 practices including, but not limited to, rain
38.6 gardens and other vegetated infiltration
38.7 basins and sediment control basins in order
38.8 to keep water on the land. The projects
38.9 must be of long-lasting public benefit,
38.10 include a local match, and be consistent with
38.11 TMDL implementation plans or local water
38.12 management plans. Local government unit
38.13 staff and administration costs may be used
38.14 as a match.

38.15 (h) \$84,000 the first year and \$84,000 the
38.16 second year are for a technical evaluation
38.17 panel to conduct up to ten restoration
38.18 evaluations under Minnesota Statutes,
38.19 section 114D.50, subdivision 6.

38.20 (i) The board shall contract for services
38.21 with Conservation Corps Minnesota for
38.22 restoration, maintenance, and other activities
38.23 under this section for \$500,000 the first year
38.24 and \$500,000 the second year.

38.25 (j) The board may shift grant or cost-share
38.26 funds in this section and may adjust the
38.27 technical and administrative assistance
38.28 portion of the funds to leverage federal or
38.29 other nonstate funds or to address oversight
38.30 responsibilities or high-priority needs
38.31 identified in local water management plans.

38.32 (k) The appropriations in this section are
38.33 available until June 30, 2016.

38.34 Sec. 4. **AQUATIC INVASIVE SPECIES; APPROPRIATION.**

40.1 along the Victory Memorial Parkway. For
40.2 acquisition of an interest in real property,
40.3 appropriations under this section are
40.4 available until June 30, 2013.

40.5 (b) The Metropolitan Council shall submit
40.6 a report on the expenditure and use of
40.7 money appropriated under this section to
40.8 the legislature as provided in Minnesota
40.9 Statutes, section 3.195, by March 1 of each
40.10 year. The report must detail the outcomes in
40.11 terms of additional use of parks and trails
40.12 resources, user satisfaction surveys, and
40.13 other appropriate outcomes.

40.14 (c) Grant agreements entered into by the
40.15 Metropolitan Council and recipients of
40.16 money appropriated under this section shall
40.17 ensure that the funds are used to supplement
40.18 and not substitute for traditional sources of
40.19 funding.

40.20 (d) The implementing agencies receiving
40.21 appropriations under this section shall
40.22 give consideration to contracting with the
40.23 Minnesota Conservation Corps for contract
40.24 restoration, maintenance, and other activities.

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

40.26 **ARTICLE 4**

40.27 **ARTS AND CULTURAL HERITAGE FUND**

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

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

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

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

41.3 (3) the grant agreement includes an effective date that references either section
41.4 16C.05, subdivision 2, or 16B.98, subdivisions 5 and 7, as determined by the granting
41.5 agency.

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

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

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

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

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

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

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

41.23 **116U.26 FILM PRODUCTION JOBS PROGRAM.**

41.24 (a) The film production jobs program is created. The program shall be operated
41.25 by the Minnesota Film and TV Board with administrative oversight and control by the
41.26 ~~director of Explore Minnesota Tourism~~ commissioner of administration. The program
41.27 shall make payment to producers of feature films, national television or Internet programs,
41.28 documentaries, music videos, and commercials that directly create new film jobs in
41.29 Minnesota. To be eligible for a payment, a producer must submit documentation to the
41.30 Minnesota Film and TV Board of expenditures for production costs incurred in Minnesota
41.31 that are directly attributable to the production in Minnesota of a film product.

41.32 The Minnesota Film and TV Board shall make recommendations to the ~~director of~~
41.33 ~~Explore Minnesota Tourism~~ commissioner of administration about program payment, but
41.34 the ~~director~~ commissioner has the authority to make the final determination on payments.

42.1 The ~~director's~~ commissioner's determination must be based on proper documentation of
 42.2 eligible production costs submitted for payments. No more than five percent of the funds
 42.3 appropriated for the program in any year may be expended for administration.

42.4 (b) For the purposes of this section:

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

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

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

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

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

42.11 (v) editing and related services;

42.12 (vi) rental of facilities and equipment; or

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

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

42.23 (c) Notwithstanding any other law to the contrary, the Minnesota Film and TV Board
 42.24 may make reimbursements of: (1) up to 20 percent of film production costs for films that
 42.25 locate production outside the metropolitan area, as defined in section 473.121, subdivision
 42.26 2, or that incur production costs in excess of \$5,000,000 in the metropolitan area within
 42.27 a 12-month period; or (2) up to 15 percent of film production costs for films that incur
 42.28 production costs of \$5,000,000 or less in the metropolitan area within a 12-month period.

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

| | | | |
|-------|--|------------|-----------------------|
| 42.31 | | | 12,050,000 |
| 42.32 | Subd. 5. Minnesota Historical Society | 12,050,000 | <u>12,950,000</u> |

42.33 These amounts are appropriated to the
 42.34 governing board of the Minnesota Historical
 42.35 Society to preserve and enhance access to

43.1 Minnesota's history and its cultural and
43.2 historical resources. Grant agreements
43.3 entered into by the Minnesota Historical
43.4 Society and other recipients of appropriations
43.5 in this subdivision shall ensure that
43.6 these funds are used to supplement and
43.7 not substitute for traditional sources of
43.8 funding. Funds directly appropriated to the
43.9 Minnesota Historical Society shall be used to
43.10 supplement, and not substitute for, traditional
43.11 sources of funding. Notwithstanding
43.12 Minnesota Statutes, section 16A.28, for
43.13 historic preservation projects that improve
43.14 historic structures, the amounts are available
43.15 until June 30, 2015.

43.16 **Statewide Historic and Cultural Grants.**
43.17 \$5,250,000 the first year and ~~\$5,250,000~~
43.18 \$5,450,000 the second year are for history
43.19 programs and projects operated or conducted
43.20 by or through local, county, regional, or
43.21 other historical or cultural organizations; or
43.22 for activities to preserve significant historic
43.23 and cultural resources. Funds are to be
43.24 distributed through a competitive grants
43.25 process. The Minnesota Historical Society
43.26 shall administer these funds using established
43.27 grants mechanisms, with assistance from
43.28 the advisory committee created under Laws
43.29 2009, chapter 172, article 4, section 2,
43.30 subdivision 4, paragraph (b), item (ii).

43.31 **Programs.** \$4,800,000 the first year and
43.32 ~~\$4,800,000~~ \$5,200,000 the second year are
43.33 for programs and purposes related to the
43.34 historical and cultural heritage of the state
43.35 of Minnesota, conducted by the Minnesota
43.36 Historical Society.

44.1 **History Partnerships.** \$1,500,000 the first
44.2 year and ~~\$1,500,000~~ \$1,700,000 the second
44.3 year are for partnerships involving multiple
44.4 organizations, which may include the
44.5 Minnesota Historical Society, to preserve and
44.6 enhance access to Minnesota's history and
44.7 cultural heritage in all regions of the state.

44.8 **Statewide Survey of Historical and**
44.9 **Archaeological Sites.** \$250,000 the first
44.10 year and \$250,000 the second year are
44.11 for a contract or contracts to be let on a
44.12 competitive basis to conduct statewide
44.13 surveys of Minnesota's sites of historical,
44.14 archaeological, and cultural significance.
44.15 Results of this survey must be published in
44.16 a searchable form, available to the public on
44.17 a cost-free basis. The Minnesota Historical
44.18 Society, the Office of the State Archaeologist,
44.19 and the Indian Affairs Council shall each
44.20 appoint a representative to an oversight
44.21 board to select contractors and direct the
44.22 conduct of these surveys. The oversight
44.23 board shall consult with the Departments of
44.24 Transportation and Natural Resources.

44.25 **Digital Library.** \$250,000 the first year and
44.26 \$250,000 the second year are for a digital
44.27 library project to preserve, digitize, and share
44.28 Minnesota images, documents, and historical
44.29 materials. The Minnesota Historical Society
44.30 shall cooperate with the Minitex interlibrary
44.31 loan system and shall jointly share this
44.32 appropriation for these purposes.

44.33 **Commemoration Activities.** \$100,000
44.34 the second year is for activities that
44.35 commemorate the sesquicentennial of

45.1 the American Civil War and the Dakota
45.2 Conflict, as recommended by the Civil War
45.3 Commemoration Task Force established in
45.4 Executive Order 11-15 (2011).

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

45.6 \$80,000 is appropriated in fiscal year 2013 from the arts and cultural heritage fund
45.7 to the commissioner of administration for grants to public broadcasting organizations to
45.8 develop programming that commemorates the sesquicentennial of the American Civil War
45.9 and the Dakota Conflict. This appropriation is divided as follows:

45.10 (1) \$15,000 is for a grant to Minnesota Public Radio;

45.11 (2) \$15,000 is for a grant to the Association of Minnesota Public Educational Radio
45.12 Stations; and

45.13 (3) \$50,000 is for a grant to Twin Cities Public Television to complete production
45.14 of two historic documentaries and to develop an educational Web site that provides
45.15 Minnesota educators and students with access to documentary content, video segments,
45.16 and lesson guides. Notwithstanding Minnesota Statutes, section 129D.17, subdivision 2,
45.17 paragraph (f), Twin Cities Public Television may spend a portion of this appropriation for
45.18 travel and filming outside of Minnesota.

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

45.20 \$600,000 is appropriated in fiscal year 2013 from the arts and cultural heritage
45.21 fund to the commissioner of administration for a grant to the Independent Feature
45.22 Project/Minnesota for a new film production incentive program. The Independent
45.23 Feature Project/Minnesota shall reimburse film producers for eligible production costs
45.24 incurred to produce a film or documentary in Minnesota. Eligible production costs are
45.25 expenditures incurred in Minnesota that are directly attributable to the production of a
45.26 film or documentary in Minnesota. Eligible production costs include talent, management,
45.27 labor, set construction and operation, wardrobe, sound synchronization, lighting, editing,
45.28 rental facilities and equipment, and other direct costs of producing a film or documentary
45.29 in accordance with generally accepted entertainment industry practices. A producer
45.30 must agree, to the greatest extent possible, to procure all eligible production inputs
45.31 in Minnesota. A producer must submit proper documentation of eligible production
45.32 costs incurred. The commissioner of administration may use up to 2-1/2 percent of this
45.33 appropriation for grant administration costs.

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

46.2 \$35,000 is appropriated in fiscal year 2013 from the arts and cultural heritage fund to
46.3 the revisor of statutes to design and implement a Web site to provide the public searchable
46.4 access to historical documents relating to state agency rulemaking. It is anticipated that
46.5 the revisor of statutes will match this appropriation from carryforward funds and that the
46.6 revisor will use the carryforward funds to design and implement a Web site that will
46.7 provide the public searchable access to future state agency rulemaking documents.

46.8 Sec. 8. **LET'S GO FISHING; APPROPRIATION.**

46.9 \$100,000 in fiscal year 2013 is appropriated from the arts and cultural heritage fund
46.10 to the commissioner of natural resources for a grant to Let's Go Fishing of Minnesota to
46.11 provide community outreach to senior citizens, youth, and veterans and for the costs
46.12 associated with establishing and recruiting new chapters in order to preserve Minnesota's
46.13 cultural heritage of fishing. The grants must be matched with cash or in-kind contributions
46.14 from nonstate sources.

46.15 Sec. 9. **LEGACY FUNDING REQUIREMENTS APPLY.**

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

46.22 Sec. 10. **GOVERNOR TO URGE PRESIDENTIAL PARDON OF CHASKA.**

46.23 The governor, in consultation with the chairs of the house and senate committees
46.24 with jurisdiction over legacy funds, shall urge the President of the United States to pardon
46.25 We-Chank-Wash-ta-don-pee, also known as Chaska, for alleged crimes stemming from
46.26 the Dakota Conflict of 1862.

APPENDIX
Article locations in UES2493-1

ARTICLE 1 OUTDOOR HERITAGE FUND Page.Ln 1.15
ARTICLE 2 CLEAN WATER FUND Page.Ln 28.3
ARTICLE 3 PARKS AND TRAILS FUND Page.Ln 39.23
ARTICLE 4 ARTS AND CULTURAL HERITAGE FUND Page.Ln 40.26