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State of Minnesota

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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 and Read Second Time
Fiscal Calendar
Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

A bill for an act

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

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

ARTICLE 1

OUTDOOR HERITAGE FUND

Section 1. OUTDOOR HERITAGE FUND APPROPRIATIONS.

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

<b><u>APPROPRIATIONS</u></b>	
<b><u>Available for the Year</u></b>	
<b><u>Ending June 30</u></b>	
<b><u>2010</u></b>	<b><u>2011</u></b>

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

-0-

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

-0-

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

-0-

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

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

29.1 the rulemaking, the commissioner shall  
 29.2 notify local units of government within the  
 29.3 Mississippi River corridor critical area of  
 29.4 the intent to adopt rules. The local units of  
 29.5 government shall make reasonable efforts to  
 29.6 notify the public of the contact information  
 29.7 for the appropriate department staff. The  
 29.8 commissioner shall maintain an e-mail  
 29.9 list of interested parties to provide timely  
 29.10 information about the proposed schedule  
 29.11 for rulemaking, opportunities for public  
 29.12 comment, and contact information for the  
 29.13 appropriate department staff.

29.14 (g) \$1,875,000 the second year is  
 29.15 to investigate physical and recharge  
 29.16 characteristics as part of the collection  
 29.17 and interpretation of subsurface geological  
 29.18 information and acceleration of the county  
 29.19 geologic atlas program. This appropriation  
 29.20 represents a continuing effort to complete  
 29.21 the county geologic atlases throughout the  
 29.22 state in order to provide information and  
 29.23 assist in planning for the sustainable use  
 29.24 of ground and surface water that does not  
 29.25 harm ecosystems, degrade water quality, or  
 29.26 compromise the ability of future generations  
 29.27 to meet their own needs. This appropriation  
 29.28 is available until December 31, 2014.

29.29	<b><u>Sec. 6. BOARD OF WATER AND SOIL</u></b>		
29.30	<b><u>RESOURCES</u></b>	<b><u>\$ 7,000,000</u></b>	<b><u>\$ 18,424,000</u></b>

29.31 (a) \$1,500,000 the first year and \$5,000,000  
 29.32 the second year are to purchase and restore  
 29.33 permanent conservation easements on  
 29.34 riparian buffers of up to 100 feet adjacent  
 29.35 to public waters, excluding wetlands, to

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 (c) The rules must not affect any existing residential nonconformity, including any  
39.26 lawful use of real property containing single-family residential housing existing at the  
39.27 time of enactment of this section, which may be continued although the use or occupation  
39.28 may not conform to standards adopted under this section. The nonconformity may be  
39.29 continued through repair, replacement, restoration, or maintenance of the single-family  
39.30 residence or underlying land.

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

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

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

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

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

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

40.8 (6) the intent of the Mississippi River corridor critical area land use districts from  
40.9 the governor's executive order number 79-19, published in the State Register on March  
40.10 12, 1979; and

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

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

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

40.23 (1) floodplains;

40.24 (2) wetlands;

40.25 (3) gorges;

40.26 (4) areas of confluence with key tributaries;

40.27 (5) natural drainage routes;

40.28 (6) shorelines and riverbanks;

40.29 (7) bluffs;

40.30 (8) steep slopes and very steep slopes;

40.31 (9) unstable soils and bedrock;

40.32 (10) significant existing vegetative stands, tree canopies, and native plant  
40.33 communities;

40.34 (11) scenic views and vistas;

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

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



41.1 (14) water quality.

41.2 (c) The commissioner shall establish a map to define bluffs and bluff-related features  
41.3 within the Mississippi River corridor critical area. At the outset of the rulemaking process,  
41.4 the commissioner shall create a preliminary map of all the bluffs and bluff lines within  
41.5 the Mississippi River corridor critical area, based on the guidelines in paragraph (d). The  
41.6 rulemaking process shall provide an opportunity to refine the preliminary bluff map. The  
41.7 commissioner may add to or remove areas of demonstrably unique or atypical conditions  
41.8 that warrant special protection or exemption. At the end of the rulemaking process, the  
41.9 commissioner shall adopt a final bluff map that contains associated features, including  
41.10 bluff lines, bases of bluffs, steep slopes, and very steep slopes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42.17 Sec. 15. **COAL TAR; NOTIFICATION, INVENTORY, AND BEST**  
42.18 **MANAGEMENT PRACTICES.**

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

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

42.34 (c) The commissioner of the Pollution Control Agency shall develop best  
42.35 management practices for state agencies and local units of government regulated under

43.1 a national pollutant discharge elimination system or state disposal system permit for  
43.2 municipal separate storm sewer systems treating or cleaning up contaminated sediments  
43.3 in storm water ponds and other waters defined under paragraph (a) and make the best  
43.4 management practices available on the agency's Web site. As part of the development of  
43.5 the best management practices, the commissioner shall:

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

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

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

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

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

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

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

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

43.30 (d) In establishing the monitoring network, the commissioner of the Pollution  
43.31 Control Agency must consult with the commissioners of health and natural resources, the  
43.32 United States Geological Survey, the Metropolitan Council, local wastewater treatment  
43.33 facility operators, and the Water Resources Center at the University of Minnesota.  
43.34 Consideration may be given to monitoring sites at facilities identified as part of a total

44.1 maximum daily load study and facilities located on a water body identified for enhanced  
44.2 protection. The initial monitoring network must include at least ten sites.

44.3 (e) Monitoring must include, but is not limited to, endocrine-disrupting compounds  
44.4 from natural and synthetic hormones, pharmaceuticals, personal care products, and  
44.5 a range of industrial products and by-products. At a minimum, concentrations of  
44.6 estrone, nonylphenol, bisphenol-A, 17-beta-estradiol, 17-alpha-ethynylestradiol, estriol,  
44.7 and antibacterial triclosan must be monitored. Additional compounds, antibacterial  
44.8 compounds, and pharmaceuticals potentially impacting human health and aquatic  
44.9 communities may be considered for identification and monitoring including, but not  
44.10 limited to, nonylphenol ethoxylates, octylphenol, and octylphenol ethoxylates; the  
44.11 hormones androstenedione, trenbelone, and diethylphthalate; antidepressant medications,  
44.12 including fluoxetine and fluvoxamine; carbamazepine; and triclocarban.

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

44.20 **ARTICLE 3**

44.21 **PARKS AND TRAILS FUND**

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

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

44.32 **APPROPRIATIONS**  
44.33 **Available for the Year**  
44.34 **Ending June 30**  
44.35 **2010** **2011**

45.1 Sec. 2. NATURAL RESOURCES \$ 10,399,000 \$ 21,257,000

45.2 (a) \$6,749,000 the first year and \$14,807,000

45.3 the second year are to:

45.4 (1) connect people to the outdoors by

45.5 providing access, conservation education,

45.6 and interpretative services with a goal

45.7 of attracting 350,000 additional visitors

45.8 to state parks, recreation areas, forest

45.9 campgrounds, and trails by the end of the

45.10 biennium, reaching 25 percent of all state

45.11 parks and trails visitors through education

45.12 programming, including conducting at least

45.13 500 conservation education programs, by:

45.14 (i) enhancing marketing and technology

45.15 to target new audiences and provide new

45.16 opportunities to engage citizens, including

45.17 enhancements to the department's Web

45.18 site, community assistance, and volunteer

45.19 coordination and enhancement;

45.20 (ii) increasing the number of naturalist

45.21 interns from 18 to 30 each year under the

45.22 new Minnesota Naturalist Corps established

45.23 under Minnesota Statutes, section 84.992;

45.24 (iii) adding eight new full-time

45.25 equivalent naturalists to provide expanded

45.26 programming, with a focus on families and

45.27 children;

45.28 (iv) opening or reopening visitor centers at

45.29 Lake Bronson, Blue Mounds, St. Croix, and

45.30 Grand Portage State Parks and expanding

45.31 visitor center hours at additional high profile

45.32 parks;

45.33 (v) advancing new conservation education

45.34 delivery methods reaching new and younger

- 46.1 audiences with 50 new MP3 audio trail  
46.2 guides, educational touch screen computers,  
46.3 podcasts, and videocasts;
- 46.4 (vi) constructing information centers and  
46.5 kiosks in state parks, including: a pilot  
46.6 project to construct information centers  
46.7 that include self-registration equipment and  
46.8 touch screen displays; electronic information  
46.9 kiosks that include touch screen displays; and  
46.10 information kiosks near campgrounds and  
46.11 day use areas used to display maps, policies,  
46.12 and other information;
- 46.13 (vii) providing interpretive services for  
46.14 state trails, including at least five new  
46.15 kiosks, signage, updating five trail maps,  
46.16 and developing three new resource-oriented  
46.17 brochures;
- 46.18 (viii) producing a new state map integrating  
46.19 state parks, recreation areas, forest  
46.20 campgrounds, trails, and regional park and  
46.21 trail facilities; and
- 46.22 (ix) enhancing cross-country skiing in at  
46.23 least ten state parks, recreation areas, forest  
46.24 campgrounds, or trails;
- 46.25 (2) accelerate natural resource management,  
46.26 restoration, and protection activities at state  
46.27 parks, including:
- 46.28 (i) restoring at least 700 additional acres of  
46.29 state park land;
- 46.30 (ii) conducting invasive species detection,  
46.31 prevention, and response activities on at least  
46.32 4,000 acres of state park lands and waters  
46.33 and reestablishing native plants, shrubs, and  
46.34 trees after invasive species removal;

47.1 (iii) providing rapid response to terrestrial  
47.2 and aquatic new invasive species detections  
47.3 and infestations on state park lands and  
47.4 waters and state trails;  
47.5 (iv) conducting prescribed burns on an  
47.6 additional 6,000 acres; and  
47.7 (v) restoring and managing native prairies  
47.8 and woodlands along at least six percent of  
47.9 the developed miles of state trails, including  
47.10 removing invasive species;  
47.11 (3) accelerate facility maintenance and  
47.12 rehabilitation by:  
47.13 (i) upgrading at least three percent of  
47.14 facilities in overnight and day use areas;  
47.15 (ii) improving access to parks and trails  
47.16 systems for visitors of all ability levels at no  
47.17 fewer than 15 sites each year;  
47.18 (iii) enhancing the trail surface of at least  
47.19 100 miles of state trails, resurfacing 20 to 40  
47.20 miles of state trails, repairing six to ten trail  
47.21 bridges, and replacing two to four bridges;  
47.22 and  
47.23 (iv) rehabilitating and renewing trails in  
47.24 state parks, recreation areas, or forest  
47.25 campgrounds for hiking, biking, and  
47.26 horseback, snowmobile, and all-terrain  
47.27 vehicle riding at the rate of at least four  
47.28 percent per year; and  
47.29 (4) accelerate facility energy conservation  
47.30 by increasing energy conservation  
47.31 and operations, promoting new  
47.32 conservation-based energy sources,  
47.33 reducing energy costs and installing solar  
47.34 energy equipment, including solar thermal

48.1 energy equipment, as part of the following  
48.2 projects:

48.3 (i) the design and installation of sustainable  
48.4 energy features, including the use of solar  
48.5 energy, at a new campground in Split Rock  
48.6 Lighthouse State Park;

48.7 (ii) the installation of solar energy equipment  
48.8 to power a new sanitation building and  
48.9 campsites in St. Croix State Park;

48.10 (iii) the installation of solar energy equipment  
48.11 to power sanitation buildings and campsites  
48.12 at the Pine Ridge Campground in Itasca State  
48.13 Park;

48.14 (iv) the installation of solar power equipment  
48.15 for educational demonstration projects and  
48.16 to offset the use of electricity at Jay Cooke,  
48.17 Bear Head Lake, Afton, Sibley, Lake Carlos,  
48.18 Glacial Lakes, Maplewood, William O'Brien,  
48.19 Wild River, and Lac Qui Parle State Parks;

48.20 (v) the installation of solar energy equipment  
48.21 at the Iron Range Off-Highway Vehicle  
48.22 Recreation Area in Gilbert;

48.23 (vi) the installation of solar energy equipment  
48.24 to power a sanitation building and lighting at  
48.25 the Silver Bay Marina;

48.26 (vii) the installation of solar energy  
48.27 equipment to power the rest area and visitor  
48.28 center at Grand Portage State Park; and

48.29 (viii) the installation of solar energy  
48.30 equipment to power sanitation buildings and  
48.31 campsites at the Lake Shetek State Park and  
48.32 additional solar energy projects if funding is  
48.33 available.



49.1 The commissioner shall contract for services  
49.2 with the Minnesota Conservation Corps for  
49.3 restoration, maintenance, and other activities  
49.4 under this paragraph for at least \$600,000 the  
49.5 first year and \$1,000,000 the second year.

49.6 The commissioner shall leverage federal  
49.7 stimulus funding for these purposes to the  
49.8 extent possible.

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

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

49.30 Up to 2-1/2 percent of this appropriation  
49.31 may be used for administering the grants. Of  
49.32 this appropriation, at least \$1,000,000 shall  
49.33 be designated for projects utilizing solar  
49.34 thermal technology and equipment. The

50.1 commissioner shall give priority to projects  
50.2 that:

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

50.5 (2) would provide on-site information  
50.6 explaining the installation, its benefits, and  
50.7 the benefits of renewable energy;

50.8 (3) would reduce the use of energy from  
50.9 fossil fuels;

50.10 (4) incorporate designs that reflect the  
50.11 aesthetics of the installation site; or

50.12 (5) provide education to visitors on energy  
50.13 conservation or climate change.

50.14 (c) \$2,650,000 the first year and \$4,450,000  
50.15 the second year are for grants under  
50.16 Minnesota Statutes, section 85.535, to  
50.17 metropolitan regional parks and trails  
50.18 that meet the requirements of Minnesota  
50.19 Statutes, section 473.147, or that is currently  
50.20 recognized as meeting the constitutional  
50.21 requirement of being a park or trail of  
50.22 regional or statewide significance, and parks  
50.23 and trails outside the metropolitan area that  
50.24 are currently recognized as meeting the  
50.25 constitutional requirement of being a park  
50.26 or trail of regional or statewide significance.

50.27 Grants under this section must only be used  
50.28 for acquisition, restoration, maintenance, and  
50.29 development. Up to 2-1/2 percent of this  
50.30 appropriation may be used for administering  
50.31 the grants.

50.32 (d) The commissioner shall develop a  
50.33 ten-year strategic state parks and trails  
50.34 plan considering traditional funding and

51.1 the funding available under the Minnesota  
 51.2 Constitution, article XI, section 15.

51.3 (e) The commissioner, in consultation  
 51.4 with the commissioner of the Pollution  
 51.5 Control Agency, the Board of Water and Soil  
 51.6 Resources, the Outdoor Heritage Council,  
 51.7 the Minnesota Board of the Arts, and the  
 51.8 Minnesota Historical Society, shall develop  
 51.9 a logo to be used in signage required of  
 51.10 projects and programs receiving funds from  
 51.11 the outdoor heritage fund, clean water fund,  
 51.12 parks and trails fund, and arts and cultural  
 51.13 heritage fund.

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

51.23 (g) Grant agreements entered into by the  
 51.24 commissioner of natural resources and  
 51.25 recipients of money appropriated under this  
 51.26 section shall ensure that the funds are used to  
 51.27 supplement and not substitute for traditional  
 51.28 sources of funding.

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

51.30 (a) \$7,500,000 the first year and \$14,600,000  
 51.31 the second year are from the parks and  
 51.32 trails fund to be distributed as required  
 51.33 under Minnesota Statutes, section 85.53,  
 51.34 subdivision 3, except that of this amount,



53.1 interest in real property, the amounts in this section appropriated in fiscal year 2010 are  
53.2 available until June 30, 2012, and the amounts in this section appropriated in fiscal year  
53.3 2011 are available until June 30, 2013. If a project receives federal funds, the time period  
53.4 of the appropriation is extended to equal the availability of federal funding.

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

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

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

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

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

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

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

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

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

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

53.31 Subd. 7. **Employee displacement.** The commissioner must certify that the  
53.32 assignment of Minnesota Naturalist Corps members will not result in the displacement of  
53.33 currently employed workers or workers on seasonal layoff or layoff from a substantially  
53.34 equivalent position, including partial displacement such as reduction in hours of  
53.35 nonovertime work, wages, or other employment benefits. The department may not

54.1 terminate, lay off, reduce the seasonal hours of, or reduce the working hours of any  
 54.2 employee for the purpose of using a corps member with available funds.

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

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

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

54.8 (1) be a metropolitan regional park or trail that meets the requirements of section  
 54.9 473.147 or that is currently recognized as meeting the constitutional requirement of being  
 54.10 a park or trail of regional or statewide significance; or

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

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

- 54.16 (1) connectivity;
- 54.17 (2) enhanced opportunities for commuters; and
- 54.18 (3) enhanced safety.

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

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

54.23 **ARTICLE 4**  
 54.24 **ARTS AND CULTURAL HERITAGE FUND**

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

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

54.33 **APPROPRIATIONS**  
 54.34 **Available for the Year**

55.1			<u>Ending June 30</u>
55.2			<u>2010</u> <u>2011</u>

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

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

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

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

55.9    (a) The appropriations in this subdivision  
55.10    are to the Minnesota Board of the Arts  
55.11    from the arts and cultural heritage fund.

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

55.17    Appropriations made directly to the Board  
55.18    of the Arts shall supplement, and shall not  
55.19    substitute for traditional sources of funding.

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

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

55.35 in the selection of applicants and grant  
56.1 award size. Distinctive goals and measurable  
56.2 outcomes shall be established and reported  
56.3 on.

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

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

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

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

56.33 **Subd. 3. Minnesota Historical Society**



56.34 (a) The appropriations in this subdivision are  
56.35 to the Minnesota Historical Society from the  
57.1 arts and cultural heritage fund to preserve and  
57.2 enhance access to Minnesota's history and  
57.3 its cultural and historical resources. Grants  
57.4 agreements entered into by the Minnesota  
57.5 Historical Society and other recipients of  
57.6 appropriations in this section shall ensure  
57.7 that these funds are used to supplement  
57.8 and not substitute for traditional sources of  
57.9 funding. Funds directly appropriated to the  
57.10 Minnesota Historical Society shall be used to  
57.11 supplement, and not substitute for, traditional  
57.12 sources of funding. Funds appropriated in the  
57.13 first year may be carried over to the second.  
57.14 These are onetime appropriations. No more  
57.15 than 2.5 percent of each appropriation may  
57.16 be used for administration by the Minnesota  
57.17 Historical Society. The Minnesota Historical  
57.18 Society, with the assistance of recipients  
57.19 funded under this section, shall report on all  
57.20 expenditures made from these funds to the  
57.21 legislature and governor by January 15 of  
57.22 each year.

57.23 (b) Minnesota History Educational Network.  
57.24 \$2,000,000 in 2010 and \$1,000,000 in  
57.25 2011 are appropriated for programs and  
57.26 projects of service to historical and cultural  
57.27 programs across the state. Among these may  
57.28 be funds for the operation of a Minnesota  
57.29 History Educational Network, to provide  
57.30 educational and programmatic content to  
57.31 schools, teachers, museums, historic sites,  
57.32 and libraries; funds for a history at home  
57.33 project, to provide historical content and  
57.34 materials to persons in their homes, places of

57.35 work, schools, libraries, and on the Internet;  
57.36 and programs to provide hands on support  
58.1 to historical and cultural organizations,  
58.2 including the purveyance of information and  
58.3 expertise regarding collections, preservation,  
58.4 and operation of local historic sites and  
58.5 societies. These programs and projects may  
58.6 be conducted in partnership with either local  
58.7 historical societies, schools, or libraries, as  
58.8 selected by the Minnesota Historical Society.

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

58.10 **Grants.** (i) \$6,000,000 on January 1, 2010,  
58.11 and \$6,000,000 in 2011 are appropriated  
58.12 for history programs and projects operated  
58.13 or conducted by or through local, county,  
58.14 regional or other historical or cultural  
58.15 organizations; or for activities to preserve  
58.16 significant historic and cultural resources.  
58.17 Funds are to be distributed through a  
58.18 competitive grants process. The Minnesota  
58.19 Historical Society shall administer these  
58.20 funds using established grants mechanisms,  
58.21 and with assistance from the advisory  
58.22 committee created herein. The Preston  
58.23 grain elevator restoration and recreation  
58.24 project shall be eligible for grants under this  
58.25 program.

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

58.33 (ii) The Minnesota Historical Society  
58.34 shall appoint a historic resources advisory  
58.35 committee, with members from each  
59.1 of the eight congressional districts, and  
59.2 representatives of local, county, and statewide  
59.3 historical and cultural organizations and  
59.4 programs, to provide policy and grant making  
59.5 guidance on expenditures of funds from this  
59.6 paragraph. This membership shall include,  
59.7 but is not limited to, members representing  
59.8 the interests of historic preservation, local  
59.9 history, archaeology, archival programs,  
59.10 and other cultural programs related to the  
59.11 history of Minnesota. A significant number  
59.12 of members on this advisory committee  
59.13 should represent local interests. This  
59.14 committee shall seek input from all interested  
59.15 parties, and shall make recommendations  
59.16 for expenditures from these funds to the  
59.17 executive council of the Minnesota Historical  
59.18 Society; all expenditures must meet the  
59.19 requirements of Minnesota Statutes, section  
59.20 138.01.

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

59.28 (d) **Collections.** \$250,000 in 2010 is  
59.29 appropriated to the Minnesota Historical  
59.30 Society for the purchase, acquisition, storage,  
59.31 and restoration of Minnesota's historical and  
59.32 cultural artifacts. These funds may be carried

59.33 over until expended. None of these funds  
59.34 may be used for administration.

60.1 (e) \$2,000,000 in 2010 is appropriated from  
60.2 the arts and cultural heritage fund to the  
60.3 Minnesota Historical Society for HELP  
60.4 projects under Minnesota Statutes, section  
60.5 138.0375, subdivision 3.

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

60.27 (g) \$2,000,000 on January 1, 2010,  
60.28 and \$500,000 on January 1, 2011, are  
60.29 appropriated to the Minnesota Historical  
60.30 Society for an exhibit on the regional, local,  
60.31 and cultural diversity of Minnesota's history  
60.32 and cultural heritage. These funds are  
60.33 available until expended. These funds are

60.34 for the creation of both traveling exhibits  
60.35 to be made available to local historical and  
60.36 cultural organizations and an exhibit to be  
61.1 housed at the Minnesota History Center.

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

61.9 **Subd. 4. Statewide Survey of Historical and**  
61.10 **Archaeological Sites**

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

61.31 **Subd. 5. Programs of Artistic, Educational,**  
61.32 **Historic, or Cultural Significance**

61.33 (a) Funds in this subdivision are appropriated  
61.34 to the commissioner of the Department  
61.35 of Administration for grants to the named  
61.36 organizations for the purposes specified in  
62.1 this subdivision. Grants made to public  
62.2 television or radio organizations are subject  
62.3 to Minnesota Statutes, section 129D.18,  
62.4 and are not subject to conditions in this  
62.5 paragraph.

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

62.32 (c) **Public Television.** \$2,000,000 on  
62.33 January 1, 2010, and \$5,000,000 on January  
62.34 1, 2011, are appropriated to public television,  
62.35 to the fund created under Minnesota Statutes,  
62.36 section 129D.18, for the development  
63.1 of educational materials, programs, and  
63.2 publicly available programming on the  
63.3 artistic, historical, and cultural heritage  
63.4 of the state and people of Minnesota.  
63.5 Acknowledgment of the funding sources  
63.6 must be included in all materials produced in  
63.7 this grant. None of these funds may be used  
63.8 for normal operations or infrastructure.

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

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

- 63.32 (f) Association of Minnesota Public  
63.33 Educational Radio Stations. \$1,000,000  
63.34 in 2010 and \$2,000,000 in 2011 are  
63.35 appropriated to the Association of  
64.1 Minnesota Public Educational Radio  
64.2 Stations for the development of educational  
64.3 materials, programs, and publicly available  
64.4 programming on the artistic, historical, and  
64.5 cultural heritage of the state and people of  
64.6 Minnesota. None of these funds may be used  
64.7 for normal operations or infrastructure.
- 64.8 (g) Civics Education. \$1,000,000 in 2010  
64.9 and \$1,000,000 in 2011 are appropriated to  
64.10 the Minnesota Center for the Humanities for  
64.11 grants to Kids Voting Minnesota, Learning  
64.12 Law and Democracy Foundation, and  
64.13 YMCA Youth in Government to conduct  
64.14 civics education programs for the civic and  
64.15 cultural development of Minnesota youth.
- 64.16 (h) Children's Museums. \$500,000 in 2010  
64.17 and \$500,000 in 2011 are appropriated for  
64.18 grants to Minnesota's museums for children,  
64.19 for exhibits and programming on the artistic,  
64.20 historical, and cultural heritage of the state  
64.21 and people of Minnesota. None of these  
64.22 funds may be used for normal operations or  
64.23 infrastructure. Half of these funds are for a  
64.24 children's museum in Duluth, and the other  
64.25 half for a children's museum in St. Paul.
- 64.26 (i) Minnesota Science Museum.  
64.27 \$500,000 in 2010 and \$500,000 in 2011  
64.28 are appropriated for the operation of  
64.29 and programmatic development of the  
64.30 Minnesota Science Museum, for exhibits  
64.31 and programming on the artistic, historical,



64.32 and cultural heritage of the state and people  
64.33 of Minnesota. None of these funds may be  
64.34 used for normal operations or infrastructure.  
65.1 Funds shall be matched by the Science  
65.2 Museum at a ratio of one to one.  
65.3 (j) **Minnesota Digital Library.** \$500,000 in  
65.4 2010 and \$500,000 in 2011 are appropriated  
65.5 for the Minnesota digital library project,  
65.6 operated by the Minitex system, to preserve,  
65.7 digitize, and share Minnesota images,  
65.8 documents, and historic materials.  
65.9 (k) **Minnesota Center for the Humanities.**  
65.10 \$500,000 in 2010 and \$500,000 in 2011 are  
65.11 appropriated to the Minnesota Center for the  
65.12 Humanities for programmatic development.  
65.13 \$500,000 in 2010 and \$500,000 in 2011  
65.14 are appropriated to the Minnesota Center  
65.15 for the Humanities for grants to museums  
65.16 and organizations celebrating the ethnic  
65.17 identities of Minnesotans. The Minnesota  
65.18 Center for the Humanities shall develop a  
65.19 written plan for the competitive issuance of  
65.20 these grants, and shall submit that plan for  
65.21 review and approval by the Department of  
65.22 Administration.  
65.23 (l) **Zoos.** \$2,000,000 in 2010 and  
65.24 \$2,000,000 in 2011 are appropriated for the  
65.25 programmatic development of Minnesota's  
65.26 zoos. Three-quarters of this fund in any  
65.27 year shall be reserved in equal portions  
65.28 each for the Minnesota Zoo, the Como  
65.29 Zoo, and the Duluth Zoo. The remainder  
65.30 may be apportioned through a competitive  
65.31 grants process or may be allocated by the  
65.32 commissioner to zoos that are accredited by

65.33 the Association of Zoos and Aquariums or  
65.34 that demonstrate to the commissioner a plan  
66.1 for working toward that accreditation during  
66.2 the biennium ending June 30, 2011.

66.3 (m) **Councils of Color.** \$125,000 in 2010  
66.4 and \$125,000 in 2011 are for the Council on  
66.5 Asian-Pacific Minnesotans, for community  
66.6 events and to celebrate and preserve the  
66.7 culture of Asian-Pacific Minnesotans.

66.8 \$125,000 in 2010 and \$125,000 in 2011  
66.9 are for the Council on Black Minnesotans  
66.10 for community events, technical projects,  
66.11 and an affirmative action baseline study.

66.12 \$125,000 in 2010 and \$125,000 in 2011  
66.13 are for the Indian Affairs Council for the  
66.14 preservation of Indian Cultural sites and the  
66.15 burial and handling of remains. \$125,000  
66.16 in 2010 and \$125,000 in 2011 are to the  
66.17 Council on Affairs of Chicano/Latino people  
66.18 for community events and initiatives that  
66.19 preserve the culture of Latinos in Minnesota  
66.20 and for research on community needs.

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

66.28 **Subd. 6. Minnesota State Capitol**

66.29 The Department of Administration, the  
66.30 Capitol Area Architecture and Planning  
66.31 Board, and the Minnesota Historical Society  
66.32 shall consider and report to the legislature  
66.33 on possible uses of funds created under the



67.34	<u>Subd. 2. Arts access</u>	<u>4,000,000</u>	<u>4,000,000</u>
68.1	<u>(a) This appropriation is for grants to provide</u>		
68.2	<u>access to arts and arts education for all</u>		
68.3	<u>ages. The commissioner may award grants</u>		
68.4	<u>to school districts, community education</u>		
68.5	<u>programs, libraries, or to other community</u>		
68.6	<u>organizations. No more than 2.5 percent of</u>		
68.7	<u>any grant may be used by the department</u>		
68.8	<u>for administration. The commissioner must</u>		
68.9	<u>ensure these grants are distributed equitably</u>		
68.10	<u>among all regions of the state. Grants under</u>		
68.11	<u>this subdivision may be used for either or</u>		
68.12	<u>both of these purposes:</u>		
68.13	<u>(1) to pay attendance fees and travel</u>		
68.14	<u>costs for youth to visit art museums, arts</u>		
68.15	<u>performances, or other arts activities; or</u>		
68.16	<u>(2) to bring artists to schools, libraries, or</u>		
68.17	<u>other community centers or organizations for</u>		
68.18	<u>teaching, training, or performance purposes.</u>		
68.19	<u>(b) The commissioner may award a grant</u>		
68.20	<u>under this subdivision only if the recipient</u>		
68.21	<u>demonstrates that the money will supplement</u>		
68.22	<u>traditional sources of funding and will not be</u>		
68.23	<u>used as a substitute.</u>		
68.24	<u>(c) An applicant for a grant under this</u>		
68.25	<u>subdivision must state the outcomes to be</u>		
68.26	<u>achieved with the grant money, and must</u>		
68.27	<u>report to the commissioner within 90 days</u>		
68.28	<u>after the grant funds have been spent on</u>		
68.29	<u>achievement of the proposed outcomes.</u>		
68.30	<u>Subd. 3. Libraries</u>	<u>5,000,000</u>	<u>5,000,000</u>
68.31	<u>\$5,000,000 in 2010 and \$5,000,000 in</u>		
68.32	<u>2011 are appropriated to the Department of</u>		
68.33	<u>Education for grants allocated using existing</u>		

68.34 formulas under Minnesota Statutes, section  
 68.35 134.355, to the 12 Minnesota Regional  
 69.1 Library Systems, to provide educational  
 69.2 opportunities in the arts, history, literary arts,  
 69.3 and cultural heritage of Minnesota. No more  
 69.4 than 2.5 percent of funds may be used for  
 69.5 administration by regional library systems.  
 69.6 This is a onetime appropriation. These funds  
 69.7 may be used to sponsor programs provided  
 69.8 by regional libraries, or to provide grants  
 69.9 to local arts and cultural heritage programs  
 69.10 for programs in partnership with regional  
 69.11 libraries. None of these funds may be used  
 69.12 for maintenance of effort requirements.  
 69.13 Counties are not subject to maintenance of  
 69.14 effort requirements pertaining to these funds.

69.15 **Subd. 4. Reporting of outcomes**

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

69.25	Sec. 4. <b><u>LEGISLATURE</u></b>	<b><u>\$</u></b>	<b><u>33,000</u></b>	<b><u>\$</u></b>	<b><u>56,000</u></b>
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69.26 (a) \$33,000 the first year and \$21,000  
 69.27 the second year are for the Legislative  
 69.28 Coordinating Commission to fulfill the duties  
 69.29 as required under Minnesota Statutes, section  
 69.30 3.303, subdivision 10.

69.31 (b) \$35,000 the second year is for the  
 69.32 legislative auditor to conduct program and  
 69.33 financial audits.

70.1 **Sec. 5. INDIAN LANGUAGE PRESERVATION.**

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

70.6 (b) \$600,000 in 2010 and \$750,000 in 2011 are appropriated to the Indian Affairs  
 70.7 Council to issue grants for programs to preserve Dakota and Ojibwe Indian languages and  
 70.8 to foster educational programs in Dakota and Ojibwe languages.

70.9 **Sec. 6. APPROPRIATIONS.**

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

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

70.15	\$	<u>250,000</u>	<u>.....</u>	<u>2010</u>
70.16	\$	<u>250,000</u>	<u>.....</u>	<u>2011</u>

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

- 70.20 (1) develop and expand K-12 curriculum;
- 70.21 (2) provide fluent speakers in the classroom;
- 70.22 (3) develop appropriate testing and evaluation procedures; and
- 70.23 (4) develop community-based training and engagement.

70.24 This is a onetime appropriation.

70.25 **ARTICLE 5**  
 70.26 **GOVERNANCE**

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

70.28 Subdivision 1. **Application.** The principles in this section are intended to guide the  
 70.29 legislature in making appropriations from the dedicated funds created under the Minnesota

70.30 Constitution, article XI, section 15. To the extent practicable, the Outdoor Heritage  
70.31 Council shall refer to these principles in their planning and project consideration.

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

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

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

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

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

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

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

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

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

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

71.24 (3) prevent pollution and restore impaired waters;

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

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

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

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

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

72.5            (1) information on all project proposals received by the Outdoor Heritage Council  
72.6 and the Legislative-Citizen Commission on Minnesota Resources;

72.7            (2) information on all projects receiving funding, including proposed measurable  
72.8 outcomes and the plan for measuring and evaluating the results;

72.9            (3) measured outcomes and evaluation of projects as required under sections 85.53,  
72.10 subdivision 2; 97A.056, subdivision 9; 114D.50, subdivision 2; and 129D.17, subdivision  
72.11 2;

72.12            (4) education about the areas and issues the projects address, including, when  
72.13 feasible, maps of where projects have been undertaken;

72.14            (5) all frameworks developed for future uses of each fund; and

72.15            (6) methods by which members of the public may apply for project funds under  
72.16 any of the constitutionally dedicated funds.

72.17            (b) All information for proposed and funded projects, including the proposed  
72.18 measurable outcomes, must be made available on the Web site as soon as practicable.

72.19 Information on the measured outcomes and evaluation must be posted as soon as it  
72.20 becomes available. The costs of these activities shall be paid out of the arts and cultural  
72.21 heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and the  
72.22 environment and natural resources trust fund proportionately. For purposes of this section,  
72.23 "measurable outcomes" means outcomes, indicators, or other performance measures that  
72.24 may be quantified or otherwise measured in order to measure the effectiveness of a project  
72.25 or program in meeting its intended goal or purpose.

72.26            (c) The Legislative Coordinating Commission shall be responsible for receiving all  
72.27 ten-year plans and 25-year frameworks for each of the constitutionally dedicated funds. To  
72.28 the extent practicable, staff for the commission shall provide assistance and oversight to  
72.29 these planning efforts and shall coordinate public access to hearings and public meetings  
72.30 for all planning efforts.

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



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

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

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

73.6 (2) desired outcomes for such expenditures;

73.7 (3) a general statement applicable to later years for these funds; and

73.8 (4) consideration of financial methods such as revolving loan funds that may be used  
73.9 in future appropriations.

73.10 The legislative guide shall be completed by the legislative committees by December  
73.11 15, 2009, and shall be considered and discussed by all committees with jurisdiction over  
73.12 these funds at public hearings.

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

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

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

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

73.31 **85.53 PARKS AND TRAILS FUND.**

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

74.1            Subd. 2. **Expenditures; accountability.** (a) A project or program receiving funding  
74.2 from the parks and trails fund must meet or exceed the constitutional requirement to  
74.3 support parks and trails of regional or statewide significance. A project or program  
74.4 receiving funding from the parks and trails fund must include measurable outcomes, as  
74.5 defined in section 3.303, subdivision 10, and a plan for measuring and evaluating the  
74.6 results. A project or program must be consistent with current science when appropriate  
74.7 and incorporate state-of-the-art technology when appropriate.

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

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

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

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

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

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

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

74.34 (1) 45 percent of the money must be disbursed according to the allocation formula in  
74.35 section 473.351, subdivision 3, to each implementing agency;

75.1 (2) 31.5 percent of the money must be distributed based on each implementing  
75.2 agency's relative share of the most recent estimate of the population of the metropolitan  
75.3 area;

75.4 (3) 13.5 percent of the money must be distributed based on each implementing  
75.5 agency's relative share of nonlocal visits based on the most recent user visitation survey  
75.6 conducted by the Metropolitan Council; and

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

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

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

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

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

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

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

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

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

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

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

76.9 (5) two members of the house of representatives appointed by the speaker of the  
76.10 house.

76.11 (b) Members appointed under paragraph (a) must not be registered lobbyists.

76.12 In making appointments, the governor, senate Subcommittee on Committees of the  
76.13 Committee on Rules and Administration, and the speaker of the house shall consider  
76.14 geographic balance, gender, age, ethnicity, and varying interests including hunting and  
76.15 fishing. The governor's appointments to the council are subject to the advice and consent  
76.16 of the senate.

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

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

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

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

76.29 (2) one public member appointed by the senate Subcommittee on Committees of the  
76.30 Committee on Rules and Administration for a term ending the first Monday in January  
76.31 2011;

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

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

77.1 (5) one public member appointed by the senate Subcommittee on Committees of the  
77.2 Committee on Rules and Administration for a term ending the first Monday in January  
77.3 2013;

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

77.6 (7) two members of the senate appointed by the senate Subcommittee on Committees  
77.7 of the Committee on Rules and Administration for a term ending the first Monday in  
77.8 January 2013, and two members of the house of representatives appointed by the speaker  
77.9 of the house for a term ending the first Monday in January 2013.

77.10 (f) Compensation and removal of public members are as provided in section  
77.11 15.0575. A vacancy on the council may be filled by the appointing authority for the  
77.12 remainder of the unexpired term.

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

77.17 (h) ~~The Department of Natural Resources~~ Legislative Coordinating Commission  
77.18 shall provide administrative support for the council. Up to one percent of the money  
77.19 appropriated from the fund may be used to cover the ~~staffing and related~~ administrative  
77.20 expenses of the ~~department and to cover the compensation and travel~~ council; office  
77.21 expenses; and per diem and expenses of council members pursuant to this subdivision;  
77.22 the staffing and related administrative expenses of the legislative auditor under section  
77.23 3.971, subdivision 9; and the staffing and related expenses of the Legislative Coordinating  
77.24 Commission under section 3.303, subdivision 10.

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

77.26 Subd. 3. **Council recommendations.** (a) The council shall make recommendations  
77.27 to the legislature on appropriations of money from the outdoor heritage fund that are  
77.28 consistent with the Constitution and state law and that ~~take into consideration~~ will  
77.29 achieve the outcomes of existing natural resource plans, including, but not limited to,  
77.30 the Minnesota Statewide Conservation and Preservation Plan, that directly relate to the  
77.31 restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish,  
77.32 game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation,  
77.33 and expand restored native prairie. The council shall submit its initial recommendations to  
77.34 the legislature no later than April 1, 2009. Subsequent recommendations shall be submitted  
77.35 no later than January 15 each year. The council shall present its recommendations to the

78.1 senate and house of representatives committees with jurisdiction over the environment  
78.2 and natural resources budget by February 15 in odd-numbered years, and within the  
78.3 first four weeks of the legislative session in even-numbered years. The council's budget  
78.4 recommendations to the legislature shall be separate from the Department of Natural  
78.5 Resource's budget recommendations.

78.6 (b) To encourage and support local conservation efforts, the council shall establish a  
78.7 conservation partners program. Local, regional, state, or national organizations may apply  
78.8 for matching grants for restoration, protection, and enhancement of wetlands, prairies,  
78.9 forests, and habitat for fish, game, and wildlife, prevention of forest fragmentation,  
78.10 encouragement of forest consolidation, and expansion of restored native prairie.

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

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

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

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

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

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

78.34 (i) The council shall develop and submit to the Legislative Coordinating Commission  
78.35 plans for the first ten years of funding, and a framework for 25 years of funding, consistent

79.1 with statutory and constitutional requirements. The council may use existing plans from  
79.2 other legislative, state, and federal sources, as applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

80.14 (1) include a list of measurable outcomes, as defined in section 3.303, subdivision  
80.15 10, and a plan for measuring and evaluating the results;

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

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

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

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

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

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

80.32 (3) maintain a native ecological community;

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

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



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

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

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

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

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

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

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

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

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

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

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

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

82.8 (k) All information for proposed and funded projects, including the proposed  
82.9 measurable outcomes, must be made available on the Web site required under section  
82.10 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and  
82.11 evaluation must be posted as it becomes available.

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

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

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

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

- 83.1 (1) the source and amount of all revenues collected and distributed by the council,  
83.2 including all administrative and other expenses;  
83.3 (2) a description of the assets and liabilities of the outdoor heritage fund;  
83.4 (3) any findings or recommendations that are deemed proper to assist the legislature  
83.5 in formulating legislation;  
83.6 (4) a list of all gifts and donations with a value over \$1,000; and  
83.7 (5) a copy of the most recent audit required under subdivision 6 and any restoration  
83.8 audits required under section 3.971, subdivision 9, completed during the preceding  
83.9 biennium.

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

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

- 83.15 (1) the attorney general must review and approve all contracts and real estate  
83.16 transactions, including conservation easements, and make a determination of whether they  
83.17 are in the best interest of the state and whether they meet all applicable requirements; and  
83.18 (2) a second appraisal, meeting the state appraisal requirements for land acquisitions  
83.19 under section 84.0272, must be conducted and approved by the commissioner of natural  
83.20 resources for all real estate transactions, including conservation easements.

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

83.22 **114D.50 CLEAN WATER FUND.**

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

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

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

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

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

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

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

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

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

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

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

84.22 (c) All information for proposed and funded projects, including the proposed  
84.23 measurable outcomes, must be made available on the Web site required under section  
84.24 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and  
84.25 evaluation must be posted as it becomes available. Information classified as not public  
84.26 under section 13D.05, subdivision 3, paragraph (d), is not required to be placed on the  
84.27 Web site.

84.28 (d) Grants funded by the clean water fund must be implemented according to section  
84.29 16B.98. Proposals must specify all organizations, including contact information, that  
84.30 will receive any portion of a grant and specify a process for any regranteeing envisioned.  
84.31 Priority for grant proposals must be given to proposals involving grants that will be  
84.32 competitively awarded.

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

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

85.3 Subd. 5. **Data availability.** Data collected by the projects funded with money from  
85.4 the clean water fund that have value for planning and management of natural resources,  
85.5 emergency preparedness, and infrastructure investments must conform to the enterprise  
85.6 information architecture developed by the Office of Enterprise Technology. Spatial data  
85.7 must conform to geographic information system guidelines and standards outlined in that  
85.8 architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land  
85.9 Management Information Center. A description of these data that adheres to the Office  
85.10 of Enterprise Technology geographic metadata standards must be submitted to the Land  
85.11 Management Information Center to be made available online through the clearinghouse  
85.12 and the data must be accessible and free to the public unless made private under chapter  
85.13 13. To the extent practicable, summary data and results of projects funded with money  
85.14 from the clean water fund should be readily accessible on the Internet and identified as a  
85.15 clean water fund project.

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

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

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

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

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

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

85.32 (c) It is a condition of acceptance of the appropriations made from the Minnesota  
85.33 environment and natural resources trust fund, and oil overcharge money under section  
85.34 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit  
85.35 a work program and semiannual progress reports in the form determined by the

86.1 Legislative-Citizen Commission on Minnesota Resources, and comply with applicable  
86.2 reporting requirements under section 116P.16. The work program and semiannual  
86.3 progress reports must include a list of measurable outcomes and a plan for measuring  
86.4 and evaluating the results. A list of any lands to be restored, or acquired in fee title or  
86.5 through easements, and the entity that will hold the title or easement must be identified  
86.6 in the work program. None of the money provided may be spent unless the commission  
86.7 has approved the pertinent work program.

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

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

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

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

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

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

86.20 (4) provide for project outcome evaluation;

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

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

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

86.26 **129D.17 ARTS AND CULTURAL HERITAGE FUND.**

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

86.30 Subd. 2. Expenditures; accountability. (a) Funding from the arts and cultural  
86.31 heritage fund may be spent only for arts, arts education, and arts access and to preserve  
86.32 Minnesota's history and cultural heritage. A project or program receiving funding from the  
86.33 arts and cultural heritage fund must include measurable outcomes, as defined in section  
86.34 3.303, subdivision 10, and a plan for measuring and evaluating the results. A project or

87.1 program must be consistent with current scholarship, or best practices, when appropriate  
87.2 and incorporate state-of-the-art technology when appropriate.

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

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

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

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

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

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

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

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

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

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

87.33 (a) \$250,000 in fiscal year 2010 is appropriated from the parks and trails fund to  
87.34 the commissioner of natural resources for a collaborative project to develop a 25-year  
87.35 framework for the use of the money available in the parks and trails fund under the

88.1 Minnesota Constitution, article XI, section 15, and other traditional sources of funding.  
88.2 The collaborative project shall consist of a joint effort between representatives of the  
88.3 commissioner of natural resources, the Metropolitan Council and its implementing  
88.4 agencies, the Central Minnesota Regional Parks and Trails Coordinating Board, and  
88.5 regional parks and trails organizations outside the metropolitan area. The members shall  
88.6 prepare a ten-year strategic parks and trails coordination plan and develop a 25-year  
88.7 framework for use of the funding that includes goals and measurable outcomes and  
88.8 includes a vision for Minnesotans of what the state and regional parks will look like in  
88.9 25 years.

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

88.15 (c) The plan and framework must include:

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

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

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

88.21 (4) budgeting for ongoing maintenance;

88.22 (5) decommissions;

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

88.25 (7) requirements for local contribution; and

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

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

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

88.30 (a) By February 1, 2010, a joint subcommittee of the house of representatives  
88.31 and senate committees with jurisdiction over the arts and cultural heritage fund shall  
88.32 conduct public meetings to gather additional public stakeholder input and provide  
88.33 recommendations to their respective bodies for a one-year plan establishing criteria,  
88.34 priorities, and parameters for awarding grants and resources. The joint subcommittee  
88.35 shall select representatives to participate in the collaborative project created under



89.1 paragraph (b). The Legislative Coordinating Commission may use resources allocated to  
89.2 it under this section to provide the research and analysis necessary for the subcommittee  
89.3 to complete their work.

89.4 (b) \$250,000 in fiscal year 2010 is appropriated from the arts and cultural heritage  
89.5 fund to the Legislative Coordinating Commission for a collaborative project to develop  
89.6 a ten-year plan and a 25-year framework for the use of the money available in the arts  
89.7 and cultural heritage fund under the Minnesota Constitution, article XI, section 15, and  
89.8 other traditional sources of funding. The collaborative project shall consist of a joint  
89.9 effort between representatives nominated by various listed organizations as follows, and  
89.10 approved by the director: an arts education organization serving youth, an arts education  
89.11 organization serving adults, a civics education organization, the Minnesota Historical  
89.12 Society, local and regional historical organizations, Minnesota Board of the Arts, selected  
89.13 Minnesota zoos, children's museums, and libraries, Minnesota public television and radio,  
89.14 the Minnesota Center for the Humanities, and the Science Museum of Minnesota. The  
89.15 speaker of the house and the senate Subcommittee on Committees of the Committee on  
89.16 Rules and Administration shall each appoint three public members with expertise in the  
89.17 arts and cultural heritage, who have no connection to existing arts and cultural heritage  
89.18 organizations, and who come from diverse areas of the state, to provide public perspective  
89.19 on future frameworks for funding. The commission shall ensure that public hearings are  
89.20 conducted by those creating plans and frameworks under this section. The members shall  
89.21 prepare a ten-year plan and a 25-year framework for use of the funding that includes goals  
89.22 and measurable outcomes and includes a vision for Minnesotans of what arts, history, and  
89.23 cultural heritage will look like in 25 years. The Legislative Coordinating Commission  
89.24 may choose to issue a contract to the University of Minnesota to conduct and coordinate  
89.25 this collaborative project, or may let a competitive grant to another organization for such a  
89.26 contract.

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

89.33 (d) The plan and framework must include:

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

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

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

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

90.6 (5) parameters for ongoing budgeting;

90.7 (6) requirements for local contribution;

90.8 (7) standards for measuring outcomes;

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

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

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

90.13 (e) The director of the Legislative Coordinating Commission shall submit the  
90.14 ten-year plan and a 25-year framework in a report to the legislature no later than October  
90.15 1, 2010, and shall submit a preliminary report no later than December 15, 2009.

90.16 **Sec. 20. COMPREHENSIVE STATEWIDE SUSTAINABLE WATER**  
90.17 **RESOURCES DETAILED FRAMEWORK.**

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

90.27 (b) The detailed framework shall be developed by the University of Minnesota Water  
90.28 Resources Center in cooperation with federal, state, and local government and private  
90.29 nonprofits with expertise in water resources. In developing the detailed framework, the  
90.30 water resources plans of organizations with water resources expertise shall be considered.  
90.31 The detailed framework must include, but is not limited to, identification of infrastructure  
90.32 needs, drinking water, ground and surface waters, storm water, agricultural and industrial  
90.33 needs, the interfaces of climate change, development and land use, and demographics.  
90.34 The detailed framework must identify best practices and methods for determining the

91.1 effectiveness of those practices for wastewater treatment, drinking water source protection,  
91.2 pollution prevention, conservation, and water valuation.

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

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

91.10 (e) It is a condition of acceptance of this appropriation that the University of  
91.11 Minnesota must submit a work plan, a timeline, a budget, and periodic progress reports to  
91.12 the Legislative Coordinating Commission. After review, the work plan, progress reports,  
91.13 and any comments on the plan must be submitted to the house of representatives and  
91.14 senate environment finance and policy committees, and to the Legislative Coordinating  
91.15 Commission.

91.16 **Sec. 21. LIMITS ON APPROPRIATIONS.**

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

91.23 **ARTICLE 6**  
91.24 **MANAGEMENT**

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

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

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

91.32 Subdivision 1. **Account established.** A long-term land management account is  
91.33 established in the special revenue fund. The commissioner of finance shall credit to the

92.1 long-term land management account the contributions required under subdivision 2 and  
92.2 any gifts and donations made to the account. The State Board of Investment shall invest  
92.3 the principle of the account. All earnings on the investment shall accrue to the account. For  
92.4 the purposes of this section, land management includes monitoring and enforcement. The  
92.5 commissioner of finance shall report to the legislature by January 15 of each odd-numbered  
92.6 year on contributions and investment earnings of the account and, effective in 2019, on  
92.7 expenditures from the account. "Monitoring" for purposes of this section means review of  
92.8 actual practices of land management as they occur. "Enforcement" for purposes of this  
92.9 section means actions taken to ensure compliance with laws and stated agreements.

92.10 Subd. 2. **Contributions required.** (a) A holder of a permanent conservation  
92.11 easement purchased in whole or in part with state funds appropriated on or after July 1,  
92.12 2009, shall contribute the greater of \$10,000 or five percent of the appraised value of the  
92.13 land to the long-term land management account established in subdivision 1 within 30  
92.14 days of purchasing the easement.

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

92.20 (c) The owner of land acquired in fee title purchased in whole or in part with state  
92.21 funds appropriated on or after July 1, 2009, for natural resource purposes, including  
92.22 lands acquired by the commissioner of natural resources and lands acquired to restore,  
92.23 protect, and enhance wetlands, prairies, forests, habitat, water quality, and other natural  
92.24 resources, shall contribute the greater of \$10,000 or five percent of the appraised value of  
92.25 the land to the long-term land management account established in subdivision 1 within  
92.26 30 days of purchasing the land.

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

93.1 of the unit of local government has approved a plan to manage the land for as long as the  
93.2 unit of local government owns the land.

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

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

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

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

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

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

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

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

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

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

93.30 (ii) demonstrate the ability to fund the applicable land management requirements  
93.31 and purposes; and

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

93.35 Subd. 4. **Expenditures.** Money appropriated from the long-term land management  
93.36 account must only be spent on the management, monitoring, and enforcement of

94.1 conservation easements to ensure that the purposes for conservation easements according  
94.2 to section 84C.021 are met and on the management of lands purchased with state funds  
94.3 for natural resource purposes. Funds must be appropriated by law and shall not be  
94.4 appropriated until July 1, 2017.

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

94.6 Subd. 2. **Procedure.** Lands for which payments in lieu are made pursuant to section  
94.7 97A.061, subdivision 3, and Laws 1973, chapter 567, or lands for which a onetime  
94.8 payment has been made under section 477A.121 shall not be eligible for payments  
94.9 under this section. Each county auditor shall certify to the Department of Natural  
94.10 Resources during July of each year prior to the payment year the number of acres of  
94.11 county-administered other natural resources land within the county. The Department of  
94.12 Natural resources may, in addition to the certification of acreage, require descriptive lists  
94.13 of land so certified. The commissioner of natural resources shall determine and certify to  
94.14 the commissioner of revenue by March 1 of the payment year:

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

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

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

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

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

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

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

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

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

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

95.7 Subd. 2. **Determination of appraised value.** For the purposes of this section, the  
95.8 appraised value of acquired natural resources land is the purchase price. If the acquisition  
95.9 involves a donation, the appraised value of acquired natural resources land is the value  
95.10 determined for the commissioner of natural resources by a licensed appraiser, or the  
95.11 county assessor's estimated market value if the county assessor's estimated market value is  
95.12 less than \$100,000 and no appraisal has been done.

95.13 Subd. 3. **Transfer; source of funds.** An amount necessary to make the payments  
95.14 required under this section is annually appropriated to the commissioner of natural  
95.15 resources from the outdoor heritage fund for transfer to the commissioner of revenue. The  
95.16 commissioner of revenue shall make the payments required under this section to the  
95.17 counties at the same time that the first half of aid payments under sections 477A.011 to  
95.18 477A.014 are made.

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

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

95.28 **Sec. 5. EFFECTIVE DATE.**

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

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

95.32 **ARTICLE 7**  
95.33 **MISCELLANEOUS**

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

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

96.4 Sec. 2. Minnesota Statutes 2008, section 84.02, is amended by adding a subdivision to  
96.5 read:

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

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

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

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

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

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

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

96.30 Subd. 2. **Administration.** Money appropriated under this section must be used by  
96.31 the commissioner of administration to make grants based upon the recommendations of



97.1 the Minnesota Public Television Association or the Association of Minnesota Public  
97.2 Educational Radio Stations.

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

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

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

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

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

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

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

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

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

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

97.33 (1) code compliance at a historic site or museum, including, but not limited to,  
97.34 health and safety, Americans with Disabilities Act requirements, hazardous material

98.1 abatement, access improvement, air quality improvement, energy conservation measures,  
98.2 or sustainable energy systems;

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

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

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

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

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

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

98.21 Sec. 7. **VOLUNTEER WORKING GROUP ON DAKOTA AND OJIBWE**  
98.22 **LANGUAGE REVITALIZATION AND PRESERVATION.**

98.23 Subdivision 1. **Establishment.** A volunteer working group is established to develop  
98.24 a unified strategy to revitalize and preserve indigenous languages of the 11 federally  
98.25 recognized American Indian tribes in Minnesota. As the federal government recognized  
98.26 through passage of the Esther Martinez Native American Languages Preservation Act  
98.27 of 2006, the revitalization and preservation of American Indian languages is of vital  
98.28 importance to preserving the American Indian culture. There have been recent efforts in  
98.29 Minnesota to develop programs to teach the Dakota and Ojibwe languages to students  
98.30 and to create fluent speakers at both the kindergarten through grade 12 level and at the  
98.31 postsecondary level. The volunteer working group shall, among other duties, inventory  
98.32 these efforts and make recommendations regarding how to further revitalize and preserve  
98.33 Dakota and Ojibwe languages.

98.34 Subd. 2. **Membership.** The executive director of the Minnesota Indian Affairs  
98.35 Council shall invite each of the 11 federally recognized tribes under Minnesota Statutes,

99.1 section 3.922, subdivision 1, clause (1), to participate by appointing one member of each  
99.2 tribe to the working group. Three additional members shall be appointed by the Indian  
99.3 Affairs Council. Two of these members must represent the American Indian population  
99.4 in the Minneapolis-St. Paul area and one member must represent the American Indian  
99.5 population in Duluth. Other working group members may include, at their discretion, the  
99.6 commissioner of education or the commissioner's appointee, the director of the Office of  
99.7 Higher Education or the director's appointee, the director of the Minnesota Historical  
99.8 Society or the director's appointee, one member of the Board of Teaching, one member of  
99.9 the senate appointed by its Subcommittee on Committees, and one member of the house  
99.10 of representatives appointed by the speaker of the house. The working group may add  
99.11 other members as deemed appropriate by a majority vote of the existing members. The  
99.12 executive director of the Indian Affairs Council must convene the first meeting no later  
99.13 than September 1, 2009. At the first meeting, the members shall elect from amongst  
99.14 themselves a chair and vice chair of the working group.

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

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

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

99.25 (3) identifying curriculum needs to train teachers to teach the Dakota and Ojibwe  
99.26 languages in immersion programs and barriers to training teachers to teach the Dakota and  
99.27 Ojibwe language;

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

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

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

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

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

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

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

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

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

100.13 **ARTICLE 8**  
100.14 **INVASIVE SPECIES**

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

100.16 \$2,000,000 is appropriated in fiscal year 2010 from the outdoor heritage fund to  
100.17 the commissioner of agriculture to identify, prevent, and in consultation with the forest  
100.18 resources council, protect Minnesota forests by rapidly and effectively responding to the  
100.19 threat or presence of plant pests. At the commissioner's discretion, the commissioner may  
100.20 access this appropriation if sufficient resources are not available from state, federal, or  
100.21 other sources or if the commissioner determines that sufficient state, federal, or other  
100.22 resources will not be available to the commissioner in time to effectively prevent the  
100.23 introduction or spread of tree pests and avert environmental or economic harm. Up to  
100.24 \$125,000 is available immediately to the commissioner of agriculture to update the state's  
100.25 invasive and exotic tree pest plans by addressing the role of all stakeholders in preventing  
100.26 the introduction or spread of, responding to, and containing outbreaks and in remediation.  
100.27 The commissioner shall work in consultation with the commissioner of natural resources,  
100.28 the Forest Resources Council, and the Forest Protection Task Force and shall report  
100.29 findings and recommendations to the governor and the appropriate legislative committees.  
100.30 The report must include recommendations to ensure that a coordinated and effective  
100.31 response network is in place to protect our forests. The commissioner of agriculture may  
100.32 transfer all or part of this appropriation to the commissioner of natural resources and may  
100.33 award grants to local units of government or other entities. Any unencumbered balance  
100.34 does not cancel at the end of fiscal year 2010 and is available in fiscal year 2011.

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

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

101.7 (1) was aged at least two years;

101.8 (2) has been heated sufficiently to kill pests and disease; or

101.9 (3) is either transported or will be received by a person who has entered into a  
101.10 compliance agreement with the commissioner.

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