

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2430  
**Version:** First Engrossment

**DATE:** March 21, 2012

**Authors:** Urdahl

**Subject:** Legacy

**Analyst:** Janelle Taylor  
Colbey Sullivan

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

### Article 1: Outdoor Heritage Fund

#### Overview

This article contains the fiscal year 2013 appropriations from the outdoor heritage fund based upon recommendations made by the Lessard-Sams Outdoor Heritage Council (LSOHC), which is required to provide recommendations to the legislature on the use of outdoor heritage funds.

**1 Outdoor heritage appropriation.** Technical

**2 Outdoor heritage.**

**Subd. 1. Total appropriation.** Provides a total appropriation of \$97,420,000 from the outdoor heritage fund in fiscal year 2013.

**Subd. 2. Prairies.** Provides a total appropriation of \$24,640,000 for the following prairie projects:

(a) \$2,090,000 to the Board of Water and Soil Resources (BWSR) in cooperation with Pheasants Forever for expanded conservation easements on clean water fund riparian buffers;

(b) \$4,610,000 for an agreement with the Nature Conservancy to acquire native prairie and savanna and restore and enhance grasslands and savanna;

(c) \$1,760,000 for an agreement with the Trust for Public Land to acquire and restore lands in the Cannon River watershed for wildlife management area (WMA) or aquatic management area (AMA) purposes;

(d) \$2,900,000 to the Department of Natural Resources (DNR) to acquire WMAs;

- (e) \$1,580,000 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;
- (f) \$3,300,000 for an agreement with Pheasants Forever to acquire land for WMAs;
- (g) \$1,730,000 for an agreement with the Redwood Area Development Corporation to acquire land for WMA and AMA purposes;
- (h) \$4,300,000 to the DNR to accelerate restoration and enhancement of WMAs, SNAs, and land under native prairie bank easements;
- (i) \$1,050,000 for an agreement with various partners to restore and enhance public lands in the Anoka Sand Plain and along the Rum River; and
- (j) \$1,320,000 for an agreement with the Pheasants Forever, in cooperation with the Minnesota Prairie Chicken Society to restore and enhance habitat on public lands.

**Subd. 3. Forests.** Provides a total appropriation of \$10,300,000 for the following forest projects:

- (a) \$480,000 to the BWSR to acquire permanent conservation easements on land adjacent to the Nokasippi River and the boundaries of the Minnesota National Guard Army compatible use buffer (ACUB);
- (b) \$7,040,000 for an agreement with Crow Wing County to acquire land along the Mississippi River (requires the commissioner to consult with the LSOHC when planning for any paved trail on the lands acquired);
- (c) \$1,340,000 for an agreement with Pheasants Forever, in cooperation with the Minnesota Sharp-Tailed Grouse Society, to acquire and enhance lands for WMA purposes;
- (d) \$480,000 for an agreement with Cass County to acquire land for forest wildlife habitat; and
- (e) \$960,000 for an agreement with the Minnesota Deer Hunters Association to restore and enhance forest habitat in northeastern Minnesota for moose.

**Subd. 4. Wetlands.** Provides a total appropriation of \$31,140,000 for the following wetland projects:

- (a) \$13,810,000 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) \$5,400,000 for an agreement with Pheasants Forever to acquire land for waterfowl production areas;
- (c) \$940,000 for an agreement with Anoka county to acquire land to connect wetlands and shallow lakes to the Lamprey Pass WMA;
- (d) \$4,490,000 for an agreement with Ducks Unlimited to assess, restore and enhance shallow lakes and wetlands;
- (e) \$3,870,000 to the DNR to develop engineering designs and complete enhancements of shallow lakes and wetlands; and

(f) \$2,630,000 to the DNR to complete design and construction to modify the dam at Marsh Lake.

**Subd. 5. Habitat.** Provides a total appropriation of \$31,120,000 for the following habitat projects:

- (a) \$3,480,000 to the DNR to acquire lands, in fee and through conservation easement, for AMAs and to restore and enhance aquatic habitat;
- (b) \$3,680,000 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;
- (c) \$480,000 for an agreement with Dakota County to acquire permanent conservation easements and restore and enhance habitats along the Mississippi, Cannon, and Vermillion Rivers;
- (d) \$3,670,000 to the DNR to restore habitat in the lower St. Louis River estuary;
- (e) \$2,120,000 for an agreement with Trout Unlimited to restore and enhance coldwater fish river and stream habitats;
- (f) \$2,320,000 for an agreement with Red Lake Watershed District to restore and enhance stream and related habitat in Grand Marais Creek;
- (g) \$380,000 for an agreement with the Lake Superior Steelhead Association to restore trout habitat in the Upper Knife River Watershed;
- (h) \$7,500,000 to the DNR to design, construct, operate, and evaluate structural deterrents for Asian carp to protect aquatic habitat;
- (i) \$2,200,000 to the University of Minnesota for research on aquatic invasive species (to be added to a similar appropriation from the clean water fund in article 3, section 4);
- (j) \$300,000 to the DNR for grants to local units of government and lake associations for aquatic habitat restoration; and
- (k) \$4,990,000 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 match of ten percent (either cash or in-kind).

**Subd. 6. Administration.** Provides a total appropriation of \$220,000 in fiscal year 2013 for administration, including: \$175,000 for contract management services from the DNR; and \$45,000 for a technical evaluation 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, 2015, unless otherwise specified. States that appropriations for restoration or enhancement work are available until June 30, 2017, 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. Payment conditions and capital equipment expenditures.** Requires all agreements to be administered on a reimbursement basis unless otherwise provided. Allows reasonable amounts to be advanced in some circumstances if approved as part of an accomplishment plan. Requires capital expenditures that exceed \$10,000 to be itemized and approved as part of an accomplishment plan.

- 3 **Prairie grasslands public grazing program.** Adds § 84.972. Requires the DNR to establish a prairie grasslands public grazing program and enter into agreements with livestock owners to annually graze prairie and grasslands and establish a goal of 50,000 acres to be enrolled in the program. Deposits revenues received under the program into the game and fish fund and appropriates them for purposes of the program.
- 4 **Accomplishment plans.** Adds § 97A.056, subd. 12. Codifies the accomplishment plan requirement (required as part of a rider in previous outdoor heritage fund appropriation laws) which states that it is a condition of accepting an appropriation from the outdoor heritage fund that the recipient submits an accomplishment plan and periodic accomplishment reports to the LSOHC. Adds a new requirement that lands acquired in fee include a hunting and fishing management plan for the lands acquired in fee in the accomplishment plan. Prohibits money from being spent unless the LSOHC approves the accomplishment plan.
- 5 **Project requirements.** Adds § 97A.056, subd. 13. Codifies certain requirements for outdoor heritage fund projects (similar to requirements placed on previous outdoor heritage fund appropriation laws and similar to requirements placed on projects funded by the environment and natural resources trust fund) including: requiring easements to be permanent and have a long-term stewardship plan; requiring restorations to have an ecological restoration and management plan; requiring all restorations to be on public waters or lands permanently protected unless otherwise provided; and requiring consideration of the Conservation Corps Minnesota.
- 6 **Purchase of recycled and recyclable materials.** Adds § 97A.056, subd. 14. Requires an entity receiving outdoor heritage funds to comply with state recycled materials and paper purchasing requirements (this is a codification of a requirement placed on previous outdoor heritage fund and environment and natural resources trust fund recipients).
- 7 **Land acquisition restrictions.** Adds § 97A.056, subd. 15. Requires an interest in real property to be used for the purpose for which the appropriation was made. States that the interest transfers to the state if the holder fails to comply with the terms and conditions of a grant agreement or accomplishment plan; or restrictions are placed on the land that preclude its use for the intended purpose. Requires an alteration in intended use to be approved by the LSOHC and requires certain criteria to be met. Requires a recipient to record a notice of funding restrictions with the appropriate local government office (this is a codification of a similar requirement placed on previous outdoor heritage fund recipients).
- 8 **Real property interest report.** Adds § 97A.056, subd. 16. Requires outdoor heritage fund recipients to file a real property interest report by December 1, each year on the status of the property (this is a codification of a similar requirement placed on previous outdoor heritage fund recipients). Allows the recipient to transfer reporting duties. Adds a new requirement that the report, for lands acquired in fee, include a verification of the status of the hunting and fishing management plan.
- 9 **Easement monitoring and enforcement requirements.** Adds § 97A.056, subd. 17. Requires funds appropriated from the outdoor heritage fund for easement monitoring and enforcement to be spent only on those activities and requires the funds to be kept in a special fund held by the organization and requires annual financial reports on the fund to be submitted to the LSOHC. States that the funds

revert back to the state if the easement transfers to the state or if the recipient fails to comply with certain requirements (this is a codification of a similar requirement placed on previous outdoor heritage fund recipients).

- 10**      **Successor organizations.** Adds § 97A.056, subd. 18. 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 (this is similar to what has been allowed for previous outdoor heritage fund appropriations).
- 11**      **Fee title acquisition; open season.** Adds § 97A.056, subd. 19. Requires lands acquired in fee with an appropriation from the outdoor heritage fund to be open to the public taking of fish and game as follows:
- State owned lands must be open to the public taking of fish and game during the open season unless otherwise provided by state law;
  - Lands owned by the U.S. Fish and Wildlife Service must be open to the public taking of fish and game during the open season according to the National Wildlife Refuge System Improvement Act; and
  - All other lands must be open to the public taking of fish and game during the open season unless otherwise provided by the commissioner.

Provides a retroactive effective date to July 1, 2009.

- 12**      **Pasture land.** Adds § 97A.056, subd. 20. Requires outdoor heritage fund recipients acquiring 20 more acres of pasture or other lands where grazing will be utilized as a wildlife habitat management tool to maintain existing fencing/install perimeter fencing using outdoor heritage funds. Requires the commissioner to enter into agreements with livestock owners to provide sufficient grazing of the lands to enhance the habitat and control for invasive species. Requires annual reporting.
- 13**      **Project requirements.** Amends Laws 2011, First Special Session, ch. 6, art. 1, § 2, subd. 9. Eliminates a requirement that recipients of outdoor heritage funds make written contact with the Conservation Corps of Minnesota and file a copy of the written contact with the LSOHC.
- 14**      **Legacy funding requirements apply.** States recipients of money appropriated in this article are subject to the Legacy reporting and other requirements provided in Laws 2011, First Special Session, chapter 6, article 5.

## Article 2: Clean Water Fund

### Overview

This article contains supplemental appropriations for fiscal year 2013 from the clean water fund, including increases to various Board of Water and Soil Resources appropriations and a new appropriation for aquatic invasive species research.

- 1**      **Terms; compensation; removal.** Allows the Pollution Control Agency to reimburse legislative members of the Clean Water Council for their expenses.
- 2**      **Pollution Control Agency.** Amends Laws 2010, ch. 361, art. 2, § 2, as amended. Modifies a previous appropriation directed to an ethanol plant for a project to reuse storm water (modified from wastewater last session) to allow a pilot project for the use of effluent from a commercial water-treatment system using innovative technology to reduce the use of groundwater.

- 3 Board of Water and Soil Resources.** Amends Laws 2010, ch. 361, art. 2, § 7. Increases previous appropriations from the clean water fund to BWSR by \$4,200,000 and modifies certain appropriations to require coordination with other state and federal agencies.
- 4 Aquatic invasive species; appropriation.** Appropriates \$2,200,000 to the University of Minnesota for research on aquatic invasive species.
- 5 Legacy funding requirements apply.** States that all appropriations under this article are subject to the Legacy reporting and other requirements provided under the 2011 First Special Session Legacy act.

### Article 3: Parks and Trails Fund

- 1 Metropolitan Council.** Extends the availability of a previous parks and trails fund appropriation for metropolitan parks and trails by one year.

### Article 4: Arts and Cultural Heritage Fund

#### Overview

Appropriates money from the Arts and Cultural Heritage Fund in fiscal year 2013 for specified purposes. Requires the Governor to urge the President to pardon Chaska for alleged crimes stemming from the Dakota Conflict of 1862.

- 1 Creation and validity of state grant agreements.** Amends § 16B.98, subd. 5. Provides that a state grant agreement is not valid unless the agreement includes an effective date that references either:
- section 16C.05, subdivision 2 (general requirements for state contracts, including a requirement that work cannot begin on a contract until it is executed); or
  - section 16C.98, subdivisions 5 and 7 (these subdivisions are reproduced in sections 1 and 2 of this bill. They are general requirements for grant agreements, including a requirement that payments may not be issued until the grant agreement is fully executed).
- 2 Grant payments.** Amends § 16B.98, subd. 7. Amends the law governing payments to state grantees to provide that encumbrances for grants issued by June 30 may be certified for one year beyond the year in which funds were appropriated (as is specified in current Minnesota Statutes, section 16A.28, subdivision 6).
- 3 Film production jobs program.** Amends § 116U.26. Assigns the commissioner of administration, rather than the director of Explore Minnesota Tourism, authority for administrative oversight and control of the film production jobs program.
- 4 Minnesota Historical Society.** Adds an additional \$900,000 to the fiscal year 2013 Historical Society appropriation.
- 5 Commemoration programming; appropriation.** Appropriates \$80,000 for public broadcasting programming that commemorates the sesquicentennial of the American Civil War and the Dakota Conflict of 1862.
- 6 Film production incentive program; appropriation.** Appropriates \$600,000 for a new film production incentive program administered by the Department of Administration, in consultation with the Independent Feature Project/Minnesota. Eligible producers would be reimbursed for production costs incurred in Minnesota to produce a documentary or film in Minnesota.

- 7 **Historical rulemaking Web site; appropriation.** Appropriates \$35,000 to the Revisor of Statutes to design and implement a Web site that allows the public to search historical state agency rulemaking documents.
- 8 **Let's Go Fishing; appropriation.** Appropriates \$100,000 for a grant to Let's Go Fishing of Minnesota to provide community outreach to senior citizens, youth, and veterans and for costs associated with establishing and recruiting new chapters in Minnesota. Requires a dollar-for-dollar match.
- 9 **Legacy funding requirements apply.** States that all appropriations under this article are subject to the Legacy reporting and other requirements provided under the 2011 First Special Session Legacy act.
- 10 **Governor to urge presidential pardon of Chaska.** Requires the Governor, in consultation with the House and Senate Legacy chairs, to urge the US President to pardon Chaska for alleged crimes stemming from the Dakota Conflict of 1862.