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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. **1231**

March 2, 2009

Authored by Murphy, M.; Hausman; Lillie; Loeffler; Davids and others
The bill was read for the first time and referred to the Committee on Finance

May 7, 2009

Committee Recommendation and Adoption of Report:
To Pass as Amended and re-referred to the Committee on Rules and Legislative Administration
Committee Recommendation and Adoption of Report:
To Pass and re-referred to the Committee on Ways and Means

May 8, 2009

Committee Recommendation and Adoption of Report:
To Pass as Amended
Read Second Time

1.1 A bill for an act
1.2 relating to state government; appropriating money from constitutionally
1.3 dedicated funds and providing for policy and governance of outdoor heritage,
1.4 clean water, parks and trails, and arts and cultural heritage purposes; establishing
1.5 and modifying grants and funding programs; providing for advisory groups;
1.6 providing appointments; requiring reports; requiring rulemaking; amending
1.7 Minnesota Statutes 2008, sections 3.303, by adding a subdivision; 3.971, by
1.8 adding a subdivision; 17.117, subdivision 11a; 18G.11, by adding a subdivision;
1.9 84.02, by adding subdivisions; 85.53; 97A.056, subdivisions 2, 3, 6, 7, by
1.10 adding subdivisions; 103F.515, subdivisions 2, 4; 114D.50; 116G.15; 116P.05,
1.11 subdivision 2; 129D.17; 477A.12, subdivision 2; proposing coding for new law
1.12 in Minnesota Statutes, chapters 3; 84; 84C; 85; 116; 129D; 138; 477A.

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

1.14 **ARTICLE 1**
1.15 **OUTDOOR HERITAGE FUND**

1.16 Section 1. **OUTDOOR HERITAGE FUND APPROPRIATIONS.**

1.17 The sums shown in the columns marked "Appropriations" are appropriated to the
1.18 agencies and for the purposes specified in this article. The appropriations are from the
1.19 outdoor heritage fund and are available for the fiscal years indicated for each purpose. The
1.20 figures "2010" and "2011" used in this article mean that the appropriations listed under
1.21 them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively.
1.22 "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium"
1.23 is fiscal years 2010 and 2011.

1.24	<u>APPROPRIATIONS</u>	
1.25	<u>Available for the Year</u>	
1.26	<u>Ending June 30</u>	
1.27	<u>2010</u>	<u>2011</u>

2.1 Sec. 2. **OUTDOOR HERITAGE**

2.2 **Subdivision 1. Total Appropriation** \$ **69,230,000** \$ **-0-**

2.3 This appropriation is from the outdoor
2.4 heritage fund.

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

2.8 **Subd. 2. Prairies** **14,213,000** **-0-**

2.9 **(a) Accelerated Prairie and Grassland**
2.10 **Management**

2.11 \$1,700,000 in fiscal year 2010 is to the
2.12 commissioner of natural resources to
2.13 accelerate the restoration and enhancement
2.14 of native prairie vegetation on public
2.15 lands, including roadsides. A list of
2.16 proposed projects, describing the types and
2.17 locations of restorations and enhancements,
2.18 must be provided as part of the required
2.19 accomplishment plan. To the extent possible,
2.20 prairie restorations conducted with money
2.21 appropriated in this section must plant
2.22 vegetation or sow seed only of ecotypes
2.23 native to Minnesota, and preferably of the
2.24 local ecotype, using a high diversity of
2.25 species originating from as close to the
2.26 restoration site as possible, and protect
2.27 existing native prairies from genetic
2.28 contamination.

2.29 **(b) Green Corridor Legacy Program**

2.30 \$1,617,000 in fiscal year 2010 is to the
2.31 commissioner of natural resources for an
2.32 agreement with the Southwest Initiative
2.33 Foundation or successor to acquire land
2.34 for purposes allowed under the Minnesota

3.1 Constitution, article XI, section 15, in
3.2 Redwood County to be added to the state
3.3 outdoor recreation system as defined
3.4 in Minnesota Statutes, chapter 86A. A
3.5 list of proposed fee title acquisitions
3.6 must be provided as part of the required
3.7 accomplishment plan. The commissioner
3.8 of natural resources must agree to each
3.9 proposed acquisition. No more than five
3.10 percent of this appropriation may be spent on
3.11 professional services directly related to this
3.12 appropriation's purposes.

3.13 **(c) Prairie Heritage Fund – Acquisition and**
3.14 **Restoration**

3.15 \$3,000,000 in fiscal year 2010 is to the
3.16 commissioner of natural resources for
3.17 an agreement with Pheasants Forever or
3.18 successor to acquire and restore land to
3.19 be added to the state wildlife management
3.20 area system. A list of proposed fee title
3.21 acquisitions and a list of proposed restoration
3.22 projects, describing the types and locations
3.23 of restorations, must be provided as part
3.24 of the required accomplishment plan. The
3.25 commissioner of natural resources must
3.26 agree to each proposed acquisition. To
3.27 the extent possible, prairie restorations
3.28 conducted with money appropriated in this
3.29 section must plant vegetation or sow seed
3.30 only of ecotypes native to Minnesota, and
3.31 preferably of the local ecotype, using a high
3.32 diversity of species originating from as
3.33 close to the restoration site as possible, and
3.34 protect existing native prairies from genetic
3.35 contamination.

4.1 **(d) Accelerated Prairie Grassland Wildlife**
4.2 **Management Area Acquisition**

4.3 \$3,913,000 in fiscal year 2010 is to the
4.4 commissioner of natural resources to
4.5 acquire land for wildlife management areas
4.6 with native prairie or grassland habitats.
4.7 A list of proposed fee title acquisitions
4.8 must be provided as part of the required
4.9 accomplishment plan.

4.10 **(e) Northern Tall Grass Prairie National**
4.11 **Wildlife Refuge Protection**

4.12 \$1,583,000 in fiscal year 2010 is to the
4.13 commissioner of natural resources for an
4.14 agreement with the United States Fish
4.15 and Wildlife Service to acquire land or
4.16 permanent easements within the Northern
4.17 Tall Grass Prairie Habitat Preservation Area
4.18 in western Minnesota. The commissioner
4.19 may advance funds to the United States Fish
4.20 and Wildlife Service. A list of proposed fee
4.21 title and permanent easement acquisitions
4.22 must be provided as part of the required
4.23 accomplishment plan. Land acquired for
4.24 these purposes must remain in the possession
4.25 of a state or local government or private party
4.26 based in Minnesota; a permanent easement
4.27 may be granted.

4.28 **(f) Bluffland Prairie Protection Initiative**

4.29 \$500,000 in fiscal year 2010 is to the
4.30 commissioner of natural resources for an
4.31 agreement with the Minnesota Land Trust or
4.32 successor to acquire permanent easements
4.33 protecting critical prairie and grassland
4.34 habitats in the blufflands in southeastern
4.35 Minnesota. A list of proposed fee title

5.1 and permanent easement acquisitions
 5.2 must be provided as part of the required
 5.3 accomplishment plan.

5.4 **(g) Rum River – Cedar Creek Initiative**

5.5 \$1,900,000 in fiscal year 2010 is to the
 5.6 commissioner of natural resources for an
 5.7 agreement with Anoka County to acquire
 5.8 land at the confluence of the Rum River and
 5.9 Cedar Creek in Anoka County. Acquired
 5.10 land must remain open to hunting and
 5.11 fishing, consistent with the capacity of the
 5.12 land, during the open season, as determined
 5.13 by the commissioner of natural resources.

5.14 This is the first of two planned appropriations
 5.15 for this acquisition.

5.16 **Subd. 3. Forests**

20,000,000

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5.17 \$20,000,000 in fiscal year 2010 is to the
 5.18 commissioner of natural resources to acquire
 5.19 land or permanent working forest easements
 5.20 on private forests in areas identified through
 5.21 the state forest for the future program.

5.22 Priority must be given to acquiring land
 5.23 or interests in private lands within existing

5.24 Minnesota state forest boundaries. Any
 5.25 easements acquired must have a forest
 5.26 management plan as described in Minnesota
 5.27 Statutes, section 290C.02, subdivision 7.

5.28 A list of proposed fee title and easement
 5.29 acquisitions must be provided as part of
 5.30 the required accomplishment plan. The
 5.31 appropriation is available for closings taking
 5.32 place after April 30, 2010. This is the first of
 5.33 two planned appropriations for this program.

5.34 The commissioner shall, prior to acquiring
 5.35 land or interests under this provision, certify

6.1 in writing that sound management of such
 6.2 land is assured, and sufficient assurance is
 6.3 contained in the legally binding language of
 6.4 any agreement. This written determination
 6.5 by the commissioner shall be published in
 6.6 the State Register.

6.7 **Subd. 4. Wetlands**

20,536,000

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6.8 **(a) Accelerated Wildlife Management Area**
 6.9 **Acquisition**

6.10 \$2,900,000 in fiscal year 2010 is to the
 6.11 commissioner of natural resources to
 6.12 acquire land for wildlife management areas.
 6.13 A list of proposed fee title acquisitions
 6.14 must be provided as part of the required
 6.15 accomplishment plan.

6.16 **(b) Accelerated Shallow Lake Restorations and**
 6.17 **Enhancements**

6.18 \$2,528,000 in fiscal year 2010 is to the
 6.19 commissioner of natural resources for
 6.20 an agreement with Ducks Unlimited,
 6.21 Inc. or successor to restore and enhance
 6.22 shallow lake habitats. Up to \$400,000
 6.23 of this appropriation may be used for
 6.24 permanent easements related to shallow
 6.25 lake restorations and enhancements. A
 6.26 list of proposed easements and projects,
 6.27 describing the types and locations of
 6.28 easements, restorations, and enhancements,
 6.29 must be provided as part of the required
 6.30 accomplishment plan. The commissioner
 6.31 of natural resources must agree to each
 6.32 easement, restoration, and enhancement.

6.33 **(c) Accelerate the Waterfowl Production Area**
 6.34 **Program in Minnesota**

7.1 \$5,600,000 in fiscal year 2010 is to the
 7.2 commissioner of natural resources for
 7.3 an agreement with Pheasants Forever or
 7.4 successor to acquire and restore wetland and
 7.5 related upland habitats, in cooperation with
 7.6 the United States Fish and Wildlife Service
 7.7 and Ducks Unlimited, Inc. or successor to
 7.8 be managed as waterfowl production areas.
 7.9 A list of proposed acquisitions and a list of
 7.10 proposed projects, describing the types and
 7.11 locations of restorations, must be provided as
 7.12 part of the required accomplishment plan.

7.13 **(d) Shallow Lake Critical Shoreland**

7.14 \$450,000 in fiscal year 2010 is to the
 7.15 commissioner of natural resources for an
 7.16 agreement with Ducks Unlimited, Inc. or
 7.17 successor to protect habitat by acquiring
 7.18 land associated with shallow lakes. A list of
 7.19 proposed acquisitions must be provided as
 7.20 part of the required accomplishment plan.
 7.21 The commissioner of natural resources must
 7.22 agree to each proposed acquisition.

7.23 **(e) Reinvest in Minnesota Wetlands Reserve**
 7.24 **Program Acquisition and Restoration**

7.25 \$9,058,000 in fiscal year 2010 is to the Board
 7.26 of Water and Soil Resources to acquire
 7.27 permanent easements and restore wetlands
 7.28 and associated uplands in cooperation with
 7.29 the United States Department of Agriculture
 7.30 Wetlands Reserve Program. A list of
 7.31 proposed acquisitions and a list of proposed
 7.32 projects, describing the types and locations
 7.33 of restorations, must be provided as part of
 7.34 the required accomplishment plan.

7.35 **Subd. 5. Fish, Game, and Wildlife Habitat** 13,903,000 -0-

8.1 **(a) Outdoor Heritage Conservation Partners**
8.2 **Grant Program**

8.3 \$4,000,000 in fiscal year 2010 is to the
8.4 commissioner of natural resources to
8.5 provide competitive, matching grants of up to
8.6 \$400,000 to local, regional, state, and national
8.7 organizations, including government, for
8.8 enhancement, restoration, or protection of
8.9 forests, wetlands, prairies, and habitat for
8.10 fish, game, or wildlife in Minnesota. Up
8.11 to 2-1/2 percent of this appropriation may
8.12 be used for administering the grant. The
8.13 funds may be advanced in three equal sums,
8.14 on or after November 1, 2009, February
8.15 1, 2010, and April 1, 2010. Grantees may
8.16 protect land through acquisition of land
8.17 or interests in land. Easements must be
8.18 permanent. Land acquired in fee must
8.19 be open to hunting and fishing during the
8.20 open season unless otherwise provided by
8.21 state law. The commissioner of natural
8.22 resources must agree to each proposed
8.23 acquisition of land or interest in land. The
8.24 program shall require a match of at least
8.25 \$1 nonstate funds to \$10 state funds. The
8.26 nonstate dollars match may be in-kind. The
8.27 criteria for evaluating grant applications
8.28 must include amount of habitat restored,
8.29 enhanced, or protected; local support; degree
8.30 of collaboration; urgency; multiple benefits;
8.31 habitat benefits provided; consistency with
8.32 sound conservation science; adjacency to
8.33 protected lands; full funding of the project;
8.34 supplementing existing funding; public
8.35 access for hunting and fishing during the
8.36 open season; sustainability; and use of native

9.1 plant materials. All projects must conform
9.2 to the Minnesota statewide conservation and
9.3 preservation plan. Wildlife habitat projects
9.4 must also conform to the state wildlife action
9.5 plan. Priority shall be given to projects
9.6 acquiring land or easements associated
9.7 with existing wildlife management areas.
9.8 All restoration or enhancement projects
9.9 must be on land permanently protected by
9.10 conservation easement or public ownership.
9.11 To the extent possible, prairie restorations
9.12 conducted with money appropriated in this
9.13 section must plant vegetation or sow seed
9.14 only of ecotypes native to Minnesota, and
9.15 preferably of the local ecotype, using a high
9.16 diversity of species originating from as
9.17 close to the restoration site as possible, and
9.18 protect existing native prairies from genetic
9.19 contamination. Subdivision 10 applies to
9.20 grants awarded under this paragraph. This
9.21 appropriation is available until June 30,
9.22 2013, at which time all grant projects must
9.23 be completed and final products delivered,
9.24 unless an earlier date is specified in the grant
9.25 agreement. No less than 15 percent of the
9.26 amount of each grant must be held back from
9.27 reimbursement until the grant recipient has
9.28 completed a grant accomplishment report in
9.29 the form prescribed by and satisfactory to the
9.30 Outdoor Heritage Council.
9.31 **(b) Aquatic Management Area Acquisition**
9.32 \$5,748,000 in fiscal year 2010 is to the
9.33 commissioner of natural resources to acquire
9.34 land in fee title and easement to be added to
9.35 the state aquatic management area system.
9.36 Acquired land must remain open to hunting

10.1 and fishing, consistent with the capacity
10.2 of the land, during the open season, as
10.3 determined by the commissioner of natural
10.4 resources. A list of proposed fee title and
10.5 easement acquisitions must be provided as
10.6 part of the required accomplishment plan.

10.7 **(c) Cold Water River and Stream Restoration,**
10.8 **Protection, and Enhancement**

10.9 \$2,050,000 in fiscal year 2010 is to the
10.10 commissioner of natural resources for an
10.11 agreement with Trout Unlimited or successor
10.12 to restore, enhance, and protect cold water
10.13 river and stream habitats in Minnesota. A
10.14 list of proposed acquisitions and a list of
10.15 proposed projects, describing the types and
10.16 locations of restorations and enhancements,
10.17 must be provided as part of the required
10.18 accomplishment plan. The commissioner
10.19 of natural resources must agree to each
10.20 proposed acquisition, restoration, and
10.21 enhancement.

10.22 **(d) Dakota County Habitat Protection**

10.23 \$1,000,000 in fiscal year 2010 is to the
10.24 commissioner of natural resources for
10.25 an agreement with Dakota County for
10.26 acquisition of permanent easements. A list
10.27 of proposed acquisitions must be provided as
10.28 part of the required accomplishment plan.

10.29 **(e) Lake Rebecca Water Quality Improvement**
10.30 **Project**

10.31 \$450,000 in fiscal year 2010 is to the
10.32 commissioner of natural resources for an
10.33 agreement with the Three Rivers Park
10.34 District to improve the water quality in Lake
10.35 Rebecca in Lake Rebecca Park Reserve

11.1 in Hennepin County. A description of the
 11.2 activities to enhance fish habitat in Lake
 11.3 Rebecca must be provided as part of the
 11.4 required accomplishment plan.

11.5 **(f) Fountain Lake Fish Barriers**

11.6 \$655,000 in fiscal year 2010 is to the
 11.7 commissioner of natural resources for
 11.8 an agreement with the Shell Rock River
 11.9 Watershed District to construct fish barriers
 11.10 at three locations on Fountain Lake. Land
 11.11 acquisition necessary for fish barrier
 11.12 construction is permitted. A list of proposed
 11.13 projects, describing the types and locations
 11.14 of barriers, must be provided as part of
 11.15 the required accomplishment plan. The
 11.16 commissioner of natural resources must
 11.17 agree to each proposed barrier.

11.18 **Subd. 6. Administration and Other**

578,000

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11.19 **(a) Contract Management**

11.20 \$175,000 in fiscal year 2010 is to the
 11.21 commissioner of natural resources for
 11.22 contract management in fiscal years 2010
 11.23 and 2011 for duties assigned in this section.

11.24 **(b) Legislative Coordinating Commission**

11.25 \$403,000 in fiscal year 2010 is to the
 11.26 Legislative Coordinating Commission for
 11.27 administrative expenses of the Outdoor
 11.28 Heritage Council and for compensation and
 11.29 expense reimbursement of council members.
 11.30 Up to \$100,000 may be transferred to the
 11.31 water recreation account as reimbursement
 11.32 for advances to the Outdoor Heritage Council
 11.33 made in fiscal year 2009. No more than 1.25
 11.34 full-time equivalent staff positions may be

12.1 created with these funds. Excess funds not
12.2 required for the purposes of this section shall
12.3 be returned by the Legislative Coordinating
12.4 Commission.

12.5 **Subd. 7. Availability of Appropriation**

12.6 Unless otherwise provided, the amounts in
12.7 this section are available until June 30, 2011,
12.8 when projects must be completed and final
12.9 accomplishments reported. For acquisition
12.10 of an interest in real property, the amounts in
12.11 this section are available until June 30, 2012.
12.12 If a project receives federal funds, the time
12.13 period of the appropriation is extended to
12.14 equal the availability of federal funding.

12.15 **Subd. 8. Cash Advances**

12.16 When the project authorized under
12.17 subdivision 3 would be impeded by projected
12.18 cash deficiencies resulting from delays in
12.19 the receipt of dedicated income, and when
12.20 the deficiencies would be corrected within
12.21 fiscal year 2010, the commissioner of finance
12.22 may use fund-level cash reserves to meet
12.23 cash demands of the project. If funds are
12.24 transferred from the general fund to meet
12.25 cash flow needs, the cash flow transfers must
12.26 be returned to the general fund as soon as
12.27 sufficient cash balances are available in the
12.28 outdoor heritage fund. Any interest earned
12.29 on general fund cash flow transfers accrues
12.30 to the general fund and not to the outdoor
12.31 heritage fund.

12.32 **Subd. 9. Accomplishment Plans**

12.33 It is a condition of acceptance of the
12.34 appropriations made by this section that the

13.1 agency or entity using the appropriation shall
13.2 submit to the council an accomplishment
13.3 plan and periodic accomplishment reports in
13.4 the form determined by the Outdoor Heritage
13.5 Council. The accomplishment plan must
13.6 account for the use of the appropriation and
13.7 outcomes of the expenditure in measures of
13.8 wetlands, prairies, forests, and fish, game,
13.9 and wildlife habitat restored, protected, and
13.10 enhanced. The plan must include evaluation
13.11 of results. None of the money provided
13.12 in this section may be expended unless
13.13 the council has approved the pertinent
13.14 accomplishment plan.

13.15 **Subd. 10. Project Requirements**

13.16 (a) As a condition of accepting an
13.17 appropriation in this section, any agency or
13.18 entity receiving an appropriation must, for
13.19 any project funded in whole or in part with
13.20 funds from the appropriation:

13.21 (1) plant vegetation or sow seed only
13.22 of ecotypes native to Minnesota, and
13.23 preferably of the local ecotype, using a
13.24 high diversity of species originating from
13.25 as close to the restoration site as possible,
13.26 and protect existing native prairies from
13.27 genetic contamination, to the extent possible
13.28 if conducting prairie restorations is a
13.29 component of the accomplishment plan;

13.30 (2) provide that all easements:

13.31 (i) are permanent;

13.32 (ii) specify the parties to an easement in the
13.33 easement;

14.1 (iii) specify all of the provisions of an
14.2 agreement that are permanent;
14.3 (iv) are sent to the office of the Outdoor
14.4 Heritage Council; and
14.5 (v) include a long-term stewardship plan and
14.6 funding for monitoring and enforcing the
14.7 easement agreement;
14.8 (3) for all restorations, prepare an ecological
14.9 restoration and management plan that, to
14.10 the degree practicable, is consistent with the
14.11 highest quality conservation and ecological
14.12 goals for the restoration site. Consideration
14.13 should be given to soil, geology, topography,
14.14 and other relevant factors that would provide
14.15 the best chance for long-term success of the
14.16 restoration projects. The plan shall include
14.17 the proposed timetable for implementing
14.18 the restoration, including, but not limited
14.19 to, site preparation, establishment of
14.20 diverse plant species, maintenance, and
14.21 additional enhancement to establish the
14.22 restoration; identify long-term maintenance
14.23 and management needs of the restoration
14.24 and how the maintenance, management, and
14.25 enhancement will be financed; and use the
14.26 best available science to achieve the best
14.27 restoration;
14.28 (4) for new lands acquired, prepare a
14.29 restoration and management plan in
14.30 compliance with clause (3), including
14.31 identification of sufficient funding for
14.32 implementation;
14.33 (5) to ensure public accountability for the
14.34 use of public funds, provide to the Outdoor
14.35 Heritage Council documentation of the

15.1 selection process used to identify parcels
15.2 acquired and provide documentation of all
15.3 related transaction costs, including, but not
15.4 limited to, appraisals, legal fees, recording
15.5 fees, commissions, other similar costs,
15.6 and donations. This information must be
15.7 provided for all parties involved in the
15.8 transaction. The recipient shall also report to
15.9 the Outdoor Heritage Council any difference
15.10 between the acquisition amount paid to the
15.11 seller and the state-certified or state-reviewed
15.12 appraisal. Acquisition data such as appraisals
15.13 may remain private during negotiations but
15.14 must ultimately be made public according to
15.15 Minnesota Statutes, chapter 13;
15.16 (6) provide that all restoration and
15.17 enhancement projects are on land
15.18 permanently protected by conservation
15.19 easement or public ownership;
15.20 (7) to the extent the appropriation is used to
15.21 acquire an interest in real property, provide
15.22 to the Outdoor Heritage Council and the
15.23 commissioner of finance an analysis of
15.24 increased operations and maintenance costs
15.25 likely to be incurred by public entities as
15.26 a result of the acquisition and of how these
15.27 costs may be paid for; and
15.28 (8) give consideration to and make
15.29 timely written contact with the Minnesota
15.30 Conservation Corps for consideration of
15.31 possible use of their services to contract for
15.32 restoration and enhancement services.
15.33 **Subd. 11. Payment Conditions and Capital**
15.34 **Equipment Expenditures**

16.1 All agreements, grants, or contracts referred
16.2 to in this section must be administered on
16.3 a reimbursement basis unless otherwise
16.4 provided in this section. Payments for
16.5 reimbursement may not be made before
16.6 November 1, 2009. Notwithstanding
16.7 Minnesota Statutes, section 16A.41,
16.8 expenditures directly related to each
16.9 appropriation's purpose made on or after July
16.10 1, 2009, are eligible for reimbursement unless
16.11 otherwise provided in this section. Periodic
16.12 payment must be made upon receiving
16.13 documentation that the deliverable items
16.14 articulated in the approved accomplishment
16.15 plan have been achieved, including partial
16.16 achievements as evidenced by approved
16.17 progress reports. Reasonable amounts may
16.18 be advanced to projects to accommodate
16.19 cash flow needs or to match federal share.
16.20 The advances must be approved as part of
16.21 the accomplishment plan. Capital equipment
16.22 expenditures in excess of \$10,000 must be
16.23 approved as part of the accomplishment plan.

16.24 **Subd. 12. Purchase of Recycled and Recyclable**
16.25 **Materials**

16.26 A political subdivision, public or private
16.27 corporation, or other entity that receives an
16.28 appropriation in this section must use the
16.29 appropriation in compliance with Minnesota
16.30 Statutes, sections 16B.121, regarding
16.31 purchase of recycled, repairable, and durable
16.32 materials, and 16B.122, regarding purchase
16.33 and use of paper stock and printing.

16.34 **Subd. 13. Accessibility**

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

17.5 **Subd. 14. Land Acquisition Restrictions**

17.6 (a) An interest in real property, including but
17.7 not limited to an easement or fee title, that
17.8 is acquired with money appropriated under
17.9 this section must be used in perpetuity or for
17.10 the specific term of an easement interest for
17.11 the purpose for which the appropriation was
17.12 made.

17.13 (b) A recipient of funding who acquires
17.14 an interest in real property subject to this
17.15 subdivision may not alter the intended use
17.16 of the interest in real property or convey
17.17 any interest in the real property acquired
17.18 with the appropriation without the prior
17.19 review and approval of the Outdoor Heritage
17.20 Council or its successor. The council shall
17.21 establish procedures to review requests from
17.22 recipients to alter the use of or convey an
17.23 interest in real property. These procedures
17.24 shall allow for the replacement of the interest
17.25 in real property with another interest in real
17.26 property meeting the following criteria:

17.27 (1) the interest is at least equal in fair market
17.28 value, as certified by the commissioner
17.29 of natural resources, to the interest being
17.30 replaced; and

17.31 (2) the interest is in a reasonably equivalent
17.32 location and has a reasonably equivalent
17.33 useful conservation purpose compared to the
17.34 interest being replaced.

18.1 (c) A recipient of funding who acquires an
18.2 interest in real property under paragraph
18.3 (a) must separately record a notice of
18.4 funding restrictions in the appropriate local
18.5 government office where the conveyance
18.6 of the interest in real property is filed. The
18.7 notice of funding agreement must contain:
18.8 (1) a legal description of the interest in real
18.9 property covered by the funding agreement;
18.10 (2) a reference to the underlying funding
18.11 agreement;
18.12 (3) a reference to this section; and
18.13 (4) the following statement: "This interest
18.14 in real property shall be administered in
18.15 accordance with the terms, conditions, and
18.16 purposes of the grant agreement controlling
18.17 the acquisition of the property. The interest
18.18 in real property, or any portion of the interest
18.19 in real property, shall not be sold, transferred,
18.20 pledged, or otherwise disposed of or further
18.21 encumbered without obtaining the prior
18.22 written approval of the Outdoor Heritage
18.23 Council or its successor. If the holder of
18.24 the interest in real property fails to comply
18.25 with the terms and conditions of the grant
18.26 agreement or work program, ownership of
18.27 the interest in real property shall transfer to
18.28 the state."

18.29 **Subd. 15. Real Property Interest Report**

18.30 By December 1 each year, a recipient of
18.31 money appropriated under this section that
18.32 is used for the acquisition of an interest
18.33 in real property, including but not limited
18.34 to an easement or fee title, must submit
18.35 annual reports on the status of the real

19.1 property to the Outdoor Heritage Council
19.2 or its successor in a form determined by the
19.3 council. The responsibility for reporting
19.4 under this section may be transferred by
19.5 the recipient of the appropriation to another
19.6 person or entity that holds the interest in the
19.7 real property. To complete the transfer of
19.8 reporting responsibility, the recipient of the
19.9 appropriation must:

19.10 (1) inform the person to whom the
19.11 responsibility is transferred of that person's
19.12 reporting responsibility;

19.13 (2) inform the person to whom the
19.14 responsibility is transferred of the property
19.15 restrictions under subdivision 14; and

19.16 (3) provide written notice to the council of the
19.17 transfer of reporting responsibility, including
19.18 contact information for the person to whom
19.19 the responsibility is transferred. Before the
19.20 transfer, the entity receiving the transfer of
19.21 property must certify to the Outdoor Heritage
19.22 Council, or its successor, acceptance of all
19.23 obligations and responsibilities held by the
19.24 prior owner.

19.25 After the transfer, the person or entity that
19.26 holds the interest in the real property is
19.27 responsible for reporting requirements under
19.28 this section.

19.29 **Subd. 16. Reports to Finance**

19.30 All reports submitted to the Outdoor Heritage
19.31 Council by recipients of money appropriated
19.32 under this section must also submit the
19.33 reports to the commissioner of finance. The
19.34 commissioner must maintain a Web site
19.35 with a searchable data base providing the

20.1 public with information on expenditures
 20.2 from the outdoor heritage fund. To the extent
 20.3 practical the commissioner must use systems
 20.4 developed to track expenditure of federal
 20.5 money under the American Recovery and
 20.6 Reinvestment Act to track expenditures from
 20.7 the outdoor heritage fund.

20.8 **Sec. 3. LEGISLATURE.** **\$ 117,000 \$ 165,000**

20.9 \$54,000 the first year and \$36,000 the second
 20.10 year are for the Legislative Coordinating
 20.11 Commission to fulfill the duties required
 20.12 under Minnesota Statutes, section 3.303,
 20.13 subdivision 10.

20.14 \$63,000 the first year and \$63,000 the second
 20.15 year are for the legislative auditor to conduct
 20.16 restoration audits under Minnesota Statutes,
 20.17 section 3.971, subdivision 9, and \$66,000
 20.18 the second year is for program and financial
 20.19 audits.

20.20 **Sec. 4. REVISOR'S INSTRUCTION.**

20.21 The revisor shall remove all references to the "Lessard Outdoor Heritage Council" in
 20.22 Minnesota Statutes, and replace those references with "Outdoor Heritage Council."

20.23 **ARTICLE 2**
 20.24 **CLEAN WATER FUND**

20.25 **Section 1. CLEAN WATER FUND APPROPRIATIONS.**

20.26 The sums shown in the columns marked "Appropriations" are appropriated to the
 20.27 agencies and for the purposes specified in this article. The appropriations are from the
 20.28 clean water fund, or another named fund, and are available for the fiscal years indicated
 20.29 for each purpose. The figures "2010" and "2011" used in this article mean that the
 20.30 appropriations listed under them are available for the fiscal year ending June 30, 2010,
 20.31 or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is
 20.32 fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the

21.1 fiscal year ending June 30, 2009, are effective the day following final enactment. All
 21.2 appropriations in this article are onetime only.

21.3		<u>APPROPRIATIONS</u>
21.4		<u>Available for the Year</u>
21.5		<u>Ending June 30</u>
21.6		<u>2010</u> <u>2011</u>

21.7 **Sec. 2. DEPARTMENT OF AGRICULTURE \$ 3,414,000 \$ 5,850,000**

21.8 (a) \$339,000 the first year is to intensively
 21.9 monitor and analyze three sub-watersheds
 21.10 for changes in agricultural runoff related to
 21.11 land management practices and evaluate best
 21.12 management practices in sub-watersheds
 21.13 within the Root River Watershed in
 21.14 southeastern Minnesota. The commissioner
 21.15 shall submit a report on the use of this
 21.16 appropriation to the chairs of the house of
 21.17 representatives and senate committees with
 21.18 jurisdiction over agriculture, agriculture
 21.19 finance, environment and natural resources,
 21.20 and environment and natural resources
 21.21 finance by January 15, 2012. This
 21.22 appropriation is available until spent.

21.23 (b) \$325,000 the first year and \$350,000 the
 21.24 second year are to increase monitoring for
 21.25 pesticides and pesticide degradates in surface
 21.26 water and groundwater and to use data
 21.27 collected to assess pesticide use practices.

21.28 (c) \$375,000 the first year and \$750,000
 21.29 the second year are to increase drinking
 21.30 water protection from agricultural chemicals,
 21.31 primarily nitrates.

21.32 (d) \$875,000 the first year and \$1,750,000
 21.33 the second year are for research, pilot
 21.34 projects, and technical assistance related to
 21.35 ways agricultural practices can contribute

22.1 to restoring impaired waters. Of this
22.2 amount, \$330,000 the first year and
22.3 \$330,000 the second year may be used
22.4 for technical assistance and grants to
22.5 establish a conservation drainage program
22.6 in consultation with the Board of Water and
22.7 Soil Resources and the drainage workgroup
22.8 that consists of pilot projects to retrofit
22.9 existing drainage systems with water quality
22.10 improvement practices, evaluate outcomes,
22.11 and provide outreach to landowners, public
22.12 drainage authorities, drainage engineers and
22.13 contractors, and others.

22.14 (e) \$1,000,000 the first year and \$2,500,000
22.15 the second year are for the agricultural best
22.16 management practices loan program. At
22.17 least \$965,000 the first year and at least
22.18 \$2,400,000 the second year are for transfer
22.19 to the agricultural best management practices
22.20 loan account created pursuant to Minnesota
22.21 Statutes, section 17.117, subdivision 5a,
22.22 and are available for pass-through to local
22.23 governments and lenders for low-interest
22.24 loans. Loans under this paragraph are to be
22.25 repaid to the clean water fund established
22.26 under the Minnesota Constitution, article XI,
22.27 section 15.

22.28 (f) \$500,000 the first year and \$500,000 the
22.29 second year are for a transfer to the Board of
22.30 Water and Soil Resources for feedlot water
22.31 quality improvement grants to operations
22.32 with 300 or fewer animal units and prioritized
22.33 by pollution prevention potential. The board
22.34 shall give priority consideration to projects
22.35 that leverage federal or other nonstate funds
22.36 or contributions and to projects that address

23.1 high-priority needs identified in local water
 23.2 management plans. These amounts are in
 23.3 addition to any amount recommended by
 23.4 another committee for feedlot water quality
 23.5 improvement grants.

23.6 **Sec. 3. PUBLIC FACILITIES AUTHORITY \$ 8,125,000 \$ 17,250,000**

23.7 (a) \$5,000,000 the first year and \$10,000,000
 23.8 the second year are for the total maximum
 23.9 daily load grant program under Minnesota
 23.10 Statutes, section 446A.073. This
 23.11 appropriation is available until spent.

23.12 (b) \$2,500,000 the first year and \$5,000,000
 23.13 the second year are for the clean water legacy
 23.14 phosphorus reduction grant program under
 23.15 Minnesota Statutes, section 446A.074. This
 23.16 appropriation is available until spent.

23.17 (c) \$125,000 the first year and \$250,000 the
 23.18 second year are for the small community
 23.19 wastewater treatment program for technical
 23.20 assistance grants under Minnesota Statutes,
 23.21 section 446A.075. This appropriation is
 23.22 available until spent.

23.23 (d) \$500,000 the first year and \$2,000,000
 23.24 the second year are for the small community
 23.25 wastewater treatment program for
 23.26 reconstruction loans and grants under
 23.27 Minnesota Statutes, section 446A.075. This
 23.28 appropriation is available until spent.

23.29 **Sec. 4. POLLUTION CONTROL AGENCY \$ 16,503,000 \$ 23,688,000**

23.30 (a) \$9,000,000 the first year and \$9,000,000
 23.31 the second year are to develop total maximum
 23.32 daily load (TMDL) studies and TMDL
 23.33 implementation plans for waters listed on

24.1 the United States Environmental Protection
24.2 Agency approved impaired waters list in
24.3 accordance with Minnesota Statutes, chapter
24.4 114D. The agency shall complete an average
24.5 of ten percent of the TMDLs each year over
24.6 the biennium.

24.7 (b) \$500,000 the first year and \$1,188,000
24.8 the second year are for development of an
24.9 enhanced TMDL database to manage and
24.10 track progress. Of this amount, \$63,000 the
24.11 first year is to promulgate rules.

24.12 (c) \$1,500,000 the first year and \$3,500,000
24.13 the second year are for grants under
24.14 Minnesota Statutes, section 116.195, to
24.15 political subdivisions for up to 50 percent
24.16 of the costs to predesign, design, and
24.17 implement capital projects that use treated
24.18 municipal wastewater instead of groundwater
24.19 from drinking water aquifers, in order to
24.20 demonstrate the beneficial use of wastewater,
24.21 including the conservation and protection of
24.22 water resources.

24.23 (d) \$750,000 the first year and \$1,500,000 the
24.24 second year are for groundwater assessment
24.25 and drinking water protection to include:

24.26 (1) the installation and sampling of at least
24.27 30 new monitoring wells;

24.28 (2) the analysis of samples from at least 40
24.29 shallow monitoring wells each year for the
24.30 presence of endocrine disrupting compounds;
24.31 and

24.32 (3) the completion of at least four to
24.33 five groundwater models for TMDL and
24.34 watershed plans.

25.1 (e) \$348,000 the first year is to retest the
25.2 comprehensive assessment of the biological
25.3 conditions of the lower Minnesota River and
25.4 its tributaries within the Lower Minnesota
25.5 River Major Watershed, as previously
25.6 assessed from 1976 to 1992 under the
25.7 Minnesota River Assessment Project
25.8 (MRAP). The assessment must include the
25.9 same fish species sampling at the same 116
25.10 locations and the same macroinvertebrate
25.11 sampling at the same 41 locations as the
25.12 MRAP assessment. The assessment must:
25.13 (1) include an analysis of the findings; and
25.14 (2) identify factors that limit aquatic life in
25.15 the Minnesota River.

25.16 (f) \$2,500,000 the first year and \$7,500,000
25.17 the second year are for the clean water
25.18 partnership program. Priority shall be given
25.19 to projects preventing impairments and
25.20 degradation of lakes, rivers, streams, and
25.21 groundwater in accordance with Minnesota
25.22 Statutes, section 114D.20, subdivision 2,
25.23 clause (4). Any balance remaining in the first
25.24 year does not cancel and is available for the
25.25 second year.

25.26 (g) \$1,000,000 the first year is to establish a
25.27 network of water monitoring sites in public
25.28 waters adjacent to wastewater treatment
25.29 facilities across the state to assess levels of
25.30 endocrine-disrupting compounds, antibiotic
25.31 compounds, and pharmaceuticals as required
25.32 in this article.

25.33 (h) \$155,000 the first year is to provide
25.34 notification of the potential for coal tar
25.35 contamination, establish a storm water

26.1 pond inventory schedule, and develop
 26.2 best management practices for treating
 26.3 and cleaning up contaminated sediments
 26.4 as required in this article. \$1,000,000 the
 26.5 second year is to develop a model ordinance
 26.6 for the restricted use of undiluted coal tar
 26.7 sealants and to provide grants to local units of
 26.8 government for up to 50 percent of the costs
 26.9 to implement best management practices to
 26.10 treat or clean up contaminated sediments
 26.11 in storm water ponds and other waters as
 26.12 defined under this article. Local governments
 26.13 must have adopted an ordinance for the
 26.14 restricted use of undiluted coal tar sealants
 26.15 in order to be eligible for a grant, unless a
 26.16 statewide restriction has been implemented.
 26.17 A grant awarded under this paragraph must
 26.18 not exceed \$100,000.

26.19 (i) \$750,000 in fiscal year 2010 is for a
 26.20 restoration project in the lower St. Louis
 26.21 River and Duluth harbor.

26.22 Notwithstanding Minnesota Statutes, section
 26.23 16A.28, the appropriations encumbered on or
 26.24 before June 30, 2011, as grants or contracts
 26.25 in this subdivision are available until June
 26.26 30, 2013.

26.27 **Sec. 5. DEPARTMENT OF NATURAL**
 26.28 **RESOURCES**

\$ 5,208,000 \$ 9,566,000

26.29 (a) \$1,050,000 the first year and \$1,665,000
 26.30 the second year are for work assisting in
 26.31 water quality assessment, total maximum
 26.32 daily load study and implementation, and
 26.33 watershed restoration and protection.

27.1 (b) \$375,000 the first year and \$750,000 the
27.2 second year are for drinking water planning
27.3 and protection activities.

27.4 (c) \$950,000 the second year is for work
27.5 assisting in water quality assessment,
27.6 total maximum daily load study and
27.7 implementation, and watershed restoration
27.8 and protection in accordance with Minnesota
27.9 Statutes, chapter 114D.

27.10 (d) \$1,058,000 the first year and \$1,601,000
27.11 the second year are for work assisting in
27.12 water quality assessment, total maximum
27.13 daily load study and implementation, and
27.14 watershed restoration and protection in
27.15 accordance with Minnesota Statutes, chapter
27.16 114D.

27.17 (e) \$2,500,000 the first year and \$2,500,000
27.18 the second year are to acquire and distribute
27.19 high-resolution digital elevation data to be
27.20 used to predict water and sediment flows,
27.21 and for planning and installation measures
27.22 to clean up impaired waters. The data will
27.23 be collected for areas of the state that have
27.24 not acquired such data prior to January
27.25 1, 2007, or to complete acquisition and
27.26 distribution of the data for those areas of
27.27 the state that have not previously received
27.28 state funds for acquiring and distributing
27.29 the data. The distribution of data acquired
27.30 under this paragraph must be conducted
27.31 under the auspices of the Land Management
27.32 Information Center or its successor, which
27.33 shall receive 2.5 percent of the appropriation
27.34 in this paragraph to support coordination of
27.35 data acquisition and distribution. Mapping

28.1 and data set distribution under this paragraph
28.2 must be completed within three years of
28.3 funds availability. The commissioner shall
28.4 utilize department staff whenever possible.
28.5 The commissioner may contract for services
28.6 only if they cannot otherwise be provided
28.7 by the department. If the commissioner
28.8 contracts for services with this appropriation
28.9 and any of the work done under the contract
28.10 will be done outside of the United States, the
28.11 commissioner must report to the chairs of the
28.12 house of representatives and senate finance
28.13 committees on the proposed contract at least
28.14 30 days before entering into the contract. The
28.15 report must include an analysis of why the
28.16 contract with the selected contractor provides
28.17 the state with "best value," as defined in
28.18 Minnesota Statutes, section 16C.02; any
28.19 alternatives to the selected contractor that
28.20 were considered; what data will be provided
28.21 to the contractor, including the data that
28.22 will be transmitted outside of the United
28.23 States; what security measures will be
28.24 taken to ensure that the data is treated in
28.25 accordance with the Minnesota Government
28.26 Data Practices Act; and what remedies will
28.27 be available to the state if the data is not
28.28 treated in accordance with the Minnesota
28.29 Government Data Practices Act.
28.30 (f) \$225,000 the first year and \$225,000
28.31 the second year are to adopt rules for the
28.32 Mississippi River corridor critical area
28.33 under Minnesota Statutes, section 116G.15.
28.34 The commissioner shall begin rulemaking
28.35 under chapter 14 no later than January 15,
28.36 2010. At least 30 days prior to beginning

30.1 keep water on the land in order to decrease
30.2 sediment, pollutant and nutrient transport,
30.3 reduce hydrologic impacts to surface waters,
30.4 and increase infiltration for groundwater
30.5 recharge. The riparian buffers must be
30.6 at least 50 feet unless there is a natural
30.7 impediment, a road, or other impediment
30.8 beyond the control of the landowner. This
30.9 appropriation may be used for restoration
30.10 of riparian buffers protected by easements
30.11 purchased with this appropriation and for
30.12 stream bank restorations when the riparian
30.13 buffers have been restored. Up to five
30.14 percent may be used for administration of
30.15 this program.

30.16 (b) \$1,500,000 the first year and \$4,424,000
30.17 the second year are for grants to watershed
30.18 districts and watershed management
30.19 organizations for: (i) structural or vegetative
30.20 management practices that reduce storm
30.21 water runoff from developed or disturbed
30.22 lands to reduce the movement of sediment,
30.23 nutrients, and pollutants or to leverage
30.24 federal funds for restoration, protection, or
30.25 enhancement of water quality in lakes, rivers,
30.26 and streams and to protect groundwater
30.27 and drinking water; and (ii) the installation
30.28 of proven and effective water retention
30.29 practices including, but not limited to, rain
30.30 gardens and other vegetated infiltration
30.31 basins and sediment control basins in order
30.32 to keep water on the land. The projects
30.33 must be of long-lasting public benefit,
30.34 include a local match, and be consistent with
30.35 TMDL implementation plans or local water
30.36 management plans. Watershed district and

31.1 watershed management organization staff
31.2 and administration may be used for local
31.3 match. Priority may be given to school
31.4 projects that can be used to demonstrate
31.5 water retention practices. Up to five percent
31.6 may be used for administering the grants.

31.7 (c) \$1,500,000 the first year and \$4,500,000
31.8 the second year are for nonpoint source
31.9 pollution reduction and restoration
31.10 grants to watershed districts, watershed
31.11 management organizations, and soil and
31.12 water conservation districts for grants in
31.13 addition to grants available under paragraphs
31.14 (a) and (b) to keep water on the land and
31.15 to protect, enhance, and restore water
31.16 quality in lakes, rivers, and streams, and
31.17 to protect groundwater and drinking water.

31.18 The projects must be of long-lasting public
31.19 benefit, include a local match, and be
31.20 consistent with TMDL implementation plans
31.21 or local water management plans. Up to five
31.22 percent may be used for administering the
31.23 grants.

31.24 (d) \$500,000 the first year and \$1,500,000 the
31.25 second year are for permanent conservation
31.26 easements on wellhead protection areas
31.27 under Minnesota Statutes, section 103F.515,
31.28 subdivision 2, paragraph (d). Priority must
31.29 be placed on land that is located where
31.30 the vulnerability of the drinking water
31.31 supply management area, as defined under
31.32 Minnesota Rules, part 4720.5100, subpart
31.33 13, is designated as high or very high by the
31.34 commissioner of health.

- 32.1 (e) \$1,000,000 the first year and \$2,000,000
32.2 the second year are for feedlot water quality
32.3 improvement grants for feedlots under 300
32.4 animal units on riparian land, to include
32.5 water quality assessment to determine the
32.6 effectiveness of the grants in protecting,
32.7 enhancing, and restoring water quality in
32.8 lakes, rivers, and streams, and in protecting
32.9 groundwater from degradation.
- 32.10 (f) \$1,000,000 the first year and \$1,000,000
32.11 the second year are for grants to implement
32.12 stream bank, stream channel, and lakeshore,
32.13 line protection, and restoration projects to
32.14 protect water quality.
- 32.15 The board shall contract for services with
32.16 the Minnesota Conservation Corps for
32.17 restoration, maintenance, and other activities
32.18 under this section for at least \$500,000 the
32.19 first year and \$500,000 the second year.
- 32.20 The board may shift grant or cost-share funds
32.21 in this section and may adjust the technical
32.22 and administrative assistance portion of the
32.23 funds to leverage federal or other nonstate
32.24 funds or to address oversight responsibilities
32.25 or high-priority needs identified in local
32.26 water management plans.
- 32.27 The board shall give priority consideration
32.28 to projects and practices that complement,
32.29 supplement, or exceed current state standards
32.30 for protection, enhancement, and restoration
32.31 of water quality in lakes, rivers, and streams
32.32 or that protect groundwater from degradation.
- 32.33 To the extent possible, any restoration
32.34 conducted with money appropriated in this
32.35 section must plant vegetation or sow seed

34.1 (b) \$445,000 the first year and \$890,000
 34.2 the second year are for addressing public
 34.3 health concerns related to contaminants
 34.4 found in Minnesota drinking water for which
 34.5 no health-based drinking water standard
 34.6 exists. The commissioner shall characterize
 34.7 and issue health-based guidance for three or
 34.8 more additional unregulated drinking water
 34.9 contaminants in fiscal year 2010, and seven
 34.10 or more additional unregulated drinking
 34.11 water contaminants in fiscal year 2011.

34.12 **Sec. 8. UNIVERSITY OF MINNESOTA \$ 750,000 \$ 820,000**

34.13 (a) \$820,000 the second year is for the
 34.14 geological survey to continue and to initiate
 34.15 the production of county geologic atlases.
 34.16 This appropriation represents a continuing
 34.17 effort to complete the county geologic atlases
 34.18 throughout the state in order to provide
 34.19 information and assist in planning for the
 34.20 sustainable use of ground and surface water
 34.21 that does not harm ecosystems, degrade
 34.22 water quality, or compromise the ability
 34.23 of future generations to meet their own
 34.24 needs. This appropriation is available until
 34.25 December 31, 2014.

34.26 (b) \$750,000 the first year is to develop the
 34.27 comprehensive statewide sustainable water
 34.28 resources ten-year plan and 25-year detailed
 34.29 framework in article 5.

34.30 **Sec. 9. LEGISLATURE \$ 117,000 \$ 165,000**

34.31 (a) \$54,000 the first year and \$36,000
 34.32 the second year are for the Legislative
 34.33 Coordinating Commission to fulfill the duties

35.1 as required under Minnesota Statutes, section
35.2 3.303, subdivision 10.
35.3 (b) \$63,000 the first year and \$63,000 the
35.4 second year are for the legislative auditor to
35.5 conduct restoration audits under Minnesota
35.6 Statutes, section 3.971, subdivision 9, and
35.7 \$66,000 the second year is for program and
35.8 financial audits.

35.9 Sec. 10. Minnesota Statutes 2008, section 17.117, subdivision 11a, is amended to read:

35.10 Subd. 11a. **Eligible projects.** All projects that remediate or mitigate adverse
35.11 environmental impacts are eligible if:

35.12 (1) the project is eligible under the allocation agreement and funding sources
35.13 designated by the local government unit to finance the project; and

35.14 (2) manure management projects remediate or mitigate impacts from facilities with
35.15 less than 1,000 animal units as defined in Minnesota Rules, chapter 7020.

35.16 The purchase of variable rate fertilizer application machinery or equipment is an
35.17 eligible project if the machinery or equipment is capable of precision-applying three
35.18 or more products simultaneously and the person commits to using the machinery or
35.19 equipment in this state for at least five years. The maximum loan amount for this purpose
35.20 is \$100,000.

35.21 Sec. 11. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:

35.22 Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in
35.23 Minnesota reserve program if the land meets the requirements of paragraphs (b) and
35.24 (c) or paragraph (d).

35.25 (b) Land is eligible if the land:

35.26 (1) is marginal agricultural land;

35.27 (2) is adjacent to marginal agricultural land and is either beneficial to resource
35.28 protection or necessary for efficient recording of the land description;

35.29 (3) consists of a drained wetland;

35.30 (4) is land that with a windbreak or water quality improvement practice would be
35.31 beneficial to resource protection;

35.32 (5) is land in a sensitive groundwater area;

35.33 (6) is riparian land;

36.1 (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to
 36.2 four acres of cropland or one acre of noncropland for each acre of wetland restored;

36.3 (8) is a woodlot on agricultural land;

36.4 (9) is abandoned building site on agricultural land, provided that funds are not used
 36.5 for compensation of the value of the buildings; or

36.6 (10) is land ~~on a hillside~~ used for pasture that is marginal in nature.

36.7 (c) Eligible land under paragraph (a) must:

36.8 (1) be owned by the landowner, or a parent or other blood relative of the landowner,
 36.9 for at least one year before the date of application;

36.10 (2) be at least five acres in size, except for a drained wetland area, riparian area,
 36.11 windbreak, woodlot, wellhead protection area, or abandoned building site, or be a whole
 36.12 field ~~as defined by the United States Agricultural Stabilization and Conservation Services;~~

36.13 (3) not be set aside, enrolled or diverted under another federal or state government
 36.14 program unless enrollment in the ~~conservation~~ reinvest in Minnesota reserve program
 36.15 would provide additional conservation benefits or a longer term of enrollment than under
 36.16 the current federal or state program; and

36.17 (4) have been in agricultural crop production for at least two of the last five
 36.18 years before the date of application except drained wetlands, riparian lands, woodlots,
 36.19 abandoned building sites, environmentally sensitive areas, wellhead protection areas, or
 36.20 land on a hillside used for pasture.

36.21 (d) ~~In selecting drained wetlands for enrollment in the program, the highest priority~~
 36.22 ~~must be given to wetlands with a cropping history during the period 1976 to 1985. Land~~
 36.23 is eligible if the land is a wellhead protection area as defined under section 103I.005,
 36.24 subdivision 24, and has a wellhead protection plan approved by the commissioner of
 36.25 health.

36.26 (e) In selecting land for enrollment in the program, highest priority must be given to
 36.27 permanent easements that are consistent with the purposes stated in section 103F.505.

36.28 Sec. 12. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

36.29 Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must
 36.30 prohibit:

36.31 (1) alteration of wildlife habitat and other natural features, unless specifically
 36.32 approved by the board;

36.33 (2) agricultural crop production and livestock grazing, unless specifically approved
 36.34 by the board for ~~wildlife~~ conservation management purposes; and

37.1 ~~(3) grazing of livestock except, for agreements entered before the effective date of~~
 37.2 ~~Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the~~
 37.3 ~~board after consultation with the commissioner of natural resources, in the case of severe~~
 37.4 ~~drought, or a local emergency declared under section 12.29; and~~

37.5 ~~(4)~~ (3) spraying with chemicals or mowing, except:

37.6 (i) as necessary to comply with noxious weed control laws or;

37.7 (ii) for emergency control of pests necessary to protect public health; or

37.8 (iii) as approved by the board for conservation management purposes.

37.9 (b) A conservation easement is subject to the terms of the agreement provided in
 37.10 subdivision 5.

37.11 (c) A conservation easement must allow repairs, improvements, and inspections
 37.12 necessary to maintain public drainage systems provided the easement area is restored to
 37.13 the condition required by the terms of the conservation easement.

37.14 (d) Notwithstanding paragraph (a), the board must permit the harvest of native
 37.15 grasses for use in seed production or bioenergy on wellhead protection lands eligible
 37.16 under subdivision 2, paragraph (d).

37.17 **Sec. 13. [116.201] COAL TAR.**

37.18 A state agency may not purchase undiluted coal tar sealant. For the purposes of this
 37.19 section, "undiluted coal tar sealant" means a sealant material containing coal tar that
 37.20 has not been mixed with asphalt and is for use on asphalt surfaces, including driveways
 37.21 and parking lots.

37.22 **EFFECTIVE DATE.** This section is effective July 1, 2010.

37.23 Sec. 14. Minnesota Statutes 2008, section 116G.15, is amended to read:

37.24 **116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.**

37.25 **Subdivision 1. Establishment; purpose.** ~~(a)~~ The federal Mississippi National
 37.26 River and Recreation Area established pursuant to United States Code, title 16, section
 37.27 460zz-2(k), is designated an area of critical concern in accordance with this chapter. ~~The~~
 37.28 governor shall review the existing Mississippi River critical area plan and specify any
 37.29 additional standards and guidelines to affected communities in accordance with section
 37.30 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of
 37.31 the area pending the completion of the federal plan. The purpose of the designation is to:

37.32 (1) protect and preserve the Mississippi River and adjacent lands that the legislature
 37.33 finds to be unique, valuable, and dynamic and environmental state and regional resources

38.1 for the benefit of the health, safety, and welfare of the citizens of the state, region, and
38.2 nation;

38.3 (2) prevent and mitigate irreversible damages to the natural resources listed under
38.4 clause (1);

38.5 (3) preserve and enhance the natural, aesthetic, cultural, recreational, and historical
38.6 values of the Mississippi River and its corridor for public use and benefit;

38.7 (4) protect and preserve the Mississippi River and its corridor as an essential element
38.8 in the national, state, and regional transportation, sewer and water, and recreational
38.9 systems; and

38.10 (5) protect and preserve the biological and ecological functions of the Mississippi
38.11 River and its corridor.

38.12 ~~The results of an environmental impact statement prepared under chapter 116D~~
38.13 ~~begun before and completed after July 1, 1994, for a proposed project that is located in~~
38.14 ~~the Mississippi River critical area north of the United States Army Corps of Engineers~~
38.15 ~~Lock and Dam Number One must be submitted in a report to the chairs of the environment~~
38.16 ~~and natural resources policy and finance committees of the house of representatives~~
38.17 ~~and the senate prior to the issuance of any state or local permits and the authorization~~
38.18 ~~for an issuance of any bonds for the project. A report made under this paragraph shall~~
38.19 ~~be submitted by the responsible governmental unit that prepared the environmental~~
38.20 ~~impact statement, and must list alternatives to the project that are determined by the~~
38.21 ~~environmental impact statement to be economically less expensive and environmentally~~
38.22 ~~superior to the proposed project and identify any legislative actions that may assist in the~~
38.23 ~~implementation of environmentally superior alternatives. This paragraph does not apply~~
38.24 ~~to a proposed project to be carried out by the Metropolitan Council or a metropolitan~~
38.25 ~~agency as defined in section 473.121.~~

38.26 ~~(b) If the results of an environmental impact statement required to be submitted by~~
38.27 ~~paragraph (a) indicate that there is an economically less expensive and environmentally~~
38.28 ~~superior alternative, then no member agency of the Environmental Quality Board shall~~
38.29 ~~issue a permit for the facility that is the subject of the environmental impact statement,~~
38.30 ~~other than an economically less expensive and environmentally superior alternative;~~
38.31 ~~nor shall any government bonds be issued for the facility, other than an economically~~
38.32 ~~less expensive and environmentally superior alternative, until after the legislature has~~
38.33 ~~adjourned its regular session sine die in 1996.~~

38.34 Subd. 2. **Administration; rules.** (a) The commissioner of natural resources may
38.35 adopt rules under chapter 14 as necessary for the administration of the Mississippi
38.36 River corridor critical area program. Duties of the Environmental Quality Council or

39.1 the Environmental Quality Board referenced in this chapter and related rules and in the
39.2 governor's executive order number 79-19, published in the State Register on March 12,
39.3 1979, related to the Mississippi River corridor critical area shall be the duties of the
39.4 commissioner. All rules adopted by the board pursuant to these duties remain in effect
39.5 and shall be enforced until amended or repealed by the commissioner in accordance with
39.6 law. The commissioner shall work in consultation with the United States Army Corps
39.7 of Engineers, the National Park Service, the Metropolitan Council, other agencies, local
39.8 units of government, and other interested parties to ensure that the Mississippi River
39.9 corridor critical area is managed in a way that:

39.10 (1) conserves the scenic, environmental, recreational, mineral, economic, cultural,
39.11 and historic resources and functions of the river corridor;

39.12 (2) maintains the river channel for transportation by providing and maintaining
39.13 barging and fleeting areas in appropriate locations consistent with the character of the
39.14 Mississippi River and riverfront;

39.15 (3) provides for the continuation and development of a variety of urban uses,
39.16 including industrial and commercial uses, and residential uses, where appropriate, within
39.17 the Mississippi River and its corridor;

39.18 (4) utilizes certain reaches of the river as a source of water supply and for receiving
39.19 wastewater effluents and discharges that meet all applicable standards; and

39.20 (5) protects and preserves the biological and ecological functions of the Mississippi
39.21 River and its corridor.

39.22 (b) The Metropolitan Council shall incorporate the standards developed under
39.23 this section into its planning and shall work with local units of government and the
39.24 commissioner to ensure the standards are being adopted and implemented appropriately.

39.25 Subd. 3. **Districts.** The commissioner shall establish districts within the Mississippi
39.26 River corridor critical area. The commissioner must seek to minimize the number of
39.27 districts within any one municipality and take into account existing ordinances. The
39.28 commissioner shall consider the following when establishing the districts:

39.29 (1) the protection of the major features of the river in existence as of March 12, 1979;

39.30 (2) the protection of improvements such as parks, trails, natural areas, recreational
39.31 areas, and interpretive centers;

39.32 (3) the use of the Mississippi River as a source of drinking water;

39.33 (4) the protection of resources identified in the Mississippi National River and
39.34 Recreation Area Comprehensive Management Plan;

39.35 (5) the protection of resources identified in comprehensive plans developed by
39.36 counties, cities, and towns within the Mississippi River corridor critical area;

40.1 (6) the intent of the Mississippi River corridor critical area land use districts from
40.2 the governor's executive order number 79-19, published in the State Register on March
40.3 12, 1979; and

40.4 (7) identified scenic, geologic, and ecological resources.

40.5 Subd. 4. **Standards.** (a) The commissioner shall establish minimum guidelines and
40.6 standards for the districts established in subdivision 3. The guidelines and standards
40.7 for each district shall include the intent of each district, key resources, and features to
40.8 be protected or enhanced based upon paragraph (b), permitted uses, and dimensional
40.9 and performance standards for development. The commissioner must take into account
40.10 existing ordinances when developing the guidelines and standards under this section. The
40.11 commissioner may provide certain exceptions and criteria for standards, including, but
40.12 not limited to, exceptions for river access facilities, water supply facilities, storm water
40.13 facilities, wastewater treatment facilities, and hydropower facilities.

40.14 (b) The guidelines and standards must protect or enhance the following key
40.15 resources and features:

40.16 (1) floodplains;

40.17 (2) wetlands;

40.18 (3) gorges;

40.19 (4) areas of confluence with key tributaries;

40.20 (5) natural drainage routes;

40.21 (6) shorelines and riverbanks;

40.22 (7) bluffs;

40.23 (8) steep slopes and very steep slopes;

40.24 (9) unstable soils and bedrock;

40.25 (10) significant existing vegetative stands, tree canopies, and native plant
40.26 communities;

40.27 (11) scenic views and vistas;

40.28 (12) publicly owned parks, trails, and open spaces;

40.29 (13) cultural and historic sites and structures; and

40.30 (14) water quality.

40.31 (c) The commissioner shall establish a map to define bluffs and bluff-related features
40.32 within the Mississippi River corridor critical area. At the outset of the rulemaking process,
40.33 the commissioner shall create a preliminary map of all the bluffs and bluff lines within
40.34 the Mississippi River corridor critical area, based on the guidelines in paragraph (d). The
40.35 rulemaking process shall provide an opportunity to refine the preliminary bluff map. The
40.36 commissioner may add to or remove areas of demonstrably unique or atypical conditions

41.1 that warrant special protection or exemption. At the end of the rulemaking process, the
41.2 commissioner shall adopt a final bluff map that contains associated features, including
41.3 bluff lines, bases of bluffs, steep slopes, and very steep slopes.

41.4 (d) The following guidelines shall be used by the commissioner to create a
41.5 preliminary bluff map as part of the rulemaking process:

41.6 (1) "bluff face" or "bluff" means the area between the bluff line and the bluff base. A
41.7 bluff is a high, steep, natural topographic feature such as a broad hill, cliff, or embankment
41.8 with a slope of 18 percent or greater and a vertical rise of at least ten feet between the bluff
41.9 base and the bluff line;

41.10 (2) "bluff line" means a line delineating the top of a slope connecting the points
41.11 at which the slope becomes less than 18 percent. More than one bluff line may be
41.12 encountered proceeding upslope from the river valley;

41.13 (3) "bluff base" means a line delineating the bottom of a slope connecting the points
41.14 at which the slope becomes 18 percent or greater. More than one bluff base may be
41.15 encountered proceeding landward from the water;

41.16 (4) "steep slopes" means 12 percent to 18 percent slopes. Steep slopes are natural
41.17 topographic features with an average slope of 12 to 18 percent measured over a horizontal
41.18 distance of 50 feet or more; and

41.19 (5) "very steep slopes" means slopes 18 percent or greater. Very steep slopes are
41.20 natural topographic features with an average slope of 18 percent or greater, measured over
41.21 a horizontal distance of 50 feet or more.

41.22 Subd. 5. **Application.** The standards established under this section shall be used:

41.23 (1) by local units of government when preparing or updating plans or modifying
41.24 regulations;

41.25 (2) by state and regional agencies for permit regulation and in developing plans
41.26 within their jurisdiction;

41.27 (3) by the Metropolitan Council for reviewing plans and regulations; and

41.28 (4) by the commissioner when approving plans and regulations, and reviewing
41.29 development permit applications.

41.30 Subd. 6. **Notification; fees.** (a) A local unit of government or a regional or state
41.31 agency shall notify the commissioner of natural resources of all developments in the
41.32 corridor that require discretionary actions under their rules at least ten days before taking
41.33 final action on the application. The commissioner may establish exemptions from the
41.34 notification requirement for certain types of applications. For purposes of this section, a
41.35 discretionary action includes all actions that require a public hearing, including variances,
41.36 conditional use permits, and zoning amendments.

42.1 (b) The commissioner shall recover costs of reviewing information submitted under
42.2 paragraph (a). Amounts collected under this paragraph must be credited to an account in
42.3 the natural resources fund and are appropriated to the commissioner.

42.4 Subd. 7. **Rules.** The commissioner shall adopt rules to ensure compliance with this
42.5 section. By January 15, 2010, the commissioner shall begin the rulemaking required
42.6 by this section under chapter 14. Until the rules required under this section take effect,
42.7 the commissioner shall administer the Mississippi River corridor critical area program
42.8 in accordance with the governor's executive order number 79-19, published in the State
42.9 Register on March 12, 1979.

42.10 Sec. 15. **COAL TAR; NOTIFICATION, INVENTORY, AND BEST**
42.11 **MANAGEMENT PRACTICES.**

42.12 (a) By January 15, 2010, the commissioner of the Pollution Control Agency shall
42.13 notify state agencies and local units of government of the potential for contamination of
42.14 constructed storm water ponds and wetlands or natural ponds used for the collection
42.15 of storm water via constructed conveyances with polycyclic aromatic hydrocarbons
42.16 from the use of coal tar sealant products. For the purpose of this section, a storm water
42.17 pond is a treatment pond constructed and operated for water quality treatment, storm
42.18 water detention, and flood control. Storm water ponds do not include areas of temporary
42.19 ponding, such as ponds that exist only during a construction project or short-term
42.20 accumulations of water in road ditches.

42.21 (b) By January 15, 2010, the commissioner of the Pollution Control Agency shall
42.22 establish a schedule and information requirements for state agencies and local units of
42.23 government regulated under a national pollutant discharge elimination system or state
42.24 disposal system permit for municipal separate storm sewer systems to report to the
42.25 commissioner of the Pollution Control Agency on all storm water ponds and other waters
42.26 defined in paragraph (a) located within their jurisdiction.

42.27 (c) The commissioner of the Pollution Control Agency shall develop best
42.28 management practices for state agencies and local units of government regulated under
42.29 a national pollutant discharge elimination system or state disposal system permit for
42.30 municipal separate storm sewer systems treating or cleaning up contaminated sediments
42.31 in storm water ponds and other waters defined under paragraph (a) and make the best
42.32 management practices available on the agency's Web site. As part of the development of
42.33 the best management practices, the commissioner shall:

43.1 (1) sample a set of storm water pond sediments in residential, commercial, and
43.2 industrial areas for polycyclic aromatic hydrocarbons and other contaminants of potential
43.3 concern;

43.4 (2) investigate the feasibility of screening methods to provide more cost-effective
43.5 analytical results and to identify which kinds of ponds are likely to have the highest
43.6 concentrations of polycyclic aromatic hydrocarbons; and

43.7 (3) develop guidance on testing, treatment, removal, and disposal of polycyclic
43.8 aromatic hydrocarbon contaminated sediments.

43.9 (d) The commissioner of the Pollution Control Agency shall incorporate the
43.10 requirements for inventory and best management practices specified in paragraphs (b) and
43.11 (c) into the next permitting cycle for the national pollutant discharge elimination system or
43.12 state disposal system permit for municipal separate storm sewer systems.

43.13 **Sec. 16. ENDOCRINE-DISRUPTOR MONITORING.**

43.14 (a) The commissioner of the Pollution Control Agency shall establish a network of
43.15 water monitoring sites in public waters adjacent to wastewater treatment facilities across
43.16 the state to assess levels of endocrine disrupting compounds, antibiotic compounds, and
43.17 pharmaceuticals.

43.18 (b) Each of the monitoring sites must provide enhanced monitoring of the effluent
43.19 at the discharge point of the wastewater treatment facility and monitoring of the public
43.20 waters above and below the discharge point.

43.21 (c) The monitoring sites must be located throughout the state, represent a variety of
43.22 wastewater treatment facility sizes based on the number of gallons of water discharged per
43.23 day, and represent a variety of waste treatment systems used for primary, secondary, and
43.24 tertiary disinfecting treatment and management of biosolids.

43.25 (d) In establishing the monitoring network, the commissioner of the Pollution
43.26 Control Agency must consult with the commissioners of health and natural resources, the
43.27 United States Geological Survey, the Metropolitan Council, local wastewater treatment
43.28 facility operators, and the Water Resources Center at the University of Minnesota.
43.29 Consideration may be given to monitoring sites at facilities identified as part of a total
43.30 maximum daily load study and facilities located on a water body identified for enhanced
43.31 protection. The initial monitoring network must include at least ten sites.

43.32 (e) Monitoring must include, but is not limited to, endocrine-disrupting compounds
43.33 from natural and synthetic hormones, pharmaceuticals, personal care products, and
43.34 a range of industrial products and by-products. At a minimum, concentrations of
43.35 estrone, nonylphenol, bisphenol-A, 17-beta-estradiol, 17-alpha-ethynylestradiol, estriol,

44.1 and antibacterial triclosan must be monitored. Additional compounds, antibacterial
 44.2 compounds, and pharmaceuticals potentially impacting human health and aquatic
 44.3 communities may be considered for identification and monitoring including, but not
 44.4 limited to, nonylphenol ethoxylates, octylphenol, and octylphenol ethoxylates; the
 44.5 hormones androstenedione, trenbelone, and diethylphthalate; antidepressant medications,
 44.6 including fluoxetine and fluvoxamine; carbamazepine; and triclocarban.

44.7 (f) The commissioner of the Pollution Control Agency shall begin the monitoring
 44.8 and testing required under this section no later than November 1, 2009. Information
 44.9 about requirements under this section and the results from the monitoring and testing
 44.10 must be available on the agency's Web site by June 1, 2010. The commissioner shall
 44.11 submit a preliminary report on the results of the monitoring and testing to the chairs of the
 44.12 legislative committees with jurisdiction over environment and natural resources policy
 44.13 and finance by April 15, 2010, and a final report no later than January 15, 2011.

44.14 **ARTICLE 3**
 44.15 **PARKS AND TRAILS FUND**

44.16 Section 1. **PARKS AND TRAILS FUND APPROPRIATIONS.**

44.17 The sums shown in the columns marked "Appropriations" are appropriated to
 44.18 the agencies and for the purposes specified in this article. The appropriations are from
 44.19 the parks and trails fund, or another named fund, and are available for the fiscal years
 44.20 indicated for each purpose. The figures "2010" and "2011" used in this article mean that
 44.21 the appropriations listed under them are available for the fiscal year ending June 30, 2010,
 44.22 or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is
 44.23 fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the
 44.24 fiscal year ending June 30, 2009, are effective the day following final enactment. All
 44.25 appropriations in this article are onetime only.

44.26			<u>APPROPRIATIONS</u>	
44.27			<u>Available for the Year</u>	
44.28			<u>Ending June 30</u>	
44.29			<u>2010</u>	<u>2011</u>
44.30	Sec. 2. <u>NATURAL RESOURCES</u>	\$	<u>10,399,000</u>	\$ <u>21,257,000</u>

44.31 (a) \$6,749,000 the first year and \$14,807,000
 44.32 the second year are to:
 44.33 (1) connect people to the outdoors by
 44.34 providing access, conservation education,

45.1 and interpretative services with a goal
45.2 of attracting 350,000 additional visitors
45.3 to state parks, recreation areas, forest
45.4 campgrounds, and trails by the end of the
45.5 biennium, reaching 25 percent of all state
45.6 parks and trails visitors through education
45.7 programming, including conducting at least
45.8 500 conservation education programs, by:
45.9 (i) enhancing marketing and technology
45.10 to target new audiences and provide new
45.11 opportunities to engage citizens, including
45.12 enhancements to the department's Web
45.13 site, community assistance, and volunteer
45.14 coordination and enhancement;
45.15 (ii) increasing the number of naturalist
45.16 interns from 18 to 30 each year under the
45.17 new Minnesota Naturalist Corps established
45.18 under Minnesota Statutes, section 84.992;
45.19 (iii) adding eight new full-time
45.20 equivalent naturalists to provide expanded
45.21 programming, with a focus on families and
45.22 children;
45.23 (iv) opening or reopening visitor centers at
45.24 Lake Bronson, Blue Mounds, St. Croix, and
45.25 Grand Portage State Parks and expanding
45.26 visitor center hours at additional high profile
45.27 parks;
45.28 (v) advancing new conservation education
45.29 delivery methods reaching new and younger
45.30 audiences with 50 new MP3 audio trail
45.31 guides, educational touch screen computers,
45.32 podcasts, and videocasts;
45.33 (vi) constructing information centers and
45.34 kiosks in state parks, including: a pilot
45.35 project to construct information centers

46.1 that include self-registration equipment and
46.2 touch screen displays; electronic information
46.3 kiosks that include touch screen displays; and
46.4 information kiosks near campgrounds and
46.5 day use areas used to display maps, policies,
46.6 and other information;

46.7 (vii) providing interpretive services for
46.8 state trails, including at least five new
46.9 kiosks, signage, updating five trail maps,
46.10 and developing three new resource-oriented
46.11 brochures;

46.12 (viii) producing a new state map integrating
46.13 state parks, recreation areas, forest
46.14 campgrounds, trails, and regional park and
46.15 trail facilities; and

46.16 (ix) enhancing cross-country skiing in at
46.17 least ten state parks, recreation areas, forest
46.18 campgrounds, or trails;

46.19 (2) accelerate natural resource management,
46.20 restoration, and protection activities at state
46.21 parks, including:

46.22 (i) restoring at least 700 additional acres of
46.23 state park land;

46.24 (ii) conducting invasive species detection,
46.25 prevention, and response activities on at least
46.26 4,000 acres of state park lands and waters
46.27 and reestablishing native plants, shrubs, and
46.28 trees after invasive species removal;

46.29 (iii) providing rapid response to terrestrial
46.30 and aquatic new invasive species detections
46.31 and infestations on state park lands and
46.32 waters and state trails;

46.33 (iv) conducting prescribed burns on an
46.34 additional 6,000 acres; and

47.1 (v) restoring and managing native prairies
47.2 and woodlands along at least six percent of
47.3 the developed miles of state trails, including
47.4 removing invasive species;

47.5 (3) accelerate facility maintenance and
47.6 rehabilitation by:

47.7 (i) upgrading at least three percent of
47.8 facilities in overnight and day use areas;

47.9 (ii) improving access to parks and trails
47.10 systems for visitors of all ability levels at no
47.11 fewer than 15 sites each year;

47.12 (iii) enhancing the trail surface of at least
47.13 100 miles of state trails, resurfacing 20 to 40
47.14 miles of state trails, repairing six to ten trail
47.15 bridges, and replacing two to four bridges;
47.16 and

47.17 (iv) rehabilitating and renewing trails in
47.18 state parks, recreation areas, or forest
47.19 campgrounds for hiking, biking, and
47.20 horseback riding at the rate of at least four
47.21 percent per year; and

47.22 (4) accelerate facility energy conservation
47.23 by increasing energy conservation
47.24 and operations, promoting new
47.25 conservation-based energy sources,
47.26 reducing energy costs and installing solar
47.27 energy equipment, including solar thermal
47.28 energy equipment, as part of the following
47.29 projects:

47.30 (i) the design and installation of sustainable
47.31 energy features, including the use of solar
47.32 energy, at a new campground in Split Rock
47.33 Lighthouse State Park;

- 48.1 (ii) the installation of solar energy equipment
48.2 to power a new sanitation building and
48.3 campsites in St. Croix State Park;
- 48.4 (iii) the installation of solar energy equipment
48.5 to power sanitation buildings and campsites
48.6 at the Pine Ridge Campground in Itasca State
48.7 Park;
- 48.8 (iv) the installation of solar power equipment
48.9 for educational demonstration projects and
48.10 to offset the use of electricity at Jay Cooke,
48.11 Bear Head Lake, Afton, Sibley, Lake Carlos,
48.12 Glacial Lakes, Maplewood, William O'Brien,
48.13 Wild River, and Lac Qui Parle State Parks;
- 48.14 (v) the installation of solar energy equipment
48.15 at the Iron Range Off-Highway Vehicle
48.16 Recreation Area in Gilbert;
- 48.17 (vi) the installation of solar energy equipment
48.18 to power a sanitation building and lighting at
48.19 the Silver Bay Marina;
- 48.20 (vii) the installation of solar energy
48.21 equipment to power the rest area and visitor
48.22 center at Grand Portage State Park; and
- 48.23 (viii) the installation of solar energy
48.24 equipment to power sanitation buildings and
48.25 campsites at the Lake Shetek State Park and
48.26 additional solar energy projects if funding is
48.27 available.
- 48.28 The commissioner shall contract for services
48.29 with the Minnesota Conservation Corps for
48.30 restoration, maintenance, and other activities
48.31 under this paragraph for at least \$600,000 the
48.32 first year and \$1,000,000 the second year.

49.1 The commissioner shall leverage federal
49.2 stimulus funding for these purposes to the
49.3 extent possible.

49.4 To the extent possible, any prairie restoration
49.5 conducted with money appropriated in this
49.6 section must plant vegetation or sow seed
49.7 only of ecotypes native to Minnesota, and
49.8 preferably of the local ecotype, using a high
49.9 diversity of species originating from as
49.10 close to the restoration site as possible, and
49.11 protect existing native prairies from genetic
49.12 contamination.

49.13 (b) \$1,000,000 the first year and \$2,000,000
49.14 the second year are for grants for solar
49.15 energy projects in metropolitan regional
49.16 parks and trails that meet the requirements
49.17 of Minnesota Statutes, section 473.147, or
49.18 that is currently recognized as meeting the
49.19 constitutional requirement of being a park
49.20 or trail of regional or statewide significance,
49.21 and parks and trails outside the metropolitan
49.22 area that are currently recognized as meeting
49.23 the constitutional requirement of being a park
49.24 or trail of regional or statewide significance.

49.25 Up to 2-1/2 percent of this appropriation
49.26 may be used for administering the grants. Of
49.27 this appropriation, at least \$1,000,000 shall
49.28 be designated for projects utilizing solar
49.29 thermal technology and equipment. The
49.30 commissioner shall give priority to projects
49.31 that:

49.32 (1) would be visible to park or trail visitors
49.33 and that demonstrate the use of solar energy;

50.1 (2) would provide on-site information
50.2 explaining the installation, its benefits, and
50.3 the benefits of renewable energy;
50.4 (3) would reduce the use of energy from
50.5 fossil fuels;
50.6 (4) incorporate designs that reflect the
50.7 aesthetics of the installation site; or
50.8 (5) provide education to visitors on energy
50.9 conservation or climate change.
50.10 (c) \$2,650,000 the first year and \$4,450,000
50.11 the second year are for grants under
50.12 Minnesota Statutes, section 85.535, to
50.13 metropolitan regional parks and trails
50.14 that meet the requirements of Minnesota
50.15 Statutes, section 473.147, or that is currently
50.16 recognized as meeting the constitutional
50.17 requirement of being a park or trail of
50.18 regional or statewide significance, and parks
50.19 and trails outside the metropolitan area that
50.20 are currently recognized as meeting the
50.21 constitutional requirement of being a park
50.22 or trail of regional or statewide significance.
50.23 Grants under this section must only be used
50.24 for acquisition, restoration, maintenance, and
50.25 development. Up to 2-1/2 percent of this
50.26 appropriation may be used for administering
50.27 the grants.
50.28 (d) The commissioner shall develop a
50.29 ten-year strategic state parks and trails
50.30 plan considering traditional funding and
50.31 the funding available under the Minnesota
50.32 Constitution, article XI, section 15.
50.33 (e) The commissioner, in consultation
50.34 with the commissioner of the Pollution
50.35 Control Agency, the Board of Water and Soil

51.1 Resources, the Outdoor Heritage Council,
 51.2 the Minnesota Board of the Arts, and the
 51.3 Minnesota Historical Society, shall develop
 51.4 a logo to be used in signage required of
 51.5 projects and programs receiving funds from
 51.6 the outdoor heritage fund, clean water fund,
 51.7 parks and trails fund, and arts and cultural
 51.8 heritage fund.

51.9 (f) The commissioner shall submit a report
 51.10 on the expenditure and use of money
 51.11 appropriated under this section to the
 51.12 legislature by March 1 of each year. The
 51.13 report must relate the expenditure of funds
 51.14 by the categories established and detail the
 51.15 outcomes in terms of additional use of parks
 51.16 and trails resources, user satisfaction surveys,
 51.17 and other appropriate outcomes.

51.18 (g) Grant agreements entered into by the
 51.19 commissioner of natural resources and
 51.20 recipients of money appropriated under this
 51.21 section shall ensure that the funds are used to
 51.22 supplement and not substitute for traditional
 51.23 sources of funding.

51.24 **Sec. 3. METROPOLITAN COUNCIL \$ 7,500,000 \$ 14,600,000**

51.25 (a) \$7,500,000 the first year and \$14,600,000
 51.26 the second year are from the parks and
 51.27 trails fund to be distributed as required
 51.28 under Minnesota Statutes, section 85.53,
 51.29 subdivision 3, except that of this amount,
 51.30 \$40,000 the first year is for a grant to
 51.31 Hennepin County to plant trees along the
 51.32 Victory Memorial Parkway.

51.33 (b) The Metropolitan Council shall submit
 51.34 a report on the expenditure and use of

52.1 money appropriated under this section to
 52.2 the legislature by March 10 of each year.
 52.3 The report must detail the outcomes in
 52.4 terms of additional use of parks and trails
 52.5 resources, user satisfaction surveys, and
 52.6 other appropriate outcomes.

52.7 (c) Grant agreements entered into by the
 52.8 Metropolitan Council and recipients of
 52.9 money appropriated under this section shall
 52.10 ensure that the funds are used to supplement
 52.11 and not substitute for traditional sources of
 52.12 funding.

52.13 Sec. 4. **LEGISLATURE** \$ **51,000** \$ **68,000**

52.14 (a) \$23,000 the first year and \$15,000
 52.15 the second year are for the Legislative
 52.16 Coordinating Commission to fulfill the duties
 52.17 as required under Minnesota Statutes, section
 52.18 3.303, subdivision 10.

52.19 (b) \$28,000 the first year and \$28,000 the
 52.20 second year are for the legislative auditor to
 52.21 conduct restoration audits under Minnesota
 52.22 Statutes, section 3.971, subdivision 9, and
 52.23 \$25,000 the second year is for program and
 52.24 financial audits.

52.25 Sec. 5. **AVAILABILITY OF APPROPRIATIONS.**

52.26 Unless otherwise provided, the amounts in this article are available until June
 52.27 30, 2011, when projects must be completed and final accomplishments reported.
 52.28 Appropriations for 2011 are available for use until June 30, 2012. For acquisition of an
 52.29 interest in real property, the amounts in this section appropriated in fiscal year 2010 are
 52.30 available until June 30, 2012, and the amounts in this section appropriated in fiscal year
 52.31 2011 are available until June 30, 2013. If a project receives federal funds, the time period
 52.32 of the appropriation is extended to equal the availability of federal funding.

52.33 Sec. 6. **[84.992] MINNESOTA NATURALIST CORPS.**

53.1 Subdivision 1. **Establishment.** The Minnesota Naturalist Corps is established under
53.2 the direct control and supervision of the commissioner of natural resources.

53.3 Subd. 2. **Program.** The commissioner of natural resources shall develop a program
53.4 for the Minnesota Naturalist Corps that supports state parks in providing interpretation
53.5 of the natural and cultural features of state parks in order to enhance visitors' awareness,
53.6 understanding, and appreciation of those features and encourages the wise and sustainable
53.7 use of the environment.

53.8 Subd. 3. **Training and mentoring.** The commissioner must develop and implement
53.9 a training program that adequately prepares Minnesota Naturalist Corps members for the
53.10 tasks assigned. Each corps member shall be assigned a state park naturalist as a mentor.

53.11 Subd. 4. **Uniform patch.** Uniforms worn by members of the Minnesota Naturalist
53.12 Corps must have a patch that includes the name of the Minnesota Naturalist Corps and
53.13 information that the program is funded by the clean water, land, and legacy amendment to
53.14 the Minnesota Constitution adopted by the voters in November 2008.

53.15 Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist
53.16 Corps if the person:

53.17 (1) is a permanent resident of the state;

53.18 (2) is a participant in an approved college internship program or has a postsecondary
53.19 degree in a natural resource or conservation related field; and

53.20 (3) has completed at least one year of postsecondary education.

53.21 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not
53.22 eligible for unemployment benefits if their services are excluded under section 268.035,
53.23 subdivision 20, and are not eligible for other benefits except workers' compensation. The
53.24 corps members are not employees of the state within the meaning of section 43A.02,
53.25 subdivision 21.

53.26 Subd. 7. **Employee displacement.** The commissioner must certify that the
53.27 assignment of Minnesota Naturalist Corps members will not result in the displacement of
53.28 currently employed workers or workers on seasonal layoff or layoff from a substantially
53.29 equivalent position, including partial displacement such as reduction in hours of
53.30 nonovertime work, wages, or other employment benefits. The department may not
53.31 terminate, lay off, reduce the seasonal hours of, or reduce the working hours of any
53.32 employee for the purpose of using a corps member with available funds.

53.33 Sec. 7. **[85.535] PARKS AND TRAILS GRANT PROGRAM.**

54.1 Subdivision 1. **Establishment.** The commissioner of natural resources shall
54.2 administer a program to provide grants from the parks and trails fund to support parks and
54.3 trails of regional or statewide significance.

54.4 Subd. 2. **Eligibility.** To be eligible for grants under this section, a park or trail must:

54.5 (1) be a metropolitan regional park or trail that meets the requirements of section
54.6 473.147 or that is currently recognized as meeting the constitutional requirement of being
54.7 a park or trail of regional or statewide significance; or

54.8 (2) be a park or trail outside the metropolitan area, as defined in section 473.121,
54.9 subdivision 2, that is currently recognized as meeting the constitutional requirement of
54.10 being a park or trail of regional or statewide significance.

54.11 Subd. 3. **Priorities.** In awarding trails grants under this section, the commissioner
54.12 shall give priority to trail projects that provide:

- 54.13 (1) connectivity;
- 54.14 (2) enhanced opportunities for commuters; and
- 54.15 (3) enhanced safety.

54.16 Subd. 4. **Match.** Recipients must provide a nonstate cash match of at least 25
54.17 percent of the total eligible project costs.

54.18 Subd. 5. **Rule exemption.** The commissioner is not subject to the rulemaking
54.19 provisions of chapter 14 in implementing this section, and section 14.386 does not apply.

54.20 **ARTICLE 4**
54.21 **ARTS AND CULTURAL HERITAGE FUND**

54.22 Section 1. **ARTS AND CULTURAL HERITAGE FUND APPROPRIATIONS.**

54.23 The sums shown in the columns marked "Appropriations" are appropriated to the
54.24 agencies and for the purposes specified in this article. The appropriations are from the
54.25 arts and cultural heritage fund and are available for the fiscal years indicated for each
54.26 purpose. The figures "2010" and "2011" used in this article mean that the appropriations
54.27 listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011,
54.28 respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011.
54.29 "The biennium" is fiscal years 2010 and 2011.

54.30 **APPROPRIATIONS**
54.31 **Available for the Year**
54.32 **Ending June 30**
54.33 **2010 2011**

54.34 Sec. 2. **ARTS AND CULTURAL HERITAGE**

54.35 Subdivision 1. **Total Appropriation** **\$ 44,633,000 \$ 44,556,000**

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

55.4 **Subd. 2. Minnesota Board of the Arts**

55.5 (a) The appropriations in this subdivision
55.6 are to the Minnesota Board of the Arts
55.7 from the arts and cultural heritage fund.

55.8 Grants agreements entered into by the
55.9 Board of the Arts and other recipients of
55.10 appropriations in this section shall ensure
55.11 that these funds are used to supplement and
55.12 not supplant traditional sources of funding.

55.13 Appropriations made directly to the Board
55.14 of the Arts shall supplement, and shall not
55.15 substitute for traditional sources of funding.

55.16 Funds appropriated in the first year may
55.17 be carried over to the second. These are
55.18 onetime appropriations. No more than 2.5
55.19 percent of each appropriation may be used
55.20 for administration by the Board of the Arts.

55.21 The Board of the Arts with the assistance
55.22 of recipients funded under this section shall
55.23 report on all expenditures made from these
55.24 funds to the legislature and governor by
55.25 January 15 of each year. Each grant program
55.26 established within this appropriation shall
55.27 be separately administered from other state
55.28 appropriations for program planning and
55.29 outcome measurements, but may take into
55.30 consideration other state resources awarded
55.31 in the selection of applicants and grant
55.32 award size. Distinctive goals and measurable
55.33 outcomes shall be established and reported
55.34 on.

56.1 (b) **Regional Arts Boards.** \$6,000,000
56.2 is appropriated on January 1, 2010, and
56.3 \$6,000,000 in 2011 for grants programs
56.4 to artists, arts programs, programs for the
56.5 literary arts, and programs for arts education
56.6 and access; such grants are to be made by
56.7 regional arts boards. Each regional arts
56.8 council must ensure that a portion of the
56.9 funds available under this paragraph is used
56.10 for grants to artists using nontraditional or
56.11 innovative materials or methods, or for grants
56.12 to artists dealing with nontraditional subjects.

56.13 (c) **Statewide Arts Access.** \$1,000,000 on
56.14 January 1, 2010, and \$1,000,000 in 2011 is
56.15 appropriated for organizations and programs
56.16 that provide access to the arts on a statewide
56.17 basis.

56.18 (d) **Artists Economic Development Fund.**
56.19 \$500,000 in 2010 and \$500,000 in 2011 are
56.20 appropriated to provide individual grants
56.21 to artists for the purposes of economic
56.22 subvention or artistic development.

56.23 (e) \$150,000 in 2010 is appropriated to
56.24 the Board of the Arts for the creation and
56.25 conduct of a census of Minnesota artists and
56.26 artistic organizations; this census must be
56.27 conducted through a competitive grant to be
56.28 administered by the arts board and conducted
56.29 in partnership with the regional arts councils.

56.30 **Subd. 3. Minnesota Historical Society**

56.31 (a) The appropriations in this subdivision are
56.32 to the Minnesota Historical Society from the
56.33 arts and cultural heritage fund to preserve and
56.34 enhance access to Minnesota's history and
56.35 its cultural and historical resources. Grants

57.1 agreements entered into by the Minnesota
57.2 Historical Society and other recipients of
57.3 appropriations in this section shall ensure
57.4 that these funds are used to supplement
57.5 and not substitute for traditional sources of
57.6 funding. Funds directly appropriated to the
57.7 Minnesota Historical Society shall be used to
57.8 supplement, and not substitute for, traditional
57.9 sources of funding. Funds appropriated in the
57.10 first year may be carried over to the second.
57.11 These are onetime appropriations. No more
57.12 than 2.5 percent of each appropriation may
57.13 be used for administration by the Minnesota
57.14 Historical Society. The Minnesota Historical
57.15 Society, with the assistance of recipients
57.16 funded under this section, shall report on all
57.17 expenditures made from these funds to the
57.18 legislature and governor by January 15 of
57.19 each year.

57.20 (b) Minnesota History Educational Network.
57.21 \$2,000,000 in 2010 and \$1,000,000 in
57.22 2011 are appropriated for programs and
57.23 projects of service to historical and cultural
57.24 programs across the state. Among these may
57.25 be funds for the operation of a Minnesota
57.26 History Educational Network, to provide
57.27 educational and programmatic content to
57.28 schools, teachers, museums, historic sites,
57.29 and libraries; funds for a history at home
57.30 project, to provide historical content and
57.31 materials to persons in their homes, places of
57.32 work, schools, libraries, and on the Internet;
57.33 and programs to provide hands on support
57.34 to historical and cultural organizations,
57.35 including the purveyance of information and
57.36 expertise regarding collections, preservation,

58.1 and operation of local historic sites and
58.2 societies. These programs and projects may
58.3 be conducted in partnership with either local
58.4 historical societies, schools, or libraries, as
58.5 selected by the Minnesota Historical Society.

58.6 **(c) Statewide Historic and Cultural**

58.7 **Grants.** (i) \$6,000,000 on January 1, 2010,
58.8 and \$6,000,000 in 2011 are appropriated
58.9 for history programs and projects operated
58.10 or conducted by or through local, county,
58.11 regional or other historical or cultural
58.12 organizations; or for activities to preserve
58.13 significant historic and cultural resources.

58.14 Funds are to be distributed through a
58.15 competitive grants process. The Minnesota
58.16 Historical Society shall administer these
58.17 funds using established grants mechanisms,
58.18 and with assistance from the advisory
58.19 committee created herein. The Preston
58.20 grain elevator restoration and recreation
58.21 project shall be eligible for grants under this
58.22 program.

58.23 Also eligible for a grant under this section
58.24 are projects previously approved by the
58.25 Minnesota Historical Society that have had
58.26 this approved funding refused by a public
58.27 board or governing body, provided that these
58.28 projects are now administered by a nonprofit
58.29 organization.

58.30 (ii) The Minnesota Historical Society
58.31 shall appoint a historic resources advisory
58.32 committee, with members from each
58.33 of the eight congressional districts, and
58.34 representatives of local, county, and statewide
58.35 historical and cultural organizations and

59.1 programs, to provide policy and grant making
59.2 guidance on expenditures of funds from this
59.3 paragraph. This membership shall include,
59.4 but is not limited to, members representing
59.5 the interests of historic preservation, local
59.6 history, archaeology, archival programs,
59.7 and other cultural programs related to the
59.8 history of Minnesota. A significant number
59.9 of members on this advisory committee
59.10 should represent local interests. This
59.11 committee shall seek input from all interested
59.12 parties, and shall make recommendations
59.13 for expenditures from these funds to the
59.14 executive council of the Minnesota Historical
59.15 Society; all expenditures must meet the
59.16 requirements of Minnesota Statutes, section
59.17 138.01.

59.18 (iii) \$500,000 in 2010 and \$500,000 in 2011
59.19 are appropriated to the Minnesota Historical
59.20 Society for the creation of materials, training,
59.21 and assistance to local historical societies
59.22 and others receiving grants under this
59.23 paragraph. These funds may not be used to
59.24 hire permanent staff.

59.25 (d) **Collections.** \$250,000 in 2010 is
59.26 appropriated to the Minnesota Historical
59.27 Society for the purchase, acquisition, storage,
59.28 and restoration of Minnesota's historical and
59.29 cultural artifacts. These funds may be carried
59.30 over until expended. None of these funds
59.31 may be used for administration.

59.32 (e) \$2,000,000 in 2010 is appropriated from
59.33 the arts and cultural heritage fund to the
59.34 Minnesota Historical Society for HELP

60.1 projects under Minnesota Statutes, section
60.2 138.0375, subdivision 3.

60.3 (f) \$150,000 in 2010 is appropriated to
60.4 the Minnesota Historical Society for a
60.5 competitive grant to be issued by the society
60.6 for analysis of historical programs in the
60.7 state. The analysis shall determine where
60.8 public collections, museums, programs, and
60.9 services relating to historical and cultural
60.10 heritage exist; the depth of the collection or
60.11 program as it relates to the geographic, topic
60.12 focus, and time frames covered; and where
60.13 such services do not exist. The analysis shall
60.14 advise the state as to the best strategies to use
60.15 existing financial resources to improve the
60.16 delivery of history education and historical
60.17 resources throughout Minnesota. The
60.18 Minnesota Historical Society shall cooperate
60.19 with the grant recipient, and shall provide
60.20 full access to data and materials needed
60.21 to complete this study. The study shall be
60.22 reported to the Legislative Coordinating
60.23 Commission by December 1, 2009.

60.24 (g) \$2,000,000 on January 1, 2010,
60.25 and \$500,000 on January 1, 2011, are
60.26 appropriated to the Minnesota Historical
60.27 Society for an exhibit on the regional, local,
60.28 and cultural diversity of Minnesota's history
60.29 and cultural heritage. These funds are
60.30 available until expended. These funds are
60.31 for the creation of both traveling exhibits
60.32 to be made available to local historical and
60.33 cultural organizations and an exhibit to be
60.34 housed at the Minnesota History Center.
60.35 The Minnesota Historical Society shall raise
60.36 funds from private sources to augment this

61.1 appropriation, with a goal of \$1,500,000 in
61.2 private funds to be raised. This is not a match
61.3 requirement, but the Minnesota Historical
61.4 Society shall certify that a good faith effort
61.5 has been made.

61.6 **Subd. 4. Statewide Survey of Historical and**
61.7 **Archaeological Sites**

61.8 \$500,000 in 2010 and \$500,000 in 2011
61.9 are appropriated to the Department of
61.10 Administration, for a contract to be let on
61.11 a competitive basis to conduct a general
61.12 statewide survey of Minnesota's sites of
61.13 historical, archaeological, and cultural
61.14 significance. Results of this survey must be
61.15 published in a searchable form, available
61.16 to the public on a cost-free basis. The
61.17 Minnesota Historical Society, the Office
61.18 of the State Archaeologist, and the Board
61.19 of Indian Affairs shall each appoint a
61.20 representative to an oversight board, to
61.21 select a contractor and direct the conduct
61.22 of this survey. The oversight board shall
61.23 consult with the Minnesota Departments
61.24 of Transportation and Natural Resources.
61.25 Funds appropriated for this purpose do not
61.26 cancel and may be carried over from one
61.27 year to the next.

61.28 **Subd. 5. Programs of Artistic, Educational,**
61.29 **Historic, or Cultural Significance**

61.30 (a) Funds in this subdivision are appropriated
61.31 to the commissioner of the Department
61.32 of Administration for grants to the named
61.33 organizations for the purposes specified in
61.34 this subdivision. Grants made to public
61.35 television or radio organizations are subject
61.36 to Minnesota Statutes, section 129D.18,

62.1 and are not subject to conditions in this
62.2 paragraph.

62.3 (b) Grant agreements entered into by
62.4 the commissioner and recipients of
62.5 appropriations in this subdivision must
62.6 ensure that money appropriated in this
62.7 subdivision is used to supplement and not
62.8 substitute for traditional sources of funding.
62.9 No more than 2.5 percent of any grant may
62.10 be used for administration. The Department
62.11 of Administration may use up to one percent
62.12 of appropriated funds for administration.
62.13 These are onetime appropriations. A cultural
62.14 grants advisory board may be established
62.15 by the Department of Administration to
62.16 provide advice and assistance in the making
62.17 of grants under this subdivision. The board,
62.18 if appointed, shall consist of seven members,
62.19 to be appointed by the commissioner. One
62.20 member shall represent public radio and
62.21 television, one shall represent Minnesota
62.22 zoos, one shall represent the Minnesota
62.23 Center for the Humanities, and the remaining
62.24 four shall be appointed by the commissioner
62.25 to represent a diverse set of cultural interests.
62.26 All recipients of funds under this subdivision
62.27 shall report to the legislature by January 15
62.28 of each year on uses of those funds.

62.29 (c) **Public Television.** \$2,000,000 on
62.30 January 1, 2010, and \$5,000,000 on January
62.31 1, 2011, are appropriated to public television,
62.32 to the fund created under Minnesota Statutes,
62.33 section 129D.18, for the development
62.34 of educational materials, programs, and
62.35 publicly available programming on the
62.36 artistic, historical, and cultural heritage

63.1 of the state and people of Minnesota.
63.2 Acknowledgment of the funding sources
63.3 must be included in all materials produced in
63.4 this grant. None of these funds may be used
63.5 for normal operations or infrastructure.

63.6 **(d) Public Television and Radio;**
63.7 **Documentary.** \$500,000 in 2010 and
63.8 \$500,000 in 2011 are appropriated, half each,
63.9 to Minnesota public television and public
63.10 radio organizations for the separate creation
63.11 of radio and television documentaries
63.12 regarding the uses and results of Minnesota's
63.13 dedicated funding for outdoor resources,
63.14 clean water, trails, arts, and cultural heritage.
63.15 These documentaries shall be conducted
63.16 according to the professional standards of
63.17 these organizations, and shall be independent
63.18 of and separate from any state control over
63.19 content.

63.20 **(e) Minnesota Public Radio.** \$2,000,000
63.21 on January 1, 2010, and \$3,000,000 on
63.22 January 1, 2011, are appropriated to public
63.23 radio for the development of educational
63.24 materials, programs, and publicly available
63.25 programming on the artistic, historical, and
63.26 cultural heritage of the state and people of
63.27 Minnesota. None of these funds may be used
63.28 for normal operations or infrastructure.

63.29 **(f) Association of Minnesota Public**
63.30 **Educational Radio Stations.** \$1,000,000
63.31 in 2010 and \$2,000,000 in 2011 are
63.32 appropriated to the Association of
63.33 Minnesota Public Educational Radio
63.34 Stations for the development of educational
63.35 materials, programs, and publicly available

64.1 programming on the artistic, historical, and
64.2 cultural heritage of the state and people of
64.3 Minnesota. None of these funds may be used
64.4 for normal operations or infrastructure.

64.5 (g) **Civics Education.** \$1,000,000 in 2010
64.6 and \$1,000,000 in 2011 are appropriated to
64.7 the Minnesota Center for the Humanities for
64.8 grants to Kids Voting Minnesota, Learning
64.9 Law and Democracy Foundation, and
64.10 YMCA Youth in Government to conduct
64.11 civics education programs for the civic and
64.12 cultural development of Minnesota youth.

64.13 (h) **Children's Museums.** \$500,000 in 2010
64.14 and \$500,000 in 2011 are appropriated for
64.15 grants to Minnesota's museums for children,
64.16 for exhibits and programming on the artistic,
64.17 historical, and cultural heritage of the state
64.18 and people of Minnesota. None of these
64.19 funds may be used for normal operations or
64.20 infrastructure. Half of these funds are for a
64.21 children's museum in Duluth, and the other
64.22 half for a children's museum in St. Paul.

64.23 (i) **Minnesota Science Museum.**
64.24 \$500,000 in 2010 and \$500,000 in 2011
64.25 are appropriated for the operation of
64.26 and programmatic development of the
64.27 Minnesota Science Museum, for exhibits
64.28 and programming on the artistic, historical,
64.29 and cultural heritage of the state and people
64.30 of Minnesota. None of these funds may be
64.31 used for normal operations or infrastructure.
64.32 Funds shall be matched by the Science
64.33 Museum at a ratio of one to one.

64.34 (j) **Minnesota Digital Library.** \$500,000 in
64.35 2010 and \$500,000 in 2011 are appropriated

65.1 for the Minnesota digital library project,
65.2 operated by the Minitex system, to preserve,
65.3 digitize, and share Minnesota images,
65.4 documents, and historic materials.

65.5 **(k) Minnesota Center for the Humanities.**
65.6 \$500,000 in 2010 and \$500,000 in 2011 are
65.7 appropriated to the Minnesota Center for the
65.8 Humanities for programmatic development.

65.9 \$500,000 in 2010 and \$500,000 in 2011
65.10 are appropriated to the Minnesota Center
65.11 for the Humanities for grants to museums
65.12 and organizations celebrating the ethnic
65.13 identities of Minnesotans. The Minnesota
65.14 Center for the Humanities shall develop a
65.15 written plan for the competitive issuance of
65.16 these grants, and shall submit that plan for
65.17 review and approval by the Department of
65.18 Administration.

65.19 **(l) Zoos.** \$2,000,000 in 2010 and
65.20 \$2,000,000 in 2011 are appropriated for the
65.21 programmatic development of Minnesota's
65.22 zoos. Three-quarters of this fund in any
65.23 year shall be reserved in equal portions
65.24 each for the Minnesota Zoo, the Como
65.25 Zoo, and the Duluth Zoo. The remainder
65.26 may be apportioned through a competitive
65.27 grants process or may be allocated by the
65.28 commissioner to zoos that are accredited by
65.29 the Association of Zoos and Aquariums or
65.30 that demonstrate to the commissioner a plan
65.31 for working toward that accreditation during
65.32 the biennium ending June 30, 2011.

65.33 **(m) Councils of Color.** \$125,000 in 2010
65.34 and \$125,000 in 2011 are for the Council on
65.35 Asian-Pacific Minnesotans, for community

66.1 events and to celebrate and preserve the
 66.2 culture of Asian-Pacific Minnesotans.
 66.3 \$125,000 in 2010 and \$125,000 in 2011
 66.4 are for the Council on Black Minnesotans
 66.5 for community events, technical projects,
 66.6 and an affirmative action baseline study.
 66.7 \$125,000 in 2010 and \$125,000 in 2011
 66.8 are for the Indian Affairs Council for the
 66.9 preservation of Indian Cultural sites and the
 66.10 burial and handling of remains. \$125,000
 66.11 in 2010 and \$125,000 in 2011 are to the
 66.12 Council on Affairs of Chicano/Latino people
 66.13 for community events and initiatives that
 66.14 preserve the culture of Latinos in Minnesota
 66.15 and for research on community needs.

66.16 (n) **Film and TV Board.** \$50,000 is
 66.17 appropriated to the Film and TV Board for a
 66.18 grant to plan for future uses of a revolving
 66.19 loan fund or other financial mechanism to
 66.20 stabilize future film rebates and job creation.
 66.21 This appropriation may also be used for film
 66.22 festival planning.

66.23 Subd. 6. **Minnesota State Capitol**

66.24 The Department of Administration, the
 66.25 Capitol Area Architecture and Planning
 66.26 Board, and the Minnesota Historical Society
 66.27 shall consider and report to the legislature
 66.28 on possible uses of funds created under the
 66.29 Minnesota Constitution, article XI, section
 66.30 15, for the restoration, renovation, and repair
 66.31 of the State Capitol.

66.32 Sec. 3. **DEPARTMENT OF EDUCATION.**

66.33 Subdivision 1. **Arts education** \$ 2,000,000 \$ 2,000,000

67.1 (a) This appropriation is for grants to school
 67.2 districts to provide materials or resources to
 67.3 teachers, students, and parents to promote
 67.4 achievement of K-12 academic standards
 67.5 in the arts. The commissioner must ensure
 67.6 these grants are distributed equitably among
 67.7 districts in all regions of the state. No more
 67.8 than 2.5 percent of grants under this section
 67.9 may be used for administration.

67.10 (b) The commissioner may award a grant
 67.11 under this subdivision only if a district
 67.12 demonstrates that the money will supplement
 67.13 traditional sources of funding and will not be
 67.14 used as a substitute.

67.15 (c) An applicant for a grant under this
 67.16 subdivision must state the outcomes to be
 67.17 achieved with the grant money, and must
 67.18 report to the commissioner within 90 days
 67.19 after the grant funds have been spent on
 67.20 achievement of the proposed outcomes.

67.21 (d) Of these funds, \$150,000 in 2010 is
 67.22 appropriated to the commissioner for the
 67.23 creation and conduct of a census of public
 67.24 school-based arts education offerings
 67.25 during the school day and in after-school
 67.26 noncompetitive activities, and of arts
 67.27 education opportunities for persons of all
 67.28 ages through community education and in
 67.29 nonprofit community-based programs.

67.30 <u>Subd. 2. Arts access</u>	<u>4,000,000</u>	<u>4,000,000</u>
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67.31 (a) This appropriation is for grants to provide
 67.32 access to arts and arts education for all
 67.33 ages. The commissioner may award grants
 67.34 to school districts, community education
 67.35 programs, libraries, or to other community

68.1 organizations. No more than 2.5 percent of
 68.2 any grant may be used by the department
 68.3 for administration. The commissioner must
 68.4 ensure these grants are distributed equitably
 68.5 among all regions of the state. Grants under
 68.6 this subdivision may be used for either or
 68.7 both of these purposes:

68.8 (1) to pay attendance fees and travel
 68.9 costs for youth to visit art museums, arts
 68.10 performances, or other arts activities; or
 68.11 (2) to bring artists to schools, libraries, or
 68.12 other community centers or organizations for
 68.13 teaching, training, or performance purposes.

68.14 (b) The commissioner may award a grant
 68.15 under this subdivision only if the recipient
 68.16 demonstrates that the money will supplement
 68.17 traditional sources of funding and will not be
 68.18 used as a substitute.

68.19 (c) An applicant for a grant under this
 68.20 subdivision must state the outcomes to be
 68.21 achieved with the grant money, and must
 68.22 report to the commissioner within 90 days
 68.23 after the grant funds have been spent on
 68.24 achievement of the proposed outcomes.

68.25 Subd. 3. **Libraries** 5,000,000 5,000,000

68.26 \$5,000,000 in 2010 and \$5,000,000 in
 68.27 2011 are appropriated to the Department of
 68.28 Education for grants allocated using existing
 68.29 formulas under Minnesota Statutes, section
 68.30 134.355, to the 12 Minnesota Regional
 68.31 Library Systems, to provide educational
 68.32 opportunities in the arts, history, literary arts,
 68.33 and cultural heritage of Minnesota. No more
 68.34 than 2.5 percent of funds may be used for
 68.35 administration by regional library systems.

69.1 This is a onetime appropriation. These funds
 69.2 may be used to sponsor programs provided
 69.3 by regional libraries, or to provide grants
 69.4 to local arts and cultural heritage programs
 69.5 for programs in partnership with regional
 69.6 libraries. None of these funds may be used
 69.7 for maintenance of effort requirements.
 69.8 Counties are not subject to maintenance of
 69.9 effort requirements pertaining to these funds.

69.10 **Subd. 4. Reporting of outcomes**

69.11 The commissioner must report to the
 69.12 legislature by January 15, 2010, and January
 69.13 15, 2011, on grants made for arts education
 69.14 and on grants made for arts access under
 69.15 this section. Each report must include the
 69.16 recipient, the amount, and the purpose of
 69.17 each grant. Each report must also summarize
 69.18 the expected and actual outcomes of the
 69.19 grant funding.

69.20 **Sec. 4. LEGISLATURE** **\$ 33,000 \$ 56,000**

69.21 (a) \$33,000 the first year and \$21,000
 69.22 the second year are for the Legislative
 69.23 Coordinating Commission to fulfill the duties
 69.24 as required under Minnesota Statutes, section
 69.25 3.303, subdivision 10.

69.26 (b) \$35,000 the second year is for the
 69.27 legislative auditor to conduct program and
 69.28 financial audits.

69.29 **Sec. 5. INDIAN LANGUAGE PRESERVATION.**

69.30 (a) \$150,000 is appropriated in fiscal year 2010 from the arts and cultural heritage
 69.31 fund to the Indian Affairs Council for the working group on Dakota and Ojibwe Language
 69.32 Revitalization and Preservation created under article 7, section 7. Any balance in fiscal
 69.33 year 2010 is available in fiscal year 2011.

70.1 (b) \$600,000 in 2010 and \$750,000 in 2011 are appropriated jointly to the
 70.2 Department of Education and the Office of Higher Education to issue grants for programs
 70.3 to preserve Native Indian languages and to foster educational programs in Native
 70.4 languages.

70.5 **Sec. 6. APPROPRIATIONS.**

70.6 Subdivision 1. **Commissioner.** The sums indicated in this section are appropriated
 70.7 from the arts and cultural heritage fund to the Indian Affairs Council for the fiscal years
 70.8 designated.

70.9 Subd. 2. **Dakota and Ojibwe immersion programs.** For a grant to the Niigaane
 70.10 Ojibwe Immersion School and the Wicoie Nandagikendan Urban Immersion Project:

70.11	\$	<u>250,000</u>	<u>.....</u>	<u>2010</u>
70.12	\$	<u>250,000</u>	<u>.....</u>	<u>2011</u>

70.13 Of this amount, \$125,000 each year is available for Niigaane Ojibwe Immersion School
 70.14 and \$125,000 each year is available for Wicoie Nandagikendan Urban Immersion Project
 70.15 to:

- 70.16 (1) develop and expand K-12 curriculum;
- 70.17 (2) provide fluent speakers in the classroom;
- 70.18 (3) develop appropriate testing and evaluation procedures; and
- 70.19 (4) develop community-based training and engagement.

70.20 This is a onetime appropriation.

70.21 **ARTICLE 5**
 70.22 **GOVERNANCE**

70.23 **Section 1. [3.3004] PRINCIPLES FOR SPENDING LEGACY FUNDS.**

70.24 Subdivision 1. **Application.** The principles in this section are intended to guide the
 70.25 legislature in making appropriations from the dedicated funds created under the Minnesota
 70.26 Constitution, article XI, section 15. To the extend practicable, the Outdoor Heritage
 70.27 Council shall refer to these principles in their planning and project consideration.

70.28 Subd. 2. **Legal principles.** Appropriations from the dedicated funds must meet all
 70.29 requirements of the Minnesota Constitution, article XI, section 15, and all other legal
 70.30 requirements.

70.31 Subd. 3. **Governance, process, and administrative principles.** In making
 70.32 appropriations from the dedicated funds, the legislature must attempt to:

71.1 (1) use existing systems, agencies, and entities to distribute funds, rather than create
71.2 new bureaucracies;

71.3 (2) be in accordance with plans for each fund, based on current science and on public
71.4 engagement, and with outcomes that are achieved in a reasonable amount of time;

71.5 (3) develop and use indicators of success and accountability that meet the public's
71.6 demands for open and transparent processes;

71.7 (4) increase outreach and encourage participation in the legislative and grant-making
71.8 process so that a wider variety of Minnesotans receive funds; and

71.9 (5) develop innovative uses of funds that work across traditional boundaries and
71.10 encourage cooperation among multiple interest groups.

71.11 Subd. 4. **Outcome principles.** In making appropriations from the dedicated funds,
71.12 the legislature must attempt to:

71.13 (1) increase the percentage of Minnesotans who participate in the enjoyment, use,
71.14 and maintenance of our cultural and outdoor resources;

71.15 (2) provide every Minnesotan greater access to arts, history, and cultural activities,
71.16 arts education opportunities, clean water, including quality drinking water, a fully restored
71.17 outdoors environment with hunting and fishing opportunities, outdoor recreation, public
71.18 broadcasting signals, and engagement in Minnesota's traditions and history;

71.19 (3) prevent pollution and restore impaired waters;

71.20 (4) strive toward meeting statewide priorities and values, emphasizing geographical
71.21 and regional fairness within each fund;

71.22 (5) give priority to projects that improve the state or a regional economy, creating
71.23 jobs and leveraging nonstate money; and

71.24 (6) communicate through visible identification the direct results of investments
71.25 made with money from the constitutionally dedicated funds.

71.26 Sec. 2. Minnesota Statutes 2008, section 3.303, is amended by adding a subdivision to
71.27 read:

71.28 Subd. 10. **Constitutionally dedicated funding accountability.** (a) The Legislative
71.29 Coordinating Commission shall develop and maintain a user-friendly, public-oriented
71.30 Web site that informs, educates, and demonstrates to the public how the constitutionally
71.31 dedicated funds in the arts and cultural heritage fund, outdoor heritage fund, clean water
71.32 fund, parks and trails fund, and environment and natural resources trust fund are being
71.33 expended to meet the requirements established for each fund in the state constitution.
71.34 Information provided on the Web site must include, but is not limited to:

- 72.1 (1) information on all project proposals received by the Outdoor Heritage Council
72.2 and the Legislative-Citizen Commission on Minnesota Resources;
- 72.3 (2) information on all projects receiving funding, including proposed measurable
72.4 outcomes and the plan for measuring and evaluating the results;
- 72.5 (3) measured outcomes and evaluation of projects as required under sections 85.53,
72.6 subdivision 2; 97A.056, subdivision 9; 114D.50, subdivision 2; and 129D.17, subdivision
72.7 2;
- 72.8 (4) education about the areas and issues the projects address, including, when
72.9 feasible, maps of where projects have been undertaken;
- 72.10 (5) all frameworks developed for future uses of each fund; and
- 72.11 (6) methods by which members of the public may apply for project funds under
72.12 any of the constitutionally dedicated funds.
- 72.13 (b) All information for proposed and funded projects, including the proposed
72.14 measurable outcomes, must be made available on the Web site as soon as practicable.
72.15 Information on the measured outcomes and evaluation must be posted as soon as it
72.16 becomes available. The costs of these activities shall be paid out of the arts and cultural
72.17 heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and the
72.18 environment and natural resources trust fund proportionately. For purposes of this section,
72.19 "measurable outcomes" means outcomes, indicators, or other performance measures that
72.20 may be quantified or otherwise measured in order to measure the effectiveness of a project
72.21 or program in meeting its intended goal or purpose.
- 72.22 (c) The Legislative Coordinating Commission shall be responsible for receiving all
72.23 ten-year plans and 25-year frameworks for each of the constitutionally dedicated funds. To
72.24 the extent practicable, staff for the commission shall provide assistance and oversight to
72.25 these planning efforts and shall coordinate public access to hearings and public meetings
72.26 for all planning efforts.

72.27 **Sec. 3. [3.358] LEGISLATIVE GUIDE.**

72.28 A legislative guide shall be created stating principles for the use and expected
72.29 outcomes of all funds from dedicated sales taxes pursuant to the Minnesota Constitution,
72.30 article XI, section 15. This guide shall be created jointly by the Cultural and Outdoor
72.31 Resources Division of the house of representatives, and by the appropriate senate
72.32 committee as designated by the majority leader of the senate.

72.33 The legislative guide required by this section shall be for the years 2010 to 2015
72.34 and shall include the following provisions:

72.35 (1) principles by which to guide future expenditures for each fund;

73.1 (2) desired outcomes for such expenditures;
73.2 (3) a general statement applicable to later years for these funds; and
73.3 (4) consideration of financial methods such as revolving loan funds that may be used
73.4 in future appropriations.

73.5 The legislative guide shall be completed by the legislative committees by December
73.6 15, 2009, and shall be considered and discussed by all committees with jurisdiction over
73.7 these funds at public hearings.

73.8 To the extent practicable, the legislative guide shall be used to direct future
73.9 appropriations of the legislature.

73.10 Sec. 4. Minnesota Statutes 2008, section 3.971, is amended by adding a subdivision to
73.11 read:

73.12 Subd. 9. **Restoration audits.** The legislative auditor shall conduct restoration
73.13 audits on a portion of land restorations funded in whole or in part with state funds, to
73.14 determine whether the activities and programs funded with state funds, including the
73.15 outdoor heritage fund, the parks and trails fund, the clean water fund, the environment and
73.16 natural resources trust fund, and state-issued bonds, are accomplishing their restoration
73.17 goals. The audit must include a critical analysis of the restoration goals and objectives,
73.18 scientific evaluation of the results, and the effectiveness of the restorations in meeting
73.19 applicable restoration requirements. The legislative auditor shall hire or contract with
73.20 scientists and other appropriate persons to meet this requirement. Restoration audits shall
73.21 be funded out of the fund that funded the restoration, when possible. For the purposes
73.22 of this section, a "restoration audit" is a scientific evaluation of an area of land that has
73.23 been restored in order to determine whether the restoration meets applicable requirements
73.24 for the restoration.

73.25 Sec. 5. Minnesota Statutes 2008, section 85.53, is amended to read:

73.26 **85.53 PARKS AND TRAILS FUND.**

73.27 Subdivision 1. **Establishment.** The parks and trails fund is established in the
73.28 Minnesota Constitution, article XI, section 15. All money earned by the parks and trails
73.29 fund must be credited to the fund.

73.30 Subd. 2. **Expenditures; accountability.** (a) A project or program receiving funding
73.31 from the parks and trails fund must meet or exceed the constitutional requirement to
73.32 support parks and trails of regional or statewide significance. A project or program
73.33 receiving funding from the parks and trails fund must include measurable outcomes, as
73.34 defined in section 3.303, subdivision 10, and a plan for measuring and evaluating the

74.1 results. A project or program must be consistent with current science when appropriate
74.2 and incorporate state-of-the-art technology when appropriate.

74.3 (b) Funding from the parks and trails fund must be requested and granted for an
74.4 entire project, even if the project will take multiple years to complete. For the purposes of
74.5 this requirement, a project that is part of a larger project and that could also be considered
74.6 a single project is a single project.

74.7 (c) Biennially, money from the parks and trails fund shall be expended to balance
74.8 the benefits across all regions and residents of the state.

74.9 (d) All information for funded projects, including the proposed measurable
74.10 outcomes, must be made available on the Web site required under section 3.303,
74.11 subdivision 10, as soon as practicable. Information on the measured outcomes and
74.12 evaluation must be posted as soon as it becomes available.

74.13 (e) Grants funded by the parks and trails fund must be implemented according to
74.14 section 16B.98. Proposals must specify all organizations, including contact information,
74.15 that will receive any portion of a grant and specify a process for any regranting envisioned.
74.16 Priority for grant proposals must be given to proposals involving grants that will be
74.17 competitively awarded.

74.18 (f) A recipient of money from the parks and trails fund must display a sign on lands
74.19 and capital improvements purchased, restored, or protected with money from the parks
74.20 and trails fund that includes the logo developed by the commissioner of natural resources
74.21 to identify it as a project funded with money from the vote of the people of Minnesota on
74.22 November 4, 2008.

74.23 (g) Money from the parks and trails fund may only be spent on projects located
74.24 in Minnesota.

74.25 Subd. 3. **Metropolitan area distribution formula.** Money appropriated from the
74.26 parks and trails fund to the Metropolitan Council shall be distributed to implementing
74.27 agencies, as defined in section 473.351, subdivision 1, paragraph (a), as grants according
74.28 to the following formula:

74.29 (1) 45 percent of the money must be disbursed according to the allocation formula in
74.30 section 473.351, subdivision 3, to each implementing agency;

74.31 (2) 31.5 percent of the money must be distributed based on each implementing
74.32 agency's relative share of the most recent estimate of the population of the metropolitan
74.33 area;

74.34 (3) 13.5 percent of the money must be distributed based on each implementing
74.35 agency's relative share of nonlocal visits based on the most recent user visitation survey
74.36 conducted by the Metropolitan Council; and

75.1 (4) ten percent of the money must be distributed as grants to implementing agencies
75.2 for land acquisition within Metropolitan Council approved regional parks and trails master
75.3 plan boundaries under the council's park acquisition opportunity grant program. The
75.4 Metropolitan Council must provide a match of \$2 of the council's park bonds for every \$3
75.5 of state funds for the park acquisition opportunity grant program.

75.6 Subd. 4. **Data availability.** Data collected by the projects funded with money from
75.7 the parks and trails fund that have value for planning and management of natural resources,
75.8 emergency preparedness, and infrastructure investments must conform to the enterprise
75.9 information architecture developed by the Office of Enterprise Technology. Spatial data
75.10 must conform to geographic information system guidelines and standards outlined in that
75.11 architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land
75.12 Management Information Center. A description of these data that adheres to the Office
75.13 of Enterprise Technology geographic metadata standards must be submitted to the Land
75.14 Management Information Center to be made available online through the clearinghouse
75.15 and the data must be accessible and free to the public unless made private under chapter
75.16 13. To the extent practicable, summary data and results of projects and programs funded
75.17 with money from the parks and trails fund should be readily accessible on the Internet and
75.18 identified as a parks and trails fund project.

75.19 Subd. 5. **Special review.** A project receiving an appropriation or appropriations
75.20 from the parks and trails fund totaling \$10,000,000 or more in a biennium is subject to the
75.21 following requirements:

75.22 (1) the attorney general must review and approve all contracts and real estate
75.23 transactions, including conservation easements, and make a determination of whether they
75.24 are in the best interest of the state and whether they meet all applicable requirements; and

75.25 (2) a second appraisal, meeting the state appraisal requirements for land acquisitions
75.26 under section 84.0272, must be conducted and approved by the commissioner of natural
75.27 resources for all real estate transactions, including conservation easements.

75.28 Sec. 6. Minnesota Statutes 2008, section 97A.056, subdivision 2, is amended to read:

75.29 Subd. 2. ~~Lessard~~ **Outdoor Heritage Council.** (a) The ~~Lessard~~ Outdoor Heritage
75.30 Council of 12 members is created in the legislative branch, consisting of:

75.31 (1) two public members appointed by the senate Subcommittee on Committees of
75.32 the Committee on Rules and Administration;

75.33 (2) two public members appointed by the speaker of the house;

75.34 (3) four public members appointed by the governor;

76.1 (4) two members of the senate appointed by the senate Subcommittee on Committees
76.2 of the Committee on Rules and Administration; and

76.3 (5) two members of the house of representatives appointed by the speaker of the
76.4 house.

76.5 (b) Members appointed under paragraph (a) must not be registered lobbyists.
76.6 In making appointments, the governor, senate Subcommittee on Committees of the
76.7 Committee on Rules and Administration, and the speaker of the house shall consider
76.8 geographic balance, gender, age, ethnicity, and varying interests including hunting and
76.9 fishing. The governor's appointments to the council are subject to the advice and consent
76.10 of the senate.

76.11 (c) Public members appointed under paragraph (a) shall have practical experience
76.12 or expertise or demonstrated knowledge in the science, policy, or practice of restoring,
76.13 protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and
76.14 wildlife.

76.15 (d) Legislative members appointed under paragraph (a) shall include the chairs
76.16 of the legislative committees with jurisdiction over environment and natural resources
76.17 finance or their designee, one member from the minority party of the senate, and one
76.18 member from the minority party of the house of representatives.

76.19 (e) Members serve four-year terms and shall be initially appointed according to
76.20 the following schedule of terms:

76.21 (1) two public members appointed by the governor for a term ending the first
76.22 Monday in January 2011;

76.23 (2) one public member appointed by the senate Subcommittee on Committees of the
76.24 Committee on Rules and Administration for a term ending the first Monday in January
76.25 2011;

76.26 (3) one public member appointed by the speaker of the house for a term ending
76.27 the first Monday in January 2011;

76.28 (4) two public members appointed by the governor for a term ending the first
76.29 Monday in January 2013;

76.30 (5) one public member appointed by the senate Subcommittee on Committees of the
76.31 Committee on Rules and Administration for a term ending the first Monday in January
76.32 2013;

76.33 (6) one public member appointed by the speaker of the house for a term ending the
76.34 first Monday in January 2013; and

76.35 (7) two members of the senate appointed by the senate Subcommittee on Committees
76.36 of the Committee on Rules and Administration for a term ending the first Monday in

77.1 January 2013, and two members of the house of representatives appointed by the speaker
77.2 of the house for a term ending the first Monday in January 2013.

77.3 (f) Compensation and removal of public members are as provided in section
77.4 15.0575. A vacancy on the council may be filled by the appointing authority for the
77.5 remainder of the unexpired term.

77.6 (g) The first meeting of the council shall be convened by the chair of the Legislative
77.7 Coordinating Commission no later than December 1, 2008. Members shall elect a chair,
77.8 vice-chair, secretary, and other officers as determined by the council. The chair may
77.9 convene meetings as necessary to conduct the duties prescribed by this section.

77.10 (h) ~~The Department of Natural Resources~~ Legislative Coordinating Commission
77.11 shall provide administrative support for the council. Up to one percent of the money
77.12 appropriated from the fund may be used to cover the ~~staffing and related~~ administrative
77.13 expenses of the ~~department and to cover the compensation and travel~~ council; office
77.14 expenses; and per diem and expenses of council members pursuant to this subdivision;
77.15 the staffing and related administrative expenses of the legislative auditor under section
77.16 3.971, subdivision 9; and the staffing and related expenses of the Legislative Coordinating
77.17 Commission under section 3.303, subdivision 10.

77.18 Sec. 7. Minnesota Statutes 2008, section 97A.056, subdivision 3, is amended to read:

77.19 Subd. 3. **Council recommendations.** (a) The council shall make recommendations
77.20 to the legislature on appropriations of money from the outdoor heritage fund that are
77.21 consistent with the Constitution and state law and that ~~take into consideration~~ will
77.22 achieve the outcomes of existing natural resource plans, including, but not limited to,
77.23 the Minnesota Statewide Conservation and Preservation Plan, that directly relate to the
77.24 restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish,
77.25 game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation,
77.26 and expand restored native prairie. The council shall submit its initial recommendations to
77.27 the legislature no later than April 1, 2009. Subsequent recommendations shall be submitted
77.28 no later than January 15 each year. The council shall present its recommendations to the
77.29 senate and house of representatives committees with jurisdiction over the environment
77.30 and natural resources budget by February 15 in odd-numbered years, and within the
77.31 first four weeks of the legislative session in even-numbered years. The council's budget
77.32 recommendations to the legislature shall be separate from the Department of Natural
77.33 Resource's budget recommendations.

77.34 (b) To encourage and support local conservation efforts, the council shall establish a
77.35 conservation partners program. Local, regional, state, or national organizations may apply

78.1 for matching grants for restoration, protection, and enhancement of wetlands, prairies,
78.2 forests, and habitat for fish, game, and wildlife, prevention of forest fragmentation,
78.3 encouragement of forest consolidation, and expansion of restored native prairie.

78.4 (c) The council may work with the Clean Water Council to identify projects that
78.5 are consistent with both the purpose of the outdoor heritage fund and the purpose of
78.6 the clean water fund.

78.7 (d) The council may make recommendations to the Legislative-Citizen Commission
78.8 on Minnesota Resources on scientific research that will assist in restoring, protecting, and
78.9 enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife, preventing
78.10 forest fragmentation, encouraging forest consolidation, and expanding restored native
78.11 prairie.

78.12 (e) Recommendations of the council, including approval of recommendations for the
78.13 outdoor heritage fund, require an affirmative vote of at least nine members of the council.

78.14 (f) The council may work with the Clean Water Council, the Legislative-Citizen
78.15 Commission on Minnesota Resources, the Board of Water and Soil Resources, soil and
78.16 water conservation districts, and experts from Minnesota State Colleges and Universities
78.17 and the University of Minnesota in developing the council's recommendations.

78.18 (g) The council shall develop and implement a process that ensures that citizens
78.19 and potential recipients of funds are included throughout the process, including the
78.20 development and finalization of the council's recommendations. The process must include
78.21 a fair, equitable, and thorough process for reviewing requests for funding and a clear and
78.22 easily understood process for ranking projects.

78.23 (h) The council shall use the regions of the state based upon the ecological
78.24 regions and subregions developed by the Department of Natural Resources and establish
78.25 objectives for each region and subregion to achieve the purposes of the fund outlined
78.26 in the state constitution.

78.27 (i) The council shall develop and submit to the Legislative Coordinating Commission
78.28 plans for the first ten years of funding, and a framework for 25 years of funding, consistent
78.29 with statutory and constitutional requirements. The council may use existing plans from
78.30 other legislative, state, and federal sources, as applicable.

78.31 Sec. 8. Minnesota Statutes 2008, section 97A.056, subdivision 6, is amended to read:

78.32 Subd. 6. **Audit.** ~~The council shall select an independent auditor to~~ legislative auditor
78.33 shall audit the outdoor heritage fund expenditures, including administrative and staffing
78.34 expenditures, every two years to ensure that the money is spent to restore, protect, and
78.35 enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

79.1 Sec. 9. Minnesota Statutes 2008, section 97A.056, subdivision 7, is amended to read:

79.2 Subd. 7. **Legislative oversight.** ~~(a) The senate and house of representatives chairs~~
79.3 ~~of the committees with jurisdiction over the environment and natural resources budget~~
79.4 ~~shall convene a joint hearing to review the activities and evaluate the effectiveness of the~~
79.5 ~~council and evaluate the effectiveness and efficiency of the department's administration~~
79.6 ~~and staffing of the council after five years but~~ to receive reports on the council from the
79.7 legislative auditor no later than June 30, 2014.

79.8 ~~(b) By January 15, 2013, a professional outside review authority shall be chosen by~~
79.9 ~~the chairs of the house of representatives and senate committees with jurisdiction over~~
79.10 ~~environment and natural resources to evaluate the effectiveness and efficiency of the~~
79.11 ~~department's administration and staffing of the council. A report shall be submitted to~~
79.12 ~~the chairs by January 15, 2014.~~

79.13 Sec. 10. Minnesota Statutes 2008, section 97A.056, is amended by adding a
79.14 subdivision to read:

79.15 Subd. 8. **Priorities and expenditure requirements.** (a) A project receiving funding
79.16 from the outdoor heritage fund must meet or exceed the constitutional requirements to
79.17 restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and
79.18 wildlife. Priority must be given to projects that meet more than one of these requirements.
79.19 A project must be consistent with current science when appropriate and incorporate state
79.20 of the art technology when appropriate. The council may establish funding priorities to
79.21 direct funding toward the highest priorities. Priority may be given to projects that are
79.22 time sensitive or have a sense of urgency.

79.23 (b) Funding from the outdoor heritage fund must be requested and granted for an
79.24 entire project, even if the project will take multiple years to complete. For the purposes of
79.25 this requirement, a project that is part of a larger project and that could also be considered
79.26 a single project is a single project.

79.27 (c) Biennially, money from the outdoor heritage fund shall be expended to balance
79.28 the benefits across all regions and residents of the state.

79.29 (d) Grants funded by the outdoor heritage fund must be implemented according to
79.30 section 16B.98. Proposals must specify all organizations, including contact information,
79.31 that will receive any portion of a grant and specify a process for any regranting envisioned.
79.32 Priority for grant proposals must be given to proposals involving grants that will be
79.33 competitively awarded.

79.34 (e) Money from the outdoor heritage fund may only be spent on projects located
79.35 in Minnesota.

80.1 Sec. 11. Minnesota Statutes 2008, section 97A.056, is amended by adding a
80.2 subdivision to read:

80.3 Subd. 9. **Proposal and project requirements.** (a) A request for funding from
80.4 the outdoor heritage fund shall:

80.5 (1) include a list of measurable outcomes, as defined in section 3.303, subdivision
80.6 10, and a plan for measuring and evaluating the results;

80.7 (2) to the extent practicable, include a list of any lands to be acquired, protected, or
80.8 restored; and

80.9 (3) identify the entity that will hold the title or easement of any lands to be acquired
80.10 or protected.

80.11 (b) Lands acquired by fee with funds from the outdoor heritage fund must be open
80.12 to the public taking of game and fish during the open season unless otherwise provided
80.13 by law.

80.14 (c) Lands acquired by fee, restored, or protected by easements with money from
80.15 the outdoor heritage fund should ensure the viability of Minnesota's forests, prairies,
80.16 wetlands, and habitats by supporting native biological diversity and their ecological
80.17 complexes and provide protection against invasive species, and must meet one or more
80.18 of the following criteria:

80.19 (1) are identified as an area of biodiversity significance by the county biological
80.20 survey;

80.21 (2) maintain or enhance native plant, fish, or wildlife species designated as
80.22 endangered or threatened under section 84.0895;

80.23 (3) maintain a native ecological community;

80.24 (4) possess a unique quality that is of value to the biodiversity of the region;

80.25 (5) are adjacent to lands meeting one or more of the requirements under clauses (1)
80.26 to (4) and that, when restored or protected, enhance those adjacent lands;

80.27 (6) are degraded lands that, when restored, would provide or contribute to critical
80.28 habitat for native plants, fish, and wildlife; or

80.29 (7) enhance native plant, fish, or wildlife species.

80.30 (d) Lands acquired by fee or easement purchased in whole or in part with money
80.31 from the outdoor heritage fund must be perpetually protected and have an ecological
80.32 restoration plan with sufficient funding for implementation. The ecological restoration
80.33 plan must meet the statutory definitions of restore, protect, and enhance in section 84.02.
80.34 Consideration should be given to relevant factors that would provide the best chance for
80.35 long-term success of the restoration. The plan shall:

81.1 (1) include the proposed timetable for implementing the restoration, including
81.2 site preparation, establishment of diverse plant species, maintenance, and additional
81.3 enhancement to establish the restoration;

81.4 (2) identify long-term maintenance and management needs of the restoration and
81.5 how the maintenance, management, and enhancement will be financed; and

81.6 (3) take advantage of the most current science and include innovative techniques
81.7 to achieve the best restoration.

81.8 (e) To the extent possible, lands restored with money from the outdoor heritage fund
81.9 must use vegetation only of Minnesota's native ecotypes, using a high diversity of species
81.10 originating from as close to the restoration site as possible, and must protect existing
81.11 native prairies from genetic contamination.

81.12 (f) Lands purchased, restored, or protected by easements with money from the
81.13 outdoor heritage fund are not eligible for wetland replacement or mitigation credits.

81.14 (g) A recipient of money from the outdoor heritage fund must display a sign on lands
81.15 purchased, restored, or protected by easements with money from the outdoor heritage fund
81.16 that identifies it as a project funded with money from the vote of the people of Minnesota
81.17 on November 4, 2008.

81.18 (h) To ensure public accountability for the use of public funds, a recipient of
81.19 money from the outdoor heritage fund must provide documentation to the council of the
81.20 selection process used to identify parcels acquired and provide documentation of all
81.21 related transaction costs, including but not limited to appraisals, legal fees, recording fees,
81.22 commissions, other similar costs, and donations. This information must be provided for
81.23 all parties involved in the transaction. The recipient shall also report to the council any
81.24 difference between the acquisition amount paid to the seller and the state-certified or
81.25 state-reviewed appraisal. Acquisition data such as appraisals may remain private during
81.26 negotiations but must ultimately be made public according to chapter 13.

81.27 (i) The owner of an interest in real property acquired with money from the outdoor
81.28 heritage fund may not alter the intended use of the interest in real property or convey any
81.29 interest in the real property acquired with the appropriation without notifying the council
81.30 in writing. For the purposes of this section, "interest in real property" includes, but is not
81.31 limited to, an easement or fee title to property.

81.32 (j) A recipient of money from the outdoor heritage fund shall not use the funds to
81.33 cover any organizational or operational expenses not related to the project being funded.

81.34 (k) All information for proposed and funded projects, including the proposed
81.35 measurable outcomes, must be made available on the Web site required under section

82.1 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and
82.2 evaluation must be posted as it becomes available.

82.3 Sec. 12. Minnesota Statutes 2008, section 97A.056, is amended by adding a
82.4 subdivision to read:

82.5 Subd. 10. **Data availability.** Data collected by the projects funded with money
82.6 from the outdoor heritage fund that have value for planning and management of natural
82.7 resources, emergency preparedness, and infrastructure investments must conform to the
82.8 enterprise information architecture developed by the Office of Enterprise Technology.
82.9 Spatial data must conform to geographic information system guidelines and standards
82.10 outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse
82.11 at the Land Management Information Center. A description of these data that adheres to
82.12 the Office of Enterprise Technology geographic metadata standards must be submitted
82.13 to the Land Management Information Center to be made available online through the
82.14 clearinghouse and the data must be accessible and free to the public unless made private
82.15 under chapter 13. To the extent practicable, summary data and results of projects funded
82.16 with money from the outdoor heritage fund should be readily accessible on the Internet
82.17 and identified as an outdoor heritage fund project.

82.18 Sec. 13. Minnesota Statutes 2008, section 97A.056, is amended by adding a
82.19 subdivision to read:

82.20 Subd. 11. **Report required.** The council shall, by January 15 of each year, submit a
82.21 report to the governor, the chairs of the house of representatives appropriations and senate
82.22 finance committees, and the chairs of the house of representatives and senate committees
82.23 on environment and natural resources and the committees with jurisdiction over the
82.24 outdoor heritage fund. The report must be available to the public and posted on the Web
82.25 site required under section 3.303, subdivision 10. The report must include:

82.26 (1) the source and amount of all revenues collected and distributed by the council,
82.27 including all administrative and other expenses;

82.28 (2) a description of the assets and liabilities of the outdoor heritage fund;

82.29 (3) any findings or recommendations that are deemed proper to assist the legislature
82.30 in formulating legislation;

82.31 (4) a list of all gifts and donations with a value over \$1,000; and

82.32 (5) a copy of the most recent audit required under subdivision 6 and any restoration
82.33 audits required under section 3.971, subdivision 9, completed during the preceding
82.34 biennium.

83.1 Sec. 14. Minnesota Statutes 2008, section 97A.056, is amended by adding a
83.2 subdivision to read:

83.3 Subd. 12. **Special review.** A project receiving an appropriation or appropriations
83.4 from the outdoor heritage fund totaling \$10,000,000 or more in a biennium is subject to
83.5 the following requirements:

83.6 (1) the attorney general must review and approve all contracts and real estate
83.7 transactions, including conservation easements, and make a determination of whether they
83.8 are in the best interest of the state and whether they meet all applicable requirements; and

83.9 (2) a second appraisal, meeting the state appraisal requirements for land acquisitions
83.10 under section 84.0272, must be conducted and approved by the commissioner of natural
83.11 resources for all real estate transactions, including conservation easements.

83.12 Sec. 15. Minnesota Statutes 2008, section 114D.50, is amended to read:

83.13 **114D.50 CLEAN WATER FUND.**

83.14 Subdivision 1. **Establishment.** The clean water fund is established in the Minnesota
83.15 Constitution, article XI, section 15. All money earned by the fund must be credited to
83.16 the fund.

83.17 Subd. 2. **Sustainable drinking water account.** The sustainable drinking water
83.18 account is established as an account in the clean water fund.

83.19 Subd. 3. **Purpose.** (a) The clean water fund may be spent only to protect, enhance,
83.20 and restore water quality in lakes, rivers, and streams, to protect groundwater from
83.21 degradation, and to protect drinking water sources by:

83.22 (1) providing additional grants, loans, and technical assistance to public agencies
83.23 and others who are participating in the process of testing waters, identifying impaired
83.24 waters, developing total maximum daily loads, implementing restoration plans for
83.25 impaired waters, and evaluating the effectiveness of restoration;

83.26 (2) supporting additional measures to prevent surface waters from becoming
83.27 impaired and to improve the quality of waters that are listed as impaired, but do not have
83.28 an approved total maximum daily load addressing the impairment;

83.29 (3) providing additional grants and loans for wastewater and storm water treatment
83.30 projects through the Public Facilities Authority;

83.31 (4) supporting additional measures to prevent the degradation of groundwater in
83.32 accordance with the groundwater degradation prevention goal under section 103H.001; and

83.33 (5) providing additional funds to state agencies to carry out their responsibilities,
83.34 including enhanced compliance and enforcement, under this chapter.

84.1 (b) Funds from the clean water fund must supplement traditional sources of funding
84.2 for these purposes and may not be used as a substitute.

84.3 Subd. 4. **Expenditures; accountability.** (a) A project receiving funding from
84.4 the clean water fund must meet or exceed the constitutional requirements to protect,
84.5 enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater
84.6 from degradation. Priority must be given to projects that meet more than one of these
84.7 requirements. A project receiving funding from the clean water fund shall include
84.8 measurable outcomes, as defined in section 3.303, subdivision 10, and a plan for
84.9 measuring and evaluating the results. A project must be consistent with current science
84.10 when appropriate and incorporate state-of-the-art technology when appropriate.

84.11 (b) Biennially, money from the clean water fund shall be expended to balance the
84.12 benefits across all regions and residents of the state.

84.13 (c) All information for proposed and funded projects, including the proposed
84.14 measurable outcomes, must be made available on the Web site required under section
84.15 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and
84.16 evaluation must be posted as it becomes available. Information classified as not public
84.17 under section 13D.05, subdivision 3, paragraph (d), is not required to be placed on the
84.18 Web site.

84.19 (d) Grants funded by the clean water fund must be implemented according to section
84.20 16B.98. Proposals must specify all organizations, including contact information, that
84.21 will receive any portion of a grant and specify a process for any regranteeing envisioned.
84.22 Priority for grant proposals must be given to proposals involving grants that will be
84.23 competitively awarded.

84.24 (e) A recipient of money from the clean water fund must display a sign on lands
84.25 and capital improvements purchased, restored, or protected with money from the clean
84.26 water fund that identifies it as a project funded with money from the vote of the people of
84.27 Minnesota on November 4, 2008.

84.28 (f) Money from the clean water fund may only be spent on projects located in
84.29 Minnesota.

84.30 Subd. 5. **Data availability.** Data collected by the projects funded with money from
84.31 the clean water fund that have value for planning and management of natural resources,
84.32 emergency preparedness, and infrastructure investments must conform to the enterprise
84.33 information architecture developed by the Office of Enterprise Technology. Spatial data
84.34 must conform to geographic information system guidelines and standards outlined in that
84.35 architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land
84.36 Management Information Center. A description of these data that adheres to the Office

85.1 of Enterprise Technology geographic metadata standards must be submitted to the Land
85.2 Management Information Center to be made available online through the clearinghouse
85.3 and the data must be accessible and free to the public unless made private under chapter
85.4 13. To the extent practicable, summary data and results of projects funded with money
85.5 from the clean water fund should be readily accessible on the Internet and identified as a
85.6 clean water fund project.

85.7 Subd. 6. **Special review.** A project receiving an appropriation or appropriations
85.8 from the clean water fund totaling \$10,000,000 or more in a biennium is subject to the
85.9 following requirements:

85.10 (1) the attorney general must review and approve all contracts and real estate
85.11 transactions, including conservation easements, and make a determination of whether they
85.12 are in the best interest of the state and whether they meet all applicable requirements; and

85.13 (2) a second appraisal, meeting the state appraisal requirements for land acquisitions
85.14 under section 84.0272, must be conducted and approved by the commissioner of natural
85.15 resources for all real estate transactions, including conservation easements.

85.16 Sec. 16. Minnesota Statutes 2008, section 116P.05, subdivision 2, is amended to read:

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

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

85.23 (c) It is a condition of acceptance of the appropriations made from the Minnesota
85.24 environment and natural resources trust fund, and oil overcharge money under section
85.25 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit
85.26 a work program and semiannual progress reports in the form determined by the
85.27 Legislative-Citizen Commission on Minnesota Resources, and comply with applicable
85.28 reporting requirements under section 116P.16. The work program and semiannual
85.29 progress reports must include a list of measurable outcomes and a plan for measuring
85.30 and evaluating the results. A list of any lands to be restored, or acquired in fee title or
85.31 through easements, and the entity that will hold the title or easement must be identified
85.32 in the work program. None of the money provided may be spent unless the commission
85.33 has approved the pertinent work program.

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

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

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

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

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

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

86.13 (4) provide for project outcome evaluation;

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

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

86.18 Sec. 17. Minnesota Statutes 2008, section 129D.17, is amended to read:

86.19 **129D.17 ARTS AND CULTURAL HERITAGE FUND.**

86.20 Subdivision 1. Establishment. The arts and cultural heritage fund is established in
86.21 the Minnesota Constitution, article XI, section 15. All money earned by the fund must
86.22 be credited to the fund.

86.23 Subd. 2. Expenditures; accountability. (a) Funding from the arts and cultural
86.24 heritage fund may be spent only for arts, arts education, and arts access and to preserve
86.25 Minnesota's history and cultural heritage. A project or program receiving funding from the
86.26 arts and cultural heritage fund must include measurable outcomes, as defined in section
86.27 3.303, subdivision 10, and a plan for measuring and evaluating the results. A project or
86.28 program must be consistent with current scholarship, or best practices, when appropriate
86.29 and incorporate state-of-the-art technology when appropriate.

86.30 (b) Funding from the arts and cultural heritage fund may be granted for an entire
86.31 project or for part of a project so long as the recipient provides a description and cost for
86.32 the entire project and can demonstrate that it has adequate resources to ensure that the
86.33 entire project will be completed.

86.34 (c) Biennially, money from the arts and cultural heritage fund shall be expended to
86.35 balance the benefits across all regions and residents of the state.

87.1 (d) All information for funded projects, including the proposed measurable
87.2 outcomes, must be made available on the Web site required under section 3.303,
87.3 subdivision 10, as soon as practicable. Information on the measured outcomes and
87.4 evaluation must be posted as soon as it becomes available.

87.5 (e) Grants funded by the arts and cultural heritage fund must be implemented
87.6 according to section 16B.98. Proposals must specify all organizations, including contact
87.7 information, that will receive any portion of a grant and specify a process for any
87.8 regranting envisioned. Priority for grant proposals must be given to proposals involving
87.9 grants that will be competitively awarded.

87.10 (f) A recipient of money from the arts and cultural heritage fund must display a sign
87.11 on capital projects and an acknowledgment in a printed program or other material funded
87.12 with money from the arts and cultural heritage fund that identifies it as a project funded
87.13 with money from the vote of the people of Minnesota on November 4, 2008.

87.14 (g) All money from the arts and cultural heritage fund must be for projects located
87.15 in Minnesota.

87.16 Subd. 3. **Special review.** A project receiving an appropriation or appropriations
87.17 from the arts and cultural heritage fund totaling \$10,000,000 or more in a biennium is
87.18 subject to the following requirements:

87.19 (1) the attorney general must review and approve all contracts and real estate
87.20 transactions and make a determination of whether they are in the best interest of the state
87.21 and whether they meet all applicable requirements; and

87.22 (2) a second appraisal, meeting the state appraisal requirements for land acquisitions,
87.23 must be conducted.

87.24 **Sec. 18. STATE AND REGIONAL PARKS AND TRAILS FRAMEWORK.**

87.25 (a) \$250,000 in fiscal year 2010 is appropriated from the parks and trails fund to
87.26 the commissioner of natural resources for a collaborative project to develop a 25-year
87.27 framework for the use of the money available in the parks and trails fund under the
87.28 Minnesota Constitution, article XI, section 15, and other traditional sources of funding.
87.29 The collaborative project shall consist of a joint effort between representatives of the
87.30 commissioner of natural resources, the Metropolitan Council and its implementing
87.31 agencies, the Central Minnesota Regional Parks and Trails Coordinating Board, and
87.32 regional parks and trails organizations outside the metropolitan area. The members shall
87.33 prepare a ten-year strategic parks and trails coordination plan and develop a 25-year
87.34 framework for use of the funding that includes goals and measurable outcomes and

88.1 includes a vision for Minnesotans of what the state and regional parks will look like in
88.2 25 years.

88.3 (b) In developing the coordination plan and framework, the members shall utilize a
88.4 process, including Web site survey tools and regional listening sessions, to be staffed by
88.5 the commissioner, that ensures that citizens are included in development and finalization
88.6 of the final plan and framework. The commissioner, council, and board shall provide for
88.7 input from user groups and local and regional park and trail organizations.

88.8 (c) The plan and framework must include:

88.9 (1) a proposed definition of "parks and trails of regional significance";

88.10 (2) a plan to increase the number of visitors to state and regional parks;

88.11 (3) assessment of the need for new or expanded regional outdoor recreation systems
88.12 to preserve and connect high-quality, diverse natural resources in areas with concentrated
88.13 and increasing populations;

88.14 (4) budgeting for ongoing maintenance;

88.15 (5) decommissions;

88.16 (6) a plan for trails that takes into account connectivity and the potential for use
88.17 by commuters;

88.18 (7) requirements for local contribution; and

88.19 (8) benchmarks, beginning no later than July 1, 2014.

88.20 (d) The commissioner shall submit the ten-year plan and 25-year framework in
88.21 November 15, 2009.

88.22 **Sec. 19. ARTS AND CULTURAL HERITAGE FRAMEWORK.**

88.23 (a) By February 1, 2010, a joint subcommittee of the house of representatives
88.24 and senate committees with jurisdiction over the arts and cultural heritage fund shall
88.25 conduct public meetings to gather additional public stakeholder input and provide
88.26 recommendations to their respective bodies for a one-year plan establishing criteria,
88.27 priorities, and parameters for awarding grants and resources. The joint subcommittee
88.28 shall select representatives to participate in the collaborative project created under
88.29 paragraph (b). The Legislative Coordinating Commission may use resources allocated to
88.30 it under this section to provide the research and analysis necessary for the subcommittee
88.31 to complete their work.

88.32 (b) \$250,000 in fiscal year 2010 is appropriated from the arts and cultural heritage
88.33 fund to the Legislative Coordinating Commission for a collaborative project to develop
88.34 a ten-year plan and a 25-year framework for the use of the money available in the arts
88.35 and cultural heritage fund under the Minnesota Constitution, article XI, section 15, and

89.1 other traditional sources of funding. The collaborative project shall consist of a joint
89.2 effort between representatives nominated by various listed organizations as follows, and
89.3 approved by the director: an arts education organization serving youth, an arts education
89.4 organization serving adults, a civics education organization, the Minnesota Historical
89.5 Society, local and regional historical organizations, Minnesota Board of the Arts, selected
89.6 Minnesota zoos, children's museums, and libraries, Minnesota public television and radio,
89.7 the Minnesota Center for the Humanities, and the Science Museum of Minnesota. The
89.8 speaker of the house and the senate Subcommittee on Committees of the Committee on
89.9 Rules and Administration shall each appoint three public members with expertise in the
89.10 arts and cultural heritage, who have no connection to existing arts and cultural heritage
89.11 organizations, and who come from diverse areas of the state, to provide public perspective
89.12 on future frameworks for funding. The commission shall ensure that public hearings are
89.13 conducted by those creating plans and frameworks under this section. The members shall
89.14 prepare a ten-year plan and a 25-year framework for use of the funding that includes goals
89.15 and measurable outcomes and includes a vision for Minnesotans of what arts, history, and
89.16 cultural heritage will look like in 25 years. The Legislative Coordinating Commission
89.17 may choose to issue a contract to the University of Minnesota to conduct and coordinate
89.18 this collaborative project, or may let a competitive grant to another organization for such a
89.19 contract.

89.20 (c) In developing the coordination plan and framework, the members shall utilize
89.21 a process, including Web site survey tools and regional listening sessions, to be staffed
89.22 by the Legislative Coordinating Commission, that ensures that citizens are included
89.23 in development and finalization of the final plan and framework. The Legislative
89.24 Coordinating Commission shall provide for input from user groups and local and regional
89.25 arts and cultural heritage organizations.

89.26 (d) The plan and framework must include:

89.27 (1) a proposed definition of "arts, history, and cultural heritage";

89.28 (2) a plan to increase participation in arts, history, and cultural activities;

89.29 (3) plans to enhance services to persons, programs, artists, and communities not
89.30 traditionally served by existing programs, including plans to develop and change existing
89.31 program priorities to meet these goals;

89.32 (4) a plan for serving areas with limited access to arts, historical, and cultural
89.33 heritage organizations;

89.34 (5) parameters for ongoing budgeting;

89.35 (6) requirements for local contribution;

89.36 (7) standards for measuring outcomes;

90.1 (8) leveraging private and nonstate dollars and examining the economic impact
90.2 of new and expanded programs;

90.3 (9) consideration and feasibility of a revolving loan fund for capital projects; and

90.4 (10) consideration of ways to best limit funding to Minnesota-only projects.

90.5 (e) The director of the Legislative Coordinating Commission shall submit the
90.6 ten-year plan and a 25-year framework in a report to the legislature no later than October
90.7 1, 2010, and shall submit a preliminary report no later than December 15, 2009.

90.8 **Sec. 20. COMPREHENSIVE STATEWIDE SUSTAINABLE WATER**

90.9 **RESOURCES DETAILED FRAMEWORK.**

90.10 (a) The University of Minnesota shall develop a comprehensive statewide
90.11 sustainable water resources detailed framework to protect, conserve, and enhance the
90.12 quantity and quality of the state's ground and surface waters. The detailed framework
90.13 shall be a long-range, 25-year detailed framework, with an implementation schedule and
90.14 associated benchmarks, for policy, research, monitoring, and evaluation in order to achieve
90.15 sustainable ground and surface water use, including the ecological benefits provided by
90.16 water resources to humans and fish and wildlife habitat. For the purposes of the detailed
90.17 framework, water use is sustainable when the use does not harm ecosystems, degrade
90.18 water quality, or compromise the ability of future generations to meet their own needs.

90.19 (b) The detailed framework shall be developed by the University of Minnesota Water
90.20 Resources Center in cooperation with federal, state, and local government and private
90.21 nonprofits with expertise in water resources. In developing the detailed framework, the
90.22 water resources plans of organizations with water resources expertise shall be considered.
90.23 The detailed framework must include, but is not limited to, identification of infrastructure
90.24 needs, drinking water, ground and surface waters, storm water, agricultural and industrial
90.25 needs, the interfaces of climate change, development and land use, and demographics.
90.26 The detailed framework must identify best practices and methods for determining the
90.27 effectiveness of those practices for wastewater treatment, drinking water source protection,
90.28 pollution prevention, conservation, and water valuation.

90.29 (c) The University of Minnesota shall also develop a ten-year plan for sustainable
90.30 water resources. In developing this plan, the University of Minnesota Water Resources
90.31 Center shall examine existing plans, as available and appropriate, from the Environmental
90.32 Quality Board and Clean Water Council.

90.33 (d) The University of Minnesota shall submit the detailed framework to the chairs
90.34 of the legislative committees with jurisdiction over agriculture policy and finance and
90.35 environment and natural resources policy and finance by January 1, 2011.

91.1 (e) It is a condition of acceptance of this appropriation that the University of
91.2 Minnesota must submit a work plan, a timeline, a budget, and periodic progress reports to
91.3 the Legislative Coordinating Commission. After review, the work plan, progress reports,
91.4 and any comments on the plan must be submitted to the house of representatives and
91.5 senate environment finance and policy committees, and to the Legislative Coordinating
91.6 Commission.

91.7 **Sec. 21. LIMITS ON APPROPRIATIONS.**

91.8 All appropriations from any fund created under the Minnesota Constitution, article
91.9 XI, section 15, shall be onetime only, for the 2010-2011 biennium, and shall not carry
91.10 forward past 2011 unless otherwise stated. No appropriations may be carried forward as
91.11 part of a budget base. The legislature shall reconsider all funding before the beginning
91.12 of the 2011 legislative session, and shall construct new appropriations without regard
91.13 to past funding decisions.

91.14 **ARTICLE 6**
91.15 **MANAGEMENT**

91.16 **Section 1. [84C.021] CONSERVATION EASEMENT PURPOSE STATEMENT.**

91.17 A conservation easement purchased in whole or in part with state funds appropriated
91.18 on or after July 1, 2009, must include a statement of the conservation purposes of the
91.19 easement including the conservation attributes associated with the real property and the
91.20 benefit to the general public intended to be served by the restriction on uses of the real
91.21 property subject to the conservation easement.

91.22 **Sec. 2. [84C.06] LONG-TERM LAND MANAGEMENT ACCOUNT.**

91.23 Subdivision 1. **Account established.** A long-term land management account is
91.24 established in the special revenue fund. The commissioner of finance shall credit to the
91.25 long-term land management account the contributions required under subdivision 2 and
91.26 any gifts and donations made to the account. The State Board of Investment shall invest
91.27 the principle of the account. All earnings on the investment shall accrue to the account. For
91.28 the purposes of this section, land management includes monitoring and enforcement. The
91.29 commissioner of finance shall report to the legislature by January 15 of each odd-numbered
91.30 year on contributions and investment earnings of the account and, effective in 2019, on
91.31 expenditures from the account. "Monitoring" for purposes of this section means review of
91.32 actual practices of land management as they occur. "Enforcement" for purposes of this
91.33 section means actions taken to ensure compliance with laws and stated agreements.

92.1 Subd. 2. Contributions required. (a) A holder of a permanent conservation
92.2 easement purchased in whole or in part with state funds appropriated on or after July 1,
92.3 2009, shall contribute the greater of \$10,000 or five percent of the appraised value of the
92.4 land to the long-term land management account established in subdivision 1 within 30
92.5 days of purchasing the easement.

92.6 (b) A holder of a permanent conservation easement that transfers the conservation
92.7 easement to the state on or after July 1, 2009, shall contribute the greater of \$10,000
92.8 or five percent of the appraised value of the land to the long-term land management
92.9 account established in subdivision 1 within 30 days of transferring the easement unless the
92.10 contribution requirement has been met by the state.

92.11 (c) The owner of land acquired in fee title purchased in whole or in part with state
92.12 funds appropriated on or after July 1, 2009, for natural resource purposes, including
92.13 lands acquired by the commissioner of natural resources and lands acquired to restore,
92.14 protect, and enhance wetlands, prairies, forests, habitat, water quality, and other natural
92.15 resources, shall contribute the greater of \$10,000 or five percent of the appraised value of
92.16 the land to the long-term land management account established in subdivision 1 within
92.17 30 days of purchasing the land.

92.18 (d) The owner of land acquired in fee title purchased in whole or in part with state
92.19 funds for natural resource purposes, including lands acquired by the commissioner of
92.20 natural resources or lands acquired to restore, protect, and enhance wetlands, prairies,
92.21 forests, habitat, water quality, and other natural resources, that transfers land to the state
92.22 on or after July 1, 2009, shall contribute the greater of \$10,000 or five percent of the
92.23 appraised value of the land to the long-term land management account established in
92.24 subdivision 1 within 30 days of transferring the land unless the contribution requirement
92.25 has been met by the state. This paragraph does not apply to a unit of local government
92.26 for land acquired for park purposes, trails, open space, conservation, and agricultural
92.27 preservation, if the commissioner of natural resources determines that the governing body
92.28 of the unit of local government has approved a plan to manage the land for as long as the
92.29 unit of local government owns the land.

92.30 (e) Nothing in this section prohibits a holder of an easement or the owner of land
92.31 in fee title from accepting gifts or other funds to be used in meeting the contribution
92.32 requirements of this section or prohibits a contribution from being made on behalf of a
92.33 holder of an easement or owner of land in fee title to meet the requirements of this section.

92.34 (f) For the purposes of this section, "appraised value" is the most recent assessor's
92.35 estimated market value under section 273.11, subdivision 1, the most recent purchase
92.36 price, or the most recent appraised value of the land, whichever is greater.

93.1 (g) For conservation easements acquired under chapters 103B to 103H, or when
93.2 federal funds contribute to the purchase of an easement, the state's easement cost as
93.3 determined by rates established by the Board of Water and Soil Resources, will be the
93.4 basis for determining the five percent in this section.

93.5 Subd. 3. **Exemption.** The commissioner of natural resources and the Board of
93.6 Water and Soil Resources may waive the contribution requirement under subdivision 2 for
93.7 a holder of a conservation easement or owner of land in fee title, upon request, provided
93.8 the following conditions are met:

93.9 (1) for the holder of a conservation easement, the holder must:

93.10 (i) demonstrate a history of providing long-term management, monitoring, and
93.11 enforcement of conservation easements;

93.12 (ii) demonstrate the ability to fund long-term management, monitoring, and
93.13 enforcement of conservation easements; and

93.14 (iii) have or soon will set aside funds for the management, monitoring, and
93.15 enforcement of the conservation easement subject to the requirement under subdivision 2,
93.16 such as administration of an account similar to the long-term land management account
93.17 established under this section.

93.18 (2) for the owner of land in fee title, the owner must:

93.19 (i) demonstrate a history of providing land management in accordance with
93.20 applicable requirements and natural resource purposes;

93.21 (ii) demonstrate the ability to fund the applicable land management requirements
93.22 and purposes; and

93.23 (iii) have or soon will set aside funds for the management of the land subject to the
93.24 requirement under subdivision 2, such as administration of an account similar to the
93.25 long-term land management account established under this section.

93.26 Subd. 4. **Expenditures.** Money appropriated from the long-term land management
93.27 account must only be spent on the management, monitoring, and enforcement of
93.28 conservation easements to ensure that the purposes for conservation easements according
93.29 to section 84C.021 are met and on the management of lands purchased with state funds
93.30 for natural resource purposes. Funds must be appropriated by law and shall not be
93.31 appropriated until July 1, 2017.

93.32 Sec. 3. Minnesota Statutes 2008, section 477A.12, subdivision 2, is amended to read:

93.33 Subd. 2. **Procedure.** Lands for which payments in lieu are made pursuant to section
93.34 97A.061, subdivision 3, and Laws 1973, chapter 567, or lands for which a onetime
93.35 payment has been made under section 477A.121 shall not be eligible for payments

94.1 under this section. Each county auditor shall certify to the Department of Natural
94.2 Resources during July of each year prior to the payment year the number of acres of
94.3 county-administered other natural resources land within the county. The Department of
94.4 Natural resources may, in addition to the certification of acreage, require descriptive lists
94.5 of land so certified. The commissioner of natural resources shall determine and certify to
94.6 the commissioner of revenue by March 1 of the payment year:

94.7 (1) the number of acres and most recent appraised value of acquired natural
94.8 resources land within each county;

94.9 (2) the number of acres of commissioner-administered natural resources land within
94.10 each county;

94.11 (3) the number of acres of county-administered other natural resources land within
94.12 each county, based on the reports filed by each county auditor with the commissioner
94.13 of natural resources; and

94.14 (4) the number of acres of land utilization project land within each county.

94.15 The commissioner of transportation shall determine and certify to the commissioner
94.16 of revenue by March 1 of the payment year the number of acres of land and the appraised
94.17 value of the land described in subdivision 1, paragraph (b), but only if it exceeds 500 acres.

94.18 The commissioner of revenue shall determine the distributions provided for in this
94.19 section using the number of acres and appraised values certified by the commissioner of
94.20 natural resources and the commissioner of transportation by March 1 of the payment year.

94.21 **Sec. 4. [477A.121] NATURAL RESOURCES LAND ONETIME PAYMENT.**

94.22 **Subdivision 1. Onetime payments.** (a) A onetime payment shall be made under
94.23 this section on any acquired natural resources land purchased with funds from the outdoor
94.24 heritage fund appropriated on or after July 1, 2010, to the county in which the land is
94.25 located. The payment is equal to 25 percent of the appraised value of the acquired natural
94.26 resources land.

94.27 (b) Each year, the commissioner of natural resources shall determine the total
94.28 amount of payments for each county on acquired natural resources lands located in the
94.29 county that were acquired in the previous calendar year and certify that amount to the
94.30 commissioner of revenue by March 1.

94.31 (c) Land receiving a onetime payment under this section is not eligible for payments
94.32 under section 97A.061 or 477A.12.

94.33 **Subd. 2. Determination of appraised value.** For the purposes of this section, the
94.34 appraised value of acquired natural resources land is the purchase price. If the acquisition
94.35 involves a donation, the appraised value of acquired natural resources land is the value

95.1 determined for the commissioner of natural resources by a licensed appraiser, or the
95.2 county assessor's estimated market value if the county assessor's estimated market value is
95.3 less than \$100,000 and no appraisal has been done.

95.4 Subd. 3. **Transfer; source of funds.** An amount necessary to make the payments
95.5 required under this section is annually appropriated to the commissioner of natural
95.6 resources from the outdoor heritage fund for transfer to the commissioner of revenue. The
95.7 commissioner of revenue shall make the payments required under this section to the
95.8 counties at the same time that the first half of aid payments under sections 477A.011 to
95.9 477A.014 are made.

95.10 Subd. 4. **Investment and use of funds.** (a) Upon receipt of a onetime payment,
95.11 the county shall disburse to each town an equivalent percentage of the onetime payment
95.12 as would have been distributed to the town under section 477A.14 of funds paid under
95.13 section 477A.12.

95.14 (b) The onetime payment remaining after disbursement under paragraph (a) shall be
95.15 invested and only the interest may be expended, except that the board may approve by
95.16 unanimous vote the use of principal for authorized purposes when it is determined that
95.17 the interest payment is insufficient for a required expenditure. The interest or authorized
95.18 principal may only be used for the purposes under section 97A.061 or 477A.12.

95.19 **Sec. 5. EFFECTIVE DATE.**

95.20 (a) Sections 1 to 4 are effective July 1, 2009, except that sections 1 to 4 do not apply
95.21 to the Board of Water and Soil Resources until September 30, 2010; and

95.22 (b) Sections 1 to 4 do not apply to any project or appropriation contained in this act.

95.23 **ARTICLE 7**
95.24 **MISCELLANEOUS**

95.25 **Section 1. [3.3006] APPLICATION.**

95.26 The definitions of "enhance," "protect," and "restore" in section 84.02 apply to all
95.27 funds appropriated and purposes authorized under the clean water fund, parks and trails
95.28 fund, and outdoor heritage fund.

95.29 **Sec. 2.** Minnesota Statutes 2008, section 84.02, is amended by adding a subdivision to
95.30 read:

95.31 Subd. 4a. **Enhance.** "Enhance" means to improve in value, quality, and desirability
95.32 in order to increase the ecological value of the land or water.

96.1 Sec. 3. Minnesota Statutes 2008, section 84.02, is amended by adding a subdivision to
96.2 read:

96.3 Subd. 6a. **Protect.** "Protect" means actions taken to preserve the structure and
96.4 functions of ecological systems to maintain active and healthy ecosystems and prevent
96.5 future degradation.

96.6 Sec. 4. Minnesota Statutes 2008, section 84.02, is amended by adding a subdivision to
96.7 read:

96.8 Subd. 6b. **Restore.** "Restore" means renewing degraded, damaged, or destroyed
96.9 ecosystems through active human intervention to achieve high-quality ecosystems
96.10 that provide the structure, function, biological diversity, and dynamics of the specific
96.11 ecosystem.

96.12 Sec. 5. **[129D.18] PUBLIC TELEVISION AND RADIO CULTURAL AND**
96.13 **HERITAGE PRODUCTION AND ACQUISITION GRANTS.**

96.14 Subdivision 1. **Use of grant funds.** Money appropriated from the Minnesota arts
96.15 and cultural heritage fund may be designated to make grants to public stations, as defined
96.16 in section 129D.12, subdivision 2, and public educational radio stations. Grants received
96.17 under this section must be used to create, produce, acquire, or distribute programs that
96.18 educate, enhance, or promote local, regional, or statewide items of artistic, cultural, or
96.19 historic significance. Grant funds may be used to cover any expenses associated with the
96.20 creation, production, acquisition, or distribution of public television or radio programs
96.21 through broadcast or online, including the creation and distribution of educational
96.22 materials.

96.23 Subd. 2. **Administration.** Money appropriated under this section must be used by
96.24 the commissioner of administration to make grants based upon the recommendations of
96.25 the Minnesota Public Television Association or the Association of Minnesota Public
96.26 Educational Radio Stations.

96.27 Subd. 3. **Conditions.** (a) A public station or public educational radio station
96.28 receiving funds appropriated under this section must:

96.29 (1) make programs produced with these funds available for broadcast to all other
96.30 public stations or public educational radio stations eligible to receive grants under this
96.31 section;

96.32 (2) offer free public performance rights for public educational institutions;

96.33 (3) archive programs produced with these funds and make the programs available
96.34 for future use through encore broadcast or other distribution, including online; and

97.1 (4) ensure that underwriting credit is given to the Minnesota arts and cultural
97.2 heritage fund.

97.3 (b) Programs produced in partnership with other mission-centered nonprofit
97.4 organizations may be used by the partnering organization for its own educational or
97.5 promotional purposes.

97.6 Subd. 4. **Reporting.** A public station or public educational radio station
97.7 receiving funds appropriated under this section must report annually by August 1 to the
97.8 commissioner and the chairs of the senate and house of representatives committees and
97.9 divisions having jurisdiction over arts and cultural heritage policy and budget regarding
97.10 how the previous year's grant funds were expended. This report must contain specific
97.11 information regarding the details for each program produced and broadcast, including the
97.12 cost of production, the number of stations broadcasting the program, estimated viewership
97.13 or number of listeners, the number of Web site downloads, and other related measures.
97.14 If the programs produced include educational material, the public station or public
97.15 educational radio station must report to the commissioner on these efforts.

97.16 **Sec. 6. [138.0375] HISTORY EDUCATION LEARNING PROGRAM.**

97.17 Subdivision 1. **History education learning program established.** The history
97.18 education learning program (HELP) is established to augment the preservation of historic
97.19 sites and museums in Minnesota with funding from the arts and cultural heritage fund
97.20 created by the Minnesota Constitution, article XI, section 15.

97.21 Subd. 2. **Eligible projects.** (a) HELP funding must be for one or more of the
97.22 following purposes:

97.23 (1) code compliance at a historic site or museum, including, but not limited to,
97.24 health and safety, Americans with Disabilities Act requirements, hazardous material
97.25 abatement, access improvement, air quality improvement, energy conservation measures,
97.26 or sustainable energy systems;

97.27 (2) building, grounds, or infrastructure repairs or maintenance necessary to preserve
97.28 or protect the historic site or museum; or

97.29 (3) improvements or modernization for interactive, interpretive, or cultural purposes
97.30 at a historic site or museum.

97.31 (b) Up to 15 percent of an appropriation under this section may be used for design,
97.32 project management, and administrative costs.

97.33 Subd. 3. **State-owned or state-operated historic sites and museums.** Money
97.34 appropriated for purposes of this subdivision is for state-owned or state-operated historic
97.35 sites and museums and must be used for the purposes described in subdivision 2.

98.1 Subd. 4. **Project priorities; report to legislature.** (a) The Minnesota Historical
98.2 Society shall establish criteria for prioritizing HELP projects.

98.3 (b) By January 15 of each year, the Minnesota Historical Society shall submit
98.4 a prioritization plan to the chairs and ranking minority members of the house of
98.5 representatives and senate committees and divisions with jurisdiction over arts and cultural
98.6 heritage finance. The prioritization plan must include, without limitation, a list of the
98.7 projects that have been paid for during the preceding calendar year with HELP funding,
98.8 a prioritized list of projects for which HELP funding will be sought during the next six
98.9 fiscal years, and a summary of the need and estimated costs for each project.

98.10 Sec. 7. **VOLUNTEER WORKING GROUP ON DAKOTA AND OJIBWE**
98.11 **LANGUAGE REVITALIZATION AND PRESERVATION.**

98.12 Subdivision 1. **Establishment.** A volunteer working group is established to develop
98.13 a unified strategy to revitalize and preserve indigenous languages of the 11 federally
98.14 recognized American Indian tribes in Minnesota. As the federal government recognized
98.15 through passage of the Esther Martinez Native American Languages Preservation Act
98.16 of 2006, the revitalization and preservation of American Indian languages is of vital
98.17 importance to preserving the American Indian culture. There have been recent efforts in
98.18 Minnesota to develop programs to teach the Dakota and Ojibwe languages to students
98.19 and to create fluent speakers at both the kindergarten through grade 12 level and at the
98.20 postsecondary level. The volunteer working group shall, among other duties, inventory
98.21 these efforts and make recommendations regarding how to further revitalize and preserve
98.22 Dakota and Ojibwe languages.

98.23 Subd. 2. **Membership.** The executive director of the Minnesota Indian Affairs
98.24 Council shall invite each of the 11 federally recognized tribes under Minnesota Statutes,
98.25 section 3.922, subdivision 1, clause (1), to participate by appointing one member of each
98.26 tribe to the working group. Three additional members shall be appointed by the Indian
98.27 Affairs Council. Two of these members must represent the American Indian population
98.28 in the Minneapolis-St. Paul area and one member must represent the American Indian
98.29 population in Duluth. Other working group members may include, at their discretion, the
98.30 commissioner of education or the commissioner's appointee, the director of the Office of
98.31 Higher Education or the director's appointee, the director of the Minnesota Historical
98.32 Society or the director's appointee, one member of the Board of Teaching, one member of
98.33 the senate appointed by its Subcommittee on Committees, and one member of the house
98.34 of representatives appointed by the speaker of the house. The working group may add
98.35 other members as deemed appropriate by a majority vote of the existing members. The

99.1 executive director of the Indian Affairs Council must convene the first meeting no later
99.2 than September 1, 2009. At the first meeting, the members shall elect from amongst
99.3 themselves a chair and vice chair of the working group.

99.4 Subd. 3. **Duties.** The working group must develop strategies for the 11 federally
99.5 recognized American Indian tribes and the state to work together to revitalize and preserve
99.6 the Dakota and Ojibwe languages in Minnesota. The duties of the working group include,
99.7 but are not limited to:

99.8 (1) creating an inventory of existing programs designed to preserve Dakota and
99.9 Ojibwe languages in the state, including postsecondary programs, programs in tribal
99.10 schools, and other schools throughout the state;

99.11 (2) creating an inventory of available resources for Dakota and Ojibwe language
99.12 revitalization and immersion programs, including curriculum, educational materials,
99.13 and trained teachers;

99.14 (3) identifying curriculum needs to train teachers to teach the Dakota and Ojibwe
99.15 languages in immersion programs and barriers to training teachers to teach the Dakota and
99.16 Ojibwe language;

99.17 (4) identifying classroom curriculum needs for teaching students in Dakota and
99.18 Ojibwe languages;

99.19 (5) determining how the identified curriculum needs should be met;

99.20 (6) determining if there is a need for a central repository of resources, and if there
99.21 is a need, where the repository should be located, how it should be structured, and who
99.22 should have responsibility for maintaining the repository;

99.23 (7) determining what technical assistance the state could offer to further Dakota
99.24 and Ojibwe language immersion programs;

99.25 (8) identifying both existing state and national financial resources available to further
99.26 Dakota and Ojibwe language revitalization and preservation efforts;

99.27 (9) identifying current state and federal law, rules, regulations, and policy that
99.28 should be repealed, modified, or waived, in order to further Dakota and Ojibwe language
99.29 immersion programs; and

99.30 (10) assessing the level of interest in the community for Dakota and Ojibwe
99.31 language immersion programs.

99.32 Subd. 4. **Report.** The working group must report its findings and recommendations
99.33 to the Indian Affairs Council and the committees of the legislature having jurisdiction over
99.34 early childhood through grade 12 education and higher education by February 15, 2011.
99.35 The committee expires on February 16, 2011.

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

ARTICLE 8

INVASIVE SPECIES

Section 1. **APPROPRIATION; FOREST PROTECTION RESERVE.**

\$2,000,000 is appropriated in fiscal year 2010 from the outdoor heritage fund to the commissioner of agriculture to identify, prevent, and in consultation with the forest resources council, protect Minnesota forests by rapidly and effectively responding to the threat or presence of plant pests. At the commissioner's discretion, the commissioner may access this appropriation if sufficient resources are not available from state, federal, or other sources or if the commissioner determines that sufficient state, federal, or other resources will not be available to the commissioner in time to effectively prevent the introduction or spread of tree pests and avert environmental or economic harm. Up to \$125,000 is available immediately to the commissioner of agriculture to update the state's invasive and exotic tree pest plans by addressing the role of all stakeholders in preventing the introduction or spread of, responding to, and containing outbreaks and in remediation. The commissioner shall work in consultation with the commissioner of natural resources, the Forest Resources Council, and the Forest Protection Task Force and shall report findings and recommendations to the governor and the appropriate legislative committees. The report must include recommendations to ensure that a coordinated and effective response network is in place to protect our forests. The commissioner of agriculture may transfer all or part of this appropriation to the commissioner of natural resources and may award grants to local units of government or other entities. Any unencumbered balance does not cancel at the end of fiscal year 2010 and is available in fiscal year 2011.

Sec. 2. **STATE EXTERNAL FIREWOOD QUARANTINE.**

As authorized under Minnesota Statutes, section 18G.06, the commissioner of agriculture must immediately issue and enforce an emergency state exterior quarantine to prevent the entry of firewood into this state unless the person possessing the firewood demonstrates to the satisfaction of the commissioner or the commissioner's agent that the firewood:

- (1) was aged at least two years;
- (2) has been heated sufficiently to kill pests and disease; or
- (3) is either transported or will be received by a person who has entered into a compliance agreement with the commissioner.

The quarantine may be modified or repealed at the discretion of the commissioner of agriculture, as provided under Minnesota Statutes, section 18G.06, subdivision 6.

APPENDIX
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