

A bill for an act

relating to state government; appropriating money from the outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund; modifying certain outdoor heritage provisions; establishing accounts; modifying the Clean Water Legacy Act; revising membership and duties of the Clean Water Council; establishing State Capitol Preservation Commission; providing appointments; establishing reporting and other requirements for legacy fund recipients; amending Minnesota Statutes 2010, sections 3.303, subdivision 10; 85.013, by adding a subdivision; 85.53, subdivision 2; 97A.056, subdivision 2, by adding subdivisions; 114D.10; 114D.20, subdivisions 1, 2, 3, 6, 7; 114D.30; 114D.35; 114D.50, subdivision 4; 129D.17, subdivision 2; 129D.18, subdivisions 3, 4; 129D.19, subdivision 5; Laws 2009, chapter 172, article 1, section 2, subdivision 3; article 4, section 9, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 15B; 16B; 84; 138; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 114D.45.

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

ARTICLE 1

OUTDOOR HERITAGE FUND

Section 1. **OUTDOOR HERITAGE APPROPRIATION.**

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 "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. The appropriations in this article are onetime.

APPROPRIATIONS
Available for the Year

2.1			<u>Ending June 30</u>	
2.2			<u>2012</u>	<u>2013</u>
2.3	Sec. 2. <u>OUTDOOR HERITAGE</u>			
2.4	Subdivision 1. <u>Total Appropriation</u>	\$	<u>92,123,000</u>	\$ <u>471,000</u>
2.5	<u>This appropriation is from the outdoor</u>			
2.6	<u>heritage fund. The amounts that may be</u>			
2.7	<u>spent for each purpose are specified in the</u>			
2.8	<u>following subdivisions.</u>			
2.9	Subd. 2. <u>Prairies</u>		<u>35,324,000</u>	<u>-0-</u>
2.10	<u>(a) Wildlife Management Area, Scientific</u>			
2.11	<u>and Natural Areas, and Prairie Bank</u>			
2.12	<u>Easement Acquisition - Phase III</u>			
2.13	<u>\$4,690,000 the first year is to the</u>			
2.14	<u>commissioner of natural resources to:</u>			
2.15	<u>(1) acquire land in fee for wildlife</u>			
2.16	<u>management area purposes under Minnesota</u>			
2.17	<u>Statutes, sections 86A.05, subdivision 8, and</u>			
2.18	<u>97A.145;</u>			
2.19	<u>(2) acquire land in fee for scientific and</u>			
2.20	<u>natural area purposes under Minnesota</u>			
2.21	<u>Statutes, sections 84.033 and 86A.05,</u>			
2.22	<u>subdivision 5; and</u>			
2.23	<u>(3) acquire native prairie bank easements</u>			
2.24	<u>under Minnesota Statutes, section 84.96.</u>			
2.25	<u>Of this amount, \$759,000 is for transfer</u>			
2.26	<u>to the outdoor heritage land management</u>			
2.27	<u>account in the special revenue fund for the</u>			
2.28	<u>purposes specified in Minnesota Statutes,</u>			
2.29	<u>section 97A.056, subdivision 1a.</u>			
2.30	<u>A list of proposed land or permanent</u>			
2.31	<u>conservation easement acquisitions must</u>			
2.32	<u>be provided as part of the required</u>			
2.33	<u>accomplishment plan. The accomplishment</u>			

3.1 plan must include an easement monitoring
3.2 and enforcement plan. Money appropriated
3.3 from the outdoor heritage fund for easement
3.4 acquisition may be used to establish a
3.5 monitoring and enforcement fund as
3.6 approved in the accomplishment plan,
3.7 and subject to subdivision 15. An annual
3.8 financial report is required for any monitoring
3.9 and enforcement fund established, including
3.10 expenditures from the fund.

3.11 **(b) Accelerated Prairie Restoration and**
3.12 **Enhancement on DNR Lands - Phase III**

3.13 \$1,652,000 the first year is to the
3.14 commissioner of natural resources to
3.15 accelerate the restoration and enhancement
3.16 on wildlife management areas, scientific and
3.17 natural areas, and land under native prairie
3.18 bank easements.

3.19 **(c) Minnesota Buffers for Wildlife and**
3.20 **Water**

3.21 \$2,249,000 the first year is to the Board of
3.22 Water and Soil Resources in cooperation
3.23 with Pheasants Forever to acquire permanent
3.24 conservation easements to enhance habitat
3.25 by expanding riparian wildlife buffers on
3.26 private land. A list of proposed easement
3.27 acquisitions must be provided as part of
3.28 the required accomplishment plan. The
3.29 accomplishment plan must include an
3.30 easement monitoring and enforcement
3.31 plan. Money appropriated from the outdoor
3.32 heritage fund for easement acquisition
3.33 may be used to establish a monitoring
3.34 and enforcement fund as approved in
3.35 the accomplishment plan and subject to

4.1 subdivision 15. An annual financial report is
4.2 required for any monitoring and enforcement
4.3 fund established, including expenditures
4.4 from the fund.

4.5 **(d) Northern Tallgrass Prairie National**
4.6 **Wildlife Refuge Land Acquisition - Phase**
4.7 **III**

4.8 \$1,720,000 the first year is to the
4.9 commissioner of natural resources for an
4.10 agreement with The Nature Conservancy
4.11 to acquire land or permanent easements
4.12 within the Northern Tallgrass Prairie Habitat
4.13 Preservation Area in western Minnesota for
4.14 addition to the Northern Tallgrass Prairie
4.15 National Wildlife Refuge. A list of proposed
4.16 land acquisitions must be provided as part
4.17 of the required accomplishment plan. The
4.18 accomplishment plan must include an
4.19 easement monitoring and enforcement plan.

4.20 **(e) Minnesota Prairie Recovery Project -**
4.21 **Phase II**

4.22 \$4,500,000 the first year is to the
4.23 commissioner of natural resources for an
4.24 agreement with The Nature Conservancy to
4.25 acquire native prairie and savanna and restore
4.26 and enhance grasslands and savanna. A list of
4.27 proposed land acquisitions must be provided
4.28 as part of the required accomplishment plan.
4.29 Acquisitions, restorations, and enhancements
4.30 must be within the two existing and two
4.31 additional pilot focus areas contained in
4.32 the accomplishment plan. Annual income
4.33 statements and balance sheets for income
4.34 and expenses from land acquired with
4.35 appropriations from the outdoor heritage

5.1 fund must be submitted to the Lessard-Sams
5.2 Outdoor Heritage Council.

5.3 **(f) Cannon River Headwaters Habitat**
5.4 **Complex - Phase I**

5.5 \$1,877,000 the first year is to the
5.6 commissioner of natural resources for an
5.7 agreement with The Trust for Public Land
5.8 to acquire and restore lands in the Cannon
5.9 River watershed for wildlife management
5.10 area purposes under Minnesota Statutes,
5.11 section 86A.05, subdivision 8, or aquatic
5.12 management areas under Minnesota Statutes,
5.13 sections 86A.05, subdivision 14, and 97C.02.
5.14 Of this amount, \$344,000 is for transfer
5.15 to the outdoor heritage land management
5.16 account in the special revenue fund for the
5.17 purposes specified in Minnesota Statutes,
5.18 section 97A.056, subdivision 1a. A list of
5.19 proposed land acquisitions must be provided
5.20 as part of the required accomplishment plan.

5.21 **(g) Accelerating the Wildlife Management**
5.22 **Area Program - Phase III**

5.23 \$6,691,000 the first year is to the
5.24 commissioner of natural resources for an
5.25 agreement with Pheasants Forever to acquire
5.26 prairie and other habitat areas for wildlife
5.27 management area purposes under Minnesota
5.28 Statutes, section 86A.05, subdivision 8. Of
5.29 this amount, \$1,191,000 is for transfer to the
5.30 outdoor heritage land management account
5.31 in the special revenue fund for the purposes
5.32 specified in Minnesota Statutes, section
5.33 97A.056, subdivision 1a. A list of proposed
5.34 land acquisitions must be provided as part of
5.35 the required accomplishment plan.

(h) Accelerating the Waterfowl Production

Area Program - Phase III

\$9,815,000 the first year is to the
commissioner of natural resources for
an agreement with Pheasants Forever to
accelerate the acquisition of wetlands and
grasslands to be added to the waterfowl
production area system in Minnesota in
cooperation with the United States Fish and
Wildlife Service. A list of proposed land
acquisitions must be provided as part of the
required accomplishment plan.

(i) The Green Corridor Legacy Program -
Phase III

\$2,130,000 the first year is to the
commissioner of natural resources for
an agreement with the Redwood Area
Development Corporation to acquire land
for wildlife management area purposes
under Minnesota Statutes, section 86A.05,
subdivision 8, or aquatic management
areas under Minnesota Statutes, sections
86A.05, subdivision 14, and 97C.02. Of
this amount, \$359,000 is for transfer to the
outdoor heritage land management account
in the special revenue fund for the purposes
specified in Minnesota Statutes, section
97A.056, subdivision 1a. A list of proposed
land acquisitions must be provided as part of
the required accomplishment plan.

Subd. 3. Forests

16,039,000

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(a) Minnesota Forests for the Future -
Phase III

\$5,409,000 the first year is to the
commissioner of natural resources to

7.1 acquire forest and wetland habitat through
7.2 working forest easements and fee acquisition
7.3 under the Minnesota forests for the future
7.4 program pursuant to Minnesota Statutes,
7.5 section 84.66. A conservation easement
7.6 acquired with money appropriated under this
7.7 paragraph must comply with subdivision
7.8 13. A list of proposed land acquisitions
7.9 must be provided as part of the required
7.10 accomplishment plan. The accomplishment
7.11 plan must include an easement monitoring
7.12 and enforcement plan. Money appropriated
7.13 from the outdoor heritage fund for easement
7.14 acquisition may be used to establish a
7.15 monitoring and enforcement fund as
7.16 approved in the accomplishment plan
7.17 and subject to subdivision 15. An annual
7.18 financial report is required for any monitoring
7.19 and enforcement fund established, including
7.20 expenditures from the fund.

7.21 **(b) LaSalle Lake: Protecting Critical**
7.22 **Mississippi Headwaters Habitat**
7.23 \$5,709,000 the first year is to the
7.24 commissioner of natural resources for an
7.25 agreement with The Trust for Public Land
7.26 to acquire land adjacent to LaSalle Lake in
7.27 Hubbard County. Of this amount, \$1,077,000
7.28 is for transfer to the outdoor heritage land
7.29 management account in the special revenue
7.30 fund for the purposes specified in Minnesota
7.31 Statutes, section 97A.056, subdivision
7.32 1a. A list of proposed land acquisitions
7.33 must be provided as part of the required
7.34 accomplishment plan. If the acquisition
7.35 is not completed by July 15, 2012, or if a
7.36 balance remains after acquisition of land, the

8.1 money under this paragraph is available for
8.2 acquisition under subdivision 2, paragraph
8.3 (a).

8.4 **(c) Accelerated Forest Habitat**

8.5 **Enhancement - Phase II**

8.6 \$826,000 the first year is to the commissioner
8.7 of natural resources to restore and enhance
8.8 lands in state forests, pursuant to Minnesota
8.9 Statutes, 89.021.

8.10 **(d) Northeastern Minnesota Sharp-Tailed**

8.11 **Grouse Habitat Partnership - Phase II**

8.12 \$1,199,000 the first year is to the
8.13 commissioner of natural resources for
8.14 an agreement with Pheasants Forever in
8.15 cooperation with the Minnesota Sharp-Tailed
8.16 Grouse Society to acquire and enhance
8.17 lands for wildlife management area purposes
8.18 under Minnesota Statutes, section 86A.05,
8.19 subdivision 8. Of this amount, \$211,000
8.20 is for transfer to the outdoor heritage land
8.21 management account in the special revenue
8.22 fund for the purposes specified in Minnesota
8.23 Statutes, section 97A.056, subdivision
8.24 1a. A list of proposed land acquisitions
8.25 must be provided as part of the required
8.26 accomplishment plan.

8.27 **(e) Lower Mississippi River Habitat**

8.28 **Partnership - Phase II**

8.29 \$863,000 the first year is to the commissioner
8.30 of natural resources to acquire and enhance
8.31 habitat in the lower Root River and
8.32 lower Zumbro River watersheds, pursuant
8.33 to Minnesota Statutes, section 86A.05,
8.34 subdivisions 7 and 8. Of this amount,
8.35 \$156,000 is for transfer to the outdoor

9.1 heritage land management account in the
9.2 special revenue fund for the purposes
9.3 specified in Minnesota Statutes, section
9.4 97A.056, subdivision 1a. A list of proposed
9.5 land acquisitions must be provided as part of
9.6 the required accomplishment plan.

9.7 **(f) Protect Key Forest Habitat Lands in**
9.8 **Cass County - Phase II**

9.9 \$604,000 the first year is to the commissioner
9.10 of natural resources for an agreement with
9.11 Cass County to acquire land in fee for forest
9.12 wildlife habitat. A list of proposed land
9.13 acquisitions must be provided as part of the
9.14 required accomplishment plan.

9.15 **(g) State Forest Acquisition**

9.16 \$1,429,000 the first year is to the
9.17 commissioner of natural resources to acquire
9.18 land in fee and permanent management
9.19 access easements for state forests under
9.20 Minnesota Statutes, section 86A.05,
9.21 subdivision 7. Of this amount, \$224,000
9.22 is for transfer to the outdoor heritage land
9.23 management account in the special revenue
9.24 fund for the purposes specified in Minnesota
9.25 Statutes, section 97A.056, subdivision
9.26 1a. A list of proposed land acquisitions
9.27 must be provided as part of the required
9.28 accomplishment plan.

9.29 Subd. 4. **Wetlands** 15,934,000

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9.30 **(a) Reinvest in Minnesota Wetlands**
9.31 **Reserve Acquisition and Restoration**
9.32 **Program Partnership - Phase III**

9.33 \$13,000,000 the first year is to the Board
9.34 of Water and Soil Resources to acquire

10.1 permanent conservation easements and
10.2 restore wetlands and associated upland
10.3 habitat in cooperation with the United States
10.4 Department of Agriculture Wetlands Reserve
10.5 Program. A list of proposed land acquisitions
10.6 must be provided as part of the required
10.7 accomplishment plan. The accomplishment
10.8 plan must include an easement monitoring
10.9 and enforcement plan. Money appropriated
10.10 from the outdoor heritage fund for easement
10.11 acquisition may be used to establish a
10.12 monitoring and enforcement fund as
10.13 approved in the accomplishment plan
10.14 and subject to subdivision 15. An annual
10.15 financial report is required for any monitoring
10.16 and enforcement fund established, including
10.17 expenditures from the fund and a description
10.18 of monitoring and enforcement activities.

10.19 **(b) Accelerated Shallow Lakes and**
10.20 **Wetlands Restoration and Enhancement -**
10.21 **Phase III**
10.22 \$936,000 the first year is to the commissioner
10.23 of natural resources to develop engineering
10.24 designs for shallow lakes and wetlands and
10.25 restore and enhance shallow lakes.

10.26 **(c) Shallow Lake Shoreland Protection:**
10.27 **Wild Rice Lakes**
10.28 \$1,998,000 the first year is to the
10.29 commissioner of natural resources for an
10.30 agreement with Ducks Unlimited and the
10.31 Board of Water and Soil Resources to acquire
10.32 wild rice lake shoreland habitat in fee and
10.33 as permanent conservation easements as
10.34 follows: \$500,000 to the Department of
10.35 Natural Resources; \$1,100,000 to the Board

11.1 of Water and Soil Resources; \$291,000 to
11.2 Ducks Unlimited; and \$107,000 for transfer
11.3 to the outdoor heritage land management
11.4 account in the special revenue fund for the
11.5 purposes specified in Minnesota Statutes,
11.6 section 97A.056, subdivision 1a. A list of
11.7 proposed land acquisitions must be provided
11.8 as part of the required accomplishment plan.
11.9 The accomplishment plan must include
11.10 an easement monitoring and enforcement
11.11 plan. Money appropriated from the outdoor
11.12 heritage fund for easement acquisition
11.13 may be used to establish a monitoring
11.14 and enforcement fund as approved in
11.15 the accomplishment plan and subject to
11.16 subdivision 15. An annual financial report is
11.17 required for any monitoring and enforcement
11.18 fund established, including expenditures
11.19 from the fund.

11.20 Subd. 5. **Habitat** 24,086,000 -0-

11.21 **(a) Accelerated Aquatic Management**
11.22 **Area Habitat Program - Phase III**
11.23 \$7,061,000 the first year is to the
11.24 commissioner of natural resources to
11.25 acquire interests in land in fee or permanent
11.26 conservation easements for aquatic
11.27 management areas under Minnesota Statutes,
11.28 sections 86A.05, subdivision 14, and 97C.02,
11.29 to restore and enhance aquatic habitat.
11.30 Of this amount, \$561,000 is for transfer
11.31 to the outdoor heritage land management
11.32 account in the special revenue fund for the
11.33 purposes specified in Minnesota Statutes,
11.34 section 97A.056, subdivision 1a. A list
11.35 of proposed acquisitions and stream and

12.1 lake habitat restorations and enhancements
12.2 must be provided as part of the required
12.3 accomplishment plan. The accomplishment
12.4 plan must include an easement monitoring
12.5 and enforcement plan. Money appropriated
12.6 from the outdoor heritage fund for easement
12.7 acquisition may be used to establish a
12.8 monitoring and enforcement fund as
12.9 approved in the accomplishment plan
12.10 and subject to subdivision 15. An annual
12.11 financial report is required for any monitoring
12.12 and enforcement fund established, including
12.13 expenditures from the fund.

12.14 **(b) Coldwater Fish Habitat Enhancement**
12.15 **Program - Phase III**

12.16 \$1,533,000 the first year is to the
12.17 commissioner of natural resources for an
12.18 agreement with Minnesota Trout Unlimited
12.19 to restore, enhance, and protect cold water
12.20 river and stream habitats in Minnesota. A list
12.21 of proposed projects, describing types and
12.22 locations of restorations and enhancements,
12.23 must be provided as part of the required
12.24 accomplishment plan.

12.25 **(c) Land Addition to the Janet Johnson**
12.26 **Memorial Wildlife Management Area**
12.27 \$707,000 the first year is to the commissioner
12.28 of natural resources for an agreement with
12.29 Chisago County to acquire land in fee to
12.30 be added to the Janet Johnson Memorial
12.31 Wildlife Management Area under Minnesota
12.32 Statutes, section 86A.05, subdivision 8. Of
12.33 this amount, \$130,000 is for transfer to the
12.34 outdoor heritage land management account
12.35 in the special revenue fund for the purposes

13.1 specified in Minnesota Statutes, section
13.2 97A.056, subdivision 1a. A list of proposed
13.3 land acquisitions must be provided as part of
13.4 the required accomplishment plan.

13.5 **(d) Metro Big Rivers Habitat - Phase II**

13.6 \$5,481,000 the first year is to the
13.7 commissioner of natural resources for
13.8 agreements to acquire interests in land in
13.9 fee or permanent conservation easements
13.10 and to restore and enhance natural systems
13.11 associated with the Mississippi, Minnesota,
13.12 and St. Croix Rivers as follows: \$960,000
13.13 to the Minnesota Valley National Wildlife
13.14 Refuge Trust, Inc.; \$150,000 to Great River
13.15 Greening; \$840,000 to Minnesota Land
13.16 Trust; \$150,000 to Friends of the Mississippi
13.17 River; \$2,900,000 to The Trust for Public
13.18 Land; and \$481,000 for transfer to the
13.19 outdoor heritage land management account
13.20 in the special revenue fund for the purposes
13.21 specified in Minnesota Statutes, section
13.22 97A.056, subdivision 1a. A list of proposed
13.23 projects, describing types and locations of
13.24 acquisitions, restorations, and enhancements,
13.25 must be provided as part of the required
13.26 accomplishment plan. The accomplishment
13.27 plan must include an easement monitoring
13.28 and enforcement plan. Money appropriated
13.29 from the outdoor heritage fund for easement
13.30 acquisition may be used to establish a
13.31 monitoring and enforcement fund as
13.32 approved in the accomplishment plan
13.33 and subject to subdivision 15. An annual
13.34 financial report is required for any monitoring
13.35 and enforcement fund established, including
13.36 expenditures from the fund.

14.1 **(e) Protecting Sensitive Shorelands in**
14.2 **North Central Minnesota**
14.3 \$1,098,000 the first year is to the
14.4 commissioner of natural resources for
14.5 agreements with the Leech Lake Watershed
14.6 Foundation and the Minnesota Land Trust
14.7 as follows: \$339,000 to the Leech Lake
14.8 Watershed Foundation; \$741,000 to the
14.9 Minnesota Land Trust; and \$18,000 to the
14.10 Department of Natural Resources to pay for
14.11 acquisition-related expenses and monitoring
14.12 costs of donated permanent conservation
14.13 easements on sensitive shorelands in north
14.14 central Minnesota. A list of proposed land
14.15 acquisitions must be provided as part of
14.16 the required accomplishment plan. The
14.17 accomplishment plan must include an
14.18 easement monitoring and enforcement
14.19 plan. Money appropriated from the outdoor
14.20 heritage fund for easement acquisition
14.21 may be used to establish a monitoring
14.22 and enforcement fund as approved in
14.23 the accomplishment plan and subject to
14.24 subdivision 15. An annual financial report is
14.25 required for any monitoring and enforcement
14.26 fund established, including expenditures
14.27 from the fund.
14.28 **(f) Restoring Native Habitat and Water**
14.29 **Quality to Shell Rock River - Phase II**
14.30 \$2,577,000 the first year is to the
14.31 commissioner of natural resources for
14.32 an agreement with the Shell Rock River
14.33 Watershed District to acquire land in fee
14.34 at the headwaters of the Shell Rock River
14.35 for aquatic management area purposes

15.1 under Minnesota Statutes, sections 86A.05,
15.2 subdivision 14, and 97C.02, to restore
15.3 and enhance aquatic habitat. The leases
15.4 for gravel mining existing at the time of
15.5 acquisition may not be extended and all gross
15.6 income generated from mining operations
15.7 must be transferred to the commissioner of
15.8 management and budget and credited to the
15.9 outdoor heritage fund. A list of proposed
15.10 land acquisitions must be provided as part of
15.11 the required accomplishment plan.

15.12 **(g) Outdoor Heritage Conservation**

15.13 **Partners Grant Program - Phase III**

15.14 \$5,629,000 the first year is to the
15.15 commissioner of natural resources for a
15.16 program to provide competitive, matching
15.17 grants of up to \$400,000 to local, regional,
15.18 state, and national organizations for
15.19 enhancement, restoration, or protection of
15.20 forests, wetlands, prairies, and habitat for
15.21 fish, game, or wildlife in Minnesota. Grants
15.22 shall not be made for activities required to
15.23 fulfill the duties of owners of lands subject
15.24 to conservation easements. Grants shall
15.25 not be made from appropriations in this
15.26 paragraph for projects that have a total
15.27 project cost exceeding \$475,000. \$319,000
15.28 of this appropriation may be spent for
15.29 personnel costs and other administrative
15.30 costs. Grantees may acquire land or interests
15.31 in land. Easements must be permanent.
15.32 Land acquired in fee must be open to
15.33 hunting and fishing during the open season
15.34 unless otherwise provided by state law. The
15.35 program shall require a match of at least ten
15.36 percent from nonstate sources for grants of

16.1 \$100,000 or less and a match of at least 15
16.2 percent from nonstate sources for grants over
16.3 \$100,000. Up to one-third of the match may
16.4 be in-kind resources. For grant applications
16.5 of \$25,000 or less, the commissioner shall
16.6 provide a separate, simplified application
16.7 process. The criteria for evaluating grant
16.8 applications over \$25,000 must include the
16.9 amount of habitat restored, enhanced, or
16.10 protected; local support; encouragement
16.11 of a local conservation culture; urgency;
16.12 capacity to achieve multiple benefits;
16.13 habitat benefits provided; consistency with
16.14 current conservation science; adjacency
16.15 to protected lands; full funding of the
16.16 project; supplementing existing funding;
16.17 public access for hunting and fishing during
16.18 the open season; sustainability; degree
16.19 of collaboration; and use of native plant
16.20 materials. All projects must conform to
16.21 the Minnesota statewide conservation and
16.22 preservation plan. Wildlife habitat projects
16.23 must also conform to the Minnesota wildlife
16.24 action plan. Subject to the evaluation
16.25 criteria and requirements of this paragraph
16.26 and Minnesota Statutes, the commissioner
16.27 of natural resources shall give priority to
16.28 organizations that have a history of receiving
16.29 or charter to receive private contributions
16.30 for local conservation or habitat projects
16.31 when evaluating projects of equal value. If
16.32 acquiring land or a conservation easement,
16.33 priority shall be given to projects associated
16.34 with existing wildlife management areas
16.35 under Minnesota Statutes, section 86A.05,
16.36 subdivision 8; scientific and natural areas

17.1 under Minnesota Statutes, sections 84.033
17.2 and 86A.05, subdivision 5; and aquatic
17.3 management areas under Minnesota Statutes,
17.4 sections 86A.05, subdivision 14, and 97C.02.
17.5 All restoration or enhancement projects
17.6 must be on land permanently protected by a
17.7 conservation easement or public ownership
17.8 or in public waters as defined in Minnesota
17.9 Statutes, section 103G.005, subdivision
17.10 15. Priority shall be given to restoration
17.11 and enhancement projects on public lands.
17.12 Subdivision 9 applies to grants awarded
17.13 under this paragraph. This appropriation is
17.14 available until June 30, 2015. No less than
17.15 five percent of the amount of each grant
17.16 must be held back from reimbursement until
17.17 the grant recipient has completed a grant
17.18 accomplishment report by the deadline and
17.19 in the form prescribed by and satisfactory to
17.20 the Lessard-Sams Outdoor Heritage Council.
17.21 The commissioner shall provide notice of the
17.22 grant program in the 2011 game and fish law
17.23 summaries that are prepared under Minnesota
17.24 Statutes, section 97A.051, subdivision 2.

17.25	<u>Subd. 6. Administration</u>	<u>740,000</u>	<u>471,000</u>
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17.26 **(a) Contract Management**
17.27 \$175,000 the first year is to the Legislative
17.28 Coordinating Commission to contract with
17.29 the commissioner of natural resources for
17.30 expenses incurred for contract fiscal services
17.31 for the agreements specified in this section.
17.32 The contract management services must be
17.33 done on a reimbursement basis.

17.34 **(b) Legislative Coordinating Commission**

18.1 (1) \$471,000 the first year and \$471,000
18.2 the second year are to the Legislative
18.3 Coordinating Commission for two years of
18.4 administrative expenses of the Lessard-Sams
18.5 Outdoor Heritage Council and for two years
18.6 of compensation and expense reimbursement
18.7 of council members.

18.8 (2) \$10,000 the first year is to the Legislative
18.9 Coordinating Commission for the Web site
18.10 required under Minnesota Statutes, section
18.11 3.303, subdivision 10.

18.12 **(c) Technical Assistance Panel**

18.13 \$84,000 the first year is to the commissioner
18.14 of natural resources for a technical assistance
18.15 panel to conduct up to ten restoration audits
18.16 under Minnesota Statutes, section 97A.056,
18.17 subdivision 10.

18.18 **Subd. 7. Availability of Appropriation**

18.19 Money appropriated in this section may
18.20 not be spent on activities unless they are
18.21 directly related to and necessary for a
18.22 specific appropriation and are specified
18.23 in the accomplishment plan. Money
18.24 appropriated in this section must not be
18.25 spent on indirect costs or other institutional
18.26 overhead charges that are not directly related
18.27 to and necessary for a specific appropriation.
18.28 Unless otherwise provided, the amounts
18.29 in this section are available until June 30,
18.30 2014, when projects must be completed and
18.31 final accomplishments reported. Funds for
18.32 restoration or enhancement are available
18.33 until June 30, 2016, or four years after
18.34 acquisition, whichever is later, in order to
18.35 complete restoration or enhancement work.

19.1 If a project receives federal funds, the time
19.2 period of the appropriation is extended to
19.3 equal the availability of federal funding.
19.4 Funds appropriated for fee title acquisition
19.5 of land may be used to restore, enhance, and
19.6 provide for the public use of land acquired
19.7 with the appropriation. Public use facilities
19.8 must have a minimal impact on habitat on
19.9 acquired lands.

19.10 Subd. 8. **Accomplishment Plans**

19.11 It is a condition of acceptance of the
19.12 appropriations made under this section that
19.13 the agency or entity using the appropriation
19.14 submit to the Lessard-Sams Outdoor
19.15 Heritage Council an accomplishment plan
19.16 and periodic accomplishment reports in
19.17 the form determined by the council. The
19.18 accomplishment plan must identify the
19.19 project manager responsible for expending
19.20 the appropriation and the final product. The
19.21 accomplishment plan must account for the
19.22 use of the appropriation and outcomes of
19.23 the expenditure in measures of wetlands,
19.24 prairies, forests, and fish, game, and wildlife
19.25 habitat restored, protected, and enhanced.
19.26 The plan must include an evaluation of
19.27 results. None of the money provided in this
19.28 section may be expended unless the council
19.29 has approved the pertinent accomplishment
19.30 plan.

19.31 Subd. 9. **Project Requirements**

19.32 (a) As a condition of accepting an
19.33 appropriation made under this section, an
19.34 agency or entity receiving an appropriation
19.35 must comply with this subdivision for any

20.1 project funded in whole or in part with funds
20.2 from the appropriation.

20.3 (b) All conservation easements acquired with
20.4 money appropriated under this section must:
20.5 (1) be permanent; (2) specify the parties to
20.6 the easement; (3) specify all of the provisions
20.7 of an agreement that are permanent; (4)
20.8 specify the habitat types and location
20.9 being protected; (5) where appropriate for
20.10 conservation or water protection outcomes,
20.11 require the grantor to employ practices
20.12 retaining water on the eased land as long as
20.13 practicable; (6) specify the responsibilities
20.14 of the parties for habitat enhancement and
20.15 restoration and the associated costs of these
20.16 activities; (7) be sent to the office of the
20.17 Lessard-Sams Outdoor Heritage Council; (8)
20.18 include a long-term stewardship plan and
20.19 identify the sources and amount of funding
20.20 for monitoring and enforcing the easement
20.21 agreement; and (9) identify the parties
20.22 responsible for monitoring and enforcing the
20.23 easement agreement.

20.24 (c) For all restorations, a recipient must
20.25 prepare and retain an ecological restoration
20.26 and management plan that, to the degree
20.27 practicable, is consistent with current
20.28 conservation science and ecological goals
20.29 for the restoration site. Consideration should
20.30 be given to soil, geology, topography, and
20.31 other relevant factors that would provide
20.32 the best chance for long-term success and
20.33 durability of the restoration projects. The
20.34 plan must include the proposed timetable for
20.35 implementing the restoration, including, but
20.36 not limited to, site preparation, establishment

21.1 of diverse plant species, maintenance, and
21.2 additional enhancement to establish the
21.3 restoration; identify long-term maintenance
21.4 and management needs of the restoration
21.5 and how the maintenance, management,
21.6 and enhancement will be financed; and use
21.7 current conservation science to achieve the
21.8 best restoration.

21.9 (d) For new lands acquired, a recipient
21.10 must prepare a restoration and management
21.11 plan in compliance with paragraph (c),
21.12 including identification of sufficient funding
21.13 for implementation.

21.14 (e) To ensure public accountability for the
21.15 use of public funds, a recipient must provide
21.16 to the Lessard-Sams Outdoor Heritage
21.17 Council documentation of the process
21.18 used to select parcels acquired in fee or as
21.19 permanent conservation easements and must
21.20 provide the council with documentation
21.21 of all related transaction costs, including,
21.22 but not limited to, appraisals, legal fees,
21.23 recording fees, commissions, other similar
21.24 costs, and donations. This information
21.25 must be provided for all parties involved
21.26 in the transaction. The recipient must
21.27 also report to the Lessard-Sams Outdoor
21.28 Heritage Council any difference between the
21.29 acquisition amount paid to the seller and the
21.30 state-certified or state-reviewed appraisal, if
21.31 a state-certified or state-reviewed appraisal
21.32 was conducted. Acquisition data such
21.33 as appraisals may remain private during
21.34 negotiations but must ultimately be made
21.35 public according to Minnesota Statutes,
21.36 chapter 13.

22.1 (f) Except as otherwise provided in this
22.2 section, all restoration and enhancement
22.3 projects funded with money appropriated
22.4 under this section must be on land
22.5 permanently protected by a conservation
22.6 easement or public ownership or in public
22.7 waters as defined in Minnesota Statutes,
22.8 section 103G.005, subdivision 15.

22.9 (g) To the extent an appropriation is used to
22.10 acquire an interest in real property, a recipient
22.11 of an appropriation under this section must
22.12 provide to the Lessard-Sams Outdoor
22.13 Heritage Council and the commissioner
22.14 of management and budget an analysis of
22.15 increased operations and maintenance costs
22.16 likely to be incurred by public entities as
22.17 a result of the acquisition and of how these
22.18 costs are to be paid.

22.19 (h) A recipient of money under this section
22.20 must erect signage according to Laws 2009,
22.21 chapter 172, article 5, section 10.

22.22 **Subd. 10. Payment Conditions and Capital**
22.23 **Equipment Expenditures**

22.24 All agreements, grants, or contracts referred
22.25 to in this section must be administered on
22.26 a reimbursement basis unless otherwise
22.27 provided in this section. Notwithstanding
22.28 Minnesota Statutes, section 16A.41,
22.29 expenditures directly related to each
22.30 appropriation's purpose made on or after July
22.31 1, 2011, are eligible for reimbursement unless
22.32 otherwise provided in this section. Periodic
22.33 reimbursement must be made upon receiving
22.34 documentation that the deliverable items
22.35 articulated in the approved accomplishment
22.36 plan have been achieved, including partial

23.1 achievements as evidenced by approved
23.2 progress reports. Reasonable amounts may
23.3 be advanced to projects to accommodate
23.4 cash flow needs, support future management
23.5 of acquired lands, or match a federal share.
23.6 The advances must be approved as part of
23.7 the accomplishment plan. Capital equipment
23.8 expenditures for specific items in excess of
23.9 \$10,000 must be itemized in and approved as
23.10 part of the accomplishment plan.

23.11 Subd. 11. **Purchase of Recycled and Recyclable**
23.12 **Materials**

23.13 A political subdivision, public or private
23.14 corporation, or other entity that receives an
23.15 appropriation under this section must use the
23.16 appropriation in compliance with Minnesota
23.17 Statutes, sections 16B.121, regarding
23.18 purchase of recycled, repairable, and durable
23.19 materials, and 16B.122, regarding purchase
23.20 and use of paper stock and printing.

23.21 Subd. 12. **Accessibility**

23.22 Structural and nonstructural facilities must
23.23 meet the design standards in the Americans
23.24 with Disabilities Act (ADA) accessibility
23.25 guidelines.

23.26 Subd. 13. **Land Acquisition Restrictions**

23.27 (a) An interest in real property, including, but
23.28 not limited to, an easement or fee title that
23.29 is acquired with money appropriated under
23.30 this section must be used in perpetuity or for
23.31 the specific term of an easement interest for
23.32 the purpose for which the appropriation was
23.33 made.

23.34 (b) A recipient of funding who acquires
23.35 an interest in real property subject to this

24.1 subdivision may not alter the intended use
24.2 of the interest in real property or convey
24.3 any interest in the real property acquired
24.4 with the appropriation without the prior
24.5 review and approval of the Lessard-Sams
24.6 Outdoor Heritage Council or its successor.
24.7 The council shall notify the chairs and
24.8 ranking minority members of the legislative
24.9 committees and divisions with jurisdiction
24.10 over the outdoor heritage fund at least 15
24.11 business days before approval under this
24.12 paragraph. The council shall establish
24.13 procedures to review requests from recipients
24.14 to alter the use of or convey an interest in
24.15 real property. These procedures shall allow
24.16 for the replacement of the interest in real
24.17 property with another interest in real property
24.18 meeting the following criteria: (1) the
24.19 interest must be at least equal in fair market
24.20 value, as certified by the commissioner
24.21 of natural resources, to the interest being
24.22 replaced; and (2) the interest must be in a
24.23 reasonably equivalent location and have a
24.24 reasonably equivalent useful conservation
24.25 purpose compared to the interest being
24.26 replaced, taking into consideration all effects
24.27 from fragmentation of the whole habitat.
24.28 (c) A recipient of funding who acquires an
24.29 interest in real property under paragraph
24.30 (a) must separately record a notice of
24.31 funding restrictions in the appropriate local
24.32 government office where the conveyance
24.33 of the interest in real property is filed. The
24.34 notice of funding agreement must contain:
24.35 (1) a legal description of the interest in real
24.36 property covered by the funding agreement;

25.1 (2) a reference to the underlying funding
25.2 agreement; (3) a reference to this section; and
25.3 (4) the following statement: "This interest
25.4 in real property shall be administered in
25.5 accordance with the terms, conditions, and
25.6 purposes of the grant agreement controlling
25.7 the acquisition of the property. The interest
25.8 in real property, or any portion of the interest
25.9 in real property, shall not be sold, transferred,
25.10 pledged, or otherwise disposed of or further
25.11 encumbered without obtaining the prior
25.12 written approval of the Lessard-Sams
25.13 Outdoor Heritage Council or its successor.
25.14 The ownership of the interest in real property
25.15 shall transfer to the state if: (1) the holder of
25.16 the interest in real property fails to comply
25.17 with the terms and conditions of the grant
25.18 agreement or accomplishment plan; or
25.19 (2) restrictions are placed on the land that
25.20 preclude its use for the intended purpose as
25.21 specified in the appropriation."

25.22 **Subd. 14. Real Property Interest Report**

25.23 By December 1 each year, a recipient of
25.24 money appropriated under this section that
25.25 is used for the acquisition of an interest in
25.26 real property, including, but not limited to,
25.27 an easement or fee title, must submit annual
25.28 reports on the status of the real property to
25.29 the Lessard-Sams Outdoor Heritage Council
25.30 or its successor in a form determined by the
25.31 council. The responsibility for reporting
25.32 under this section may be transferred by
25.33 the recipient of the appropriation to another
25.34 person or entity that holds the interest in the
25.35 real property. To complete the transfer of
25.36 reporting responsibility, the recipient of the

26.1 appropriation must: (1) inform the person to
26.2 whom the responsibility is transferred of that
26.3 person's reporting responsibility; (2) inform
26.4 the person to whom the responsibility is
26.5 transferred of the property restrictions under
26.6 subdivision 13; (3) provide written notice
26.7 to the council of the transfer of reporting
26.8 responsibility, including contact information
26.9 for the person to whom the responsibility is
26.10 transferred; and (4) provide the council or
26.11 its successor written documentation from the
26.12 person or entity holding the interest in real
26.13 property certifying the person's or entity's
26.14 acceptance of all reporting obligations
26.15 and responsibilities previously held by the
26.16 recipient of the appropriation. After the
26.17 transfer, the person or entity that holds the
26.18 interest in the real property is responsible for
26.19 reporting requirements under this section.

26.20 **Subd. 15. Easement Monitoring and**
26.21 **Enforcement Requirements**

26.22 Money appropriated under this section
26.23 for easement monitoring and enforcement
26.24 may be spent only on activities included in
26.25 an easement monitoring and enforcement
26.26 plan contained within the accomplishment
26.27 plan. Money received for monitoring
26.28 and enforcement, including earnings on
26.29 the money received, shall be kept in a
26.30 monitoring and enforcement fund held by
26.31 the organization and dedicated to monitoring
26.32 and enforcing conservation easements within
26.33 Minnesota. Within 120 days after the close
26.34 of the entity's fiscal year, an entity receiving
26.35 appropriations for easement monitoring
26.36 and enforcement must provide an annual

27.1 financial report to the Lessard-Sams Outdoor
27.2 Heritage Council on the easement monitoring
27.3 and enforcement fund as specified in the
27.4 accomplishment plan. Money appropriated
27.5 under this section for monitoring and
27.6 enforcement of easements and earnings on
27.7 the money appropriated shall revert to the
27.8 state if: (1) the easement transfers to the
27.9 state under subdivision 13; (2) the holder of
27.10 the easement fails to file an annual report
27.11 and then fails to cure that default within 30
27.12 days of notification of the default by the
27.13 state; or (3) the holder of the easement fails
27.14 to comply with the terms of the monitoring
27.15 and enforcement plan contained within the
27.16 accomplishment plan and fails to cure that
27.17 default within 90 days of notification of the
27.18 default by the state.

27.19 Subd. 16. **Successor Organizations**

27.20 The Lessard-Sams Outdoor Heritage Council
27.21 may approve the continuation of a project
27.22 with an organization that has adopted
27.23 a new name. Continuation of a project
27.24 with an organization that has undergone
27.25 a significant change in mission, structure,
27.26 or purpose requires: (1) notice to the
27.27 chairs of the legislative committees with
27.28 relevant jurisdiction; and (2) presentation
27.29 by the council of proposed legislation either
27.30 ratifying or rejecting continued involvement
27.31 with the new organization.

27.32 Subd. 17. **Appropriations Adjustment**

27.33 **(a) Mississippi River Bluffland Prairie**
27.34 **Protection Initiative**

28.1 Of the amount appropriated in Laws 2009,
28.2 chapter 172, article 1, section 2, subdivision
28.3 2, paragraph (f), \$65,000 is for deposit in
28.4 a monitoring and enforcement account as
28.5 authorized in subdivision 15.

28.6 **(b) Critical Shoreline Habitat Protection**
28.7 **Program**

28.8 Of the amount appropriated in Laws 2010,
28.9 chapter 361, article 1, section 2, subdivision
28.10 3, paragraph (a), \$187,000 is for deposit in
28.11 a monitoring and enforcement account as
28.12 authorized in subdivision 15.

28.13 **(c) Riparian and Lakeshore Protection in**
28.14 **Dakota County**

28.15 Of the amount appropriated in Laws 2010,
28.16 chapter 361, article 1, section 2, subdivision
28.17 5, paragraph (d), \$80,000 is for deposit in
28.18 a monitoring and enforcement account as
28.19 authorized in subdivision 15.

28.20 **(d) Valley Creek Protection Partnership**

28.21 Of the amount appropriated in Laws 2010,
28.22 chapter 361, article 1, section 2, subdivision
28.23 5, paragraph (e), \$12,000 is for deposit in
28.24 a monitoring and enforcement account as
28.25 authorized in subdivision 15.

28.26 **Sec. 3. [84.68] FORESTS FOR THE FUTURE CONSERVATION EASEMENT**
28.27 **ACCOUNT.**

28.28 Subdivision 1. **Account established; sources.** The forests for the future
28.29 conservation easement account is created in the natural resources fund in the state treasury.

28.30 The following revenue shall be deposited in the account:

28.31 (1) contributions to the account or specified for any purposes of the account;

28.32 (2) financial contributions required under section 84.66, subdivision 11, or other
28.33 applicable law; and

28.34 (3) money appropriated or transferred for the purposes described in subdivision 2.

29.1 Interest earned on money in the account accrues to the account.

29.2 Subd. 2. **Appropriation; purposes of account.** Money in the forests for the future
29.3 conservation easement account is appropriated annually to the commissioner of natural
29.4 resources and may be spent only to cover the costs of managing forests for the future
29.5 conservation easements held by the Department of Natural Resources, including costs
29.6 incurred from monitoring, landowner contracts, record keeping, processing landowner
29.7 notices, requests for approval or amendments, and enforcement.

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

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

29.11 Subd. 1a. **Outdoor heritage land management account.** An outdoor heritage
29.12 land management account is created as an account in the special revenue fund. The
29.13 State Board of Investment shall ensure the account is invested under section 11A.24.
29.14 The commissioner of management and budget shall credit to the account all money
29.15 appropriated to the account and all money earned by the account. The principal of the
29.16 account and any unexpended earnings must be invested and reinvested by the State Board
29.17 of Investment. Nothing in this section limits the source of contributions to the account.
29.18 No more than five and one-half percent of the market value of the account as of June
29.19 30 of the prior fiscal year is appropriated to the commissioner of natural resources to
29.20 pay for future restoration and enhancement of lands purchased in fee with monies from
29.21 the outdoor heritage fund and held by the state and to reimburse the general fund for
29.22 payments made under sections 97A.061, subdivision 1, and 477A.12 for lands purchased
29.23 with funds from the outdoor heritage fund.

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

29.26 Subd. 1b. **Definitions.** For the purpose of appropriations from the outdoor heritage
29.27 fund, "recipient" means the entity responsible for deliverables financed by the outdoor
29.28 heritage fund.

29.29 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2009.

29.30 Sec. 6. Minnesota Statutes 2010, section 97A.056, subdivision 2, is amended to read:

29.31 Subd. 2. **Lessard-Sams Outdoor Heritage Council.** (a) The Lessard-Sams
29.32 Outdoor Heritage Council of 12 members is created in the legislative branch, consisting of:

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

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

(3) four public members appointed by the governor;

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

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

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

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

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

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

(e) Public members serve four-year terms and. Appointed legislative members serve at the pleasure of the appointing authority. Public and legislative members continue to serve until their successors are appointed. Public members shall be initially appointed according to the following schedule of terms:

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

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

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

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

31.1 (5) one public member appointed by the senate Subcommittee on Committees of the
31.2 Committee on Rules and Administration for a term ending the first Monday in January
31.3 2013; and

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

31.6 ~~(7) two members of the senate appointed by the senate Subcommittee on Committees~~
31.7 ~~of the Committee on Rules and Administration for a term ending the first Monday in~~
31.8 ~~January 2013, and two members of the house of representatives appointed by the speaker~~
31.9 ~~of the house for a term ending the first Monday in January 2013.~~

31.10 (f) Compensation and removal of public members are as provided in section
31.11 15.0575. A vacancy on the council may be filled by the appointing authority for the
31.12 remainder of the unexpired term.

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

31.17 (h) Upon coordination with and approval by the Legislative Coordinating
31.18 Commission, the council may appoint nonpartisan staff and contract with consultants
31.19 as necessary to carry out the functions of the council. Up to one percent of the money
31.20 appropriated from the fund may be used to pay for administrative expenses of the council
31.21 and for compensation and expense reimbursement of council members.

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

31.24 Subd. 11. **Commissioner approval; acquisitions.** The commissioner must agree
31.25 in writing to each proposed acquisition of land or interest in land purchased with an
31.26 appropriation from the outdoor heritage fund that is intended to be transferred to the
31.27 commissioner. Prior to signing the written agreement, the commissioner must determine
31.28 that the acquisition meets the Department of Natural Resources' precision acquisition
31.29 goals.

31.30 Sec. 8. Laws 2009, chapter 172, article 1, section 2, subdivision 3, is amended to read:

31.31	Subd. 3. Forests	18,000,000	18,000,000
31.32	\$18,000,000 in fiscal year 2010 and		
31.33	\$18,000,000 in fiscal year 2011 are to the		
31.34	commissioner of natural resources to acquire		

32.1 land or permanent working forest easements
32.2 on private forests in areas identified through
32.3 the Minnesota forests for the future program
32.4 under Minnesota Statutes, section 84.66.

32.5 Up to \$750,000 in fiscal year 2011 may
32.6 be transferred to the forests for the future
32.7 conservation easement account and used
32.8 for the purposes specified under Minnesota
32.9 Statutes, section 84.68, subdivision 2.

32.10 Priority must be given to acquiring land
32.11 or interests in private lands within existing
32.12 Minnesota state forest boundaries. Any
32.13 easements acquired must have a forest
32.14 management plan as defined in Minnesota
32.15 Statutes, section 290C.02, subdivision 7.

32.16 A list of proposed fee title and easement
32.17 acquisitions must be provided as part of the
32.18 required accomplishment plan. ~~The fiscal~~
32.19 ~~year 2011 appropriation is available only for~~
32.20 ~~acquisitions that, by August 15, 2009, are:~~

32.21 ~~(1) subject to a binding agreement with the~~
32.22 ~~commissioner; and~~

32.23 ~~(2) matched by at least \$9,000,000 in private~~
32.24 ~~donations.~~

32.25 Sec. 9. **REPEALER.**

32.26 Minnesota Statutes 2010, section 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8, are
32.27 repealed.

32.28 **ARTICLE 2**

32.29 **CLEAN WATER FUND**

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

32.31 The sums shown in the columns marked "Appropriations" are appropriated to the
32.32 agencies and for the purposes specified in this article. The appropriations are from the
32.33 clean water fund, and are available for the fiscal years indicated for allowable activities

33.1 under the Minnesota Constitution, article XI, section 15. "The first year" is fiscal year
33.2 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and
33.3 2013. The appropriations in this article are onetime.

33.4	<u>APPROPRIATIONS</u>	
33.5	<u>Available for the Year</u>	
33.6	<u>Ending June 30</u>	
33.7	<u>2012</u>	<u>2013</u>

33.8 Sec. 2. **CLEAN WATER**

33.9	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>89,903,000</u>	<u>\$</u>	<u>88,454,000</u>
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33.10 The amounts that may be spent for each
33.11 purpose are specified in the following
33.12 sections.

33.13 Subd. 2. **Availability of Appropriation**

33.14 Money appropriated in this article may
33.15 not be spent on activities unless they are
33.16 directly related to and necessary for a specific
33.17 appropriation. Money appropriated in this
33.18 article must not be spent on indirect costs
33.19 or other institutional overhead charges that
33.20 are not directly related to and necessary for
33.21 a specific appropriation. Notwithstanding
33.22 Minnesota Statutes, section 16A.28, and
33.23 unless otherwise specified in this article,
33.24 fiscal year 2012 appropriations are available
33.25 until June 30, 2013, and fiscal year 2013
33.26 appropriations are available until June 30,
33.27 2014. If a project receives federal funds, the
33.28 time period of the appropriation is extended
33.29 to equal the availability of federal funding.

33.30	Sec. 3. <u>DEPARTMENT OF AGRICULTURE</u>	<u>\$</u>	<u>8,200,000</u>	<u>\$</u>	<u>8,200,000</u>
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33.31 (a) \$350,000 the first year and \$350,000 the
33.32 second year are to increase monitoring for
33.33 pesticides and pesticide degradates in surface

34.1 water and groundwater and to use data
34.2 collected to assess pesticide use practices.

34.3 (b) \$850,000 the first year and \$850,000
34.4 the second year are to increase monitoring
34.5 and evaluate trends in the concentration of
34.6 nitrates in groundwater in high-risk areas
34.7 and regionally and to promote and evaluate
34.8 regional and crop-specific nutrient best
34.9 management practices. This appropriation is
34.10 available until spent.

34.11 (c) \$5,000,000 the first year and \$5,000,000
34.12 the second year are for the agriculture best
34.13 management practices loan program. At
34.14 least \$4,000,000 the first year and at least
34.15 \$4,400,000 the second year are for transfer to
34.16 the clean water agricultural best management
34.17 practices loan account and are available
34.18 for pass-through to local governments
34.19 and lenders for low-interest loans. Any
34.20 unencumbered balance that is not used for
34.21 pass-through to local governments does not
34.22 cancel at the end of the first year and is
34.23 available for the second year.

34.24 (d) \$700,000 the first year and \$700,000
34.25 the second year are for research, pilot
34.26 projects, and technical assistance on proper
34.27 implementation of best management
34.28 practices and more precise information on
34.29 nonpoint contributions to impaired waters.
34.30 This appropriation is available until spent.

34.31 (e) \$1,050,000 the first year and \$1,050,000
34.32 the second year are for research to quantify
34.33 agricultural contributions to impaired waters
34.34 and for development and evaluation of
34.35 best management practices to protect and

35.1	<u>restore water resources while maintaining</u>			
35.2	<u>productivity. This appropriation is available</u>			
35.3	<u>until spent.</u>			
35.4	<u>(f) \$250,000 the first year and \$250,000 the</u>			
35.5	<u>second year are for a research inventory</u>			
35.6	<u>database containing water-related research</u>			
35.7	<u>activities that have been publicly funded.</u>			
35.8	Sec. 4. <u>PUBLIC FACILITIES AUTHORITY</u>	\$	<u>16,710,000</u>	\$ <u>16,710,000</u>
35.9	<u>(a) \$11,185,000 the first year and \$11,185,000</u>			
35.10	<u>the second year are for the total maximum</u>			
35.11	<u>daily load (TMDL) grant program under</u>			
35.12	<u>Minnesota Statutes, section 446A.073. This</u>			
35.13	<u>appropriation is available until spent.</u>			
35.14	<u>(b) \$4,275,000 the first year and \$4,275,000</u>			
35.15	<u>the second year are for the clean water legacy</u>			
35.16	<u>phosphorus reduction grant program under</u>			
35.17	<u>Minnesota Statutes, section 446A.074. This</u>			
35.18	<u>appropriation is available until spent.</u>			
35.19	<u>(c) \$1,250,000 the first year and \$1,250,000</u>			
35.20	<u>the second year are for small community</u>			
35.21	<u>wastewater treatment grants and loans under</u>			
35.22	<u>Minnesota Statutes, section 446A.075. This</u>			
35.23	<u>appropriation is available until spent.</u>			
35.24	<u>(d) If there are any uncommitted funds at the</u>			
35.25	<u>end of each fiscal year under paragraph (a),</u>			
35.26	<u>(b), or (c), the Public Facilities Authority</u>			
35.27	<u>may transfer the remaining funds to eligible</u>			
35.28	<u>projects under any of the programs listed</u>			
35.29	<u>under this section, based on their priority</u>			
35.30	<u>rank on the Pollution Control Agency's</u>			
35.31	<u>project priority list.</u>			
35.32	Sec. 5. <u>POLLUTION CONTROL AGENCY</u>	\$	<u>23,100,000</u>	\$ <u>22,600,000</u>

36.1 (a) \$7,500,000 the first year and \$7,500,000
36.2 the second year are for completion of 20
36.3 percent of the needed statewide assessments
36.4 of surface water quality and trends. Of
36.5 this amount, \$100,000 the first year and
36.6 \$100,000 the second year are for grants
36.7 to the Red River Watershed Management
36.8 Board to enhance and expand the existing
36.9 water quality and watershed monitoring river
36.10 watch activities in the schools in the Red
36.11 River of the North. The Red River Watershed
36.12 Management Board shall provide a report to
36.13 the commissioner of the Pollution Control
36.14 Agency and the legislative committees and
36.15 divisions with jurisdiction over environment
36.16 and natural resources finance and policy and
36.17 the clean water fund by February 15, 2013,
36.18 on the expenditure of these funds.

36.19 (b) \$9,400,000 the first year and \$9,400,000
36.20 the second year are to develop total maximum
36.21 daily load (TMDL) studies and TMDL
36.22 implementation plans for waters listed on
36.23 the United States Environmental Protection
36.24 Agency approved impaired waters list in
36.25 accordance with Minnesota Statutes, chapter
36.26 114D. The agency shall complete an average
36.27 of ten percent of the TMDL's each year over
36.28 the biennium.

36.29 (c) \$1,125,000 the first year and \$1,125,000
36.30 the second year are for groundwater
36.31 assessment, including enhancing the
36.32 ambient monitoring network, modeling,
36.33 and continuing to monitor for and assess
36.34 contaminants of emerging concern.

37.1 (d) \$750,000 the first year and \$750,000
37.2 the second year are for water quality
37.3 improvement in the lower St. Louis River
37.4 and Duluth harbor. This appropriation must
37.5 be matched by a rate of 65 percent nonstate
37.6 funds to 35 percent state funds.

37.7 (e) \$1,250,000 the first year and \$1,250,000
37.8 the second year are for the clean water
37.9 partnership program to provide grants
37.10 to protect and improve the basins and
37.11 watersheds of the state and provide financial
37.12 and technical assistance to study waters
37.13 with nonpoint source pollution problems.

37.14 Priority shall be given to projects preventing
37.15 impairments and degradation of lakes, rivers,
37.16 streams, and groundwater in accordance
37.17 with Minnesota Statutes, section 114D.20,
37.18 subdivision 2, clause (4). Any balance
37.19 remaining in the first year does not cancel
37.20 and is available for the second year.

37.21 (f) \$400,000 the first year and \$400,000 the
37.22 second year are for storm water research and
37.23 guidance.

37.24 (g) \$1,150,000 the first year and \$1,150,000
37.25 the second year are for TMDL research and
37.26 database development.

37.27 (h) \$800,000 the first year and \$800,000
37.28 the second year are for national pollutant
37.29 discharge elimination system wastewater and
37.30 storm water TMDL implementation efforts.

37.31 (i) \$225,000 the first year and \$225,000
37.32 the second year are transferred to the
37.33 commissioner of administration for the
37.34 Environmental Quality Board in cooperation
37.35 with the United States Geological Survey

38.1 to characterize groundwater flow and
38.2 aquifer properties in the I-94 corridor in
38.3 cooperation with local units of government.
38.4 This appropriation is available until June 30,
38.5 2014.

38.6 (j) \$500,000 the first year is for a wild rice
38.7 standards study.

38.8 Notwithstanding Minnesota Statutes, section
38.9 16A.28, the appropriations encumbered on or
38.10 before June 30, 2013, as grants or contracts in
38.11 this section are available until June 30, 2016.

38.12 Sec. 6. DEPARTMENT OF NATURAL
38.13 RESOURCES \$ 11,160,000 \$ 10,160,000

38.14 (a) \$1,825,000 the first year and \$1,825,000
38.15 the second year are for the continuation and
38.16 expansion of stream flow monitoring.

38.17 (b) \$1,150,000 the first year and \$1,150,000
38.18 the second year are for lake Index of
38.19 Biological Integrity (IBI) assessments,
38.20 including assessment of 400 additional lakes
38.21 and technical analysis to develop an aquatic
38.22 plant IBI analysis. The commissioner shall
38.23 work with the commissioner of the Pollution
38.24 Control Agency on the development of an
38.25 assessment tool.

38.26 (c) \$130,000 the first year and \$130,000
38.27 the second year are for assessing mercury
38.28 contamination of fish, including monitoring
38.29 to track the status of waters impaired by
38.30 mercury and mercury reduction efforts over
38.31 time.

38.32 (d) \$1,730,000 the first year and \$1,730,000
38.33 the second year are for TMDL development
38.34 and TMDL implementation plans for waters

39.1 listed on the United States Environmental
39.2 Protection Agency approved impaired waters
39.3 list in accordance with Minnesota Statutes,
39.4 chapter 114D, and for development of a
39.5 watershed assessment tool.

39.6 (e) \$1,500,000 the first year and \$1,500,000
39.7 the second year are for water supply
39.8 planning, aquifer protection, and monitoring
39.9 activities.

39.10 (f) \$450,000 the first year and \$450,000 the
39.11 second year are for establishing a Web-based
39.12 electronic permitting system to capture water
39.13 appropriation use information.

39.14 (g) \$1,725,000 the first year and \$1,725,000
39.15 the second year are for shoreland
39.16 stewardship, TMDL implementation
39.17 coordination, providing technical assistance
39.18 to the Drainage Work Group and Drainage
39.19 Management Team, and maintaining and
39.20 updating data. Of this amount, \$235,000
39.21 each year is for maintaining and updating
39.22 watershed boundaries and integrating
39.23 high-resolution digital elevation data with
39.24 watershed modeling and \$40,000 each year
39.25 is for a biomonitoring database. TMDL
39.26 implementation coordination efforts shall be
39.27 focused on major watersheds with TMDL
39.28 implementation plans, including forested
39.29 watersheds.

39.30 (h) \$1,350,000 the first year and \$1,350,000
39.31 the second year are to acquire and distribute
39.32 high-resolution digital elevation data using
39.33 light detection and ranging to aid with
39.34 impaired waters modeling and TMDL
39.35 implementation under Minnesota Statutes,

40.1 chapter 114D. The money shall be used to
40.2 collect data for areas of the state that have not
40.3 acquired such data prior to January 1, 2007,
40.4 or to complete acquisition and distribution
40.5 of the data for those areas of the state that
40.6 have not previously received state funds for
40.7 acquiring and distributing the data. Mapping
40.8 and data set distribution under this paragraph
40.9 must be completed within three years of
40.10 funds availability. The commissioner shall
40.11 utilize department staff whenever possible.
40.12 The commissioner may contract for services
40.13 only if the services cannot otherwise be
40.14 provided by the department.
40.15 (i) \$300,000 the first year and \$300,000
40.16 the second year are for delivery of decision
40.17 support tools through outreach, education,
40.18 and citizen engagement.
40.19 (j) \$1,000,000 the first year is for
40.20 implementation of the metropolitan
40.21 groundwater monitoring and protection
40.22 activities under Minnesota Laws 2010,
40.23 chapter 361, article 2, section 4, subdivision
40.24 2.

40.25	<u>Sec. 7. BOARD OF WATER AND SOIL</u>		
40.26	<u>RESOURCES</u>	<u>\$ 27,234,000</u>	<u>\$ 27,234,000</u>

40.27 (a) \$13,750,000 the first year and
40.28 \$13,750,000 the second year are for
40.29 pollution reduction and restoration grants
40.30 to local government units and joint powers
40.31 organizations of local government units to
40.32 protect surface water and drinking water; to
40.33 keep water on the land; to protect, enhance,
40.34 and restore water quality in lakes, rivers,
40.35 and streams; and to protect groundwater

41.1 and drinking water, including feedlot water
41.2 quality and subsurface sewage treatment
41.3 system (SSTS) projects and stream bank,
41.4 stream channel, and shoreline restoration
41.5 projects. The projects must be of long-lasting
41.6 public benefit, include a match, and be
41.7 consistent with TMDL implementation plans
41.8 or local water management plans.

41.9 (b) \$3,000,000 the first year and \$3,000,000
41.10 the second year are for targeted local
41.11 resource protection and enhancement grants.
41.12 The board shall give priority consideration
41.13 to projects and practices that complement,
41.14 supplement, or exceed current state standards
41.15 for protection, enhancement, and restoration
41.16 of water quality in lakes, rivers, and streams
41.17 or that protect groundwater from degradation.
41.18 Of this amount, at least \$1,500,000 each year
41.19 is for SSTS county implementation.

41.20 (c) \$900,000 the first year and \$900,000 the
41.21 second year are to provide state oversight
41.22 and accountability, evaluate results, and
41.23 measure the value of conservation program
41.24 implementation by local governments,
41.25 including submission to the legislature
41.26 by March 1 each year an annual report
41.27 prepared by the board, in consultation with
41.28 the commissioners of natural resources,
41.29 health, agriculture, and the Pollution Control
41.30 Agency, detailing the recipients and projects
41.31 funded under this section. The board shall
41.32 require grantees to specify the outcomes that
41.33 will be achieved by the grants prior to any
41.34 grant awards.

42.1 (d) \$1,000,000 the first year and \$1,000,000
42.2 the second year are for technical assistance
42.3 and grants for the conservation drainage
42.4 program in consultation with the Drainage
42.5 Work Group that consists of projects to
42.6 retrofit existing drainage systems with
42.7 water quality improvement practices,
42.8 evaluate outcomes, and provide outreach
42.9 to landowners, public drainage authorities,
42.10 drainage engineers and contractors, and
42.11 others.

42.12 (e) \$6,000,000 the first year and \$6,000,000
42.13 the second year are to purchase and restore
42.14 permanent conservation easements on
42.15 riparian buffers adjacent to public waters,
42.16 excluding wetlands, to keep water on the
42.17 land in order to decrease sediment, pollutant,
42.18 and nutrient transport; reduce hydrologic
42.19 impacts to surface waters; and increase
42.20 infiltration for groundwater recharge. The
42.21 riparian buffers must be at least 50 feet
42.22 unless there is a natural impediment, a road,
42.23 or other impediment beyond the control
42.24 of the landowner. This appropriation may
42.25 be used for restoration of riparian buffers
42.26 protected by easements purchased with
42.27 this appropriation and for stream bank
42.28 restorations when the riparian buffers have
42.29 been restored.

42.30 (f) \$1,000,000 the first year and \$1,000,000
42.31 the second year are for permanent
42.32 conservation easements on wellhead
42.33 protection areas under Minnesota Statutes,
42.34 section 103F.515, subdivision 2, paragraph
42.35 (d). Priority must be placed on land that
42.36 is located where the vulnerability of the

43.1 drinking water supply is designated as high
43.2 or very high by the commissioner of health.
43.3 (g) \$1,500,000 the first year and \$1,500,000
43.4 the second year are for community partners
43.5 grants to local units of government for:
43.6 (1) structural or vegetative management
43.7 practices that reduce storm water runoff
43.8 from developed or disturbed lands to reduce
43.9 the movement of sediment, nutrients, and
43.10 pollutants for restoration, protection, or
43.11 enhancement of water quality in lakes, rivers,
43.12 and streams and to protect groundwater
43.13 and drinking water; and (2) installation
43.14 of proven and effective water retention
43.15 practices including, but not limited to, rain
43.16 gardens and other vegetated infiltration
43.17 basins and sediment control basins in order
43.18 to keep water on the land. The projects
43.19 must be of long-lasting public benefit,
43.20 include a local match, and be consistent with
43.21 TMDL implementation plans or local water
43.22 management plans. Local government unit
43.23 staff and administration costs may be used
43.24 as a match.
43.25 (h) \$84,000 the first year and \$84,000 the
43.26 second year are for a technical assistance
43.27 panel to conduct up to ten restoration audits
43.28 under Minnesota Statutes, section 114D.50,
43.29 subdivision 6.
43.30 (i) The board shall contract for services
43.31 with Conservation Corps Minnesota for
43.32 restoration, maintenance, and other activities
43.33 under this section for \$500,000 the first year
43.34 and \$500,000 the second year.

44.1 (j) The board may shift grant or cost-share
44.2 funds in this section and may adjust the
44.3 technical and administrative assistance
44.4 portion of the funds to leverage federal or
44.5 other nonstate funds or to address oversight
44.6 responsibilities or high-priority needs
44.7 identified in local water management plans.

44.8 (k) The appropriations in this section are
44.9 available until spent.

44.10 Sec. 8. DEPARTMENT OF HEALTH \$ 2,988,000 \$ 3,050,000

44.11 (a) \$1,020,000 the first year and \$1,020,000
44.12 the second year are for addressing public
44.13 health concerns related to contaminants
44.14 found in Minnesota drinking water for which
44.15 no health-based drinking water standard
44.16 exists.

44.17 (b) \$1,415,000 the first year and \$1,415,000
44.18 the second year are for protection of drinking
44.19 water sources.

44.20 (c) \$250,000 the first year and \$250,000 the
44.21 second year are for cost-share assistance to
44.22 public and private well owners for up to 50
44.23 percent of the cost of sealing unused wells.

44.24 (d) \$303,000 the first year and \$365,000 the
44.25 second year are to expand the county well
44.26 index.

44.27 Sec. 9. METROPOLITAN COUNCIL \$ 500,000 \$ 500,000

44.28 \$500,000 the first year and \$500,000 the
44.29 second year are for implementation of the
44.30 master water supply plan developed under
44.31 Minnesota Statutes, section 473.1565.

44.32 Sec. 10. LEGISLATURE \$ 11,000 \$ -0-

45.1 \$11,000 the first year is for the Legislative
45.2 Coordinating Commission for the costs of
45.3 developing and implementing a Web site to
45.4 contain information on projects receiving
45.5 appropriations from the clean water fund and
45.6 other constitutionally dedicated funds.

45.7 Sec. 11. **CARRYFORWARD**

45.8 (a) The appropriations in Laws 2009, chapter
45.9 172, article 2, section 4, paragraph (g), as
45.10 amended by Laws 2010, chapter 361, article
45.11 2, section 2, are available until June 30,
45.12 2013, and may be spent to continue research
45.13 and testing on the potential for coal tar
45.14 contamination of waters, on the study of
45.15 treatment and disposal options, and for grants
45.16 to local units of government.

45.17 (b) The appropriation in Laws 2010, chapter
45.18 361, article 2, section 4, subdivision 1, for
45.19 nitrogen and nitrate water quality standards
45.20 rulemaking is available until June 30, 2012.

45.21 (c) The appropriations in Laws 2009, chapter
45.22 172, article 2, section 4, paragraph (a),
45.23 as amended by Laws 2010, chapter 361,
45.24 article 2, section 2, for total maximum
45.25 daily load (TMDL) study development and
45.26 implementation are available until June 30,
45.27 2014.

45.28 (d) The appropriations in Laws 2009, chapter
45.29 172, article 2, section 2, paragraph (d),
45.30 for research and pilot projects related to
45.31 ways agricultural practices contribute to
45.32 restoring impaired waters and assist with the
45.33 development of TMDL plans, are available
45.34 until spent.

Sec. 12. Minnesota Statutes 2010, section 114D.10, is amended to read:

114D.10 LEGISLATIVE PURPOSE AND FINDINGS.

Subdivision 1. **Purpose.** The purpose of the Clean Water Legacy Act is to protect, enhance, and restore, and preserve the water quality of Minnesota's surface waters in lakes, rivers, and streams and to protect groundwater from degradation, by providing authority, direction, and resources to achieve and maintain water quality standards for groundwater and surface waters as, including the standards required by section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313(d), and other applicable state and federal regulations.

Subd. 2. **Findings.** The legislature finds that:

(1) there is a close link between protecting, enhancing, and restoring, ~~and preserving~~ the quality of Minnesota's groundwater and surface waters and the ability to develop the state's economy, enhance its quality of life, and protect its human and natural resources;

(2) achieving the state's water quality goals will require long-term commitment and cooperation by all state and local agencies, and other public and private organizations and individuals, with responsibility and authority for water management, planning, and protection; and

(3) all persons and organizations whose activities affect the quality of waters, including point and nonpoint sources of pollution, have a responsibility to participate in and support efforts to achieve the state's water quality goals.

Sec. 13. Minnesota Statutes 2010, section 114D.20, subdivision 1, is amended to read:

Subdivision 1. **Coordination and cooperation.** In implementing this chapter, public agencies and private entities shall take into consideration the relevant provisions of local and other applicable water management, conservation, land use, land management, and development plans and programs. Public agencies with authority for local water management, conservation, land use, land management, and development plans shall take into consideration the manner in which their plans affect the implementation of this chapter. Public agencies shall identify opportunities to participate and assist in the successful implementation of this chapter, including the funding or technical assistance needs, if any, that may be necessary. In implementing this chapter, public agencies shall endeavor to engage the cooperation of organizations and individuals whose activities affect the quality of groundwater or surface waters, including point and nonpoint sources of pollution, and who have authority and responsibility for water management, planning, and protection. To the extent practicable, public agencies shall endeavor to enter into formal and informal agreements and arrangements with federal agencies and departments

to jointly utilize staff and educational, technical, and financial resources to deliver programs or conduct activities to achieve the intent of this chapter, including efforts under the federal Clean Water Act and other federal farm and soil and water conservation programs. Nothing in this chapter affects the application of silvicultural exemptions under any federal, state, or local law or requires silvicultural practices more stringent than those recommended in the timber harvesting and forest management guidelines adopted by the Minnesota Forest Resources Council under section 89A.05.

Sec. 14. Minnesota Statutes 2010, section 114D.20, subdivision 2, is amended to read:

Subd. 2. **Goals for implementation.** The following goals must guide the implementation of this chapter:

(1) to identify impaired waters in accordance with federal TMDL requirements within ten years after the effective date of this section and thereafter to ensure continuing evaluation of surface waters for impairments;

(2) to submit TMDL's to the United States Environmental Protection Agency for all impaired waters in a timely manner in accordance with federal TMDL requirements;

(3) to set a reasonable time for implementing restoration of each identified impaired water;

(4) to provide assistance and incentives to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but do not have an approved TMDL addressing the impairment;

(5) to promptly seek the delisting of waters from the impaired waters list when those waters are shown to achieve the designated uses applicable to the waters; ~~and~~

(6) to achieve compliance with federal Clean Water Act requirements in Minnesota;²

(7) to support effective measures to prevent the degradation of groundwater according to the groundwater degradation prevention goal under section 103H.001; and

(8) to support effective measures to restore degraded groundwater.

Sec. 15. Minnesota Statutes 2010, section 114D.20, subdivision 3, is amended to read:

Subd. 3. **Implementation policies.** The following policies must guide the implementation of this chapter:

(1) develop regional and watershed TMDL's and TMDL implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants, where reasonable and feasible;

(2) maximize use of available organizational, technical, and financial resources to perform sampling, monitoring, and other activities to identify degraded groundwater and

48.1 impaired waters, including use of citizen monitoring and citizen monitoring data used
48.2 by the Pollution Control Agency in assessing water quality ~~must meet~~ that meets the
48.3 requirements in Appendix D of the Volunteer Surface Water Monitoring Guide, Minnesota
48.4 Pollution Control Agency (2003);

48.5 (3) maximize opportunities for restoration of degraded groundwater and impaired
48.6 waters, by prioritizing and targeting of available programmatic, financial, and technical
48.7 resources and by providing additional state resources to complement and leverage
48.8 available resources;

48.9 (4) use existing regulatory authorities to achieve restoration for point and nonpoint
48.10 sources of pollution where applicable, and promote the development and use of effective
48.11 nonregulatory measures to address pollution sources for which regulations are not
48.12 applicable;

48.13 (5) use restoration methods that have a demonstrated effectiveness in reducing
48.14 impairments and provide the greatest long-term positive impact on water quality protection
48.15 and improvement and related conservation benefits while incorporating innovative
48.16 approaches on a case-by-case basis;

48.17 (6) identify for the legislature any innovative approaches that may strengthen or
48.18 complement existing programs;

48.19 (7) identify and encourage implementation of measures to prevent surface waters
48.20 from becoming impaired and to improve the quality of waters that are listed as impaired
48.21 but have no approved TMDL addressing the impairment using the best available data and
48.22 technology, and establish and report outcome-based performance measures that monitor
48.23 the progress and effectiveness of protection and restoration measures; ~~and~~

48.24 (8) monitor and enforce cost-sharing contracts and impose monetary damages in an
48.25 amount up to 150 percent of the financial assistance received for failure to comply; and

48.26 (9) identify and encourage implementation of measures to prevent groundwater from
48.27 becoming degraded and measures that restore groundwater resources.

48.28 Sec. 16. Minnesota Statutes 2010, section 114D.20, subdivision 6, is amended to read:

48.29 Subd. 6. **Priorities for restoration of impaired waters.** In implementing
48.30 restoration of impaired waters, in addition to the priority considerations in subdivision 5,
48.31 the Clean Water Council shall give priority in its recommendations for restoration funding
48.32 from the clean water ~~legacy account~~ fund to restoration projects that:

48.33 (1) coordinate with and utilize existing local authorities and infrastructure for
48.34 implementation;

(2) can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;

(3) most effectively leverage other sources of restoration funding, including federal, state, local, and private sources of funds;

(4) show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means; and

(5) show a high potential for long-term water quality and related conservation benefits.

Sec. 17. Minnesota Statutes 2010, section 114D.20, subdivision 7, is amended to read:

Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities for funding actions to prevent groundwater and surface waters from becoming degraded or impaired and to improve the quality of surface waters that are listed as impaired but do not have an approved TMDL.

Sec. 18. Minnesota Statutes 2010, section 114D.30, is amended to read:

114D.30 CLEAN WATER COUNCIL.

Subdivision 1. **Creation; duties.** A Clean Water Council is created to advise on the administration and implementation of this chapter, and foster coordination and cooperation as described in section 114D.20, subdivision 1. The council may also advise on the development of appropriate processes for expert scientific review as described in section 114D.35, subdivision 2. The Pollution Control Agency shall provide administrative support for the council with the support of other member agencies. The members of the council shall elect a chair from the ~~nonagency voting~~ members of the council.

Subd. 2. **Membership; appointment.** (a) The commissioners of natural resources, agriculture, health, and the Pollution Control Agency, and the executive director of the Board of Water and Soil Resources shall each appoint one person from their respective agency to serve as a nonvoting member of the council. ~~Agency members serve as nonvoting members of the council.~~ Two members of the house of representatives, including one member from the majority party and one member from the minority party, appointed by the speaker and two senators, including one member from the majority party and one member from the minority party, appointed according to the rules of the senate shall serve at the pleasure of the appointing authority as nonvoting members of the council. Agency and legislative members appointed under this paragraph serve as nonvoting members of the council.

(b) Nineteen ~~additional nonagency~~ voting members of the council shall be appointed by the governor as follows:

- (1) two members representing statewide farm organizations;
- (2) two members representing business organizations;
- (3) two members representing environmental organizations;
- (4) one member representing soil and water conservation districts;
- (5) one member representing watershed districts;
- (6) one member representing nonprofit organizations focused on improvement of Minnesota lakes or streams;
- (7) two members representing organizations of county governments, one member representing the interests of rural counties and one member representing the interests of counties in the seven-county metropolitan area;
- (8) two members representing organizations of city governments;
- (9) one member representing the Metropolitan Council established under section 473.123;
- (10) one member representing township ~~officer~~ officers;
- (11) one member representing the interests of tribal governments;
- (12) one member representing statewide hunting organizations;
- (13) one member representing the University of Minnesota or a Minnesota state university; and
- (14) one member representing statewide fishing organizations.

Members appointed under ~~clauses (1) to (14)~~ this paragraph must not be registered lobbyists or legislators. In making appointments, the governor must attempt to provide for geographic balance. The members of the council appointed by the governor are subject to the advice and consent of the senate.

Subd. 3. **Conflict of interest.** A Clean Water Council member may not participate in or vote on a decision of the council relating to an organization in which the member has either a direct or indirect personal financial interest. While serving on the Clean Water Council, a member shall avoid any potential conflict of interest.

Subd. 4. **Terms; compensation; removal.** ~~The initial terms of members representing state agencies and the Metropolitan Council expire on the first Monday in January 2007. Thereafter,~~ The terms of members representing the state agencies and the Metropolitan Council are four years and are coterminous with the governor. The terms of other nonlegislative members of the council shall be as provided in section 15.059, subdivision 2. Members may serve until their successors are appointed and qualify. Compensation and removal of nonlegislative council members is as provided in section

15.059, subdivisions 3 and 4. Compensation of legislative members is as determined by the appointing authority. A vacancy on the council may be filled by the appointing authority provided in subdivision 1 for the remainder of the unexpired term.

Subd. 5. **Implementation plan.** The Clean Water Council shall recommend a plan for implementation of this chapter and the provisions of article XI, section 15, of the Minnesota Constitution relating to clean water. The recommended plan shall address general procedures and time frames for implementing this chapter, and shall include a more specific implementation work plan for the next fiscal biennium and a framework for setting priorities to address impaired waters consistent with section 114D.20, subdivisions 2 to 7. The council shall issue ~~the first recommended plan under this subdivision by December 1, 2005, and shall issue~~ a revised plan by December 1 of each even-numbered year ~~thereafter.~~

Subd. 6. **Recommendations on appropriation of funds.** (a) The Clean Water Council shall recommend to the governor and the legislature the manner in which money from the clean water ~~legacy account~~ fund should be appropriated for the purposes ~~identified in section 114D.45, subdivision 3~~ stated in article XI, section 15, of the Minnesota Constitution and section 114D.50.

(b) The council's recommendations must:

(1) be to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation and ensure that at least five percent of the clean water fund is spent only to protect drinking water sources;

(2) be consistent with the purposes, policies, goals, and priorities in ~~sections 114D.05 to 114D.35, this chapter; and shall~~

(3) allocate adequate support and resources to identify degraded groundwater and impaired waters, develop TMDL's, implement restoration of groundwater and impaired waters, and provide assistance and incentives to prevent groundwater and surface waters from becoming degraded or impaired and improve the quality of surface waters which are listed as impaired but have no approved TMDL.

(c) The council must recommend methods of ensuring that awards of grants, loans, or other funds from the clean water ~~legacy account~~ fund specify the outcomes to be achieved as a result of the funding and specify standards to hold the recipient accountable for achieving the desired outcomes. Expenditures from the ~~account~~ fund must be appropriated by law.

Subd. 7. **Biennial report to legislature.** By December 1 of each even-numbered year, the council shall submit a report to the legislature on the activities for which money has been or will be spent for the current biennium, the activities for which money is recommended to be spent in the next biennium, and the impact on economic development

of the implementation of efforts to protect and restore groundwater and the impaired waters program. The report due on December 1, 2014, must include an evaluation of the progress made through June 30, 2014, in implementing this chapter and the provisions of article XI, section 15, of the Minnesota Constitution relating to clean water, the need for funding of future implementation ~~of those sections~~, and recommendations for the sources of funding.

Sec. 19. Minnesota Statutes 2010, section 114D.35, is amended to read:

114D.35 PUBLIC AND STAKEHOLDER PARTICIPATION; SCIENTIFIC REVIEW; EDUCATION.

Subdivision 1. **Public and stakeholder participation.** Public agencies and private entities involved in the implementation of this chapter shall encourage participation by the public and stakeholders, including local citizens, landowners and managers, and public and private organizations, in ~~the identification of~~ identifying impaired waters, in developing TMDL's, ~~and~~ in planning, priority setting, and implementing restoration of impaired waters, in identifying degraded groundwater, and in protecting and restoring groundwater resources. In particular, the Pollution Control Agency shall make reasonable efforts to provide timely information to the public and to stakeholders about impaired waters that have been identified by the agency. The agency shall seek broad and early public and stakeholder participation in scoping the activities necessary to develop a TMDL, including the scientific models, methods, and approaches to be used in TMDL development, and to implement restoration pursuant to section 114D.15, subdivision 7.

Subd. 2. **Expert scientific advice.** The Clean Water Council and public agencies and private entities shall make use of available public and private expertise from educational, research, and technical organizations, including the University of Minnesota and other higher education institutions, to provide appropriate independent expert advice on models, methods, and approaches used in identifying degraded ground water and impaired waters, developing TMDL's, and implementing prevention and restoration.

Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing, educating, and encouraging the participation of citizens, stakeholders, and others regarding the identification of impaired waters, development of TMDL's, development of TMDL implementation plans, ~~and~~ implementation of restoration for impaired waters, identification of degraded groundwater, and protection and restoration of groundwater resources. Public agencies shall be responsible for implementing the strategies.

Sec. 20. CIVIC ENGAGEMENT AND PUBLIC EDUCATION.

A recipient of funds appropriated in this article shall incorporate civic engagement and public education when implementing projects and programs funded under this article.

Sec. 21. **REPEALER.**

Minnesota Statutes 2010, section 114D.45, is repealed.

ARTICLE 3

PARKS AND TRAILS FUND

Section 1. **PARKS AND TRAILS 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 parks and trails fund, or another named fund, and are available for the fiscal years indicated for each purpose. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2012, are effective the day following final enactment. All appropriations in this article are onetime.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2012</u>	<u>2013</u>

Sec. 2. **PARKS AND TRAILS**

Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>38,635,000</u>	<u>\$</u>	<u>38,630,000</u>
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The amounts that may be spent for each purpose are specified in the following sections.

Subd. 2. **Availability of Appropriation**

Money appropriated in this article may not be spent on activities unless they are directly related to and necessary for a specific appropriation. Money appropriated in this article must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Notwithstanding Minnesota Statutes, section 16A.28, and

54.1 unless otherwise specified in this article,
54.2 fiscal year 2012 appropriations are available
54.3 until June 30, 2014, and fiscal year 2013
54.4 appropriations are available until June 30,
54.5 2015. If a project receives federal funds, the
54.6 time period of the appropriation is extended
54.7 to equal the availability of federal funding.

54.8 Sec. 3. **DEPARTMENT OF NATURAL**
54.9 **RESOURCES** **\$ 24,033,000 \$ 23,193,000**

54.10 (a) \$14,597,000 the first year and
54.11 \$15,437,000 the second year are for state
54.12 parks, recreation areas, and trails to:
54.13 (1) connect people to the outdoors;
54.14 (2) acquire land and create opportunities;
54.15 (3) maintain existing holdings, including
54.16 developing and redeveloping facilities,
54.17 and improving accessibility and energy
54.18 efficiency; and

54.19 (4) improve cooperation by coordinating
54.20 with partners to implement the 25-year
54.21 long-range parks and trails legacy plan.

54.22 (b) \$2,100,000 the first year is for acquisition
54.23 of land adjacent to LaSalle Lake in Hubbard
54.24 County for a state recreation area. If the
54.25 acquisition is not completed by July 15,
54.26 2012, or if a balance remains after the
54.27 acquisition of the land, the money under this
54.28 paragraph is available for acquisitions under
54.29 paragraph (a), clause (2).

54.30 (c) \$7,298,000 the first year and \$7,718,000
54.31 the second year are for parks and trails of
54.32 regional or statewide significance as follows:

54.33 (1) \$7,123,000 the first year and \$7,718,000
54.34 the second year are for grants under

55.1 Minnesota Statutes, section 85.535, to
55.2 acquire, develop, improve, and restore
55.3 parks and trails of regional or statewide
55.4 significance; and

55.5 (2) \$175,000 the first year is for a grant to the
55.6 Greater Minnesota Regional Park and Trail
55.7 Coalition to: define and develop information,
55.8 including the number of users and potential
55.9 users of greater Minnesota regional parks
55.10 and trails; collect and compile details on
55.11 the facilities within the greater Minnesota
55.12 regional park system; and develop a plan for
55.13 high priority park and trail acquisition and
55.14 development opportunities. No local match
55.15 is required for this grant.

55.16 Up to 2.5 percent of the total appropriation
55.17 may be used for administering the grants.

55.18 (d) \$38,000 the first year and \$38,000 the
55.19 second year are for a technical assistance
55.20 panel to conduct up to ten restoration audits
55.21 under Minnesota Statutes, section 85.53,
55.22 subdivision 5.

55.23 (e) The commissioner shall contract for
55.24 services with Conservation Corps Minnesota
55.25 for restoration, maintenance, and other
55.26 activities under this section for at least
55.27 \$1,000,000 the first year and \$1,000,000 the
55.28 second year.

55.29 (f) The commissioner of natural resources
55.30 shall convene and facilitate a working
55.31 group of nine members to develop
55.32 recommendations for the allocation of the
55.33 parks and trails fund. The working group
55.34 shall have representatives from metropolitan
55.35 parks and trails, greater Minnesota parks

56.1 and trails, and the Department of Natural
56.2 Resources Parks and Trails Division. The
56.3 recommendations shall be submitted no later
56.4 than November 15, 2012, and presented to
56.5 the governor for consideration in the budget
56.6 for fiscal years 2014 and 2015.

56.7 Sec. 4. **METROPOLITAN COUNCIL** \$ **14,597,000** \$ **15,437,000**

56.8 (a) \$14,597,000 the first year and
56.9 \$15,437,000 the second year are to be
56.10 distributed as required under Minnesota
56.11 Statutes, section 85.53, subdivision 3.

56.12 (b) Grant agreements entered into by the
56.13 Metropolitan Council and recipients of
56.14 money appropriated under this section shall
56.15 ensure that the funds are used to supplement
56.16 and not substitute for traditional sources of
56.17 funding.

56.18 Sec. 5. **LEGISLATURE** \$ **5,000** \$ **-0-**

56.19 \$5,000 the first year is for the Legislative
56.20 Coordinating Commission for the costs of
56.21 developing and implementing a Web site to
56.22 contain information on projects receiving
56.23 appropriations from the parks and trails fund
56.24 and other constitutionally dedicated funds.

56.25 Sec. 6. Minnesota Statutes 2010, section 85.013, is amended by adding a subdivision
56.26 to read:

56.27 Subd. 15a. LaSalle Lake State Recreation Area, Hubbard County.

56.28 Sec. 7. **LASALLE LAKE STATE RECREATION AREA.**

56.29 Subdivision 1. LaSalle Lake State Recreation Area, Hubbard County. The
56.30 LaSalle Lake State Recreation Area is established in Hubbard County.

56.31 Subd. 2. **Boundaries.** The following described lands are located within the
56.32 boundaries of the LaSalle Lake State Recreation Area, all in Hubbard County:

(1) the Southwest Quarter of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter, except the East 10 acres thereof, of Section 29; the Northeast Quarter of the Northeast Quarter, the Northwest Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, the Northeast Quarter of the Southwest Quarter, the Southeast Quarter of the Northwest Quarter, the Southeast Quarter of the Northeast Quarter, and Government Lots 2, 3, 4, 5, 6, 7, 8, and 9, of Section 30; Government Lots 1, 2, 5, 6, 7, 8, 9, and 10, of Section 31; and Government Lots 1 and 4 of Section 32; all in Township 145 North, Range 35 West; and

(2) Government Lot 12, Section 19, Township 145 North, Range 35.

Subd. 3. **Administration.** The commissioner of natural resources shall administer the area according to Minnesota Statutes, section 86A.05, subdivision 3, subject to existing rules and regulations for state recreation areas. LaSalle Lake State Recreation Area shall be administered as a satellite unit of Itasca State Park.

ARTICLE 4

ARTS AND CULTURAL HERITAGE FUND

Section 1. ARTS AND CULTURAL HERITAGE FUND APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the entities and for the purposes specified in this article. The appropriations are from the arts and cultural heritage fund, and are available for the fiscal years indicated for allowable activities under the Minnesota Constitution, article XI, section 15. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. All appropriations in this article are onetime.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2012</u>	<u>2013</u>

Sec. 2. ARTS AND CULTURAL HERITAGE

Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>51,610,000</u>	<u>\$</u>	<u>50,604,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Availability of Appropriation**

Money appropriated in this article may not be spent on activities unless they are

58.1 directly related to and necessary for a specific
58.2 appropriation. Money appropriated in this
58.3 article must not be spent on indirect costs
58.4 or other institutional overhead charges that
58.5 are not directly related to and necessary for
58.6 a specific appropriation. Notwithstanding
58.7 Minnesota Statutes, section 16A.28, and
58.8 unless otherwise specified in this article,
58.9 fiscal year 2012 appropriations are available
58.10 until June 30, 2013, and fiscal year 2013
58.11 appropriations are available until June 30,
58.12 2014. If a project receives federal funds, the
58.13 time period of the appropriation is extended
58.14 to equal the availability of federal funding.

58.15	<u>Subd. 3. Minnesota State Arts Board</u>	<u>21,664,000</u>	<u>21,664,000</u>
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58.16 These amounts are appropriated to the
58.17 Minnesota State Arts Board for arts, arts
58.18 education, and arts access. Grant agreements
58.19 entered into by the Minnesota State Arts
58.20 Board and other recipients of appropriations
58.21 in this subdivision shall ensure that
58.22 these funds are used to supplement and
58.23 not substitute for traditional sources of
58.24 funding. Appropriations made directly
58.25 to the Minnesota State Arts Board shall
58.26 supplement, and shall not substitute for,
58.27 traditional sources of funding. Each grant
58.28 program established within this appropriation
58.29 shall be separately administered from other
58.30 state appropriations for program planning
58.31 and outcome measurements, but may take
58.32 into consideration other state resources
58.33 awarded in the selection of applicants and
58.34 grant award size.

59.1 **Arts and Arts Access Initiatives.**

59.2 \$16,500,000 the first year and \$16,500,000
59.3 the second year are to support Minnesota
59.4 artists and arts organizations in creating,
59.5 producing, and presenting high-quality arts
59.6 activities; to overcome barriers to accessing
59.7 high-quality arts activities; and to instill the
59.8 arts into the community and public life in
59.9 this state.

59.10 A portion of these funds may be used to:

59.11 (1) pay attendance fees and travel costs
59.12 for youth to visit art museums, arts
59.13 performances, or other arts activities; or
59.14 (2) bring artists to schools, libraries, or other
59.15 community centers or organizations for
59.16 teaching, training, or performance purposes.

59.17 **Arts Education.** \$3,450,000 the first year
59.18 and \$3,450,000 the second year are for
59.19 high-quality, age-appropriate arts education
59.20 for Minnesotans of all ages to develop
59.21 knowledge, skills, and understanding of the
59.22 arts.

59.23 A portion of this appropriation may be used
59.24 for grants to school districts to provide
59.25 materials or resources to teachers, students,
59.26 and parents to promote achievement of K-12
59.27 academic standards in the arts.

59.28 **Arts and Cultural Heritage.** \$1,080,000
59.29 the first year and \$1,080,000 the second year
59.30 are for events and activities that represent
59.31 the diverse ethnic and cultural arts traditions,
59.32 including folk and traditional artists and art
59.33 organizations, represented in this state.

60.1	<u>Administration, Fiscal Oversight, and</u>		
60.2	<u>Accountability.</u> \$634,000 the first year		
60.3	and \$634,000 the second year are for		
60.4	<u>administration of grant programs, delivering</u>		
60.5	<u>technical services, providing fiscal oversight</u>		
60.6	<u>for the statewide system, and ensuring</u>		
60.7	<u>accountability for these state resources.</u>		
60.8	<u>Census.</u> The Minnesota State Arts Board, in		
60.9	<u>partnership with regional arts councils, shall</u>		
60.10	<u>maintain a census of Minnesota artists and</u>		
60.11	<u>artistic organizations.</u>		
60.12	<u>Thirty percent of the total appropriated to</u>		
60.13	<u>each of the categories established in this</u>		
60.14	<u>subdivision is for grants to the regional arts</u>		
60.15	<u>councils. This percentage does not apply to</u>		
60.16	<u>administrative costs.</u>		
60.17	Subd. 4. <u>Department of Education</u>	<u>3,455,000</u>	<u>3,455,000</u>
60.18	<u>These amounts are appropriateded to the</u>		
60.19	<u>commissioner of education for grants</u>		
60.20	<u>allocated using existing formulas under</u>		
60.21	<u>Minnesota Statutes, section 134.355, to the</u>		
60.22	<u>12 Minnesota regional library systems, to</u>		
60.23	<u>provide educational opportunities in the arts,</u>		
60.24	<u>history, literary arts, and cultural heritage</u>		
60.25	<u>of Minnesota. These funds may be used</u>		
60.26	<u>to sponsor programs provided by regional</u>		
60.27	<u>libraries or to provide grants to local arts and</u>		
60.28	<u>cultural heritage programs for programs in</u>		
60.29	<u>partnership with regional libraries.</u>		
60.30	Subd. 5. <u>Minnesota Historical Society</u>	<u>12,250,000</u>	<u>12,250,000</u>
60.31	<u>These amounts are appropriateded to the</u>		
60.32	<u>governing board of the Minnesota Historical</u>		
60.33	<u>Society to preserve and enhance access to</u>		
60.34	<u>Minnesota's history and its cultural and</u>		
60.35	<u>historical resources. Grant agreements</u>		

61.1 entered into by the Minnesota Historical
61.2 Society and other recipients of appropriations
61.3 in this subdivision shall ensure that
61.4 these funds are used to supplement and
61.5 not substitute for traditional sources of
61.6 funding. Funds directly appropriated to the
61.7 Minnesota Historical Society shall be used to
61.8 supplement, and not substitute for, traditional
61.9 sources of funding. Notwithstanding
61.10 Minnesota Statutes, section 16A.28, for
61.11 historic preservation projects that improve
61.12 historic structures, the amounts are available
61.13 until June 30, 2015.

61.14 **Statewide Historic and Cultural Grants.**
61.15 \$5,250,000 the first year and \$5,250,000
61.16 the second year are for history programs
61.17 and projects operated or conducted by or
61.18 through local, county, regional, or other
61.19 historical or cultural organizations; or for
61.20 activities to preserve significant historic
61.21 and cultural resources. Funds are to be
61.22 distributed through a competitive grants
61.23 process. The Minnesota Historical Society
61.24 shall administer these funds using established
61.25 grants mechanisms, with assistance from
61.26 the advisory committee created under Laws
61.27 2009, chapter 172, article 4, section 2,
61.28 subdivision 4, paragraph (b), item (ii).

61.29 **Programs.** \$5,000,000 the first year and
61.30 \$5,000,000 the second year are for programs
61.31 and purposes related to the historical and
61.32 cultural heritage of the state of Minnesota,
61.33 conducted by the Minnesota Historical
61.34 Society.

62.1 **History Partnerships.** \$1,500,000 the
62.2 first year and \$1,500,000 the second year
62.3 are for partnerships involving multiple
62.4 organizations, which may include the
62.5 Minnesota Historical Society, to preserve and
62.6 enhance access to Minnesota's history and
62.7 cultural heritage in all regions of the state.

62.8 **Statewide Survey of Historical and**
62.9 **Archaeological Sites.** \$250,000 the first
62.10 year and \$250,000 the second year are
62.11 for a contract or contracts to be let on a
62.12 competitive basis to conduct statewide
62.13 surveys of Minnesota's sites of historical,
62.14 archaeological, and cultural significance.

62.15 Results of this survey must be published in
62.16 a searchable form, available to the public on
62.17 a cost-free basis. The Minnesota Historical
62.18 Society, the Office of the State Archaeologist,
62.19 and the Indian Affairs Council shall each
62.20 appoint a representative to an oversight
62.21 board to select contractors and direct the
62.22 conduct of these surveys. The oversight
62.23 board shall consult with the Departments of
62.24 Transportation and Natural Resources.

62.25 **Digital Library.** \$250,000 the first year and
62.26 \$250,000 the second year are for a digital
62.27 library project to preserve, digitize, and share
62.28 Minnesota images, documents, and historical
62.29 materials. The Minnesota Historical Society
62.30 shall cooperate with the Minitex interlibrary
62.31 loan system and shall jointly share this
62.32 appropriation for these purposes.

62.33 **Subd. 6. Department of Administration**

62.34 These amounts are appropriated to the
62.35 commissioner of administration for grants

9,460,000	8,460,000
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63.1 to the named organizations for the purposes
63.2 specified in this subdivision. Up to one
63.3 percent of funds may be used by the
63.4 commissioner for grants administration.

63.5 Grant agreements entered into by
63.6 the commissioner and recipients of
63.7 appropriations in this subdivision must
63.8 ensure that money appropriated in this
63.9 subdivision is used to supplement and not
63.10 substitute for traditional sources of funding.

63.11 **Public Television.** \$3,900,000 the first
63.12 year and \$3,900,000 the second year are for
63.13 grants to the Minnesota Public Television
63.14 Association for production and acquisition
63.15 grants according to Minnesota Statutes,
63.16 section 129D.18. This appropriation is
63.17 available until spent.

63.18 **Minnesota Public Radio.** \$1,000,000 the
63.19 first year and \$1,000,000 the second year
63.20 are for grants to Minnesota Public Radio
63.21 to create new programming and events,
63.22 expand regional news service, amplify
63.23 Minnesota culture to a regional and national
63.24 audience, and document Minnesota's history
63.25 through the Minnesota Audio Archives. This
63.26 appropriation is available until spent.

63.27 **Association of Minnesota Public**
63.28 **Educational Radio Stations.** \$1,500,000
63.29 the first year and \$1,500,000 the second year
63.30 are for grants to the Association of Minnesota
63.31 Public Educational Radio Stations for
63.32 production and acquisition grants according
63.33 to Minnesota Statutes, section 129D.19. This
63.34 appropriation is available until spent.

64.1 **Zoos.** \$400,000 the first year and \$400,000
64.2 the second year are for grants of \$200,000
64.3 each year to the Como Park Zoo and the Lake
64.4 Superior Zoo for programmatic development.

64.5 **Children's Museums.** \$1,000,000 the first
64.6 year and \$1,000,000 the second year are
64.7 for grants of \$250,000 each year to each
64.8 of the following entities: the Minnesota
64.9 Children's Museum, the Duluth Children's
64.10 Museum, the Children's Discovery Museum
64.11 of Grand Rapids, and the Children's Museum
64.12 of Southern Minnesota. These amounts are
64.13 for arts, arts education, and arts access and
64.14 to preserve Minnesota's history and cultural
64.15 heritage.

64.16 **Science Museum of Minnesota.** \$500,000
64.17 the first year and \$500,000 the second year
64.18 are for grants to the Science Museum of
64.19 Minnesota. These amounts are for arts, arts
64.20 education, and arts access and to preserve
64.21 Minnesota's history and cultural heritage.

64.22 **Minnesota Film and TV Board.** \$160,000
64.23 the first year and \$160,000 the second year
64.24 are for grants to the Minnesota Film and TV
64.25 Board for grants to Minnesota filmmakers
64.26 to create film or television productions that
64.27 illuminate Minnesota arts, history, or cultural
64.28 heritage.

64.29 **Veterans Camps.** \$450,000 the first year
64.30 is for grants of \$400,000 to the Disabled
64.31 Veterans Rest Camp located on Big Marine
64.32 Lake in Washington County and \$50,000 to
64.33 the Veterans on the Lake Resort located on
64.34 Fall Lake in St. Louis County.

65.1	<u>State Capitol Preservation Commission.</u>		
65.2	<u>\$550,000 the first year is for the purposes of</u>		
65.3	<u>Minnesota Statutes, section 16B.2405. This</u>		
65.4	<u>appropriation is available until spent.</u>		
65.5	<u>Subd. 7. Minnesota Zoological Garden</u>	<u>700,000</u>	<u>700,000</u>
65.6	<u>These amounts are appropriated to</u>		
65.7	<u>the Minnesota Zoological Board for</u>		
65.8	<u>programmatic development of the Minnesota</u>		
65.9	<u>Zoo.</u>		
65.10	<u>Subd. 8. Minnesota Humanities Center</u>	<u>1,075,000</u>	<u>1,075,000</u>
65.11	<u>These amounts are appropriated to the board</u>		
65.12	<u>of directors of the Minnesota Humanities</u>		
65.13	<u>Center for the purposes specified in this</u>		
65.14	<u>subdivision.</u>		
65.15	<u>Programs and Purposes.</u> <u>\$325,000 the first</u>		
65.16	<u>year and \$325,000 the second year are for</u>		
65.17	<u>programs and purposes of the Minnesota</u>		
65.18	<u>Humanities Center.</u>		
65.19	<u>The Minnesota Humanities Center may</u>		
65.20	<u>consider museums and organizations</u>		
65.21	<u>celebrating the ethnic identities of</u>		
65.22	<u>Minnesotans for grants from these funds.</u>		
65.23	<u>The Minnesota Humanities Center may</u>		
65.24	<u>develop a written plan for the competitive</u>		
65.25	<u>issuance of these grants and, if developed,</u>		
65.26	<u>shall submit that plan for review and approval</u>		
65.27	<u>by the Department of Administration.</u>		
65.28	<u>Councils of Color.</u> <u>\$500,000 the first</u>		
65.29	<u>year and \$500,000 the second year are for</u>		
65.30	<u>competitive grants to the Council on Asian</u>		
65.31	<u>Pacific Minnesotans, the Council on Black</u>		
65.32	<u>Minnesotans, the Indian Affairs Council, and</u>		
65.33	<u>the Chicano Latino Affairs Council. Grants</u>		
65.34	<u>are for programs and cooperation between</u>		

66.1 the Minnesota Humanities Center and the
66.2 grant recipients for community events and
66.3 programs that celebrate and preserve artistic,
66.4 historical, and cultural heritage.

66.5 **Civics Education.** \$250,000 the first year
66.6 and \$250,000 the second year are for grants
66.7 to the following organizations to conduct
66.8 civics education programs for the civic and
66.9 cultural development of Minnesota youth:
66.10 \$113,000 each year to the Learning Law and
66.11 Democracy Foundation, \$106,000 each year
66.12 to Kids Voting Minnesota, and \$31,000 each
66.13 year to YMCA Youth in Government.

66.14	<u>Subd. 9. Perpich Center For Arts Education</u>	<u>725,000</u>	<u>725,000</u>
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66.15 These amounts are appropriated to the board
66.16 of directors of the Perpich Center for Arts
66.17 Education for arts, arts education, and arts
66.18 access and to preserve Minnesota's history
66.19 and cultural heritage.

66.20 Notwithstanding Minnesota Statutes, section
66.21 16A.28, the appropriations encumbered on or
66.22 before June 30, 2013, as grants or contracts
66.23 in this subdivision are available until June
66.24 30, 2015.

66.25	<u>Subd. 10. Department of Agriculture</u>	<u>1,400,000</u>	<u>1,400,000</u>
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66.26 These amounts are appropriated to the
66.27 commissioner of agriculture for grants to
66.28 county agricultural societies to enhance arts
66.29 access and education and to preserve and
66.30 promote Minnesota's history and cultural
66.31 heritage as embodied in its county fairs.
66.32 The grants shall be in addition to the aid
66.33 distributed to county agricultural societies
66.34 under Minnesota Statutes, section 38.02. The
66.35 commissioner shall award grants as follows:

67.1 (1) \$350,000 each year, distributed in equal
67.2 amounts to each of the state's county fairs
67.3 to enhance arts access and education and to
67.4 preserve and promote Minnesota's history
67.5 and cultural heritage;

67.6 (2) \$694,0000 each year, distributed as
67.7 competitive grants for the development or
67.8 enhancement of county fair facilities that
67.9 provide access to the arts, arts education, or
67.10 agricultural, historical, and cultural heritage
67.11 programs, including but not limited to
67.12 agricultural education centers, arts buildings,
67.13 and performance stages;

67.14 (3) \$178,000 each year, distributed as
67.15 competitive grants for specific county fair
67.16 projects and events that provide access to the
67.17 arts or the state's agricultural, historical, and
67.18 cultural heritage; and

67.19 (4) \$178,000 each year, distributed as
67.20 competitive grants for specific arts, cultural,
67.21 or historical programs at county fairs.

67.22	<u>Subd. 11. Indian Affairs Council</u>	<u>875,000</u>	<u>875,000</u>
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67.23 These amounts are appropriated to the Indian
67.24 Affairs Council for the purposes identified in
67.25 this subdivision.

67.26 **Language Working Group.** \$75,000 the
67.27 first year and \$75,000 the second year are
67.28 for continuation of the Working Group on
67.29 Dakota and Ojibwe Language Revitalization
67.30 and Preservation established under Laws
67.31 2009, chapter 172, article 4, section 9.

67.32 **Language Preservation and Education.**
67.33 \$550,000 the first year and \$550,000 the
67.34 second year are for grants for programs

68.1 that preserve Dakota and Ojibwe Indian
68.2 languages and to foster educational programs
68.3 in Dakota and Ojibwe languages.

68.4 **Language Immersion.** \$250,000 the first
68.5 year and \$250,000 the second year are for
68.6 grants of \$125,000 each year to the Niigaane
68.7 Ojibwe Immersion School and the Wicoie
68.8 Nandagikendan Urban Immersion Project to:

68.9 (1) develop and expand K-12 curriculum;
68.10 (2) provide fluent speakers in the classroom;
68.11 (3) develop appropriate testing and
68.12 evaluation procedures; and
68.13 (4) develop community-based training and
68.14 engagement.

68.15	<u>Subd. 12. Legislature</u>	<u>6,000</u>	<u>0</u>
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68.16 These amounts are appropriated to the
68.17 Legislative Coordinating Commission to
68.18 operate the Web site for dedicated funds
68.19 required under Minnesota Statutes, section
68.20 3.303, subdivision 10.

68.21 Sec. 3. **[15B.32] STATE CAPITOL PRESERVATION COMMISSION.**

68.22 Subdivision 1. Definitions. (a) As used in this section, the terms defined in this
68.23 subdivision have the following meanings.

68.24 (b) "Commission" means the State Capitol Preservation Commission created under
68.25 this section.

68.26 (c) "Capitol Area" means the geographic area defined in section 15B.02.

68.27 (d) "Board" means the Capitol Area Architectural and Planning Board created under
68.28 section 15B.03.

68.29 (e) "Predesign" has the meaning given in section 16B.335, subdivision 3, paragraph
68.30 (a).

68.31 **Subd. 2. Membership.** The State Capitol Preservation Commission consists of 22
68.32 members, appointed as follows:

68.33 (1) the governor;

69.1 (2) the lieutenant governor;
69.2 (3) the attorney general;
69.3 (4) the chief justice of the Supreme Court, or the chief justice's designee, who shall
69.4 be a member of the Supreme Court;
69.5 (5) the majority leader of the senate or the majority leader's designee, who shall be
69.6 a member of the senate;
69.7 (6) the speaker of the house or the speaker's designee, who shall be a member of the
69.8 house of representatives;
69.9 (7) two members of the senate, including one member from the majority party
69.10 appointed by the majority leader and one member from the minority party appointed by
69.11 the minority leader;
69.12 (8) two members of the house of representatives, including one member appointed
69.13 by the speaker of the house and one member from the minority party appointed by the
69.14 minority leader;
69.15 (9) the chair and ranking minority member of the house of representatives committee
69.16 with jurisdiction over capital investment and the chair and ranking minority member of
69.17 the senate committee with jurisdiction over capital investment;
69.18 (10) the commissioner of administration or the commissioner's designee;
69.19 (11) the commissioner of public safety or the commissioner's designee;
69.20 (12) the executive director of the Minnesota Historical Society or the executive
69.21 director's designee;
69.22 (13) the executive secretary of the Capitol Area Architectural and Planning Board;
69.23 and
69.24 (14) four public members appointed by the governor.
69.25 Subd. 3. **Terms and compensation.** (a) A member serving on the commission
69.26 because the member or the appointing authority for the member holds an elected or
69.27 appointed office shall serve on the commission as long as the member or the appointing
69.28 authority holds the office.
69.29 (b) Public members of the commission shall serve two-year terms. The public
69.30 members may not serve for more than three consecutive terms.
69.31 (c) The removal of members and filling of vacancies on the commission are as
69.32 provided in section 15.059. Public members may receive compensation and expenses as
69.33 provided under section 15.059, subdivision 3.
69.34 Subd. 4. **Officers and meetings.** (a) The governor is the chair of the commission.
69.35 The lieutenant governor is the vice-chair of the commission and may act as the chair
69.36 of the commission in the absence of the governor. The governor may designate a staff

70.1 member to attend commission meetings and vote on the governor's behalf in the absence
70.2 of the governor.

70.3 (b) The commission shall meet at least quarterly and at other times at the call of the
70.4 chair. Meetings of the commission are subject to chapter 13D.

70.5 Subd. 5. **Administrative support.** The commission may designate an executive
70.6 secretary and obtain administrative support through a contract with a state agency or
70.7 other means.

70.8 Subd. 6. **Duties.** (a) The commission:

70.9 (1) shall exercise ongoing coordination of the restoration and preservation of the
70.10 Capitol building;

70.11 (2) shall consult with and advise the commissioner of administration, the board, and
70.12 the Minnesota Historical Society regarding their applicable statutory responsibilities
70.13 for and in the Capitol building;

70.14 (3) may assist in the selection of an architectural firm to assist in the preparation of
70.15 the predesign plan for the restoration of the Capitol building;

70.16 (4) shall develop a comprehensive, multiyear, predesign plan for the restoration
70.17 of the Capitol building, review the plan periodically, and, as appropriate, amend and
70.18 modify the plan. The predesign plan shall identify appropriate and required functions of
70.19 the Capitol building; identify and address space requirements for legislative, executive,
70.20 and judicial branch functions; and identify and address the long-term maintenance and
70.21 preservation requirements of the Capitol building. In developing the predesign plan,
70.22 the commission shall take into account the comprehensive plan for the Minnesota State
70.23 Capitol Area, as amended in 2010, the rules governing zoning and design for the Capitol
70.24 Area, parking, mass transit, citizen access, the tunnel system, information technology
70.25 needs, energy efficiency, security, educational programs, including public and school
70.26 tours, and any additional space needs for the efficient operation of state government;

70.27 (5) shall develop and implement a comprehensive financial plan to fund the
70.28 preservation and restoration of the Capitol building;

70.29 (6) shall provide annual reports about the condition of the Capitol building and its
70.30 needs, as well as all activities related to the restoration of the Capitol building; and

70.31 (7) may solicit gifts, grants, or donations of any kind from any private or public
70.32 source to carry out the purposes of this section. All gifts, grants, or donations received by
70.33 the commission shall be deposited in a State Capitol preservation account established in
70.34 the special revenue fund. Money in the account is appropriated to the commissioner of
70.35 administration for the activities of the commission and implementation of the predesign
70.36 plan under this section.

71.1 (b) By January 15 of each year, the commission shall report to the chairs and ranking
71.2 minority members of the legislative committees with jurisdiction over the commission
71.3 regarding the activities and efforts of the commission in the preceding calendar year,
71.4 including recommendations adopted by the commission, the comprehensive financial plan
71.5 required under paragraph (a), clause (5), and any proposed draft legislation necessary to
71.6 implement the recommendations of the commission.

71.7 Subd. 7. **Expiration.** Notwithstanding section 15.059, subdivision 5, the State
71.8 Capitol Preservation Commission does not expire.

71.9 **Sec. 4. [15B.34] CAPITOL BUILDING POWERS AND DUTIES.**

71.10 The board shall:

71.11 (1) jointly, with the commissioner of administration and the Minnesota Historical
71.12 Society, establish standards and policies for the repair, furnishing, appearance, and
71.13 cleanliness of and change to the public and ceremonial areas of the Capitol building;

71.14 (2) review and approve plans and specifications and any changes to approved plans
71.15 and specifications involving the alteration of the public and ceremonial areas and the
71.16 exterior of the Capitol building;

71.17 (3) jointly, with the Minnesota Historical Society, review and approve the design,
71.18 structural composition, and location of all monuments, memorials, or works of art
71.19 presently located in the public and ceremonial areas of the State Capitol, or which shall be
71.20 placed in the public or ceremonial areas, according to section 138.68; and

71.21 (4) assist the State Capitol Preservation Commission with performance of its duties
71.22 as needed.

71.23 **Sec. 5. [16B.2405] CAPITOL BUILDING POWERS AND DUTIES.**

71.24 The commissioner, upon receipt of funding for these purposes, shall:

71.25 (1) maintain and operate the Capitol building and grounds according to section
71.26 16B.24 and other applicable law;

71.27 (2) designate a project manager to oversee and manage predesign, design, and
71.28 construction contracts and funding for all modifications to the Capitol building;

71.29 (3) manage design and construction projects and funding for the Capitol building
71.30 according to section 16B.31 and other applicable law;

71.31 (4) lease space in the Capitol building, as provided in section 16B.24, to state
71.32 agencies, constitutional officers, and the court administrator on behalf of the judicial
71.33 branch and allocate space in the Capitol building to the legislative branch as determined
71.34 by the commission;

72.1 (5) provide information about the Capitol building to the commission, legislative
72.2 bodies, and others as needed regarding maintenance, operation, leasing, condition
72.3 assessments, design, and construction projects; and

72.4 (6) assist the State Capitol Preservation Commission with performance of its duties
72.5 as needed.

72.6 Sec. 6. Minnesota Statutes 2010, section 129D.18, subdivision 3, is amended to read:

72.7 Subd. 3. **Conditions.** (a) A public station receiving funds appropriated under this
72.8 section must:

72.9 (1) make programs produced with these funds available for broadcast to all other
72.10 public stations eligible to receive grants under this section;

72.11 (2) offer free ~~public performance rights for~~ classroom use of programs produced
72.12 with these funds to public educational institutions, excluding those materials for which
72.13 public television stations do not have rights to distribute;

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

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

72.18 (b) Programs produced in partnership with other mission-centered nonprofit
72.19 organizations may be used by the partnering organization for their own educational or
72.20 promotional purposes.

72.21 Sec. 7. Minnesota Statutes 2010, section 129D.18, subdivision 4, is amended to read:

72.22 Subd. 4. **Reporting.** A public station receiving funds appropriated under this section
72.23 must report annually by January 15 to the commissioner, the Legislative Coordinating
72.24 Commission, and the chairs and ranking minority members of the senate and house
72.25 of representatives committees and divisions having jurisdiction over arts and cultural
72.26 heritage policy and finance regarding how the previous year's grant funds were expended.

72.27 ~~This~~ In addition to all information required of each recipient of money from the arts and
72.28 cultural heritage fund under section 3.303, subdivision 10, the report must contain specific
72.29 information for each program produced and broadcast, including the cost of production,
72.30 the number of stations broadcasting the program, estimated viewership, the number of
72.31 hours of legacy program content available for streaming on Web site downloads sites,
72.32 and other related measures. If the programs produced include educational material, the
72.33 public station must report on these efforts.

73.1 Sec. 8. Minnesota Statutes 2010, section 129D.19, subdivision 5, is amended to read:

73.2 Subd. 5. **Reporting.** A noncommercial radio station receiving funds appropriated
73.3 under this section must report annually by January 15 to the commissioner, the Legislative
73.4 Coordinating Commission, and the chairs and ranking minority members of the senate
73.5 and house of representatives committees and divisions having jurisdiction over arts and
73.6 cultural heritage policy and finance regarding how the previous year's grant funds were
73.7 expended. ~~This~~ In addition to all information required of each recipient of money from
73.8 the arts and cultural heritage fund under section 3.303, subdivision 10, the report must
73.9 contain specific information for each program produced and broadcast, including the
73.10 cost of production, the number of stations broadcasting the program, estimated number
73.11 of listeners, and other related measures. If the programs produced include educational
73.12 material, the noncommercial radio station must report on these efforts.

73.13 Sec. 9. **[138.70] CAPITOL BUILDING POWERS AND DUTIES.**

73.14 The Minnesota Historical Society shall:

73.15 (1) assist and advise in research and preservation of historical features of the Capitol
73.16 building, appropriate custodial policies, and maintaining and repairing works of art
73.17 according to section 138.69;

73.18 (2) jointly, with the Capitol Area Architectural and Planning Board, review and
73.19 approve the design, structural composition, and location of all monuments, memorials, or
73.20 works of art presently located in the public and ceremonial areas of the Capitol building,
73.21 or proposed for placement in the public or ceremonial areas, according to section 138.68;

73.22 (3) assist with planning and design of restoration and renovations of the Capitol
73.23 building, in order to provide public access and education through public interpretive
73.24 programs, according to the society's statutory responsibilities under section 138.69; and

73.25 (4) assist the State Capitol Preservation Commission with performance of its duties
73.26 as needed.

73.27 Sec. 10. Laws 2009, chapter 172, article 4, section 9, subdivision 5, is amended to read:

73.28 Subd. 5. **Report.** The working group must report its findings and recommendations,
73.29 including draft legislation, if necessary, to the Indian Affairs Council and the chairs and
73.30 ranking minority members of the legislative committees and divisions with jurisdiction
73.31 over early childhood through grade 12 education ~~and~~ higher education, and arts and
73.32 cultural heritage policy or finance by February 15, 2011, and again by February 15, 2012.
73.33 The ~~committee~~ working group expires on February 16, 2011 ~~2013~~.

Sec. 11. **STATE CAPITOL PRESERVATION COMMISSION APPOINTMENTS
AND FIRST MEETING.**

The appointing authorities designated in Minnesota Statutes, section 15B.32, subdivision 2, must complete their initial appointments to the commission no later than August 1, 2011. The governor, or the governor's designee, shall convene the first meeting of the commission within 30 days after the appointments required under this section have been completed.

ARTICLE 5

GENERAL PROVISIONS; ALL LEGACY FUNDS

Section 1. Minnesota Statutes 2010, section 3.303, subdivision 10, is amended to read:

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

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

(2) information on all projects receiving funding, including:
(i) the name of the project and a project description;
(ii) the name, telephone number, members of the board or equivalent governing body, and e-mail address of the funding recipient and, when applicable, the Web site address where the public can directly access detailed information on the recipient's receipt and use of money for the project;

(iii) the amount and source of funding, including the fiscal year of the appropriation;
(iv) the amount and source of any additional funding or leverage;
(v) the duration of the project;
(vi) the number of full-time equivalents funded under the project. For the purposes of this item, "full-time equivalent" means a position directly attributed to the receipt of money from one or more of the funds covered under this section, calculated as the total number of hours planned for the position divided by 2,088;

(vii) the direct expenses and administration costs of the project;

(viii) proposed measurable outcomes and the plan for measuring and evaluating the results;

(ix) for pass-through, noncompetitive grants, the entity acting as the fiscal agent or administering agency and a point of contact for additional information; and

(x) for competitive grants, the name and a brief description of the qualifications of all board members or members of an equivalent governing body ultimately responsible for awarding the grants, as well as any grantmaking advisory group. In addition, an entity that awards competitive grants, including but not limited to a state agency or any statewide, regional, or local organization, must report whether an employee, decision maker, advisory group member, or other person involved in the grant process disclosed a conflict of interest or potential conflict of interest. If the entity reports that a conflict of interest or potential conflict of interest was disclosed, the entity must provide the Legislative Coordinating Commission with a contact person for additional information and the Legislative Coordinating Commission must post this information on the Web site. An entity that awards competitive grants must obtain and apply the conflict of interest policies developed by the commissioner of administration under section 16B.98, subdivision 3, unless the entity maintains and applies its own documented conflict of interest policies which are substantially similar to the commissioner of administration's policies;

(3) actual measured outcomes and evaluation of projects as required under sections 85.53, subdivision 2; 114D.50, subdivision ~~2~~ 4; and 129D.17, subdivision 2;

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

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

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

(b) As soon as practicable or by the deadline specified in the enabling law, whichever comes first, a state agency or other recipient of a direct appropriation from a fund covered under this section shall submit the information required under paragraph (a) and, when applicable, compile and submit the same information for any grant recipient or other subrecipient of funding. All information for proposed and funded projects, including the proposed measurable outcomes, must be made available on the Web site as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available. The costs of these activities shall be paid out of the arts and cultural heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and the environment and natural resources trust fund proportionately. For purposes of this section, "measurable outcomes" means outcomes, indicators, or other performance measures that may be quantified or otherwise measured in order to measure the effectiveness of a project or program in meeting its intended goal or purpose.

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

Sec. 2. Minnesota Statutes 2010, section 85.53, subdivision 2, is amended to read:

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

(b) Money from the parks and trails fund shall be expended to balance the benefits across all regions and residents of the state.

(c) ~~At~~ A state agency or other recipient of a direct appropriation from the parks and trails fund must compile and submit all information for funded projects or programs, including the proposed measurable outcomes and all other items required under section 3.303, subdivision 10, must be made available on to the Legislative Coordinating Commission as soon as practicable or by the deadline specified in the enabling law, whichever comes first. The Legislative Coordinating Commission must post submitted information on the Web site required under section 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available.

(d) Grants funded by the parks and trails fund must be implemented according to section 16B.98 and must account for all expenditures. Proposals must specify a process for any regranting envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

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

(f) A state agency or other recipient of money from the parks and trails fund shall prominently display on the state agency's or other recipient's Web site home page, when applicable, the legacy logo required under Laws 2009, chapter 172, article 5, section 10, as amended by Laws 2010, chapter 361, article 3, section 5, accompanied by the

phrase "Click here for more information." When a person clicks on the legacy logo image, the Web site must direct the person to a dedicated legacy page on the state agency's or other recipient's Web site. The dedicated legacy page must prominently display both the contact information for the state agency or other recipient that a person may use to obtain additional information, as well as a link to the Legislative Coordinating Commission Web site required under section 3.303, subdivision 10.

(g) Future eligibility for money from the parks and trails fund is contingent upon a state agency or other recipient satisfying all applicable requirements in this section, as well as any additional requirements contained in applicable session law.

Sec. 3. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision to read:

Subd. 12. **Recipient requirements.** (a) A state agency or other recipient of a direct appropriation from the outdoor heritage fund must compile and submit all information for funded projects or programs, including the proposed measurable outcomes and all other items required under section 3.303, subdivision 10, to the Legislative Coordinating Commission as soon as practicable or by the deadline specified in the enabling law, whichever comes first. The Legislative Coordinating Commission must post submitted information on the Web site required under section 3.303, subdivision 10, as soon as it becomes available.

(b) A state agency or other recipient of money from the outdoor heritage fund shall prominently display on the state agency's or other recipient's Web site home page, when applicable, the legacy logo required under Laws 2009, chapter 172, article 5, section 10, as amended by Laws 2010, chapter 361, article 3, section 5, accompanied by the phrase "Click here for more information." When a person clicks on the legacy logo image, the Web site must direct the person to a dedicated legacy page on the state agency's or other recipient's Web site. The dedicated legacy page must prominently display both the contact information for the state agency or other recipient that a person may use to obtain additional information, as well as a link to the Legislative Coordinating Commission Web site required under section 3.303, subdivision 10.

(c) Future eligibility for money from the outdoor heritage fund is contingent upon a state agency or other recipient satisfying all applicable requirements in this section, as well as any additional requirements contained in applicable session law.

Sec. 4. Minnesota Statutes 2010, section 114D.50, subdivision 4, is amended to read:

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

(b) Money from the clean water fund shall be expended to balance the benefits across all regions and residents of the state.

(c) ~~At~~ A state agency or other recipient of a direct appropriation from the clean water fund must compile and submit all information for proposed and funded projects or programs, including the proposed measurable outcomes, must be made available on the Web site and all other items required under section 3.303, subdivision 10, to the Legislative Coordinating Commission as soon as practicable or by the deadline specified in the enabling law, whichever comes first. Information on the measured outcomes and evaluation must be posted The Legislative Coordinating Commission must post submitted information on the Web site required under section 3.303, subdivision 10, as soon as it becomes available. Information classified as not public under section 13D.05, subdivision 3, paragraph (d), is not required to be placed on the Web site.

(d) Grants funded by the clean water fund must be implemented according to section 16B.98 and must account for all expenditures. Proposals must specify a process for any regranting envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(e) Money from the clean water fund may only be spent on projects that benefit Minnesota waters.

(f) A state agency or other recipient of money from the clean water fund shall prominently display on the state agency's or other recipient's Web site home page, when applicable, the legacy logo required under Laws 2009, chapter 172, article 5, section 10, as amended by Laws 2010, chapter 361, article 3, section 5, accompanied by the phrase "Click here for more information." When a person clicks on the legacy logo image, the Web site must direct the person to a dedicated legacy page on the state agency's or other recipient's Web site. The dedicated legacy page must prominently display both the contact information for the state agency or other recipient that a person may use to obtain additional information, as well as a link to the Legislative Coordinating Commission Web site required under section 3.303, subdivision 10.

79.1 (g) Future eligibility for money from the clean water fund is contingent upon a state
79.2 agency or other recipient satisfying all applicable requirements in this section, as well as
79.3 any additional requirements contained in applicable session law.

79.4 Sec. 5. Minnesota Statutes 2010, section 129D.17, subdivision 2, is amended to read:

79.5 Subd. 2. **Expenditures; accountability.** (a) Funding from the arts and cultural
79.6 heritage fund may be spent only for arts, arts education, and arts access, and to preserve
79.7 Minnesota's history and cultural heritage. A project or program receiving funding from
79.8 the arts and cultural heritage fund must include measurable outcomes, and a plan for
79.9 measuring and evaluating the results. A project or program must be consistent with current
79.10 scholarship, or best practices, when appropriate and must incorporate state-of-the-art
79.11 technology when appropriate.

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

79.16 (c) Money from the arts and cultural heritage fund shall be expended for benefits
79.17 across all regions and residents of the state.

79.18 (d) ~~At~~ A state agency or other recipient of a direct appropriation from the arts and
79.19 cultural heritage fund must compile and submit all information for funded projects or
79.20 programs, including the proposed measurable outcomes and all other items required under
79.21 section 3.303, subdivision 10, must be made available on to the Legislative Coordinating
79.22 Commission Web site, as soon as practicable or by the deadline specified in the enabling
79.23 law, whichever comes first. Information on the measured outcomes and evaluation must
79.24 be posted ~~The Legislative Coordinating Commission must post submitted information on~~
79.25 the Web site required under section 3.303, subdivision 10, as soon as it becomes available.

79.26 (e) Grants funded by the arts and cultural heritage fund must be implemented
79.27 according to section 16B.98 and must account for all expenditures of funds. Priority for
79.28 grant proposals must be given to proposals involving grants that will be competitively
79.29 awarded.

79.30 (f) All money from the arts and cultural heritage fund must be for projects located
79.31 in Minnesota.

79.32 (g) A state agency or other recipient of money from the arts and cultural heritage
79.33 fund shall prominently display on the state agency's or other recipient's Web site home
79.34 page, when applicable, the legacy logo required under Laws 2009, chapter 172, article 5,
79.35 section 10, as amended by Laws 2010, chapter 361, article 3, section 5, accompanied by

the phrase "Click here for more information." When a person clicks on the legacy logo image, the Web site must direct the person to a dedicated legacy page on the state agency's or other recipient's Web site. The dedicated legacy page must prominently display both the contact information for the state agency or other recipient that a person may use to obtain additional information, as well as a link to the Legislative Coordinating Commission Web site required under section 3.303, subdivision 10.

(h) Future eligibility for money from the arts and cultural heritage fund is contingent upon a state agency or other recipient satisfying all applicable requirements in this section, as well as any additional requirements contained in applicable session law.

Sec. 6. APPLICABILITY.

Sections 7 to 10 apply to any appropriation for fiscal year 2012 or 2013 from a legacy fund. For the purposes of sections 7 to 10, "legacy fund" means the outdoor heritage fund, the clean water fund, the parks and trails fund, or the arts and cultural heritage fund

Sec. 7. GENERAL PROVISIONS.

Subdivision. 1. **Grants.** Grants funded by a legacy fund must be implemented according to Minnesota Statutes, section 16B.98, and the responsible entity must account for all expenditures of funds.

Subd. 2. **Constitution.** A recipient of money from a legacy fund must comply with the Minnesota Constitution, article XI, section 15, and may not substitute money received from a legacy fund for a traditional source of funding.

Sec. 8. LEGACY FUNDS RECIPIENT REPORT.

(a) A state agency or other recipient of a direct appropriation from a legacy fund shall submit a report to the Legislative Reference Library as provided under Minnesota Statutes, section 3.195, and to the Legislative Coordinating Commission that contains all of the information required under Minnesota Statutes, section 3.303, subdivision 10.

(b) A state agency or other recipient of a direct appropriation from a legacy fund must submit a report containing all available and required information by January 15, 2012, for appropriations in fiscal year 2012, and January 15, 2013, for appropriations in fiscal year 2013. If the nature of a funded project is such that all required information is not yet available by the applicable reporting deadline, a state agency or other recipient of a direct appropriation must submit any additional information required under Minnesota Statutes, section 3.303, subdivision 10, as soon as practicable.

81.1 Sec. 9. **IN THE EVENT OF A LAWSUIT.**

81.2 (a) An appropriation or portion of an appropriation from a legacy fund is canceled to
81.3 the extent that a court determines that the appropriation unconstitutionally substitutes for
81.4 a traditional source of funding.

81.5 (b) Any grant contract or similar agreement that awards money from a legacy fund
81.6 must contain the information in paragraph (a).

81.7 Sec. 10. **LEGACY ACCOUNTING; TECHNICAL ASSISTANCE.**

81.8 No later than January 1, 2012, the commissioner of management and budget shall
81.9 finalize guidance and best practices to assist state agencies in uniformly accounting for
81.10 their expenditure of legacy funds. The commissioner shall make this information available
81.11 to all state agencies identified in this act.

APPENDIX
Article locations in H1061-1

ARTICLE 1	OUTDOOR HERITAGE FUND	Page.Ln 1.17
ARTICLE 2	CLEAN WATER FUND	Page.Ln 32.28
ARTICLE 3	PARKS AND TRAILS FUND	Page.Ln 53.5
ARTICLE 4	ARTS AND CULTURAL HERITAGE FUND	Page.Ln 57.14
ARTICLE 5	GENERAL PROVISIONS; ALL LEGACY FUNDS	Page.Ln 74.8

84.02 DEFINITIONS.

Subdivision 1. **Definitions.** For purposes of this chapter, the terms defined in this section shall have the meanings given them.

Subd. 2. **Best management practice for native prairie restoration.** "Best management practice for native prairie restoration" means using seeds collected from a native prairie within the same county or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 3. **Created grassland.** "Created grassland" means a restoration using seeds or plants with origins outside of the state of Minnesota.

Subd. 4. **Ecotype region.** "Ecotype region" means the following ecological subsections and counties based on the Department of Natural Resources map, "County Landscape Groupings Based on Ecological Subsections," dated February 15, 2007.

Ecotype Region	Counties or portions thereof:
Rochester Plateau, Blufflands, and Oak Savanna	Houston, Winona, Fillmore, Wabasha, Goodhue, Mower, Freeborn, Steele, Olmsted, Rice, Waseca, Dakota, Dodge
Anoka Sand Plain, Big Woods, and St. Paul Baldwin Plains and Moraines	Anoka, Hennepin, Ramsey, Washington, Chisago, Scott, Carver, McLeod, Wright, Benton, Isanti, Le Sueur, Sherburne
Inner Coteau and Coteau Moraines	Lincoln, Lyon, Pipestone, Rock, Murray, Nobles, Jackson, Cottonwood
Red River Prairie (South)	Traverse, Wilkin, Clay, Becker
Red River Prairie (North) and Aspen Parklands	Kittson, Roseau, Red Lake, Pennington, Marshall, Clearwater, Mahnommen, Polk, Norman
Minnesota River Prairie (North)	Big Stone, Pope, Stevens, Grant, Swift, Chippewa, Meeker, Kandiyohi, Renville, Lac qui Parle, Yellow Medicine
Minnesota River Prairie (South)	Nicollet, Redwood, Brown, Watonwan, Martin, Faribault, Blue Earth, Sibley
Hardwood Hills	Douglas, Morrison, Otter Tail, Stearns, Todd

Subd. 5. **Native prairie.** "Native prairie" means land that has never been plowed where native prairie vegetation originating from the site currently predominates or, if disturbed, is predominantly covered with native prairie vegetation that originated from the site. Unbroken pasture land used for livestock grazing can be considered native prairie if it has predominantly native vegetation originating from the site and conservation practices have maintained biological diversity.

Subd. 6. **Native prairie species of a local ecotype.** "Native prairie species of a local ecotype" means a genetically differentiated population of a species that has at least one trait (morphological, biochemical, fitness, or phenological) that is evolutionarily adapted to local environmental conditions, notably plant competitors, pathogens, pollinators, soil microorganisms, growing season length, climate, hydrology, and soil.

Subd. 7. **Restored native prairie.** "Restored native prairie" means a restoration using at least 25 representative and biologically diverse native prairie plant species of a local ecotype originating in the same county as the restoration site or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 8. **Restored prairie.** "Restored prairie" means a restoration using at least 25 representative and biologically diverse native prairie plant species originating from the same ecotype region in which the restoration occurs.

114D.45 CLEAN WATER LEGACY ACCOUNT.

Subdivision 1. **Creation.** The clean water legacy account is created as an account in the environmental fund. Money in the account must be made available for the implementation of this chapter and sections 446A.073, 446A.074, and 446A.075, without supplanting or taking the place

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of any other funds which are currently available or may become available from any other source, whether federal, state, local, or private, for implementation of those sections.

Subd. 2. **Sources of revenue.** The following revenues must be deposited in the clean water legacy account:

- (1) money transferred to the account; and
- (2) interest accrued on the account.

Subd. 3. **Purposes.** Subject to appropriation by the legislature, the clean water legacy account may be spent for the following purposes:

(1) to provide grants, loans, and technical assistance to public agencies and others who are participating in the process of identifying impaired waters, developing TMDL's, implementing restoration plans for impaired waters, and monitoring the effectiveness of restoration;

(2) to support measures to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but do not have an approved TMDL addressing the impairment;

(3) to provide grants and loans for wastewater and storm water treatment projects through the Public Facilities Authority;

(4) to support the efforts of public agencies associated with subsurface sewage treatment systems and financial assistance for upgrading and replacing the systems; and

(5) to provide funds to state agencies to carry out their responsibilities under this chapter.