

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1061

DATE: May 13, 2011

Version: Fourth engrossment

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Subject: Omnibus Legacy Bill

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Overview

This bill provides appropriations from sales tax revenues deposited in four dedicated funds under Article XI, section 15, of the Minnesota Constitution (the outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund).

Article 1: Outdoor Heritage Fund

Overview

This article includes appropriations from the outdoor heritage fund based on the recommendations of the Lessard-Sams Outdoor Heritage Council (LSOHC) that is charged with making recommendations on the use of the funds in the outdoor heritage fund.

1 Outdoor heritage appropriation. Technical

2 Outdoor heritage.

Subd. 1. Total appropriation. Provides a total appropriation of \$92,126,000 from the outdoor heritage fund in fiscal year 2012, and \$471,000 in fiscal year 2013.

Subd. 2. Prairies and grasslands. Provides a total appropriation of \$35,324,000 in fiscal year 2012 for the following prairie projects:

(a) \$4,690,000 to the Department of Natural Resources (DNR) to acquire wildlife management areas (WMAs), scientific and natural areas (SNAs), and native prairie bank easements;

(b) \$1,652,000 to the DNR to accelerate restoration and enhancement of WMAs, SNAs, and land under native prairie bank easements;

- (c) \$2,249,000 to the Board of Water and Soil Resources (BWSR) for conservation easements on riparian buffers;
- (d) \$1,720,000 for an agreement with the Nature Conservancy to acquire land or permanent easements on lands to be added to the Northern Tallgrass Prairie National Wildlife Refuge;
- (e) \$4,500,000 for an agreement with the Nature Conservancy to acquire native prairie and savanna and restore and enhance grasslands and savanna;
- (f) \$1,877,000 for an agreement with the Trust for Public Land to acquire and restore lands for a WMA in the Cannon River watershed;
- (g) \$6,691,000 for an agreement with Pheasants Forever to acquire prairie and other habitat areas for WMAs;
- (h) \$9,815,000 for an agreement with the Pheasants Forever to acquire wetlands and grasslands to be added to the waterfowl production area system; and
- (i) \$2,130,000 for an agreement with the Redwood Area Development Corporation to acquire and restore for WMAs or aquatic management areas (AMAs).
- (j) Requires the LSOHC to provide a report on the number of acres of native prairie protected and restored with outdoor heritage funds.

Subd. 3. Forests. Provides a total appropriation of \$16,039,000 for the following forest projects:

- (a) \$5,409,000 to the DNR to acquire forest easements through the Minnesota forests for the future program;
- (b) \$5,709,000 for an agreement with the Trust for Public Land to acquire land adjacent to LaSalle Lake;
- (c) \$826,000 to the DNR to restore and enhance lands in state forests;
- (d) \$1,199,000 for an agreement with Pheasants Forever, in cooperation with the Minnesota Sharp-Tailed Grouse Society, to acquire and enhance WMAs;
- (e) \$863,000 to the DNR to acquire and enhance habitat in the lower Root River and lower Zumbro River watersheds;
- (f) \$604,000 for an agreement with Cass County to acquire land for forest wildlife habitat; and
- (g) \$1,429,000 to the DNR to acquire land and permanent management access easements for state forests.

Subd. 4. Wetlands. Provides a total appropriation of \$15,934,000 for the following wetland projects:

- (a) \$13,000,000 to BWSR for permanent easements and restoration of wetlands and associated uplands through the Reinvest in Minnesota (RIM) Reserve program and Wetlands Reserve Program;
- (b) \$936,000 to the DNR to develop engineering designs for shallow lakes and wetlands

and restore and enhance shallow lakes; and

(c) \$1,998,000 for an agreement with BWSR and Ducks Unlimited to acquire, in fee and through conservation easement, wild rice lake shoreland habitat.

Subd. 5. Habitat. Provides a total appropriation of \$22,914,000 for the following habitat projects:

- (a) \$7,061,000 to the DNR to acquire lands, in fee and through conservation easement, for AMAs and to restore and enhance aquatic habitat;
- (b) \$1,533,000 for an agreement with Trout Unlimited to restore, enhance, and protect cold water river and stream habitats;
- (c) \$707,000 for an agreement with Chisago County to acquire land to be added to the Janet Johnson Memorial WMA;
- (d) \$5,481,000 to the DNR for agreements with various partners to acquire interests in land and to restore and enhance natural systems associated with the Mississippi, Minnesota, and St. Croix Rivers;
- (e) \$1,098,000 for agreements with the Leech Lake Watershed Foundation and the Minnesota Land Trust to cover acquisition expenses and monitoring costs associated with donated permanent conservation easements on sensitive shorelands in north central Minnesota;
- (f) \$2,577,000 for an agreement with the Shell Lake Watershed District to acquire land at the headwaters of the Shell Rock River for AMA purposes; and
- (g) \$5,629,000 to the DNR for the Outdoor Heritage Conservation Partners Grant Program, a competitive grant program administered by the DNR. The grants are available to local, regional, state, and national organizations for enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife. The grants may be awarded in an amount up to \$400,000 and require a nonstate cash match of ten percent for grants of \$100,000 or less and 15 percent for grants over \$100,000.

Subd. 6. Administration. Provides a total appropriation of \$743,000 in fiscal year 2012 and \$471,000 in fiscal year 2013 for administration, including: \$175,000 in fiscal year 2012 for contract management services from the DNR; \$471,000 each year for the administrative expenses of the LSOHC and expense reimbursement of council members; \$13,000 in fiscal year 2012 for the costs of developing the Web site tracking expenditures from the outdoor heritage fund and other constitutionally dedicated funds; and \$84,000 for a technical assistance panel to conduct restoration audits.

Subd. 7. Availability of appropriation. States that money appropriated may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the accomplishment plan and may not be spent on indirect costs or other institutional overhead charges. States that appropriations are available until June 30, 2014, unless otherwise specified. States that appropriations for restoration or enhancement work are available until June 30, 2016, or four years after acquisition of the land being restored or enhanced, whichever is later. States that appropriations for projects receiving federal funds are extended to equal the availability of federal funding. States that funds for acquisition may be used to restore, enhance, and provide for the public use of lands acquired and that public use facilities must have minimal impact on habitat.

Subd. 8. Accomplishment plans. States that it is a condition of accepting an appropriation under this section that the recipient submits an accomplishment plan and periodic accomplishment reports to the LSOHC. Prohibits money from being spent unless the LSOHC approves the accomplishment plan.

Subd. 9. Project requirements. Establishes certain requirements for projects (similar to requirements placed on project recommended by the Legislative-Citizen Commission on Minnesota Resources (LCCMR)), such as requiring easements to be permanent and have a long-term stewardship plan, requiring restorations to have an ecological restoration and management plan, and requiring all restorations to be on public waters or lands permanently protected unless otherwise provided.

Subds. 10. to 12. Provide additional criteria and requirements for the appropriations that are similar to requirements used by the LCCMR as part of their recommendations, including specifying payment conditions, and requiring recipients to follow state recyclable materials purchasing requirements and Americans with Disabilities Act (ADA) accessibility guidelines.

Subd. 13. Land acquisition restrictions. Establishes certain restrictions on lands acquired with funds appropriated in this section, including requiring LSOHC approval prior to conveying the property acquired or altering the intended use of the property.

Subd. 14. Real property interest report. Requires a recipient of funds appropriated in this section used to acquire an interest in real property to submit an annual report (due by Dec. 1) to the LSOHC on the status of the property.

Subd. 15. Easement monitoring and enforcement requirements. Requires funds appropriated for easement monitoring and enforcement to be spent only on activities specified in an easement monitoring and enforcement plan within the accomplishment plan and requires the funds to be kept in a monitoring and enforcement fund dedicated for those purposes. Requires an entity receiving monitoring and enforcement funds to submit an annual report to the LSOHC. States that such funds revert to the state if the easement is transferred to the state, the entity fails to file the required report following notification, or the entity fails to comply with the terms of the monitoring and enforcement plan following notification.

Subd. 16. Successor organization. Permits the LSOHC to approve the continuation of a project with an organization that has adopted a new name, but requires the LSOHC to notify the legislature and present proposed legislation to the legislature accepting or rejecting involvement with an organization that has undergone a significant change in mission, structure, or purpose.

Subd. 17. Appropriations adjustment. Provides authorization for the deposit of previously appropriated funds into a monitoring and enforcement account.

- 3 **Forests for the future conservation easement account.** Establishes a forests for the future conservation easement account to be used by the DNR to cover the costs of managing forests for the future conservation easements held by the department.
- 4 **Outdoor heritage land management account.** Establishes an outdoor heritage land management account in the special revenue fund to be used to cover future restoration and enhancement of lands purchased with outdoor heritage funds. A portion of the funds appropriated for various acquisitions in this article are for deposit in this account.
- 5 **Definitions.** Adds § 97A.056, subd. 1a. Adds a definition of "recipient" for purposes of outdoor heritage fund appropriations and provides for a retroactive effective date from July 1, 2009.

- 6 Lessard-Sams Outdoor Heritage Council.** Amends § 97A.056, subd. 2. Modifies the terms of members of the LSOHC to state that public members of the council serve four-year terms and appointed legislative members serve at the pleasure of the appointing authority.
- 7 Commissioner approval; acquisitions.** Requires the commissioner of natural resources to agree in writing to proposed acquisitions of land purchased with outdoor heritage funds that are intended to be transferred to the DNR.
- 8 Forests.** Amends Laws 2009, ch. 172, art. 1, § 2, subd. 2. Allows up to \$750,000 from the fiscal year 2011 appropriation for the Upper Mississippi Forest Project (UPM Blandin) under the Minnesota forests for the future program to be used for long-term monitoring and enforcement of easements acquired with outdoor heritage funds and deposits the funds in the account created in section 3. Removes language stating that the appropriation was only available if, by August 15, 2009, a binding agreement was reached with the DNR and at least \$9,000,000 of private donations were available.
- 9 Real property interest report.** Amends Laws 2009, ch. 172, art. 1, § 2, subd. 15. Removes a requirement of an entity being transferred property acquired with outdoor heritage funds from having to certify to the LSOHC acceptance of all obligations and responsibilities held by the prior owner.
- 10 Real property interest report.** Amends Laws 2010, ch. 361, art. 1, § 2, subd. 14. Removes a requirement of an entity being transferred property acquired with outdoor heritage funds from having to certify to the LSOHC acceptance of all obligations and responsibilities held by the prior owner.
- 11 Repealer.** Repeals § 84.02, subdivisions 1 to 4 and 6 to 8, definitions related to native prairies.

Article 2: Clean Water Fund

Overview

This article appropriates funds from the clean water fund largely based on the recommendations of the Clean Water Council. It also makes modifications to the Clean Water Legacy Act, including adding groundwater related activities and purposes to be consistent with the purposes of the clean water fund, as well as modifying the Clean Water Council to include legislators as nonvoting members and statutorily requiring the council to provide recommendations to the legislature on use of the funds from the clean water fund.

- 1 Clean water fund appropriations.** Technical.
- 2 Clean water.** Provides a total appropriation of \$89,906,000 from the clean water fund in fiscal year 2012, and \$88,454,000 in fiscal year 2013. States that money appropriated in the article may not be spent on activities unless they are directly related to and necessary for a specific appropriation and must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Makes the funds available for two years or, when federal funds are involved, for the time period equal to the federal funding availability.
- 3 Department of Agriculture.** Appropriates \$8,200,000 each year to the Department of Agriculture, including money:
- to monitor pesticides and pesticide degradates in ground and surface waters;
 - to increase monitoring and evaluation of trends in nitrate concentrations;
 - for the agricultural best management loan program;
 - for research, pilot projects, and technical assistance related on proper implementation of best management practices;

- to quantify agricultural contributions to impaired waters; and
- for a research inventory database.

- 4 Public Facilities Authority.** Appropriates \$11,185,000 each year to the Public Facilities Authority (PFA) for the total maximum daily load (TMDL) grant program; \$4,275,000 each year for the clean water legacy phosphorus reduction grant program; and \$1,250,000 each year for grants and loans for small community wastewater treatment.
- 5 Pollution Control Agency.** Appropriates \$23,100,000 in fiscal year 2012 and \$22,600,000 in fiscal year 2013 to the Pollution Control Agency, including money for:
- completion of 20 percent of the needed statewide surface water assessments;
 - the development of TMDL studies and TMDL implementation plans;
 - groundwater assessment;
 - a restoration project in the lower St. Louis River and Duluth harbor;
 - the clean water partnership program;
 - storm water research and guidance;
 - TMDL research and database development;
 - national pollutant discharge elimination system (NPDES) wastewater and storm water TMDL implementation;
 - the Environmental Quality Board to characterize groundwater flow and aquifer properties in the I-94 corridor; and
 - a wild rice standards study.
- 6 Department of Natural Resources.** Appropriates \$11,160,000 in fiscal year 2012 and \$10,160,000 in fiscal year 2013 to the Department of Natural Resources, including money for:
- stream flow monitoring;
 - lake Index of Biological Integrity (IBI) assessments;
 - assessing mercury contamination of fish;
 - TMDL development and implementation plans;
 - water supply planning, aquifer protection, and monitoring activities;
 - development of a web-based electronic permitting system for water appropriations;
 - shoreland stewardship and TMDL implementation coordination;
 - high-resolution digital elevation data (LiDAR) to be used in mapping;
 - delivery of decision support tools through outreach, education and citizen engagement; and
 - continuation of metropolitan groundwater work initiated last session.
- 7 Board of Water and Soil Resources.** Appropriates \$27,192,000 each year to the Board of Water and Soil Resources, including money for:
- pollution reduction and restoration grants to local governments and joint powers organizations;
 - targeted local resource protection and enhancement grants;
 - state oversight and accountability of local implementation efforts;
 - technical assistance and grants for the conservation drainage program;
 - acquisition and restoration of permanent conservation easements on riparian buffers;

- permanent conservation easements on wellhead protection areas;
- community partners grants; and
- a technical assistance panel to conduct restoration audits required by statute last session.

Requires the board to contract with the Conservation Corps Minnesota for \$500,000 each year under the programs funded in this section.

- 8 Department of Health.** Appropriates \$2,988,000 in fiscal year 2012 and \$3,050,00 in fiscal year 2013 to the Department of Health, including money for:
- addressing public health concerns related to drinking water contaminants of emerging concern;
 - drinking water source protection;
 - cost-share assistance to public and private well owners; and
 - expansion of the county well index.
- 9 Metropolitan Council.** Appropriates \$500,000 each year to the Metropolitan Council for implementation of the master water supply plan.
- 10 Legislature.** Appropriates \$14,000 in fiscal year 2012 to the Legislative Coordinating Commission for the costs of developing the Web site tracking expenditures from the clean water fund and other constitutionally dedicated funds.
- 11 Carryforward.** Allows the carryforward of three previous appropriations to the PCA and one to the Department of Agriculture.
- 12 Legislative purpose and findings.** Amends § 114D.10. Amends the purpose of the Clean Water Legacy Act to be consistent with the purpose of the clean water fund, including the addition of groundwater.
- 13 Coordination and cooperation.** Amends § 114D.20, subd. 1. Amends the implementation policies of the Clean Water Legacy Act related to coordination and cooperation to include groundwater.
- 14 Goals for implementation.** Amends § 114D.20, subd. 2. Amends the implementation goals of the Clean Water Legacy Act to include goals related to groundwater.
- 15 Implementation policies.** Amends § 114D.20, subd. 3. Amends the implementation policies of the Clean Water Legacy Act to include groundwater restoration and protection.
- 16 Priorities for restoration of impaired waters.** Amends § 114D.20, subd. 6. Technical.
- 17 Priorities for funding prevention actions.** Amends § 114D.20, subd. 7. Amends the priorities for funding under the Clean Water Legacy Act to include groundwater activities.
- 18 Clean Water Council.** Amends § 114D.30. Modifies the existing Clean Water Council, including:
- adding the commissioner of health and four legislative members (two from each body representing the majority and minority parties) as nonvoting members of the Clean Water Council and states that legislative members are compensated as determined by the appointing authority;
 - prohibiting a voting member of the council from being a legislator; and
 - requiring the council to provide recommendations to the legislature on how the money from the clean water fund should be appropriated and requires those recommendations to be consistent with the constitutional and statutory purposes of the fund, including the addition of

groundwater activities.

- 19 Public and stakeholder participation; scientific review; education.** Amends §114D.35. Amends provisions related to public and stakeholder participation under the Clean Water Legacy Act to include the identification of degraded groundwater, and in protecting and restoring groundwater resources.
- 20 Beneficial use of wastewater and storm water; capital grants for demonstration projects.** Adds projects reusing storm water to the beneficial use of wastewater grant program and removes the \$500,000 cap on individual grants.
- 21 Pollution Control Agency.** Amends Laws 2009, ch. 172, art. 2, § 4. Adds projects reusing storm water to the beneficial use of wastewater grant program appropriation from 2009 and allows the funding to be available until spent.
- 22 Clean water fund; 2009 appropriation adjustments.** Amends Laws 2010, ch. 361, art. 2, § 3. Technical.
- 23 Civic engagement and public education.** Requires a recipient of funds to incorporate civic engagement and public education when implementing the projects and programs funded under the bill.
- 24 Repealer.** Repeals § 114D.45. Eliminates the obsolete clean water legacy account no longer needed with the establishment of the clean water fund.

Article 3: Parks and Trails Fund

Overview

This article provides appropriations from the parks and trails fund. The article provides appropriations to the Department of Natural Resources (DNR) for state parks, trails, recreation areas, and for the parks and trails legacy grant program, and to the Metropolitan Council for metropolitan regional parks and trails.

- 1 Parks and trails fund appropriations.** Technical.
- 2 Parks and trails.** Provides a total appropriation of \$38,637,000 from the parks and trails fund in fiscal year 2012, and \$38,630,000 in fiscal year 2013. States that money appropriated in the article may not be spent on activities unless they are directly related to and necessary for a specific appropriation and must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Makes the funds available for three years or, when federal funds are involved, for the time period equal to the federal funding availability.
- 3 Natural resources.** Appropriates \$23,668,000 in fiscal year 2012 and \$23,193,000 in fiscal year 2013 to the DNR for the following purposes:
- \$14,962,000 in fiscal year 2012 and \$15,437,000 in fiscal year 2013 for state parks, recreation areas, and trails to:
 - (1) connect people to the outdoors;
 - (2) acquire land and create opportunities;
 - (3) maintain existing holdings; and
 - (4) improve cooperation with partners to implement the 25-year parks and trails legacy plan;

- \$2,100,000 in fiscal year 2012 for acquisition of land for a state recreation area on LaSalle Lake;
 - \$6,568,000 in fiscal year 2012 and \$7,718,000 in fiscal year 2013 for grants to regional parks and trails, of which \$175,000 is for a grant to the Greater Minnesota Regional Park and Trail Coalition to gather information and develop a plan for the greater Minnesota regional park system; and
 - \$38,000 each year for a technical assistance panel to conduct restoration audits required under statute.
- 4 Metropolitan Council.** Appropriates \$14,962,000 in fiscal year 2012 and \$15,437,000 in fiscal year 2013 for metropolitan regional parks and trails to be distributed under the metropolitan area distribution formula established in statute.
- 5 Legislature.** Appropriates \$7,000 in fiscal year 2012 to the Legislative Coordinating Commission for the costs of developing the Web site tracking expenditures from the parks and trails fund and other constitutionally dedicated funds.
- 6 La Salle Lake State Recreation Area, Hubbard County.** Technical.
- 7 LaSalle Lake State Recreation Area.** Establishes the LaSalle Lake State Recreation Area and requires it to be administered as a satellite unit of Itasca State Park.
- 8 LaSalle Lake State Recreation Area Management Options.** Requires the DNR to submit a report, by March 1, 2012, on management options for the LaSalle Lake State Recreation Area.

Article 4: Arts and Cultural Heritage Fund

Overview

This article appropriates money from the arts and cultural heritage fund for fiscal years 2012 and 2013 and contains related policy provisions.

- 1 Arts and Cultural Heritage Fund Appropriations.** Boilerplate appropriation language.
- 2 Arts and Cultural Heritage.**
- Subd. 1. Total Appropriation.** Appropriates \$51.137 million in fiscal year 2012 and \$50.129 million in fiscal year 2013.
- Subd. 2. Availability of appropriation.** States that money appropriated in the article may not be spent on activities unless they are directly related to and necessary for a specific appropriation and must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation.
- Subd. 3. Minnesota State Arts Board.** Appropriates a total of \$21,844,000 each year to the Arts Board (70%) and the Regional Arts Councils (30%) for arts, arts education, and arts access. Prohibits the Arts Board, Regional Arts Councils, and any grant recipients from using these funds to substitute for traditional sources of funding.
- Of this amount:
- \$16.66 million each year is to support Minnesota artists and arts organizations, to overcome barriers to accessing arts, and to instill arts into community and public life. Provides that a portion of this amount may be used to pay attendance fees and travel costs for youth to visit

art museums, arts performances, or other arts activities or to bring artists to schools, libraries or other community centers or organizations.

- \$3.45 million each year is for arts education. Provides that a portion of this amount may be used for grants to school districts to provide materials or resources to teachers, students, and parents to promote achievement of K-12 academic standards in the arts.
- \$1.08 million each year is for events and activities that represent diverse ethnic and cultural arts traditions.
- \$634,000 each year is for administration, technical services, fiscal oversight, and accountability.

Requires the Board of the Arts, in partnership with regional arts councils, to maintain a census of Minnesota artists and artistic organizations.

Provides that 30 percent of the total appropriated in each of the categories above is for grants to regional arts councils.

Subd. 4. Department of Education. Appropriates \$3.455 million each year for grants to the 12 Minnesota Regional Library Systems, distributed according to an existing formula in law. The formula considers population, service area, and net tax capacity of each region. Provides that the funds may be used to sponsor programs provided by libraries or to provide grants to local arts and cultural heritage programs in partnership with libraries.

Subd. 5. Minnesota Historical Society. Appropriates \$12.25 million each year to preserve and enhance access to Minnesota's history and its cultural and historical resources. Requires that funds be used to supplement and not supplant traditional sources of funding. Extends the availability of funds used for certain purposes.

Of these amounts:

- \$5.25 million each year is for history programs and projects operated or conducted through local, county, regional, or other historical or cultural organizations; or for activities to preserve significant historic and cultural resources. Funds are to be distributed through a competitive grants process administered by the Historical Society. Requires the Historical Society to reappoint a historic resources advisory council to provide policy and grant making guidance on expenditure of funds.
- \$5 million each year is for programs and purposes related to the historical and cultural heritage of Minnesota, conducted by the Minnesota Historical Society.
- \$1.5 million each year is for history and cultural heritage partnerships between multiple organizations, which may include the Historical Society.
- \$250,000 each year is for surveys of Minnesota's sites of historical, archaeological, and cultural significance.
- \$250,000 each year is for a digital library project to preserve, digitize, and share Minnesota images, documents, and historic materials.

Subd. 6. Department of Administration. Appropriates \$7.4 million the first year and \$6.4 million the second year. Provides that up to one percent may be used by the Department of Administration for grants administration. Requires that money be used to supplement, not

substitute for, traditional sources of funding.

Of these amounts:

- \$6.4 million each year is for competitive public broadcasting grants.
- \$450,000 the first year is for grants to the Disabled Veterans Rest Camp and Veterans on the Lake Resort.
- \$550,000 the first year is for the Department of Administration to support the State Capitol Preservation Commission established in this article.

Subd. 7. Department of Natural Resources. Appropriates \$1.1 million each year for competitive grants to zoos.

Subd. 8. Minnesota Humanities Center. Appropriates \$3.7 million each year to the Minnesota Humanities Center.

Of these amounts:

- \$325,000 each year is for the programs and purposes of the Minnesota Humanities Center. The Humanities Center is authorized to consider museums and organizations celebrating ethnic identities of Minnesotans for grants from these funds.
- \$3.375 million each year is for competitive humanities grants.

Subd. 9. Perpich Center for Arts Education. Provides an unspecified appropriation for the Perpich Center.

Subd. 10. Department of Agriculture. Appropriates \$1.4 million each year for competitive grants to counties.

Subd. 11. Legislature. Appropriates \$8,000 in fiscal year 2012 to the Legislative Coordinating Commission for the mandatory legacy tracking Web site www.legacy.leg.mn

- 3 State Capitol Preservation Commission.** Establishes a new 22-member commission to perform several specified tasks including coordinating the restoration and preservation of the State Capitol building and developing a comprehensive pre-design plan. The commission does not expire.
- 4 Capitol building powers and duties.** Assigns specific Capitol-related tasks to the Capitol Area Architectural and Planning Board, including assisting the Capitol Commission.
- 5 Capitol building powers and duties.** Assigns specific Capitol-related tasks to the Department of Administration, including assisting the Capitol Commission.
- 6 Conditions.** Modifies an existing requirement that public television stations that receive grants from the Arts and Cultural Heritage Fund must offer free public performance rights to public educational institutions. Instead, these stations would be required to offer free classroom use of a program produced with money from the Arts and Cultural Heritage Fund, unless the station does not have the rights to distribute the program.
- 7 Reporting.** Modifies an existing reporting requirement for public television stations that receive Arts and Cultural Heritage Fund grants. Requires a station to report to the Legislative Coordinating Commission. The report must include the information required of all legacy money recipients, plus the TV-specific items already required by law. Modifies one reporting item - instead of reporting the number of times the program was downloaded, a public television station would report the number of hours of legacy program content available for people to watch via streaming media online.

- 8 Reporting.** Modifies an existing reporting requirement for public educational radio stations that receive Arts and Cultural Heritage Fund grants. Requires a station to report to the Legislative Coordinating Commission. The report must include the information required of all legacy money recipients, plus the radio-specific items already required by law.
- 9 Capitol Building powers and duties.** Assigns specific Capitol-related tasks to the Historical Society, including assisting the Capitol Commission.
- 10 Report.** Extends the sunset date of the Working Group on Dakota and Ojibwe language Revitalization and Preservation to February 16, 2013 - the day after the workgroup submits its second report to various legislative committees.
- 11 State Capitol Preservation Commission appointments and first meeting.** Requires Capitol Commission member-appointing authorities to complete initial appointments no later than August 1, 2011. The governor or the governor's designee must convene the first meeting within 30 days after the initial appointments are made.

Article 5: General Provisions; All Legacy Funds

Overview

This article contains provisions, restrictions, and requirements that apply to appropriations from the four legacy funds.

- 1 Constitutionally dedicated funding accountability.** Specifies the information that recipients must submit to the Legislative Coordinating Commission for posting on www.legacy.leg.mn. Requires direct appropriation recipients (e.g., DNR, State Arts Board, MPCA) to compile and submit this information for grant recipients or other subrecipients of legacy funds.
- 2 - 5 Expenditures; accountability/Recipient requirements.** These sections make comparable changes to the individual statutes that govern each of the four legacy funds. Reporting components and deadlines are clarified and linked to the list of information required under section 1 of this article (above). Requires all recipients to post the standard Legacy Amendment logo on their Web site homepage. Ties future legacy fund eligibility to the recipient's fulfillment of all relevant reporting and other requirements contained in statute and applicable session law (i.e., this FY 2012-2013 legacy appropriations bill).
- 6 Applicability.** States that sections 7-10 apply to all legacy fund appropriations in this bill.
- 7 General provisions.** Establishes requirements for recipients of money under this bill.
- Subd. 1. Grants.** Requires an entity awarding grants from legacy funds to adhere to a standard set of state grant making requirements (e.g., grant recipients must agree to minimize administrative costs; employees or others involved in recommending, awarding, or administering grants must follow Department of Administration conflict of interest policies; etc.). Requires the responsible entity to account for each expenditure of funds.
- Subd. 2. Constitution.** Requires a recipient of legacy funds to comply with the legacy language in the Minnesota Constitution, including the prohibition against substituting legacy funds for traditional sources of funding.
- 8 Legacy funds recipient report.** Requires state agencies and other recipients of direct appropriations in this bill to report by January 15th, 2012 for FY 2012 appropriations and by January 15th, 2013 for FY 2013 appropriations. The report must contain the items required under section 1 in this article and must be submitted both to the Legislative Reference Library and the Legislative Coordinating

Commission. A direct recipient (e.g., the State Arts Board) must collect and submit the same information for each subrecipient of funding (e.g., an artist who receives a legacy grant from the State Arts Board). If all required information is not available by the reporting deadlines, a recipient of a direct appropriation must submit all available information by the applicable deadline and must submit all other information as soon as practicable.

- 9** **In the event of lawsuit.** States that an appropriation or portion of an appropriation authorized in this bill is cancelled if a court rules that the funds were used to unconstitutionally substitute for traditional sources of funding for that activity. Requires all grant agreements to contain this provision.
- 10** **Legacy accounting; technical assistance.** Requires Minnesota Management and Budget to develop and distribute legacy accounting guidance to all relevant state agencies.