

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; creating state recreation area; modifying restoration evaluations; modifying grant programs; modifying accountability requirements; modifying definitions; modifying the Clean Water Legacy Act; modifying Clean Water Council; establishing State Capitol Preservation Commission; providing for Capitol building powers and duties; providing appointments; modifying reporting and other requirements for legacy fund recipients; modifying previous appropriations; requiring reports; amending Minnesota Statutes 2010, sections 3.303, subdivision 10; 10A.01, subdivision 35; 85.013, by adding a subdivision; 85.53, subdivisions 2, 5; 97A.056, subdivisions 2, 3, 6, 9, 10, by adding subdivisions; 114D.10; 114D.20, subdivisions 1, 2, 3, 6, 7; 114D.30; 114D.35; 114D.50, subdivisions 4, 6; 116.195; 129D.17, subdivision 2; 129D.18, subdivisions 3, 4; 129D.19, subdivision 5; Laws 2009, chapter 172, article 1, section 2, subdivisions 3, 15; article 2, section 4, as amended; article 4, section 9, subdivision 5; Laws 2010, chapter 361, article 1, section 2, subdivision 14; article 2, section 3; proposing coding for new law in Minnesota Statutes, chapters 15B; 16B; 84; 138; repealing Minnesota Statutes 2010, section 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.

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

Sec. 2. OUTDOOR HERITAGE

|                                           |    |                   |    |                |
|-------------------------------------------|----|-------------------|----|----------------|
| Subdivision 1. <u>Total Appropriation</u> | \$ | <u>86,484,000</u> | \$ | <u>471,000</u> |
|-------------------------------------------|----|-------------------|----|----------------|

This appropriation is from the outdoor heritage fund. The amounts that may be spent for each purpose are specified in the following subdivisions.

|                          |  |                   |  |            |
|--------------------------|--|-------------------|--|------------|
| Subd. 2. <u>Prairies</u> |  | <u>32,671,000</u> |  | <u>-0-</u> |
|--------------------------|--|-------------------|--|------------|

(a) Wildlife Management Area, Scientific and Natural Areas, and Prairie Bank Easement Acquisition - Phase III

\$3,931,000 the first year is to the commissioner of natural resources to:

(1) acquire land in fee for wildlife management area purposes under Minnesota Statutes, sections 86A.05, subdivision 8, and 97A.145;

(2) acquire land in fee for scientific and natural area purposes under Minnesota Statutes, sections 84.033 and 86A.05, subdivision 5; and

(3) acquire native prairie bank easements under Minnesota Statutes, section 84.96.

A list of proposed land or permanent conservation easement acquisitions must be provided as part of the required accomplishment plan. The accomplishment plan must include an easement monitoring and enforcement plan. Up to \$14,000 is for

3.1 establishing a monitoring and enforcement  
3.2 fund as approved in the accomplishment  
3.3 plan, and subject to subdivision 15. An  
3.4 annual financial report is required for  
3.5 any monitoring and enforcement fund  
3.6 established, including expenditures from the  
3.7 fund.

3.8 **(b) Accelerated Prairie Restoration and**  
3.9 **Enhancement on DNR Lands - Phase III**

3.10 \$1,652,000 the first year is to the  
3.11 commissioner of natural resources to  
3.12 accelerate the restoration and enhancement  
3.13 on wildlife management areas, scientific and  
3.14 natural areas, and land under native prairie  
3.15 bank easements.

3.16 **(c) Minnesota Buffers for Wildlife and**  
3.17 **Water**

3.18 \$2,249,000 the first year is to the Board of  
3.19 Water and Soil Resources in cooperation  
3.20 with Pheasants Forever to acquire permanent  
3.21 conservation easements to enhance habitat  
3.22 by expanding riparian wildlife buffers on  
3.23 private land. A list of proposed easement  
3.24 acquisitions must be provided as part of  
3.25 the required accomplishment plan. The  
3.26 accomplishment plan must include an  
3.27 easement monitoring and enforcement  
3.28 plan. Up to \$200,000 is for establishing  
3.29 a monitoring and enforcement fund as  
3.30 approved in the accomplishment plan  
3.31 and subject to subdivision 15. An annual  
3.32 financial report is required for any monitoring  
3.33 and enforcement fund established, including  
3.34 expenditures from the fund.

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

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

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

\$4,500,000 the first year is to the  
commissioner of natural resources for an  
agreement with The Nature Conservancy to  
acquire native prairie and savanna and restore  
and enhance grasslands and savanna. A list of  
proposed land acquisitions must be provided  
as part of the required accomplishment plan.  
Acquisitions, restorations, and enhancements  
must be within the two existing and two  
additional pilot focus areas contained in  
the accomplishment plan. Annual income  
statements and balance sheets for income  
and expenses from land acquired with  
appropriations from the outdoor heritage  
fund must be submitted to the Lessard-Sams  
Outdoor Heritage Council.

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

5.1 \$1,533,000 the first year is to the  
5.2 commissioner of natural resources for an  
5.3 agreement with The Trust for Public Land  
5.4 to acquire and restore lands in the Cannon  
5.5 River watershed for wildlife management  
5.6 area purposes under Minnesota Statutes,  
5.7 section 86A.05, subdivision 8, or aquatic  
5.8 management areas under Minnesota Statutes,  
5.9 sections 86A.05, subdivision 14, and  
5.10 97C.02. A list of proposed land acquisitions  
5.11 must be provided as part of the required  
5.12 accomplishment plan.

5.13 **(g) Accelerating the Wildlife Management**  
5.14 **Area Program - Phase III**

5.15 \$5,500,000 the first year is to the  
5.16 commissioner of natural resources for an  
5.17 agreement with Pheasants Forever to acquire  
5.18 prairie and other habitat areas for wildlife  
5.19 management area purposes under Minnesota  
5.20 Statutes, section 86A.05, subdivision  
5.21 8. A list of proposed land acquisitions  
5.22 must be provided as part of the required  
5.23 accomplishment plan.

5.24 **(h) Accelerating the Waterfowl Production**  
5.25 **Area Program - Phase III**

5.26 \$9,815,000 the first year is to the  
5.27 commissioner of natural resources for  
5.28 an agreement with Pheasants Forever to  
5.29 accelerate the acquisition of wetlands and  
5.30 grasslands to be added to the waterfowl  
5.31 production area system in Minnesota in  
5.32 cooperation with the United States Fish and  
5.33 Wildlife Service. A list of proposed land  
5.34 acquisitions must be provided as part of the  
5.35 required accomplishment plan.

**(i) The Green Corridor Legacy Program -  
Phase III**

\$1,771,000 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. A list of  
proposed land acquisitions must be provided  
as part of the required accomplishment plan.

**Subd. 3. Forests**

14,371,000

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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  
acquire forest and wetland habitat through  
working forest easements and fee acquisition  
under the Minnesota forests for the future  
program pursuant to Minnesota Statutes,  
section 84.66. A conservation easement  
acquired with money appropriated under this  
paragraph must comply with subdivision  
13. A list of proposed land acquisitions  
must be provided as part of the required  
accomplishment plan. The accomplishment  
plan must include an easement monitoring  
and enforcement plan. Up to \$150,000 is for  
establishing a monitoring and enforcement  
fund as approved in the accomplishment plan  
and subject to subdivision 15. An annual  
financial report is required for any monitoring

7.1 and enforcement fund established, including  
7.2 expenditures from the fund.

7.3 **(b) LaSalle Lake: Protecting Critical**  
7.4 **Mississippi Headwaters Habitat**

7.5 \$4,632,000 the first year is to the  
7.6 commissioner of natural resources for an  
7.7 agreement with The Trust for Public Land  
7.8 to acquire land adjacent to LaSalle Lake in  
7.9 Hubbard County. A list of proposed land  
7.10 acquisitions must be provided as part of  
7.11 the required accomplishment plan. If the  
7.12 acquisition is not completed by July 15,  
7.13 2012, or if a balance remains after acquisition  
7.14 of land, the money under this paragraph is  
7.15 available for acquisition under subdivision  
7.16 2, paragraph (a).

7.17 **(c) Accelerated Forest Habitat**  
7.18 **Enhancement - Phase II**

7.19 \$826,000 the first year is to the commissioner  
7.20 of natural resources to restore and enhance  
7.21 lands in state forests, pursuant to Minnesota  
7.22 Statutes, section 89.021.

7.23 **(d) Northeastern Minnesota Sharp-Tailed**  
7.24 **Grouse Habitat Partnership - Phase II**

7.25 \$988,000 the first year is to the commissioner  
7.26 of natural resources for an agreement with  
7.27 Pheasants Forever in cooperation with the  
7.28 Minnesota Sharp-Tailed Grouse Society  
7.29 to acquire and enhance lands for wildlife  
7.30 management area purposes under Minnesota  
7.31 Statutes, section 86A.05, subdivision  
7.32 8. A list of proposed land acquisitions  
7.33 must be provided as part of the required  
7.34 accomplishment plan.

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

8.2 **Partnership - Phase II**

8.3 \$707,000 the first year is to the commissioner  
8.4 of natural resources to acquire and enhance  
8.5 habitat in the lower Root River and  
8.6 lower Zumbro River watersheds, pursuant  
8.7 to Minnesota Statutes, section 86A.05,  
8.8 subdivisions 7 and 8. A list of proposed land  
8.9 acquisitions must be provided as part of the  
8.10 required accomplishment plan.

8.11 **(f) Protect Key Forest Habitat Lands in**

8.12 **Cass County - Phase II**

8.13 \$604,000 the first year is to the commissioner  
8.14 of natural resources for an agreement with  
8.15 Cass County to acquire land in fee for forest  
8.16 wildlife habitat. A list of proposed land  
8.17 acquisitions must be provided as part of the  
8.18 required accomplishment plan.

8.19 **(g) State Forest Acquisition**

8.20 \$1,205,000 the first year is to the  
8.21 commissioner of natural resources to acquire  
8.22 land in fee and permanent management  
8.23 access easements for state forests under  
8.24 Minnesota Statutes, section 86A.05,  
8.25 subdivision 7. A list of proposed land  
8.26 acquisitions must be provided as part of the  
8.27 required accomplishment plan.

8.28 **Subd. 4. Wetlands**

15,827,000

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8.29 **(a) Reinvest in Minnesota Wetlands**

8.30 **Reserve Acquisition and Restoration**

8.31 **Program Partnership - Phase III**

8.32 \$13,000,000 the first year is to the Board  
8.33 of Water and Soil Resources to acquire  
8.34 permanent conservation easements and

9.1 restore wetlands and associated upland  
9.2 habitat in cooperation with the United States  
9.3 Department of Agriculture Wetlands Reserve  
9.4 Program. A list of proposed land acquisitions  
9.5 must be provided as part of the required  
9.6 accomplishment plan. The accomplishment  
9.7 plan must include an easement monitoring  
9.8 and enforcement plan. Up to \$112,000 is for  
9.9 establishing a monitoring and enforcement  
9.10 fund as approved in the accomplishment plan  
9.11 and subject to subdivision 15. An annual  
9.12 financial report is required for any monitoring  
9.13 and enforcement fund established, including  
9.14 expenditures from the fund and a description  
9.15 of monitoring and enforcement activities.

9.16 **(b) Accelerated Shallow Lakes and**  
9.17 **Wetlands Restoration and Enhancement -**  
9.18 **Phase III**  
9.19 \$936,000 the first year is to the commissioner  
9.20 of natural resources to develop engineering  
9.21 designs for shallow lakes and wetlands and  
9.22 restore and enhance shallow lakes.

9.23 **(c) Shallow Lake Shoreland Protection:**  
9.24 **Wild Rice Lakes**  
9.25 \$1,891,000 the first year is to the Board of  
9.26 Water and Soil Resources for an agreement  
9.27 with Ducks Unlimited to acquire wild  
9.28 rice lake shoreland habitat in fee and as  
9.29 permanent conservation easements as  
9.30 follows: \$500,000 to the Department of  
9.31 Natural Resources; \$1,100,000 to the Board  
9.32 of Water and Soil Resources; and \$291,000  
9.33 to Ducks Unlimited. A list of proposed  
9.34 land acquisitions must be provided as  
9.35 part of the required accomplishment plan.

10.1 The accomplishment plan must include  
10.2 an easement monitoring and enforcement  
10.3 plan. Up to \$18,000 is for establishing  
10.4 a monitoring and enforcement fund as  
10.5 approved in the accomplishment plan  
10.6 and subject to subdivision 15. An annual  
10.7 financial report is required for any monitoring  
10.8 and enforcement fund established, including  
10.9 expenditures from the fund.

10.10 Subd. 5. **Habitat** 22,914,000 -0-

10.11 **(a) Accelerated Aquatic Management**

10.12 **Area Habitat Program - Phase III**

10.13 \$6,500,000 the first year is to the  
10.14 commissioner of natural resources to  
10.15 acquire interests in land in fee or permanent  
10.16 conservation easements for aquatic  
10.17 management areas under Minnesota Statutes,  
10.18 sections 86A.05, subdivision 14, and 97C.02,  
10.19 and to restore and enhance aquatic habitat. A  
10.20 list of proposed acquisitions and stream and  
10.21 lake habitat restorations and enhancements  
10.22 must be provided as part of the required  
10.23 accomplishment plan. The accomplishment  
10.24 plan must include an easement monitoring  
10.25 and enforcement plan.

10.26 **(b) Coldwater Fish Habitat Enhancement**

10.27 **Program - Phase III**

10.28 \$1,533,000 the first year is to the  
10.29 commissioner of natural resources for an  
10.30 agreement with Minnesota Trout Unlimited  
10.31 to restore, enhance, and protect coldwater  
10.32 river and stream habitats in Minnesota. A list  
10.33 of proposed projects, describing types and  
10.34 locations of restorations and enhancements,

- 11.1 must be provided as part of the required  
11.2 accomplishment plan.
- 11.3 **(c) Land Addition to the Janet Johnson**  
11.4 **Memorial Wildlife Management Area**
- 11.5 \$577,000 the first year is to the commissioner  
11.6 of natural resources for an agreement with  
11.7 Chisago County to acquire land in fee to  
11.8 be added to the Janet Johnson Memorial  
11.9 Wildlife Management Area under Minnesota  
11.10 Statutes, section 86A.05, subdivision  
11.11 8. A list of proposed land acquisitions  
11.12 must be provided as part of the required  
11.13 accomplishment plan.
- 11.14 **(d) Metro Big Rivers Habitat - Phase II**
- 11.15 \$5,000,000 the first year is to the  
11.16 commissioner of natural resources for  
11.17 agreements to acquire interests in land in  
11.18 fee or permanent conservation easements  
11.19 and to restore and enhance natural systems  
11.20 associated with the Mississippi, Minnesota,  
11.21 and St. Croix Rivers as follows: \$960,000  
11.22 to the Minnesota Valley National Wildlife  
11.23 Refuge Trust, Inc.; \$150,000 to Great  
11.24 River Greening; \$840,000 to Minnesota  
11.25 Land Trust; \$150,000 to Friends of the  
11.26 Mississippi River; and \$2,900,000 to The  
11.27 Trust for Public Land. A list of proposed  
11.28 projects, describing types and locations of  
11.29 acquisitions, restorations, and enhancements,  
11.30 must be provided as part of the required  
11.31 accomplishment plan. The accomplishment  
11.32 plan must include an easement monitoring  
11.33 and enforcement plan. Money appropriated  
11.34 from the outdoor heritage fund for easement  
11.35 acquisition may be used to establish a

12.1 monitoring and enforcement fund as  
12.2 approved in the accomplishment plan  
12.3 and subject to subdivision 15. An annual  
12.4 financial report is required for any monitoring  
12.5 and enforcement fund established, including  
12.6 expenditures from the fund.

12.7 **(e) Protecting Sensitive Shorelands in**  
12.8 **North Central Minnesota**

12.9 \$1,098,000 the first year is to the  
12.10 commissioner of natural resources for  
12.11 agreements with the Leech Lake Watershed  
12.12 Foundation and the Minnesota Land Trust  
12.13 as follows: \$339,000 to the Leech Lake  
12.14 Watershed Foundation; \$741,000 to the  
12.15 Minnesota Land Trust; and \$18,000 to the  
12.16 Department of Natural Resources to pay for  
12.17 acquisition-related expenses and monitoring  
12.18 costs of donated permanent conservation  
12.19 easements on sensitive shorelands in north  
12.20 central Minnesota. A list of proposed land  
12.21 acquisitions must be provided as part of  
12.22 the required accomplishment plan. The  
12.23 accomplishment plan must include an  
12.24 easement monitoring and enforcement  
12.25 plan. Up to \$342,000 is for establishing  
12.26 a monitoring and enforcement fund as  
12.27 approved in the accomplishment plan  
12.28 and subject to subdivision 15. An annual  
12.29 financial report is required for any monitoring  
12.30 and enforcement fund established, including  
12.31 expenditures from the fund.

12.32 **(f) Restoring Native Habitat and Water**  
12.33 **Quality to Shell Rock River - Phase II**

12.34 \$2,577,000 the first year is to the  
12.35 commissioner of natural resources for

13.1 an agreement with the Shell Rock River  
13.2 Watershed District to acquire land in fee  
13.3 at the headwaters of the Shell Rock River  
13.4 for aquatic management area purposes  
13.5 under Minnesota Statutes, sections 86A.05,  
13.6 subdivision 14, and 97C.02, to restore  
13.7 and enhance aquatic habitat. The leases  
13.8 for gravel mining existing at the time of  
13.9 acquisition may not be extended and all gross  
13.10 income generated from mining operations  
13.11 must be transferred to the commissioner of  
13.12 management and budget and credited to the  
13.13 outdoor heritage fund. A list of proposed  
13.14 land acquisitions must be provided as part of  
13.15 the required accomplishment plan.

13.16 **(g) Outdoor Heritage Conservation**

13.17 **Partners Grant Program - Phase III**

13.18 \$5,629,000 the first year is to the  
13.19 commissioner of natural resources for a  
13.20 program to provide competitive, matching  
13.21 grants of up to \$400,000 to local, regional,  
13.22 state, and national organizations for  
13.23 enhancement, restoration, or protection of  
13.24 forests, wetlands, prairies, and habitat for  
13.25 fish, game, or wildlife in Minnesota. Grants  
13.26 shall not be made for activities required to  
13.27 fulfill the duties of owners of lands subject  
13.28 to conservation easements. Grants shall  
13.29 not be made from appropriations in this  
13.30 paragraph for projects that have a total  
13.31 project cost exceeding \$475,000. \$319,000  
13.32 of this appropriation may be spent for  
13.33 personnel costs and other administrative  
13.34 costs. Grantees may acquire land or interests  
13.35 in land. Easements must be permanent.  
13.36 Land acquired in fee must be open to

14.1 hunting and fishing during the open season  
14.2 unless otherwise provided by state law. The  
14.3 program shall require a match of at least ten  
14.4 percent from nonstate sources for grants of  
14.5 \$100,000 or less and a match of at least 15  
14.6 percent from nonstate sources for grants over  
14.7 \$100,000. Up to one-third of the match may  
14.8 be in-kind resources. For grant applications  
14.9 of \$25,000 or less, the commissioner shall  
14.10 provide a separate, simplified application  
14.11 process. The criteria for evaluating grant  
14.12 applications over \$25,000 must include the  
14.13 amount of habitat restored, enhanced, or  
14.14 protected; local support; encouragement  
14.15 of a local conservation culture; urgency;  
14.16 capacity to achieve multiple benefits;  
14.17 habitat benefits provided; consistency with  
14.18 current conservation science; adjacency  
14.19 to protected lands; full funding of the  
14.20 project; supplementing existing funding;  
14.21 public access for hunting and fishing during  
14.22 the open season; sustainability; degree  
14.23 of collaboration; and use of native plant  
14.24 materials. All projects must conform to  
14.25 the Minnesota statewide conservation and  
14.26 preservation plan. Wildlife habitat projects  
14.27 must also conform to the Minnesota wildlife  
14.28 action plan. Subject to the evaluation  
14.29 criteria and requirements of this paragraph  
14.30 and Minnesota Statutes, the commissioner  
14.31 of natural resources shall give priority to  
14.32 organizations that have a history of receiving  
14.33 or charter to receive private contributions  
14.34 for local conservation or habitat projects  
14.35 when evaluating projects of equal value. If  
14.36 acquiring land or a conservation easement,

15.1 priority shall be given to projects associated  
15.2 with existing wildlife management areas  
15.3 under Minnesota Statutes, section 86A.05,  
15.4 subdivision 8; scientific and natural areas  
15.5 under Minnesota Statutes, sections 84.033  
15.6 and 86A.05, subdivision 5; and aquatic  
15.7 management areas under Minnesota Statutes,  
15.8 sections 86A.05, subdivision 14, and 97C.02.  
15.9 All restoration or enhancement projects  
15.10 must be on land permanently protected by a  
15.11 conservation easement or public ownership  
15.12 or in public waters as defined in Minnesota  
15.13 Statutes, section 103G.005, subdivision  
15.14 15. Priority shall be given to restoration  
15.15 and enhancement projects on public lands.  
15.16 Subdivision 9 applies to grants awarded  
15.17 under this paragraph. This appropriation is  
15.18 available until June 30, 2015. No less than  
15.19 five percent of the amount of each grant  
15.20 must be held back from reimbursement until  
15.21 the grant recipient has completed a grant  
15.22 accomplishment report by the deadline and  
15.23 in the form prescribed by and satisfactory to  
15.24 the Lessard-Sams Outdoor Heritage Council.  
15.25 The commissioner shall provide notice of the  
15.26 grant program in the 2011 game and fish law  
15.27 summaries that are prepared under Minnesota  
15.28 Statutes, section 97A.051, subdivision 2.

|       |                                       |                |                |
|-------|---------------------------------------|----------------|----------------|
| 15.29 | <u>Subd. 6. <b>Administration</b></u> | <u>701,000</u> | <u>471,000</u> |
|-------|---------------------------------------|----------------|----------------|

15.30 **(a) Contract Management**  
15.31 \$175,000 the first year is to the commissioner  
15.32 of natural resources for contract management  
15.33 duties assigned in this section. The  
15.34 commissioner shall provide documentation

16.1 to the Legislative Coordinating Commission  
16.2 on the expenditure of these funds.

16.3 **(b) Legislative Coordinating Commission**

16.4 (1) \$471,000 the first year and \$471,000  
16.5 the second year are to the Legislative  
16.6 Coordinating Commission for two years of  
16.7 administrative expenses of the Lessard-Sams  
16.8 Outdoor Heritage Council and for two years  
16.9 of compensation and expense reimbursement  
16.10 of council members.

16.11 (2) \$13,000 the first year is to the Legislative  
16.12 Coordinating Commission for the Web site  
16.13 required under Minnesota Statutes, section  
16.14 3.303, subdivision 10.

16.15 **(c) Technical Evaluation Panel**

16.16 \$42,000 the first year is to the commissioner  
16.17 of natural resources for a technical evaluation  
16.18 panel to conduct up to ten restoration  
16.19 evaluations under Minnesota Statutes,  
16.20 section 97A.056, subdivision 10.

16.21 **Subd. 7. Availability of Appropriation**

16.22 Money appropriated in this section may  
16.23 not be spent on activities unless they are  
16.24 directly related to and necessary for a  
16.25 specific appropriation and are specified  
16.26 in the accomplishment plan. Money  
16.27 appropriated in this section must not be  
16.28 spent on indirect costs or other institutional  
16.29 overhead charges that are not directly related  
16.30 to and necessary for a specific appropriation.  
16.31 Unless otherwise provided, the amounts  
16.32 in this section are available until June 30,  
16.33 2014, when projects must be completed and  
16.34 final accomplishments reported. Funds for

17.1 restoration or enhancement are available  
17.2 until June 30, 2016, or four years after  
17.3 acquisition, whichever is later, in order to  
17.4 complete restoration or enhancement work.  
17.5 If a project receives federal funds, the time  
17.6 period of the appropriation is extended to  
17.7 equal the availability of federal funding.  
17.8 Funds appropriated for fee title acquisition  
17.9 of land may be used to restore, enhance, and  
17.10 provide for the public use of land acquired  
17.11 with the appropriation. Public use facilities  
17.12 must have a minimal impact on habitat on  
17.13 acquired lands.

17.14 **Subd. 8. Accomplishment Plans**

17.15 It is a condition of acceptance of the  
17.16 appropriations made under this section that  
17.17 the agency or entity using the appropriation  
17.18 submit to the Lessard-Sams Outdoor  
17.19 Heritage Council an accomplishment plan  
17.20 and periodic accomplishment reports in  
17.21 the form determined by the council. The  
17.22 accomplishment plan must identify the  
17.23 project manager responsible for expending  
17.24 the appropriation and the final product. The  
17.25 accomplishment plan must account for the  
17.26 use of the appropriation and outcomes of  
17.27 the expenditure in measures of wetlands,  
17.28 prairies, forests, and fish, game, and wildlife  
17.29 habitat restored, protected, and enhanced.  
17.30 The plan must include an evaluation of  
17.31 results. None of the money provided in this  
17.32 section may be expended unless the council  
17.33 has approved the pertinent accomplishment  
17.34 plan.

17.35 **Subd. 9. Project Requirements**

18.1 (a) As a condition of accepting an  
18.2 appropriation made under this section, an  
18.3 agency or entity receiving an appropriation  
18.4 must comply with this subdivision for any  
18.5 project funded in whole or in part with funds  
18.6 from the appropriation.

18.7 (b) All conservation easements acquired with  
18.8 money appropriated under this section must:

18.9 (1) be permanent; (2) specify the parties to  
18.10 the easement; (3) specify all of the provisions  
18.11 of an agreement that are permanent; (4)  
18.12 specify the habitat types and location  
18.13 being protected; (5) where appropriate for  
18.14 conservation or water protection outcomes,  
18.15 require the grantor to employ practices  
18.16 retaining water on the eased land as long as  
18.17 practicable; (6) specify the responsibilities  
18.18 of the parties for habitat enhancement and  
18.19 restoration and the associated costs of these  
18.20 activities; (7) be sent to the office of the  
18.21 Lessard-Sams Outdoor Heritage Council; (8)  
18.22 include a long-term stewardship plan and  
18.23 identify the sources and amount of funding  
18.24 for monitoring and enforcing the easement  
18.25 agreement; and (9) identify the parties  
18.26 responsible for monitoring and enforcing the  
18.27 easement agreement.

18.28 (c) For all restorations, a recipient must  
18.29 prepare and retain an ecological restoration  
18.30 and management plan that, to the degree  
18.31 practicable, is consistent with current  
18.32 conservation science and ecological goals  
18.33 for the restoration site. Consideration should  
18.34 be given to soil, geology, topography, and  
18.35 other relevant factors that would provide  
18.36 the best chance for long-term success and

19.1 durability of the restoration projects. The  
19.2 plan must include the proposed timetable for  
19.3 implementing the restoration, including, but  
19.4 not limited to, site preparation, establishment  
19.5 of diverse plant species, maintenance, and  
19.6 additional enhancement to establish the  
19.7 restoration; identify long-term maintenance  
19.8 and management needs of the restoration  
19.9 and how the maintenance, management,  
19.10 and enhancement will be financed; and use  
19.11 current conservation science to achieve the  
19.12 best restoration.

19.13 (d) For new lands acquired, a recipient  
19.14 must prepare a restoration and management  
19.15 plan in compliance with paragraph (c),  
19.16 including identification of sufficient funding  
19.17 for implementation.

19.18 (e) To ensure public accountability for the  
19.19 use of public funds, a recipient must provide  
19.20 to the Lessard-Sams Outdoor Heritage  
19.21 Council documentation of the process  
19.22 used to select parcels acquired in fee or as  
19.23 permanent conservation easements and must  
19.24 provide the council with documentation  
19.25 of all related transaction costs, including,  
19.26 but not limited to, appraisals, legal fees,  
19.27 recording fees, commissions, other similar  
19.28 costs, and donations. This information  
19.29 must be provided for all parties involved  
19.30 in the transaction. The recipient must  
19.31 also report to the Lessard-Sams Outdoor  
19.32 Heritage Council any difference between the  
19.33 acquisition amount paid to the seller and the  
19.34 state-certified or state-reviewed appraisal, if  
19.35 a state-certified or state-reviewed appraisal  
19.36 was conducted. Acquisition data such

20.1 as appraisals may remain private during  
20.2 negotiations but must ultimately be made  
20.3 public according to Minnesota Statutes,  
20.4 chapter 13.

20.5 (f) Except as otherwise provided in this  
20.6 section, all restoration and enhancement  
20.7 projects funded with money appropriated  
20.8 under this section must be on land  
20.9 permanently protected by a conservation  
20.10 easement or public ownership or in public  
20.11 waters as defined in Minnesota Statutes,  
20.12 section 103G.005, subdivision 15.

20.13 (g) To the extent an appropriation is used to  
20.14 acquire an interest in real property, a recipient  
20.15 of an appropriation under this section must  
20.16 provide to the Lessard-Sams Outdoor  
20.17 Heritage Council and the commissioner  
20.18 of management and budget an analysis of  
20.19 increased operations and maintenance costs  
20.20 likely to be incurred by public entities as  
20.21 a result of the acquisition and of how these  
20.22 costs are to be paid.

20.23 (h) A recipient of money from an  
20.24 appropriation under this section must give  
20.25 consideration to and make timely written  
20.26 contact with Conservation Corps Minnesota  
20.27 for possible use of the corps' services to  
20.28 contract for restoration and enhancement  
20.29 services. A copy of the written contact  
20.30 must be filed with the Lessard-Sams  
20.31 Outdoor Heritage Council within 15 days of  
20.32 execution.

20.33 (i) A recipient of money under this section  
20.34 must erect signage according to Laws 2009,  
20.35 chapter 172, article 5, section 10.

21.1 Subd. 10. **Payment Conditions and Capital**  
21.2 **Equipment Expenditures**

21.3 All agreements, grants, or contracts referred  
21.4 to in this section must be administered on  
21.5 a reimbursement basis unless otherwise  
21.6 provided in this section. Notwithstanding  
21.7 Minnesota Statutes, section 16A.41,  
21.8 expenditures directly related to each  
21.9 appropriation's purpose made on or after July  
21.10 1, 2011, are eligible for reimbursement unless  
21.11 otherwise provided in this section. Periodic  
21.12 reimbursement must be made upon receiving  
21.13 documentation that the deliverable items  
21.14 articulated in the approved accomplishment  
21.15 plan have been achieved, including partial  
21.16 achievements as evidenced by approved  
21.17 progress reports. Reasonable amounts may  
21.18 be advanced to projects to accommodate  
21.19 cash flow needs, support future management  
21.20 of acquired lands, or match a federal share.  
21.21 The advances must be approved as part of  
21.22 the accomplishment plan. Capital equipment  
21.23 expenditures for specific items in excess of  
21.24 \$10,000 must be itemized in and approved as  
21.25 part of the accomplishment plan.

21.26 Subd. 11. **Purchase of Recycled and Recyclable**  
21.27 **Materials**

21.28 A political subdivision, public or private  
21.29 corporation, or other entity that receives an  
21.30 appropriation under this section must use the  
21.31 appropriation in compliance with Minnesota  
21.32 Statutes, sections 16B.121, regarding  
21.33 purchase of recycled, repairable, and durable  
21.34 materials, and 16B.122, regarding purchase  
21.35 and use of paper stock and printing.

22.1     Subd. 12. **Accessibility**

22.2     Structural and nonstructural facilities must  
22.3     meet the design standards in the Americans  
22.4     with Disabilities Act (ADA) accessibility  
22.5     guidelines.

22.6     Subd. 13. **Land Acquisition Restrictions**

22.7     (a) An interest in real property, including, but  
22.8     not limited to, an easement or fee title that  
22.9     is acquired with money appropriated under  
22.10    this section must be used in perpetuity or for  
22.11    the specific term of an easement interest for  
22.12    the purpose for which the appropriation was  
22.13    made.

22.14   (b) A recipient of funding who acquires  
22.15   an interest in real property subject to this  
22.16   subdivision may not alter the intended use  
22.17   of the interest in real property or convey  
22.18   any interest in the real property acquired  
22.19   with the appropriation without the prior  
22.20   review and approval of the Lessard-Sams  
22.21   Outdoor Heritage Council or its successor.  
22.22   The council shall notify the chairs and  
22.23   ranking minority members of the legislative  
22.24   committees and divisions with jurisdiction  
22.25   over the outdoor heritage fund at least 15  
22.26   business days before approval under this  
22.27   paragraph. The council shall establish  
22.28   procedures to review requests from recipients  
22.29   to alter the use of or convey an interest in  
22.30   real property. These procedures shall allow  
22.31   for the replacement of the interest in real  
22.32   property with another interest in real property  
22.33   meeting the following criteria: (1) the  
22.34   interest must be at least equal in fair market  
22.35   value, as certified by the commissioner

23.1 of natural resources, to the interest being  
23.2 replaced; and (2) the interest must be in a  
23.3 reasonably equivalent location and have a  
23.4 reasonably equivalent useful conservation  
23.5 purpose compared to the interest being  
23.6 replaced, taking into consideration all effects  
23.7 from fragmentation of the whole habitat.

23.8 (c) A recipient of funding who acquires an  
23.9 interest in real property under paragraph  
23.10 (a) must separately record a notice of  
23.11 funding restrictions in the appropriate local  
23.12 government office where the conveyance  
23.13 of the interest in real property is filed. The  
23.14 notice of funding agreement must contain:  
23.15 (1) a legal description of the interest in real  
23.16 property covered by the funding agreement;  
23.17 (2) a reference to the underlying funding  
23.18 agreement; (3) a reference to this section; and  
23.19 (4) the following statement: "This interest  
23.20 in real property shall be administered in  
23.21 accordance with the terms, conditions, and  
23.22 purposes of the grant agreement controlling  
23.23 the acquisition of the property. The interest  
23.24 in real property, or any portion of the interest  
23.25 in real property, shall not be sold, transferred,  
23.26 pledged, or otherwise disposed of or further  
23.27 encumbered without obtaining the prior  
23.28 written approval of the Lessard-Sams  
23.29 Outdoor Heritage Council or its successor.  
23.30 The ownership of the interest in real property  
23.31 shall transfer to the state if: (1) the holder of  
23.32 the interest in real property fails to comply  
23.33 with the terms and conditions of the grant  
23.34 agreement or accomplishment plan; or  
23.35 (2) restrictions are placed on the land that

24.1 preclude its use for the intended purpose as  
24.2 specified in the appropriation."

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

24.4 By December 1 each year, a recipient of  
24.5 money appropriated under this section that  
24.6 is used for the acquisition of an interest in  
24.7 real property, including, but not limited to,  
24.8 an easement or fee title, must submit annual  
24.9 reports on the status of the real property to  
24.10 the Lessard-Sams Outdoor Heritage Council  
24.11 or its successor in a form determined by the  
24.12 council. The responsibility for reporting  
24.13 under this section may be transferred by  
24.14 the recipient of the appropriation to another  
24.15 person or entity that holds the interest in the  
24.16 real property. To complete the transfer of  
24.17 reporting responsibility, the recipient of the  
24.18 appropriation must: (1) inform the person  
24.19 to whom the responsibility is transferred of  
24.20 that person's reporting responsibility; (2)  
24.21 inform the person to whom the responsibility  
24.22 is transferred of the property restrictions  
24.23 under subdivision 13; and (3) provide written  
24.24 notice to the council of the transfer of  
24.25 reporting responsibility, including contact  
24.26 information for the person to whom the  
24.27 responsibility is transferred. After the  
24.28 transfer, the person or entity that holds the  
24.29 interest in the real property is responsible for  
24.30 reporting requirements under this section.

24.31 **Subd. 15. Easement Monitoring and**  
24.32 **Enforcement Requirements**

24.33 Money appropriated under this section  
24.34 for easement monitoring and enforcement  
24.35 may be spent only on activities included in

25.1 an easement monitoring and enforcement  
25.2 plan contained within the accomplishment  
25.3 plan. Money received for monitoring  
25.4 and enforcement, including earnings on  
25.5 the money received, shall be kept in a  
25.6 monitoring and enforcement fund held by  
25.7 the organization and is appropriated for  
25.8 monitoring and enforcing conservation  
25.9 easements within Minnesota. Within 120  
25.10 days after the close of the entity's fiscal  
25.11 year, an entity receiving appropriations for  
25.12 easement monitoring and enforcement must  
25.13 provide an annual financial report to the  
25.14 Lessard-Sams Outdoor Heritage Council on  
25.15 the easement monitoring and enforcement  
25.16 fund as specified in the accomplishment plan.  
25.17 Money appropriated under this section for  
25.18 monitoring and enforcement of easements  
25.19 and earnings on the money appropriated  
25.20 shall revert to the state if: (1) the easement  
25.21 transfers to the state under subdivision 13;  
25.22 (2) the holder of the easement fails to file  
25.23 an annual report and then fails to cure that  
25.24 default within 30 days of notification of the  
25.25 default by the state; or (3) the holder of the  
25.26 easement fails to comply with the terms  
25.27 of the monitoring and enforcement plan  
25.28 contained within the accomplishment plan  
25.29 and fails to cure that default within 90 days  
25.30 of notification of the default by the state.  
25.31 **Subd. 16. Successor Organizations**  
25.32 The Lessard-Sams Outdoor Heritage Council  
25.33 may approve the continuation of a project  
25.34 with an organization that has adopted  
25.35 a new name. Continuation of a project  
25.36 with an organization that has undergone

26.1 a significant change in mission, structure,  
26.2 or purpose requires: (1) notice to the  
26.3 chairs of the legislative committees with  
26.4 relevant jurisdiction; and (2) presentation  
26.5 by the council of proposed legislation either  
26.6 ratifying or rejecting continued involvement  
26.7 with the new organization.

26.8 **Subd. 17. Appropriations Adjustment**

26.9 **(a) Mississippi River Bluffland Prairie**  
26.10 **Protection Initiative.**

26.11 Of the amount appropriated in Laws 2009,  
26.12 chapter 172, article 1, section 2, subdivision  
26.13 2, paragraph (f), up to \$65,000 is for deposit  
26.14 in a monitoring and enforcement account as  
26.15 authorized in subdivision 15.

26.16 **(b) Critical Shoreline Habitat Protection**  
26.17 **Program**

26.18 Of the amount appropriated in Laws 2010,  
26.19 chapter 361, article 1, section 2, subdivision  
26.20 3, paragraph (a), up to \$187,000 is for deposit  
26.21 in a monitoring and enforcement account as  
26.22 authorized in subdivision 15.

26.23 **(c) Riparian and Lakeshore Protection in**  
26.24 **Dakota County**

26.25 Of the amount appropriated in Laws 2010,  
26.26 chapter 361, article 1, section 2, subdivision  
26.27 5, paragraph (d), up to \$80,000 is for deposit  
26.28 in a monitoring and enforcement account as  
26.29 authorized in subdivision 15.

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

26.31 Of the amount appropriated in Laws 2010,  
26.32 chapter 361, article 1, section 2, subdivision  
26.33 5, paragraph (e), up to \$12,000 is for deposit  
26.34 in a monitoring and enforcement account as  
26.35 authorized in subdivision 15.

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

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

The following revenue shall be deposited in the account:

- (1) contributions to the account or specified for any purposes of the account;
- (2) financial contributions required under section 84.66, subdivision 11, or other applicable law; and
- (3) money appropriated or transferred for the purposes described in subdivision 2.

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

Subd. 2. Appropriation; purposes of account. Four percent of the balance on July 1 in the forests for the future conservation easement account is annually appropriated to the commissioner of natural resources and may be spent only to cover the costs of managing forests for the future conservation easements held by the Department of Natural Resources, including costs incurred from monitoring, landowner contracts, record keeping, processing landowner notices, requests for approval or amendments, and enforcement.

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

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

Subd. 1a. Definitions. For the purpose of appropriations from the outdoor heritage fund, "recipient" means the entity responsible for deliverables financed by the outdoor heritage fund.

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

Sec. 5. Minnesota Statutes 2010, section 97A.056, subdivision 2, is amended to read:

**Subd. 2. Lessard-Sams Outdoor Heritage Council.** (a) The Lessard-Sams 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;

(5) 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 2013; and

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 2010, section 97A.056, subdivision 3, is amended to read:

Subd. 3. **Council recommendations.** (a) The council shall make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law and that will achieve the outcomes of existing natural resource plans, including, but not limited to, the Minnesota Statewide Conservation and Preservation Plan, that directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. In making recommendations, the council shall consider a range of options that would best restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife, ~~and shall not adopt definitions of "restore", "protect", or "enhance" that would limit the council from considering options that are consistent with the Constitution. The council shall submit its initial recommendations to the legislature no later than April 1, 2009. Subsequent.~~ The council's recommendations shall be submitted no later than January 15 each year. The council shall present its recommendations to the senate and house of representatives committees with jurisdiction over the environment and natural resources budget by February 15 in odd-numbered years, and within the first four weeks of the legislative session in even-numbered years. The council's budget recommendations to the legislature shall be separate from the Department of Natural Resource's budget recommendations.

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

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

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

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

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

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

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

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

Sec. 7. Minnesota Statutes 2010, section 97A.056, subdivision 6, is amended to read:

Subd. 6. **Audit.** The legislative auditor shall audit the outdoor heritage fund expenditures, including administrative and staffing expenditures, ~~every two years~~ to

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31.1 ensure that the money is spent ~~to restore, protect, and enhance wetlands, prairies, forests,~~  
31.2 ~~and habitat for fish, game, and wildlife~~ in compliance with all applicable law and the  
31.3 Constitution.

31.4 Sec. 8. Minnesota Statutes 2010, section 97A.056, subdivision 9, is amended to read:

31.5 Subd. 9. **Lands in public domain.** Money appropriated from the outdoor heritage  
31.6 fund shall not be used to purchase any land in fee title or a permanent conservation  
31.7 easement if the land in question is fully or partially owned by the state of Minnesota  
31.8 or a political subdivision of the state, unless: (1) the purchase creates additional direct  
31.9 benefit to protect, restore, or enhance the state's wetlands, prairies, forests, or habitat  
31.10 for fish, game, and wildlife; and (2) the purchase is approved by an affirmative vote of  
31.11 at least nine members of the council. ~~At least 15 business days prior to a decision under~~  
31.12 ~~this subdivision, the council shall submit the planned decision item to the Legislative~~  
31.13 ~~Coordinating Commission. The planned decision item takes effect 15 business days~~  
31.14 ~~after it is submitted by the council.~~

31.15 Sec. 9. Minnesota Statutes 2010, section 97A.056, subdivision 10, is amended to read:

31.16 Subd. 10. **Restoration evaluations.** ~~Beginning July 1, 2011,~~ The commissioner  
31.17 of natural resources and the Board of Water and Soil Resources ~~shall~~ may convene  
31.18 a technical evaluation panel comprised of five members, including one technical  
31.19 representative from the Board of Water and Soil Resources, one technical representative  
31.20 from the Department of Natural Resources, one technical expert from the University of  
31.21 Minnesota or the Minnesota State Colleges and Universities, and two representatives  
31.22 with expertise in the project being evaluated. The board and the commissioner may add  
31.23 a technical representative from a unit of federal or local government. The members of  
31.24 the technical evaluation panel may not be associated with the restoration, may vary  
31.25 depending upon the projects being reviewed, and shall avoid any potential conflicts of  
31.26 interest. Each year, the board and the commissioner ~~shall~~ may assign a coordinator to  
31.27 identify a sample of up to ten habitat restoration projects completed with outdoor heritage  
31.28 funding. The coordinator shall secure the restoration plans for the projects specified and  
31.29 direct the technical evaluation panel to evaluate the restorations relative to the law, current  
31.30 science, and the stated goals and standards in the restoration plan and, when applicable, to  
31.31 the Board of Water and Soil Resources' native vegetation establishment and enhancement  
31.32 guidelines. The coordinator shall summarize the findings of the panel and provide a report  
31.33 to the chair of the Lessard-Sams Outdoor Heritage Council and the chairs of the respective  
31.34 house of representatives and senate policy and finance committees with jurisdiction over

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32.1 natural resources and spending from the outdoor heritage fund. The report shall determine  
32.2 if the restorations are meeting planned goals, any problems with the implementation of  
32.3 restorations, and, if necessary, recommendations on improving restorations. The report  
32.4 shall be focused on improving future restorations. Up to one-tenth of one percent of  
32.5 forecasted receipts from the outdoor heritage fund may be used for restoration evaluations  
32.6 under this section.

32.7 Sec. 10. Laws 2009, chapter 172, article 1, section 2, subdivision 3, is amended to read:

|                              |            |            |
|------------------------------|------------|------------|
| 32.8 Subd. 3. <b>Forests</b> | 18,000,000 | 18,000,000 |
|------------------------------|------------|------------|

32.9 \$18,000,000 in fiscal year 2010 and  
32.10 \$18,000,000 in fiscal year 2011 are to the  
32.11 commissioner of natural resources to acquire  
32.12 land or permanent working forest easements  
32.13 on private forests in areas identified through  
32.14 the Minnesota forests for the future program  
32.15 under Minnesota Statutes, section 84.66.

32.16 Up to \$750,000 in fiscal year 2011 may  
32.17 be transferred to the forests for the future  
32.18 conservation easement account and used  
32.19 for the purposes specified under Minnesota  
32.20 Statutes, section 84.68, subdivision 2.

32.21 Priority must be given to acquiring land  
32.22 or interests in private lands within existing  
32.23 Minnesota state forest boundaries. Any  
32.24 easements acquired must have a forest  
32.25 management plan as defined in Minnesota  
32.26 Statutes, section 290C.02, subdivision 7.

32.27 A list of proposed fee title and easement  
32.28 acquisitions must be provided as part of the  
32.29 required accomplishment plan. ~~The fiscal~~  
32.30 ~~year 2011 appropriation is available only for~~  
32.31 ~~acquisitions that, by August 15, 2009, are:~~

32.32 ~~(1) subject to a binding agreement with the~~  
32.33 ~~commissioner, and~~

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

33.3 **EFFECTIVE DATE.** This section is effective retroactively from June 29, 2011.

33.4 Sec. 11. Laws 2009, chapter 172, article 1, section 2, subdivision 15, is amended to  
33.5 read:

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

33.7 By December 1 each year, a recipient of  
33.8 money appropriated under this section that  
33.9 is used for the acquisition of an interest in  
33.10 real property, including but not limited to  
33.11 an easement or fee title, must submit annual  
33.12 reports on the status of the real property to  
33.13 the Lessard Outdoor Heritage Council or  
33.14 its successor in a form determined by the  
33.15 council. The responsibility for reporting  
33.16 under this section may be transferred by  
33.17 the recipient of the appropriation to another  
33.18 person or entity that holds the interest in the  
33.19 real property. To complete the transfer of  
33.20 reporting responsibility, the recipient of the  
33.21 appropriation must:

33.22 (1) inform the person to whom the  
33.23 responsibility is transferred of that person's  
33.24 reporting responsibility;

33.25 (2) inform the person to whom the  
33.26 responsibility is transferred of the property  
33.27 restrictions under subdivision 14; and

33.28 (3) provide written notice to the council  
33.29 of the transfer of reporting responsibility,  
33.30 including contact information for the person  
33.31 to whom the responsibility is transferred.

33.32 ~~Before the transfer, the entity receiving~~  
33.33 ~~the transfer of property must certify to the~~

34.1 ~~Lessard Outdoor Heritage Council, or its~~  
34.2 ~~successor, acceptance of all obligations and~~  
34.3 ~~responsibilities held by the prior owner.~~

34.4 After the transfer, the person or entity that  
34.5 holds the interest in the real property is  
34.6 responsible for reporting requirements under  
34.7 this section.

34.8 Sec. 12. Laws 2010, chapter 361, article 1, section 2, subdivision 14, is amended to  
34.9 read:

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

34.11 By December 1 each year, a recipient of  
34.12 money appropriated under this section that  
34.13 is used for the acquisition of an interest in  
34.14 real property, including, but not limited to,  
34.15 an easement or fee title, must submit annual  
34.16 reports on the status of the real property to  
34.17 the Lessard-Sams Outdoor Heritage Council  
34.18 or its successor in a form determined by the  
34.19 council. The responsibility for reporting  
34.20 under this section may be transferred by  
34.21 the recipient of the appropriation to another  
34.22 person or entity that holds the interest in the  
34.23 real property. To complete the transfer of  
34.24 reporting responsibility, the recipient of the  
34.25 appropriation must: (1) inform the person  
34.26 to whom the responsibility is transferred of  
34.27 that person's reporting responsibility; (2)  
34.28 inform the person to whom the responsibility  
34.29 is transferred of the property restrictions  
34.30 under subdivision 13; and (3) provide written  
34.31 notice to the council of the transfer of  
34.32 reporting responsibility, including contact  
34.33 information for the person to whom the  
34.34 responsibility is transferred; ~~and (4) provide~~

~~the Lessard-Sams Outdoor Heritage Council~~  
~~or its successor written documentation from~~  
~~the person or entity holding the interest in~~  
~~real property certifying its acceptance of all~~  
~~reporting obligations and responsibilities~~  
~~previously held by the recipient of the~~  
~~appropriation.~~ After the transfer, the person  
or entity that holds the interest in the  
real property is responsible for reporting  
requirements under this section.

Sec. 13. **EFFECTIVE DATE; RELATIONSHIP TO OTHER**  
**APPROPRIATIONS.**

Unless otherwise specified, this article is effective retroactively from July 1, 2011,  
and supersedes and replaces funding authorized by order of the Second Judicial District  
Court in Case No. 62-CV-11-5203.

**ARTICLE 2**  
**CLEAN WATER FUND**

Section 1. **CLEAN WATER 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  
clean water fund and are available for the fiscal years indicated for allowable activities  
under the Minnesota Constitution, article XI, section 15. The figures "2012" and "2013"  
used in this article mean that the appropriation 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.

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

Sec. 2. **CLEAN WATER**

|                                                  |                  |                          |                  |                          |
|--------------------------------------------------|------------------|--------------------------|------------------|--------------------------|
| Subdivision 1. <b><u>Total Appropriation</u></b> | <b><u>\$</u></b> | <b><u>90,517,000</u></b> | <b><u>\$</u></b> | <b><u>88,912,000</u></b> |
|--------------------------------------------------|------------------|--------------------------|------------------|--------------------------|

36.1     The amounts that may be spent for each  
36.2     purpose are specified in the following  
36.3     sections.

36.4     Subd. 2. **Availability of Appropriation**

36.5     Money appropriated in this article may  
36.6     not be spent on activities unless they are  
36.7     directly related to and necessary for a specific  
36.8     appropriation. Money appropriated in this  
36.9     article must not be spent on indirect costs  
36.10    or other institutional overhead charges that  
36.11    are not directly related to and necessary for  
36.12    a specific appropriation. Notwithstanding  
36.13    Minnesota Statutes, section 16A.28, and  
36.14    unless otherwise specified in this article,  
36.15    fiscal year 2012 appropriations are available  
36.16    until June 30, 2013, and fiscal year 2013  
36.17    appropriations are available until June 30,  
36.18    2014. If a project receives federal funds, the  
36.19    time period of the appropriation is extended  
36.20    to equal the availability of federal funding.

36.21    Sec. 3. **DEPARTMENT OF AGRICULTURE**    \$           **7,700,000**    \$           **7,700,000**

36.22    (a) \$350,000 the first year and \$350,000 the  
36.23    second year are to increase monitoring for  
36.24    pesticides and pesticide degradates in surface  
36.25    water and groundwater and to use data  
36.26    collected to assess pesticide use practices.

36.27    (b) \$850,000 the first year and \$850,000  
36.28    the second year are to increase monitoring  
36.29    and evaluate trends in the concentration of  
36.30    nitrates in groundwater in high-risk areas  
36.31    and regionally and to promote and evaluate  
36.32    regional and crop-specific nutrient best  
36.33    management practices. This appropriation is  
36.34    available until June 30, 2016.

37.1 (c) \$4,500,000 the first year and \$4,500,000  
37.2 the second year are for the agriculture best  
37.3 management practices loan program. At  
37.4 least \$3,500,000 the first year and at least  
37.5 \$3,900,000 the second year are for transfer to  
37.6 the clean water agricultural best management  
37.7 practices loan account and are available  
37.8 for pass-through to local governments  
37.9 and lenders for low-interest loans under  
37.10 Minnesota Statutes, section 17.117. Any  
37.11 unencumbered balance that is not used for  
37.12 pass-through to local governments does not  
37.13 cancel at the end of the first year and is  
37.14 available for the second year.

37.15 (d) \$775,000 the first year and \$775,000  
37.16 the second year are for research, pilot  
37.17 projects, and technical assistance on proper  
37.18 implementation of best management  
37.19 practices and more precise information on  
37.20 nonpoint contributions to impaired waters.  
37.21 This appropriation is available until June 30,  
37.22 2016.

37.23 (e) \$1,050,000 the first year and \$1,050,000  
37.24 the second year are for research to quantify  
37.25 agricultural contributions to impaired waters  
37.26 and for development and evaluation of  
37.27 best management practices to protect and  
37.28 restore water resources while maintaining  
37.29 productivity. This appropriation is available  
37.30 until June 30, 2016.

37.31 (f) \$175,000 the first year and \$175,000 the  
37.32 second year are for a research inventory  
37.33 database containing water-related research  
37.34 activities. This appropriation is available  
37.35 until June 30, 2016.

38.1     Sec. 4. **PUBLIC FACILITIES AUTHORITY**     \$     16,710,000 \$     16,710,000

38.2     (a) \$11,185,000 the first year and

38.3     \$11,185,000 the second year are for the total

38.4     maximum daily load grant program under

38.5     Minnesota Statutes, section 446A.073. This

38.6     appropriation is available until June 30, 2016.

38.7     (b) \$4,275,000 the first year and \$4,275,000

38.8     the second year are for the clean water legacy

38.9     phosphorus reduction grant program under

38.10    Minnesota Statutes, section 446A.074. This

38.11    appropriation is available until June 30, 2016.

38.12    (c) \$1,250,000 the first year and \$1,250,000

38.13    the second year are for small community

38.14    wastewater treatment grants and loans under

38.15    Minnesota Statutes, section 446A.075. This

38.16    appropriation is available until June 30, 2016.

38.17    (d) If there are any uncommitted funds at the

38.18    end of each fiscal year under paragraph (a),

38.19    (b), or (c), the Public Facilities Authority

38.20    may transfer the remaining funds to eligible

38.21    projects under any of the programs listed

38.22    in this section based on their priority rank

38.23    on the Pollution Control Agency's project

38.24    priority list.

38.25    Sec. 5. **POLLUTION CONTROL AGENCY**     \$     24,212,000 \$     23,558,000

38.26    (a) \$7,500,000 the first year and \$7,500,000

38.27    the second year are for completion of 20

38.28    percent of the needed statewide assessments

38.29    of surface water quality and trends. Of

38.30    this amount, \$100,000 the first year and

38.31    \$100,000 the second year are for grants

38.32    to the Red River Watershed Management

38.33    Board to enhance and expand the existing

38.34    water quality and watershed monitoring river

39.1 watch activities in the schools in the Red  
39.2 River of the North. The Red River Watershed  
39.3 Management Board shall provide a report to  
39.4 the commissioner of the Pollution Control  
39.5 Agency and the legislative committees and  
39.6 divisions with jurisdiction over environment  
39.7 and natural resources finance and policy and  
39.8 the clean water fund by February 15, 2013,  
39.9 on the expenditure of these funds.

39.10 (b) \$9,400,000 the first year and \$9,400,000  
39.11 the second year are to develop total maximum  
39.12 daily load (TMDL) studies and TMDL  
39.13 implementation plans for waters listed on  
39.14 the United States Environmental Protection  
39.15 Agency approved impaired waters list in  
39.16 accordance with Minnesota Statutes, chapter  
39.17 114D. The agency shall complete an average  
39.18 of ten percent of the TMDL's each year over  
39.19 the biennium.

39.20 (c) \$1,125,000 the first year and \$1,125,000  
39.21 the second year are for groundwater  
39.22 assessment, including enhancing the  
39.23 ambient monitoring network, modeling,  
39.24 and continuing to monitor for and assess  
39.25 contaminants of emerging concern.

39.26 (d) \$750,000 the first year and \$750,000  
39.27 the second year are for water quality  
39.28 improvements in the lower St. Louis River  
39.29 and Duluth harbor. This appropriation must  
39.30 be matched at a rate of 65 percent nonstate  
39.31 money to 35 percent state money.

39.32 (e) \$1,000,000 the first year and \$1,000,000  
39.33 the second year are for the clean water  
39.34 partnership program to provide grants  
39.35 to protect and improve the basins and

40.1 watersheds of the state and provide financial  
40.2 and technical assistance to study waters  
40.3 with nonpoint source pollution problems.  
40.4 Priority shall be given to projects preventing  
40.5 impairments and degradation of lakes, rivers,  
40.6 streams, and groundwater in accordance  
40.7 with Minnesota Statutes, section 114D.20,  
40.8 subdivision 2, clause (4). Any balance  
40.9 remaining in the first year does not cancel  
40.10 and is available for the second year.  
40.11 (f) \$400,000 the first year and \$400,000 the  
40.12 second year are for storm water research and  
40.13 guidance.  
40.14 (g) \$1,150,000 the first year and \$1,150,000  
40.15 the second year are for TMDL research and  
40.16 database development.  
40.17 (h) \$800,000 the first year and \$800,000  
40.18 the second year are for national pollutant  
40.19 discharge elimination system wastewater and  
40.20 storm water TMDL implementation efforts.  
40.21 (i) \$225,000 the first year and \$225,000  
40.22 the second year are transferred to the  
40.23 commissioner of administration for the  
40.24 Environmental Quality Board in cooperation  
40.25 with the United States Geological Survey  
40.26 to characterize groundwater flow and  
40.27 aquifer properties in the I-94 corridor in  
40.28 cooperation with local units of government.  
40.29 This appropriation is available until June 30,  
40.30 2016.  
40.31 (j) \$1,000,000 the first year and \$500,000  
40.32 the second year are for a wild rice standards  
40.33 study.  
40.34 (k) \$862,000 the first year and \$708,000  
40.35 the second year are for groundwater

41.1 protection or prevention of groundwater  
41.2 degradation activities through enhancing the  
41.3 county-level delivery system for subsurface  
41.4 sewage treatment systems (SSTS). The  
41.5 commissioner shall consult with the SSTS  
41.6 Compliance Task Force in developing a  
41.7 distribution allocation for the county base  
41.8 grants.

41.9 (l) Notwithstanding Minnesota Statutes,  
41.10 section 16A.28, the appropriations  
41.11 encumbered on or before June 30, 2013,  
41.12 as grants or contracts in this section are  
41.13 available until June 30, 2016.

|       |                                      |    |                   |                     |
|-------|--------------------------------------|----|-------------------|---------------------|
| 41.14 | Sec. 6. <u>DEPARTMENT OF NATURAL</u> |    |                   |                     |
| 41.15 | <u>RESOURCES</u>                     | \$ | <u>10,860,000</u> | \$ <u>9,860,000</u> |

41.16 (a) \$1,825,000 the first year and \$1,825,000  
41.17 the second year are for the continuation and  
41.18 expansion of stream flow monitoring.

41.19 (b) \$1,150,000 the first year and \$1,150,000  
41.20 the second year are for lake Index of  
41.21 Biological Integrity (IBI) assessments,  
41.22 including assessment of 400 additional lakes  
41.23 and technical analysis to develop an aquatic  
41.24 plant IBI analysis. The commissioner shall  
41.25 work with the commissioner of the Pollution  
41.26 Control Agency on the development of an  
41.27 assessment tool.

41.28 (c) \$130,000 the first year and \$130,000  
41.29 the second year are for assessing mercury  
41.30 contamination of fish, including monitoring  
41.31 to track the status of waters impaired by  
41.32 mercury and mercury reduction efforts over  
41.33 time.

41.34 (d) \$1,730,000 the first year and \$1,730,000  
41.35 the second year are for TMDL development

42.1 and TMDL implementation plans for waters  
42.2 listed on the United States Environmental  
42.3 Protection Agency approved impaired waters  
42.4 list in accordance with Minnesota Statutes,  
42.5 chapter 114D, and for development of a  
42.6 watershed assessment tool.

42.7 (e) \$1,500,000 the first year and \$1,500,000  
42.8 the second year are for water supply  
42.9 planning, aquifer protection, and monitoring  
42.10 activities.

42.11 (f) \$450,000 the first year and \$450,000 the  
42.12 second year are for establishing a Web-based  
42.13 electronic permitting system to capture water  
42.14 appropriation use information.

42.15 (g) \$1,725,000 the first year and \$1,725,000  
42.16 the second year are for shoreland  
42.17 stewardship, TMDL implementation  
42.18 coordination, providing technical assistance  
42.19 to the Drainage Work Group and Drainage  
42.20 Management Team, and maintaining and  
42.21 updating data. Of this amount, \$235,000  
42.22 each year is for maintaining and updating  
42.23 watershed boundaries and integrating  
42.24 high-resolution digital elevation data with  
42.25 watershed modeling and \$40,000 each year  
42.26 is for a biomonitoring database. TMDL  
42.27 implementation coordination efforts shall be  
42.28 focused on major watersheds with TMDL  
42.29 implementation plans, including forested  
42.30 watersheds.

42.31 (h) \$1,350,000 the first year and \$1,350,000  
42.32 the second year are to acquire and distribute  
42.33 high-resolution digital elevation data using  
42.34 light detection and ranging to aid with  
42.35 impaired waters modeling and TMDL

43.1 implementation under Minnesota Statutes,  
43.2 chapter 114D. The money shall be used  
43.3 to collect data for areas of the state that  
43.4 have not acquired the data prior to January  
43.5 1, 2007, or to complete acquisition and  
43.6 distribution of the data for those areas of  
43.7 the state that have not previously received  
43.8 state funds for acquiring and distributing the  
43.9 data. The distribution of data acquired under  
43.10 this paragraph must be conducted under  
43.11 the auspices of the Minnesota Geospatial  
43.12 Information Office, which shall receive up  
43.13 to 2.5 percent of the appropriation in this  
43.14 paragraph to support coordination of data  
43.15 acquisition and distribution. Mapping and  
43.16 data set distribution under this paragraph  
43.17 must be completed within three years of  
43.18 funds availability. The commissioner shall  
43.19 utilize department staff whenever possible.  
43.20 The commissioner may contract for services  
43.21 only if the services cannot otherwise be  
43.22 provided by the department.

43.23 (i) \$1,000,000 the first year is for  
43.24 implementation of the metropolitan  
43.25 groundwater monitoring and protection  
43.26 activities under Minnesota Laws 2010,  
43.27 chapter 361, article 2, section 4, subdivision  
43.28 2.

|       |                                               |                  |                          |                                           |
|-------|-----------------------------------------------|------------------|--------------------------|-------------------------------------------|
| 43.29 | <b><u>Sec. 7. BOARD OF WATER AND SOIL</u></b> |                  |                          |                                           |
| 43.30 | <b><u>RESOURCES</u></b>                       | <b><u>\$</u></b> | <b><u>27,534,000</u></b> | <b><u>\$</u></b> <b><u>27,534,000</u></b> |

43.31 (a) \$13,750,000 the first year and  
43.32 \$13,750,000 the second year are for  
43.33 pollution reduction and restoration grants  
43.34 to local government units and joint powers  
43.35 organizations of local government units to

44.1 protect surface water and drinking water; to  
44.2 keep water on the land; to protect, enhance,  
44.3 and restore water quality in lakes, rivers,  
44.4 and streams; and to protect groundwater  
44.5 and drinking water, including feedlot water  
44.6 quality and subsurface sewage treatment  
44.7 system (SSTS) projects and stream bank,  
44.8 stream channel, and shoreline restoration  
44.9 projects. The projects must be of long-lasting  
44.10 public benefit, include a match, and be  
44.11 consistent with TMDL implementation plans  
44.12 or local water management plans.

44.13 (b) \$3,000,000 the first year and \$3,000,000  
44.14 the second year are for targeted local  
44.15 resource protection and enhancement grants.

44.16 The board shall give priority consideration  
44.17 to projects and practices that complement,  
44.18 supplement, or exceed current state standards  
44.19 for protection, enhancement, and restoration  
44.20 of water quality in lakes, rivers, and streams  
44.21 or that protect groundwater from degradation.

44.22 Of this amount, at least \$1,500,000 each year  
44.23 is for county SSTS implementation.

44.24 (c) \$900,000 the first year and \$900,000 the  
44.25 second year are to provide state oversight  
44.26 and accountability, evaluate results, and  
44.27 measure the value of conservation program  
44.28 implementation by local governments,  
44.29 including submission to the legislature  
44.30 by March 1 each year an annual report  
44.31 prepared by the board, in consultation with  
44.32 the commissioners of natural resources,  
44.33 health, agriculture, and the Pollution Control  
44.34 Agency, detailing the recipients and projects  
44.35 funded under this section. The board shall  
44.36 require grantees to specify the outcomes that

45.1 will be achieved by the grants prior to any  
45.2 grant awards.

45.3 (d) \$1,000,000 the first year and \$1,000,000  
45.4 the second year are for technical assistance  
45.5 and grants for the conservation drainage  
45.6 program in consultation with the Drainage  
45.7 Work Group, created under Minnesota  
45.8 Statutes, section 103B.101, subdivision  
45.9 13, that consists of projects to retrofit  
45.10 existing drainage systems with water quality  
45.11 improvement practices, evaluate outcomes,  
45.12 and provide outreach to landowners, public  
45.13 drainage authorities, drainage engineers and  
45.14 contractors, and others.

45.15 (e) \$6,000,000 the first year and \$6,000,000  
45.16 the second year are to purchase and restore  
45.17 permanent conservation easements on  
45.18 riparian buffers adjacent to public waters,  
45.19 excluding wetlands, to keep water on the  
45.20 land in order to decrease sediment, pollutant,  
45.21 and nutrient transport; reduce hydrologic  
45.22 impacts to surface waters; and increase  
45.23 infiltration for groundwater recharge. The  
45.24 riparian buffers must be at least 50 feet  
45.25 unless there is a natural impediment, a road,  
45.26 or other impediment beyond the control  
45.27 of the landowner. This appropriation may  
45.28 be used for restoration of riparian buffers  
45.29 protected by easements purchased with  
45.30 this appropriation and for stream bank  
45.31 restorations when the riparian buffers have  
45.32 been restored.

45.33 (f) \$1,300,000 the first year and \$1,300,000  
45.34 the second year are for permanent  
45.35 conservation easements on wellhead

46.1 protection areas under Minnesota Statutes,  
46.2 section 103F.515, subdivision 2, paragraph  
46.3 (d). Priority must be placed on land that  
46.4 is located where the vulnerability of the  
46.5 drinking water supply is designated as high  
46.6 or very high by the commissioner of health.

46.7 (g) \$1,500,000 the first year and \$1,500,000  
46.8 the second year are for community partners  
46.9 grants to local units of government for:  
46.10 (1) structural or vegetative management  
46.11 practices that reduce storm water runoff  
46.12 from developed or disturbed lands to reduce  
46.13 the movement of sediment, nutrients, and  
46.14 pollutants for restoration, protection, or  
46.15 enhancement of water quality in lakes, rivers,  
46.16 and streams and to protect groundwater  
46.17 and drinking water; and (2) installation  
46.18 of proven and effective water retention  
46.19 practices including, but not limited to, rain  
46.20 gardens and other vegetated infiltration  
46.21 basins and sediment control basins in order  
46.22 to keep water on the land. The projects  
46.23 must be of long-lasting public benefit,  
46.24 include a local match, and be consistent with  
46.25 TMDL implementation plans or local water  
46.26 management plans. Local government unit  
46.27 staff and administration costs may be used  
46.28 as a match.

46.29 (h) \$84,000 the first year and \$84,000 the  
46.30 second year are for a technical evaluation  
46.31 panel to conduct up to ten restoration  
46.32 evaluations under Minnesota Statutes,  
46.33 section 114D.50, subdivision 6.

46.34 (i) The board shall contract for services  
46.35 with Conservation Corps Minnesota for

47.1 restoration, maintenance, and other activities  
47.2 under this section for \$500,000 the first year  
47.3 and \$500,000 the second year.  
  
47.4 (j) The board may shift grant or cost-share  
47.5 funds in this section and may adjust the  
47.6 technical and administrative assistance  
47.7 portion of the funds to leverage federal or  
47.8 other nonstate funds or to address oversight  
47.9 responsibilities or high-priority needs  
47.10 identified in local water management plans.  
  
47.11 (k) The appropriations in this section are  
47.12 available until June 30, 2016.

|       |                                                       |           |                  |           |                  |
|-------|-------------------------------------------------------|-----------|------------------|-----------|------------------|
| 47.13 | Sec. 8. <u>DEPARTMENT OF HEALTH</u>                   | <u>\$</u> | <u>2,988,000</u> | <u>\$</u> | <u>3,050,000</u> |
| 47.14 | <u>(a) \$1,020,000 the first year and \$1,020,000</u> |           |                  |           |                  |
| 47.15 | <u>the second year are for addressing public</u>      |           |                  |           |                  |
| 47.16 | <u>health concerns related to contaminants</u>        |           |                  |           |                  |
| 47.17 | <u>found in Minnesota drinking water for which</u>    |           |                  |           |                  |
| 47.18 | <u>no health-based drinking water standard</u>        |           |                  |           |                  |
| 47.19 | <u>exists.</u>                                        |           |                  |           |                  |
| 47.20 | <u>(b) \$1,415,000 the first year and \$1,415,000</u> |           |                  |           |                  |
| 47.21 | <u>the second year are for protection of drinking</u> |           |                  |           |                  |
| 47.22 | <u>water sources.</u>                                 |           |                  |           |                  |
| 47.23 | <u>(c) \$250,000 the first year and \$250,000 the</u> |           |                  |           |                  |
| 47.24 | <u>second year are for cost-share assistance to</u>   |           |                  |           |                  |
| 47.25 | <u>public and private well owners for up to 50</u>    |           |                  |           |                  |
| 47.26 | <u>percent of the cost of sealing unused wells.</u>   |           |                  |           |                  |
| 47.27 | <u>(d) \$303,000 the first year and \$365,000 the</u> |           |                  |           |                  |
| 47.28 | <u>second year are to expand the county well</u>      |           |                  |           |                  |
| 47.29 | <u>index.</u>                                         |           |                  |           |                  |

|       |                                                   |           |                |           |                |
|-------|---------------------------------------------------|-----------|----------------|-----------|----------------|
| 47.30 | Sec. 9. <u>METROPOLITAN COUNCIL</u>               | <u>\$</u> | <u>500,000</u> | <u>\$</u> | <u>500,000</u> |
| 47.31 | <u>\$500,000 the first year and \$500,000 the</u> |           |                |           |                |
| 47.32 | <u>second year are for implementation of the</u>  |           |                |           |                |

**H.F. No. 6, as introduced - 87th Legislative Session (2011-2012) [11-3660]**

48.1 master water supply plan developed under  
48.2 Minnesota Statutes, section 473.1565.

|      |                             |           |               |           |            |
|------|-----------------------------|-----------|---------------|-----------|------------|
| 48.3 | Sec. 10. <u>LEGISLATURE</u> | <u>\$</u> | <u>13,000</u> | <u>\$</u> | <u>-0-</u> |
|------|-----------------------------|-----------|---------------|-----------|------------|

48.4 \$13,000 the first year is for the Legislative  
48.5 Coordinating Commission for the costs of  
48.6 developing and implementing a Web site to  
48.7 contain information on projects receiving  
48.8 appropriations from the clean water fund and  
48.9 other constitutionally dedicated funds.

48.10      Sec. 11. **CARRYFORWARD**

48.11 (a) The appropriations in Laws 2009, chapter  
48.12 172, article 2, section 4, paragraph (g), as  
48.13 amended by Laws 2010, chapter 361, article  
48.14 2, section 2, are available until June 30,  
48.15 2013, and may be spent to continue research  
48.16 and testing on the potential for coal tar  
48.17 contamination of waters, on the study of  
48.18 treatment and disposal options, and for grants  
48.19 to local units of government.

48.20 (b) The appropriation in Laws 2010, chapter  
48.21 361, article 2, section 4, subdivision 1, for  
48.22 nitrogen and nitrate water quality standards  
48.23 rulemaking is available until June 30, 2012.

48.24 (c) The appropriations in Laws 2009, chapter  
48.25 172, article 2, section 4, paragraph (a),  
48.26 as amended by Laws 2010, chapter 361,  
48.27 article 2, section 2, for total maximum  
48.28 daily load (TDML) study development and  
48.29 implementation are available until June 30,  
48.30 2014.

48.31 (d) The appropriations in Laws 2009, chapter  
48.32 172, article 2, section 2, paragraph (d),  
48.33 for research and pilot projects related to

49.1 ways agricultural practices contribute to  
49.2 restoring impaired waters and assist with the  
49.3 development of TMDL plans, are available  
49.4 until June 30, 2016.

49.5 **EFFECTIVE DATE.** This section is effective retroactively from June 29, 2011.

49.6 Sec. 12. Minnesota Statutes 2010, section 10A.01, subdivision 35, is amended to read:

49.7 Subd. 35. **Public official.** "Public official" means any:

49.8 (1) member of the legislature;

49.9 (2) individual employed by the legislature as secretary of the senate, legislative  
49.10 auditor, chief clerk of the house of representatives, revisor of statutes, or researcher,  
49.11 legislative analyst, or attorney in the Office of Senate Counsel and Research or House  
49.12 Research;

49.13 (3) constitutional officer in the executive branch and the officer's chief administrative  
49.14 deputy;

49.15 (4) solicitor general or deputy, assistant, or special assistant attorney general;

49.16 (5) commissioner, deputy commissioner, or assistant commissioner of any state  
49.17 department or agency as listed in section 15.01 or 15.06, or the state chief information  
49.18 officer;

49.19 (6) member, chief administrative officer, or deputy chief administrative officer of a  
49.20 state board or commission that has either the power to adopt, amend, or repeal rules under  
49.21 chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

49.22 (7) individual employed in the executive branch who is authorized to adopt, amend,  
49.23 or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

49.24 (8) executive director of the State Board of Investment;

49.25 (9) deputy of any official listed in clauses (7) and (8);

49.26 (10) judge of the Workers' Compensation Court of Appeals;

49.27 (11) administrative law judge or compensation judge in the State Office of  
49.28 Administrative Hearings or unemployment law judge in the Department of Employment  
49.29 and Economic Development;

49.30 (12) member, regional administrator, division director, general counsel, or operations  
49.31 manager of the Metropolitan Council;

49.32 (13) member or chief administrator of a metropolitan agency;

49.33 (14) director of the Division of Alcohol and Gambling Enforcement in the  
49.34 Department of Public Safety;

49.35 (15) member or executive director of the Higher Education Facilities Authority;

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- 50.1 (16) member of the board of directors or president of Enterprise Minnesota, Inc.;
- 50.2 (17) member of the board of directors or executive director of the Minnesota State
- 50.3 High School League;
- 50.4 (18) member of the Minnesota Ballpark Authority established in section 473.755;
- 50.5 (19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;
- 50.6 (20) manager of a watershed district, or member of a watershed management
- 50.7 organization as defined under section 103B.205, subdivision 13;
- 50.8 (21) supervisor of a soil and water conservation district;
- 50.9 (22) director of Explore Minnesota Tourism; ~~or~~
- 50.10 (23) citizen member of the Lessard-Sams Outdoor Heritage Council established in
- 50.11 section 97A.056; or
- 50.12 (24) a citizen member of the Clean Water Council established in section 114D.30.

50.13 Sec. 13. Minnesota Statutes 2010, section 114D.10, is amended to read:

50.14 **114D.10 LEGISLATIVE PURPOSE AND FINDINGS.**

50.15 Subdivision 1. **Purpose.** The purpose of the Clean Water Legacy Act is to protect,

50.16 enhance, and restore, and preserve the water quality of Minnesota's surface waters in

50.17 lakes, rivers, and streams and to protect groundwater from degradation, by providing

50.18 authority, direction, and resources to achieve and maintain water quality standards for

50.19 groundwater and surface waters as, including the standards required by section 303(d)

50.20 of the federal Clean Water Act, United States Code, title 33, section 1313(d), and other

50.21 applicable state and federal regulations.

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

50.23 (1) there is a close link between protecting, enhancing, and restoring, ~~and preserving~~

50.24 the quality of Minnesota's groundwater and surface waters and the ability to develop the

50.25 state's economy, enhance its quality of life, and protect its human and natural resources;

50.26 (2) achieving the state's water quality goals will require long-term commitment and

50.27 cooperation by all state and local agencies, and other public and private organizations

50.28 and individuals, with responsibility and authority for water management, planning, and

50.29 protection; and

50.30 (3) all persons and organizations whose activities affect the quality of waters,

50.31 including point and nonpoint sources of pollution, have a responsibility to participate in

50.32 and support efforts to achieve the state's water quality goals.

50.33 Sec. 14. Minnesota Statutes 2010, section 114D.20, subdivision 1, is amended to read:

51.1           Subdivision 1. **Coordination and cooperation.** In implementing this chapter,  
51.2 public agencies and private entities shall take into consideration the relevant provisions of  
51.3 local and other applicable water management, conservation, land use, land management,  
51.4 and development plans and programs. Public agencies with authority for local water  
51.5 management, conservation, land use, land management, and development plans shall  
51.6 take into consideration the manner in which their plans affect the implementation of  
51.7 this chapter. Public agencies shall identify opportunities to participate and assist in the  
51.8 successful implementation of this chapter, including the funding or technical assistance  
51.9 needs, if any, that may be necessary. In implementing this chapter, public agencies shall  
51.10 endeavor to engage the cooperation of organizations and individuals whose activities  
51.11 affect the quality of groundwater or surface waters, including point and nonpoint sources  
51.12 of pollution, and who have authority and responsibility for water management, planning,  
51.13 and protection. To the extent practicable, public agencies shall endeavor to enter into  
51.14 formal and informal agreements and arrangements with federal agencies and departments  
51.15 to jointly utilize staff and educational, technical, and financial resources to deliver  
51.16 programs or conduct activities to achieve the intent of this chapter, including efforts  
51.17 under the federal Clean Water Act and other federal farm and soil and water conservation  
51.18 programs. Nothing in this chapter affects the application of silvicultural exemptions under  
51.19 any federal, state, or local law or requires silvicultural practices more stringent than those  
51.20 recommended in the timber harvesting and forest management guidelines adopted by the  
51.21 Minnesota Forest Resources Council under section 89A.05.

51.22           Sec. 15. Minnesota Statutes 2010, section 114D.20, subdivision 2, is amended to read:

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

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

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

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

51.32           (4) to provide assistance and incentives to prevent waters from becoming impaired  
51.33 and to improve the quality of waters that are listed as impaired but do not have an  
51.34 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;

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

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

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

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

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

(7) identify and encourage implementation of measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment using the best available data and

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53.1 technology, and establish and report outcome-based performance measures that monitor  
53.2 the progress and effectiveness of protection and restoration measures; ~~and~~  
53.3 (8) monitor and enforce cost-sharing contracts and impose monetary damages in an  
53.4 amount up to 150 percent of the financial assistance received for failure to comply; and  
53.5 (9) identify and encourage implementation of measures to prevent groundwater from  
53.6 becoming degraded and measures that restore groundwater resources.

53.7 Sec. 17. Minnesota Statutes 2010, section 114D.20, subdivision 6, is amended to read:

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

53.12 (1) coordinate with and utilize existing local authorities and infrastructure for  
53.13 implementation;

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

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

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

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

53.22 Sec. 18. Minnesota Statutes 2010, section 114D.20, subdivision 7, is amended to read:

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

53.28 Sec. 19. Minnesota Statutes 2010, section 114D.30, is amended to read:

53.29 **114D.30 CLEAN WATER COUNCIL.**

53.30 Subdivision 1. **Creation; duties.** A Clean Water Council is created to advise on the  
53.31 administration and implementation of this chapter, and foster coordination and cooperation  
53.32 as described in section 114D.20, subdivision 1. The council may also advise on the  
53.33 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. 20. 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. 21. Minnesota Statutes 2010, section 114D.50, subdivision 6, is amended to read:

Subd. 6. **Restoration evaluations.** ~~Beginning July 1, 2011,~~ The Board of Water and Soil Resources ~~shall~~ may convene a technical evaluation panel comprised of five members, including one technical representative from the Board of Water and Soil Resources, one technical representative from the Department of Natural Resources, one technical expert from the University of Minnesota or the Minnesota State Colleges and Universities, and two representatives with expertise related to the project being evaluated. The board may add a technical representative from a unit of federal or local government. The members of the technical evaluation panel may not be associated with the restoration, may vary depending upon the projects being reviewed, and shall avoid any potential conflicts of interest. Each year, the board ~~shall~~ may assign a coordinator to identify a sample of up to ten habitat restoration projects completed with clean water funding. The coordinator shall secure the restoration plans for the projects specified and direct the technical evaluation panel to evaluate the restorations relative to the law, current science, and the stated goals and standards in the restoration plan and, when applicable, to the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. The coordinator shall summarize the findings of the panel and provide a report to the chairs of the respective house of representatives and senate policy and finance committees with jurisdiction over natural resources and spending from the clean water fund. The report shall determine if the restorations are meeting planned goals,

58.1 any problems with the implementation of restorations, and, if necessary, recommendations  
58.2 on improving restorations. The report shall be focused on improving future restorations.  
58.3 Up to one-tenth of one percent of forecasted receipts from the clean water fund may be  
58.4 used for restoration evaluations under this section.

58.5 Sec. 22. Minnesota Statutes 2010, section 116.195, is amended to read:

58.6 **116.195 BENEFICIAL USE OF WASTEWATER AND STORM WATER;**  
58.7 **CAPITAL GRANTS FOR DEMONSTRATION PROJECTS.**

58.8 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms  
58.9 have the meanings given them.

58.10 (b) "Agency" means the Pollution Control Agency.

58.11 (c) "Beneficial use of wastewater or storm water" means:

58.12 (1) use of the effluent from a wastewater treatment plant that replaces use of  
58.13 groundwater; or

58.14 (2) use of storm water that replaces the use of groundwater.

58.15 (d) "Capital project" means the acquisition or betterment of public land, buildings,  
58.16 and other public improvements of a capital nature for the treatment of wastewater intended  
58.17 for beneficial use or for the use of storm water to replace groundwater use. Capital project  
58.18 includes projects to retrofit, expand, or construct new treatment facilities.

58.19 Subd. 2. **Grants for capital project design.** The agency shall make grant awards  
58.20 to political subdivisions for up to 50 percent of the costs to predesign and design capital  
58.21 projects that demonstrate the beneficial use of wastewater or storm water. ~~The maximum~~  
58.22 ~~amount for a grant under this subdivision is \$500,000.~~ The grant agreement must provide  
58.23 that the predesign and design work being funded is public information and available to  
58.24 anyone without charge. The agency must make the predesign and design work available  
58.25 on its Web site.

58.26 Subd. 3. **Grants for capital project implementation.** The agency shall make grant  
58.27 awards to political subdivisions for up to 50 percent of the costs to acquire, construct,  
58.28 install, furnish, and equip capital projects that demonstrate the beneficial use of wastewater  
58.29 or storm water. The political subdivision must submit design plans and specifications  
58.30 to the agency as part of the application.

58.31 The agency must consult with the Public Facilities Authority and the commissioner  
58.32 of natural resources in reviewing and ranking applications for grants under this section.

58.33 The application must identify the uses of the treated wastewater or storm water  
58.34 and greater weight will be given to applications that include a binding commitment to  
58.35 participate by the user or users.

The agency must give preference to projects that will reduce use of the greatest volume of groundwater from aquifers with the slowest rate of recharge.

Subd. 4. **Application form; procedures.** The agency shall develop an application form and procedures.

Subd. 5. **Reports.** The agency shall report by February 1 of each year to the chairs of the house of representatives and senate committees with jurisdiction over environment policy and finance and capital investment on the grants made and projects funded under this section. For each demonstration project funded, the report must include information on the scale of water constraints for the area, the volume of treated wastewater ~~supply~~ supplied or storm water available, the quality of the storm water or treated wastewater supplied and treatment implications for the industrial user, impacts to stream flow and downstream users, and any considerations related to water appropriation and discharge permits.

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

Sec. 23. Laws 2009, chapter 172, article 2, section 4, as amended by Laws 2010, chapter 361, article 2, section 2, is amended to read:

Sec. 4. **POLLUTION CONTROL AGENCY       \$       24,076,000 \$       27,630,000**

(a) \$9,000,000 the first year and \$9,000,000 the second year are to develop total maximum daily load (TMDL) studies and TMDL implementation plans for waters listed on the United States Environmental Protection Agency approved impaired waters list in accordance with Minnesota Statutes, chapter 114D. The agency shall complete an average of ten percent of the TMDLs each year over the biennium. Of this amount, \$348,000 the first year is to retest the comprehensive assessment of the biological conditions of the lower Minnesota River and its tributaries within the Lower Minnesota River Major Watershed, as previously assessed from 1976 to 1992 under the Minnesota River Assessment Project

60.1 (MRAP). The assessment must include the  
60.2 same fish species sampling at the same 116  
60.3 locations and the same macroinvertebrate  
60.4 sampling at the same 41 locations as the  
60.5 MRAP assessment. The assessment must:

60.6 (1) include an analysis of the findings; and  
60.7 (2) identify factors that limit aquatic life in  
60.8 the Minnesota River.

60.9 Of this amount, \$250,000 the first year is  
60.10 for a pilot project for the development of  
60.11 total maximum daily load (TMDL) studies  
60.12 conducted on a watershed basis within  
60.13 the Buffalo River watershed in order to  
60.14 protect, enhance, and restore water quality  
60.15 in lakes, rivers, and streams. The pilot  
60.16 project shall include all necessary field  
60.17 work to develop TMDL studies for all  
60.18 impaired subwatersheds within the Buffalo  
60.19 River watershed and provide information  
60.20 necessary to complete reports for most of the  
60.21 remaining watersheds, including analysis of  
60.22 water quality data, identification of sources  
60.23 of water quality degradation and stressors,  
60.24 load allocation development, development  
60.25 of reports that provide protection plans  
60.26 for subwatersheds that meet water quality  
60.27 standards, and development of reports that  
60.28 provide information necessary to complete  
60.29 TMDL studies for subwatersheds that do not  
60.30 meet water quality standards, but are not  
60.31 listed as impaired.

60.32 (b) \$500,000 the first year is for development  
60.33 of an enhanced TMDL database to manage  
60.34 and track progress. Of this amount, \$63,000  
60.35 the first year is to promulgate rules. By

61.1 November 1, 2010, the commissioner shall  
61.2 submit a report to the chairs of the house of  
61.3 representatives and senate committees with  
61.4 jurisdiction over environment and natural  
61.5 resources finance on the outcomes achieved  
61.6 with this appropriation.

61.7 (c) \$1,500,000 the first year and \$3,169,000  
61.8 the second year are for grants under  
61.9 Minnesota Statutes, section 116.195, to  
61.10 political subdivisions for up to 50 percent of  
61.11 the costs to predesign, design, and implement  
61.12 capital projects that use storm water or  
61.13 treated municipal wastewater instead of  
61.14 groundwater from drinking water aquifers,  
61.15 in order to demonstrate the beneficial use  
61.16 of wastewater or storm water, including  
61.17 the conservation and protection of water  
61.18 resources. Of this amount, \$1,000,000 the  
61.19 first year is for grants to ethanol plants that  
61.20 are within one and one-half miles of a city for  
61.21 improvements that use storm water or reuse  
61.22 greater than 300,000 gallons of wastewater  
61.23 per day. This appropriation is available until  
61.24 June 30, 2016.

61.25 (d) \$1,125,000 the first year and \$1,125,000  
61.26 the second year are for groundwater  
61.27 assessment and drinking water protection to  
61.28 include:

61.29 (1) the installation and sampling of at least  
61.30 30 new monitoring wells;  
61.31 (2) the analysis of samples from at least 40  
61.32 shallow monitoring wells each year for the  
61.33 presence of endocrine disrupting compounds;  
61.34 and

62.1 (3) the completion of at least four to  
62.2 five groundwater models for TMDL and  
62.3 watershed plans.

62.4 (e) \$2,500,000 the first year is for the clean  
62.5 water partnership program. Priority shall be  
62.6 given to projects preventing impairments and  
62.7 degradation of lakes, rivers, streams, and  
62.8 groundwater in accordance with Minnesota  
62.9 Statutes, section 114D.20, subdivision 2,  
62.10 clause (4). Any balance remaining in the first  
62.11 year does not cancel and is available for the  
62.12 second year.

62.13 (f) \$896,000 the first year is to establish  
62.14 a network of water monitoring sites, to  
62.15 include at least 20 additional sites, in public  
62.16 waters adjacent to wastewater treatment  
62.17 facilities across the state to assess levels of  
62.18 endocrine-disrupting compounds, antibiotic  
62.19 compounds, and pharmaceuticals as required  
62.20 in this article. The data must be placed on  
62.21 the agency's Web site.

62.22 (g) \$155,000 the first year is to provide  
62.23 notification of the potential for coal tar  
62.24 contamination, establish a storm water  
62.25 pond inventory schedule, and develop best  
62.26 management practices for treating and  
62.27 cleaning up contaminated sediments as  
62.28 required in this article. \$490,000 the second  
62.29 year is to provide grants to local units of  
62.30 government for up to 50 percent of the costs  
62.31 to implement best management practices to  
62.32 treat or clean up contaminated sediments  
62.33 in storm water ponds and other waters as  
62.34 defined under this article. Local governments  
62.35 must have adopted an ordinance for the

63.1 restricted use of undiluted coal tar sealants  
63.2 in order to be eligible for a grant, unless a  
63.3 statewide restriction has been implemented.  
63.4 A grant awarded under this paragraph must  
63.5 not exceed \$100,000. Up to \$145,000 of the  
63.6 appropriation in the second year may be used  
63.7 to complete work required under section 28,  
63.8 paragraph (c).

63.9 (h) \$350,000 the first year and \$600,000 the  
63.10 second year are for a restoration project in  
63.11 the lower St. Louis River and Duluth harbor  
63.12 in order to improve water quality. This  
63.13 appropriation must be matched by nonstate  
63.14 money at a rate of at least \$2 for every \$1 of  
63.15 state money.

63.16 (i) \$150,000 the first year and \$196,000 the  
63.17 second year are for grants to the Red River  
63.18 Watershed Management Board to enhance  
63.19 and expand existing river watch activities in  
63.20 the Red River of the North. The Red River  
63.21 Watershed Management Board shall provide  
63.22 a report that includes formal evaluation  
63.23 results from the river watch program to the  
63.24 commissioners of education and the Pollution  
63.25 Control Agency and to the legislative natural  
63.26 resources finance and policy committees  
63.27 and K-12 finance and policy committees by  
63.28 February 15, 2011.

63.29 (j) \$200,000 the first year and \$300,000 the  
63.30 second year are for coordination with the  
63.31 state of Wisconsin and the National Park  
63.32 Service on comprehensive water monitoring  
63.33 and phosphorus reduction activities in the  
63.34 Lake St. Croix portion of the St. Croix  
63.35 River. The Pollution Control Agency

64.1 shall work with the St. Croix Basin Water  
64.2 Resources Planning Team and the St. Croix  
64.3 River Association in implementing the  
64.4 water monitoring and phosphorus reduction  
64.5 activities. This appropriation is available  
64.6 to the extent matched by nonstate sources.  
64.7 Money not matched by November 15, 2010,  
64.8 cancels for this purpose and is available for  
64.9 the purposes of paragraph (a).

64.10 (k) \$7,500,000 the first year and \$7,500,000  
64.11 the second year are for completion of 20  
64.12 percent of the needed statewide assessments  
64.13 of surface water quality and trends. Of this  
64.14 amount, \$175,000 the first year and \$200,000  
64.15 the second year are for monitoring and  
64.16 analyzing endocrine disruptors in surface  
64.17 waters.

64.18 (l) \$100,000 the first year and \$150,000  
64.19 the second year are for civic engagement  
64.20 in TMDL development. The agency shall  
64.21 develop a plan for expenditures under  
64.22 this paragraph. The agency shall give  
64.23 consideration to civic engagement proposals  
64.24 from basin or sub-basin organizations,  
64.25 including the Mississippi Headwaters Board,  
64.26 the Minnesota River Joint Powers Board,  
64.27 Area II Minnesota River Basin Projects,  
64.28 and the Red River Basin Commission.  
64.29 By November 15, 2009, the plan shall be  
64.30 submitted to the house and senate chairs  
64.31 and ranking minority members of the  
64.32 environmental finance divisions.

64.33 (m) \$5,000,000 the second year is for  
64.34 groundwater protection or prevention of  
64.35 groundwater degradation activities. By

65.1 January 15, 2010, the commissioner, in  
65.2 consultation with the commissioner of  
65.3 natural resources, the Board of Water and  
65.4 Soil Resources, and other agencies, shall  
65.5 submit a report to the chairs of the house of  
65.6 representatives and senate committees with  
65.7 jurisdiction over the clean water fund on the  
65.8 intended use of these funds. The legislature  
65.9 must approve expenditure of these funds by  
65.10 law.

65.11 Notwithstanding Minnesota Statutes, section  
65.12 16A.28, the appropriations encumbered on or  
65.13 before June 30, 2011, as grants or contracts in  
65.14 this section are available until June 30, 2013.

65.15 **EFFECTIVE DATE.** This section is effective retroactively from June 29, 2011.

65.16 Sec. 24. Laws 2010, chapter 361, article 2, section 3, is amended to read:

65.17 Sec. 3. **CLEAN WATER FUND; 2009 APPROPRIATION ADJUSTMENTS.**

65.18 The appropriations in fiscal years ~~2011~~ 2010 and ~~2012~~ 2011 to the Department of  
65.19 Natural Resources for high-resolution digital elevation data in Laws 2009, chapter 172,  
65.20 article 2, section 5, paragraph (d), are available until June 30, 2012.

65.21 **EFFECTIVE DATE.** This section is effective retroactively from June 29, 2011.

65.22 Sec. 25. **CIVIC ENGAGEMENT AND PUBLIC EDUCATION.**

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

65.25 Sec. 26. **REPEALER.**

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

65.27 Sec. 27. **EFFECTIVE DATE; RELATIONSHIP TO OTHER**  
65.28 **APPROPRIATIONS.**

65.29 Unless otherwise specified, this article is effective retroactively from July 1, 2011,  
65.30 and supersedes and replaces funding authorized by order of the Second Judicial District  
65.31 Court in Case No. 62-CV-11-5203.

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>39,676,000</u> | \$ | <u>38,468,000</u> |
|-------------------------------------------|----|-------------------|----|-------------------|

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 unless otherwise specified in this article, fiscal year 2012 appropriations are available until June 30, 2014, and fiscal year 2013 appropriations are available until June 30, 2015. If a project receives federal funds, the

67.1 time period of the appropriation is extended

67.2 to equal the availability of federal funding.

67.3      Sec. 3. DEPARTMENT OF NATURAL

## 67.4 RESOURCES

\$

**23,906,000 \$**

\$

**22,327,000**

67.5 (a) \$14,262,000 the first year and

67.6 \$14,603,000 the second year are for state

67.7 parks, recreation areas, and trails to:

67.8 (1) connect people to the outdoors;

67.9 (2) acquire land and create opportunities;

67.10 (3) maintain existing holdings; and

67.11 (4) improve cooperation by coordinating

67.12 with partners to implement the 25-year

67.13 long-range parks and trails legacy plan.

67.14 (b) \$2,100,000 the first year is for acquisition

67.15 of land adjacent to LaSalle Lake in Hubbard

67.16 County for a state recreation area. If the

67.17 acquisition is not completed by July 15,

67.18 2012, or if a balance remains after the

67.19 acquisition of the land, the money under this

67.20 paragraph is available for acquisitions under

67.21 paragraph (a), clause (2).

67.22 (c) \$7,506,000 the first year and \$7,686,000

67.23 the second year are for parks and trails of

67.24 regional or statewide significance as follows:

67.25 (1) \$7,331,000 the first year and \$7,686,000

67.26 the second year are for grants under

67.27 Minnesota Statutes, section 85.535, to

67.28 acquire, develop, improve, and restore

67.29 parks and trails of regional or statewide

67.30 significance outside of the metropolitan area,

67.31 as defined in Minnesota Statutes, section

67.32 473.121, subdivision 2; and

67.33 (2) \$175,000 the first year is for a grant to

67.34 the Greater Minnesota Regional Park and

68.1 Trail Coalition to: (1) establish protocols  
68.2 to determine the origin of visitors, and  
68.3 projection of potential use of greater  
68.4 Minnesota regional parks and trails; (2)  
68.5 collect and compile details on the facilities  
68.6 within the greater Minnesota regional park  
68.7 system; and (3) develop evaluation protocol  
68.8 and criteria to determine priorities for park  
68.9 and trail acquisition and development. No  
68.10 local match is required for this grant.

68.11 Notwithstanding Minnesota Statutes, section  
68.12 85.535, subdivision 3, the local match  
68.13 requirement is ten percent for money  
68.14 appropriated in fiscal year 2012 for grants  
68.15 under this section. The commissioner of  
68.16 natural resources may reduce the nonstate  
68.17 cash match requirement for grants awarded  
68.18 to groups of three or more entities if the  
68.19 commissioner determines that the nonstate  
68.20 cash match requirement is a financial  
68.21 burden to one or more of the entities. The  
68.22 overall reduction in the nonstate cash match  
68.23 requirement may not exceed 25 percent of  
68.24 the original nonstate cash match requirement.

68.25 Up to 2.5 percent of the total appropriation  
68.26 may be used for administering the grants.  
68.27 Any unencumbered balance at the end of a  
68.28 fiscal year is available for the purposes in  
68.29 paragraph (a).

68.30 (d) \$38,000 the first year and \$38,000 the  
68.31 second year are for a technical evaluation  
68.32 panel to conduct up to ten restoration  
68.33 evaluations under Minnesota Statutes,  
68.34 section 85.53, subdivision 5.

69.1 (e) The commissioner shall contract for  
69.2 services with Conservation Corps Minnesota  
69.3 for restoration, maintenance, and other  
69.4 activities under this section for at least  
69.5 \$500,000 the first year and \$500,000 the  
69.6 second year.

69.7 (f) The commissioner of natural resources  
69.8 shall convene and facilitate a working group  
69.9 of nine members to develop consensus  
69.10 recommendations for the allocation of the  
69.11 parks and trails fund. The working group  
69.12 shall have representatives from metropolitan  
69.13 parks and trails, greater Minnesota parks  
69.14 and trails, and the Department of Natural  
69.15 Resources Parks and Trails Division.  
69.16 The consensus recommendations shall  
69.17 be submitted no later than November 15,  
69.18 2012, and presented to the governor for  
69.19 consideration in the budget for fiscal years  
69.20 2014 and 2015.

69.21 Sec. 4. METROPOLITAN COUNCIL                      \$        15,763,000 \$        16,141,000

69.22 (a) \$15,763,000 the first year and \$16,141,000  
69.23 the second year are to be distributed under  
69.24 Minnesota Statutes, section 85.53,  
69.25 subdivision 3. The Metropolitan Council  
69.26 may use a portion of this appropriation to  
69.27 provide grants for metropolitan parks and  
69.28 trails of regional or statewide significance  
69.29 within the metropolitan area that are not  
69.30 eligible under Minnesota Statutes, section  
69.31 85.53, subdivision 3.

69.32 (b) The Metropolitan Council shall submit  
69.33 a report on the expenditure and use of  
69.34 money appropriated under this section to  
69.35 the legislature as provided in Minnesota

**H.F. No. 6, as introduced - 87th Legislative Session (2011-2012) [11-3660]**

70.1 Statutes, section 3.195, by March 1 of each  
70.2 year. The report must detail the outcomes in  
70.3 terms of additional use of parks and trails  
70.4 resources, user satisfaction surveys, and  
70.5 other appropriate outcomes.

|       |                                                      |    |              |    |            |
|-------|------------------------------------------------------|----|--------------|----|------------|
| 70.6  | Sec. 5. <u>LEGISLATURE</u>                           | \$ | <u>7,000</u> | \$ | <u>-0-</u> |
| 70.7  | <u>\$7,000 the first year is for the Legislative</u> |    |              |    |            |
| 70.8  | <u>Coordinating Commission for the costs of</u>      |    |              |    |            |
| 70.9  | <u>developing and implementing a Web site to</u>     |    |              |    |            |
| 70.10 | <u>contain information on projects receiving</u>     |    |              |    |            |
| 70.11 | <u>appropriations from the parks and trails fund</u> |    |              |    |            |
| 70.12 | <u>and other constitutionally dedicated funds.</u>   |    |              |    |            |

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

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

70.16 Sec. 7. Minnesota Statutes 2010, section 85.53, subdivision 5, is amended to read:

70.17 Subd. 5. **Restoration evaluations.** ~~Beginning July 1, 2011,~~ The commissioner  
70.18 of natural resources ~~shall~~ may convene a technical evaluation panel comprised of five  
70.19 members, including one technical representative from the Board of Water and Soil  
70.20 Resources, one technical representative from the Department of Natural Resources, one  
70.21 technical expert from the University of Minnesota or the Minnesota State Colleges and  
70.22 Universities, and two other representatives with expertise related to the project being  
70.23 evaluated. The commissioner may add a technical representative from a unit of federal or  
70.24 local government. The members of the technical evaluation panel may not be associated  
70.25 with the restoration, may vary depending upon the projects being reviewed, and shall  
70.26 avoid any potential conflicts of interest. Each year, the commissioner ~~shall~~ may assign  
70.27 a coordinator to identify a sample of up to ten habitat restoration projects completed  
70.28 with parks and trails funding. The coordinator shall secure the restoration plans for the  
70.29 projects specified and direct the technical evaluation panel to evaluate the restorations  
70.30 relative to the law, current science, and the stated goals and standards in the restoration  
70.31 plan and, when applicable, to the Board of Water and Soil Resources' native vegetation  
70.32 establishment and enhancement guidelines. The coordinator shall summarize the findings  
70.33 of the panel and provide a report to the chairs of the respective house of representatives

and senate policy and finance committees with jurisdiction over natural resources and spending from the parks and trails fund. The report shall determine if the restorations are meeting planned goals, any problems with the implementation of restorations, and, if necessary, recommendations on improving restorations. The report shall be focused on improving future restorations. Up to one-tenth of one percent of forecasted receipts from the parks and trails fund may be used for restoration evaluations under this section.

**Sec. 8. LASALLE LAKE STATE RECREATION AREA.**

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

**Subd. 2. Boundaries.** The following described lands are located within the 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.

**Sec. 9. LASALLE LAKE STATE RECREATION AREA MANAGEMENT OPTIONS.**

By March 1, 2012, the commissioner of natural resources shall submit a report to the senate and house of representatives committees and divisions with jurisdiction over natural resources policy and finance evaluating options for the management of the resort within the LaSalle Lake State Recreation Area, including an evaluation of the option to lease the resort to a nonstate entity. The evaluation shall include potential financial arrangements or mechanisms that would make the equivalent of local taxes or payments in lieu of taxes the responsibility of the nonstate entity.

Sec. 10. EFFECTIVE DATE; RELATIONSHIP TO OTHER APPROPRIATIONS.

Unless otherwise specified, this article is effective retroactively from July 1, 2011, and supersedes and replaces funding authorized by order of the Second Judicial District Court in Case No. 62-CV-11-5203.

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>52,600,000</u> | \$ | <u>52,714,000</u> |
|-------------------------------------------|----|-------------------|----|-------------------|

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 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 unless otherwise specified in this article,

73.1 fiscal year 2012 appropriations are available  
73.2 until June 30, 2013, and fiscal year 2013  
73.3 appropriations are available until June 30,  
73.4 2014. If a project receives federal funds, the  
73.5 time period of the appropriation is extended  
73.6 to equal the availability of federal funding.

|      |                                                   |                   |                   |
|------|---------------------------------------------------|-------------------|-------------------|
| 73.7 | <u>Subd. 3. <b>Minnesota State Arts Board</b></u> | <u>22,167,000</u> | <u>23,314,000</u> |
|------|---------------------------------------------------|-------------------|-------------------|

73.8 These amounts are appropriated to the  
73.9 Minnesota State Arts Board for arts, arts  
73.10 education, and arts access. Grant agreements  
73.11 entered into by the Minnesota State Arts  
73.12 Board and other recipients of appropriations  
73.13 in this subdivision shall ensure that  
73.14 these funds are used to supplement and  
73.15 not substitute for traditional sources of  
73.16 funding. Appropriations made directly  
73.17 to the Minnesota State Arts Board shall  
73.18 supplement, and shall not substitute for,  
73.19 traditional sources of funding. Each grant  
73.20 program established within this appropriation  
73.21 shall be separately administered from other  
73.22 state appropriations for program planning  
73.23 and outcome measurements, but may take  
73.24 into consideration other state resources  
73.25 awarded in the selection of applicants and  
73.26 grant award size.

73.27 **Arts and Arts Access Initiatives.**  
73.28 \$17,003,000 the first year and \$18,150,000  
73.29 the second year are to support Minnesota  
73.30 artists and arts organizations in creating,  
73.31 producing, and presenting high-quality arts  
73.32 activities; to overcome barriers to accessing  
73.33 high-quality arts activities; and to instill the  
73.34 arts into the community and public life in  
73.35 this state.

74.1 A portion of these funds may be used to:  
74.2 (1) pay attendance fees and travel costs  
74.3 for youth to visit art museums, arts  
74.4 performances, or other arts activities; or  
74.5 (2) bring artists to schools, libraries, or other  
74.6 community centers or organizations for  
74.7 teaching, training, or performance purposes.

74.8 **Arts Education.** \$3,276,000 the first year  
74.9 and \$3,276,000 the second year are for  
74.10 high-quality, age-appropriate arts education  
74.11 for Minnesotans of all ages to develop  
74.12 knowledge, skills, and understanding of the  
74.13 arts.

74.14 In collaboration with the Perpich Center  
74.15 for Arts Education, a portion of this  
74.16 appropriation may be used for grants to  
74.17 school districts to provide materials or  
74.18 resources to teachers, students, and parents  
74.19 to promote achievement of K-12 academic  
74.20 standards in the arts.

74.21 **Arts and Cultural Heritage.** \$1,073,000  
74.22 the first year and \$1,073,000 the second year  
74.23 are for events and activities that represent the  
74.24 diverse cultural arts traditions, including folk  
74.25 and traditional artists and art organizations,  
74.26 represented in this state.

74.27 **Administration, Fiscal Oversight, and**  
74.28 **Accountability.** \$815,000 the first year  
74.29 and \$815,000 the second year are for  
74.30 administration of grant programs, delivering  
74.31 technical services, providing fiscal oversight  
74.32 for the statewide system, and ensuring  
74.33 accountability for these state resources.

|       |                                                        |                   |                   |
|-------|--------------------------------------------------------|-------------------|-------------------|
| 75.1  | <u>Census.</u> The Minnesota State Arts Board, in      |                   |                   |
| 75.2  | <u>partnership with regional arts councils, shall</u>  |                   |                   |
| 75.3  | <u>maintain a census of Minnesota artists and</u>      |                   |                   |
| 75.4  | <u>artistic organizations.</u>                         |                   |                   |
| 75.5  | <u>Thirty percent of the total appropriated to</u>     |                   |                   |
| 75.6  | <u>each of the categories established in this</u>      |                   |                   |
| 75.7  | <u>subdivision is for grants to the regional arts</u>  |                   |                   |
| 75.8  | <u>councils. This percentage does not apply to</u>     |                   |                   |
| 75.9  | <u>administrative costs.</u>                           |                   |                   |
| 75.10 | <u>Subd. 4. Department of Education</u>                | <u>3,000,000</u>  | <u>3,000,000</u>  |
| 75.11 | <u>These amounts are appropriateded to the</u>         |                   |                   |
| 75.12 | <u>commissioner of education for grants</u>            |                   |                   |
| 75.13 | <u>allocated using existing formulas under</u>         |                   |                   |
| 75.14 | <u>Minnesota Statutes, section 134.355, to the</u>     |                   |                   |
| 75.15 | <u>12 Minnesota regional library systems, to</u>       |                   |                   |
| 75.16 | <u>provide educational opportunities in the arts,</u>  |                   |                   |
| 75.17 | <u>history, literary arts, and cultural heritage</u>   |                   |                   |
| 75.18 | <u>of Minnesota. These funds may be used</u>           |                   |                   |
| 75.19 | <u>to sponsor programs provided by regional</u>        |                   |                   |
| 75.20 | <u>libraries or to provide grants to local arts</u>    |                   |                   |
| 75.21 | <u>and cultural heritage programs for programs</u>     |                   |                   |
| 75.22 | <u>in partnership with regional libraries. This</u>    |                   |                   |
| 75.23 | <u>appropriation is available until June 30, 2015.</u> |                   |                   |
| 75.24 | <u>Subd. 5. Minnesota Historical Society</u>           | <u>12,050,000</u> | <u>12,050,000</u> |
| 75.25 | <u>These amounts are appropriateded to the</u>         |                   |                   |
| 75.26 | <u>governing board of the Minnesota Historical</u>     |                   |                   |
| 75.27 | <u>Society to preserve and enhance access to</u>       |                   |                   |
| 75.28 | <u>Minnesota's history and its cultural and</u>        |                   |                   |
| 75.29 | <u>historical resources. Grant agreements</u>          |                   |                   |
| 75.30 | <u>entered into by the Minnesota Historical</u>        |                   |                   |
| 75.31 | <u>Society and other recipients of appropriations</u>  |                   |                   |
| 75.32 | <u>in this subdivision shall ensure that</u>           |                   |                   |
| 75.33 | <u>these funds are used to supplement and</u>          |                   |                   |
| 75.34 | <u>not substitute for traditional sources of</u>       |                   |                   |
| 75.35 | <u>funding. Funds directly appropriated to the</u>     |                   |                   |

76.1 Minnesota Historical Society shall be used to  
76.2 supplement, and not substitute for, traditional  
76.3 sources of funding. Notwithstanding  
76.4 Minnesota Statutes, section 16A.28, for  
76.5 historic preservation projects that improve  
76.6 historic structures, the amounts are available  
76.7 until June 30, 2015.

76.8 **Statewide Historic and Cultural Grants.**  
76.9 \$5,250,000 the first year and \$5,250,000  
76.10 the second year are for history programs  
76.11 and projects operated or conducted by or  
76.12 through local, county, regional, or other  
76.13 historical or cultural organizations; or for  
76.14 activities to preserve significant historic  
76.15 and cultural resources. Funds are to be  
76.16 distributed through a competitive grants  
76.17 process. The Minnesota Historical Society  
76.18 shall administer these funds using established  
76.19 grants mechanisms, with assistance from  
76.20 the advisory committee created under Laws  
76.21 2009, chapter 172, article 4, section 2,  
76.22 subdivision 4, paragraph (b), item (ii).

76.23 **Programs.** \$4,800,000 the first year and  
76.24 \$4,800,000 the second year are for programs  
76.25 and purposes related to the historical and  
76.26 cultural heritage of the state of Minnesota,  
76.27 conducted by the Minnesota Historical  
76.28 Society.

76.29 **History Partnerships.** \$1,500,000 the  
76.30 first year and \$1,500,000 the second year  
76.31 are for partnerships involving multiple  
76.32 organizations, which may include the  
76.33 Minnesota Historical Society, to preserve and  
76.34 enhance access to Minnesota's history and  
76.35 cultural heritage in all regions of the state.

77.1 Statewide Survey of Historical and  
77.2 Archaeological Sites. \$250,000 the first  
77.3 year and \$250,000 the second year are  
77.4 for a contract or contracts to be let on a  
77.5 competitive basis to conduct statewide  
77.6 surveys of Minnesota's sites of historical,  
77.7 archaeological, and cultural significance.  
77.8 Results of this survey must be published in  
77.9 a searchable form, available to the public on  
77.10 a cost-free basis. The Minnesota Historical  
77.11 Society, the Office of the State Archaeologist,  
77.12 and the Indian Affairs Council shall each  
77.13 appoint a representative to an oversight  
77.14 board to select contractors and direct the  
77.15 conduct of these surveys. The oversight  
77.16 board shall consult with the Departments of  
77.17 Transportation and Natural Resources.

77.18 Digital Library. \$250,000 the first year and  
77.19 \$250,000 the second year are for a digital  
77.20 library project to preserve, digitize, and share  
77.21 Minnesota images, documents, and historical  
77.22 materials. The Minnesota Historical Society  
77.23 shall cooperate with the Minitex interlibrary  
77.24 loan system and shall jointly share this  
77.25 appropriation for these purposes.

|       |                                              |                  |                  |
|-------|----------------------------------------------|------------------|------------------|
| 77.26 | <u>Subd. 6. Department of Administration</u> | <u>9,175,000</u> | <u>8,150,000</u> |
|-------|----------------------------------------------|------------------|------------------|

77.27 These amounts are appropriated to the  
77.28 commissioner of administration for grants  
77.29 to the named organizations for the purposes  
77.30 specified in this subdivision. Up to one  
77.31 percent of funds may be used by the  
77.32 commissioner for grants administration.

77.33 Grant agreements entered into by  
77.34 the commissioner and recipients of  
77.35 appropriations in this subdivision must

78.1 ensure that money appropriated in this  
78.2 subdivision is used to supplement and not  
78.3 substitute for traditional sources of funding.

78.4 **Public Radio Grants.** \$2,650,000 the first  
78.5 year and \$2,650,000 the second year are for  
78.6 a competitive Arts and Cultural Heritage  
78.7 Grants Program-Public Radio.

78.8 The commissioner shall solicit proposals  
78.9 and award grants to public radio stations  
78.10 that satisfy the eligibility requirements  
78.11 under Minnesota Statutes, section 129D.14,  
78.12 subdivision 3, and create, produce, acquire,  
78.13 or distribute radio programs that educate,  
78.14 enhance, or promote local, regional, or  
78.15 statewide items of artistic, cultural, or  
78.16 historic significance. The commissioner  
78.17 shall give preference to projects that  
78.18 expand Minnesotans' access to knowledge,  
78.19 information, arts, state history, or cultural  
78.20 heritage. This appropriation is available for  
78.21 eligible costs incurred as of July 1, 2011, and  
78.22 does not expire until June 30, 2015.

78.23 **Public Television.** \$3,700,000 the first  
78.24 year and \$3,700,000 the second year are for  
78.25 grants to the Minnesota Public Television  
78.26 Association for production and acquisition  
78.27 grants according to Minnesota Statutes,  
78.28 section 129D.18. In recognition of the  
78.29 sesquicentennial of the American Civil  
78.30 War, the Minnesota Public Television  
78.31 Association shall produce new programming  
78.32 on Minnesota history during that period.  
78.33 This appropriation is available for eligible  
78.34 costs incurred as of July 1, 2011, and does  
78.35 not expire until June 30, 2015.

79.1 **Veterans Camps.** \$475,000 the first year  
79.2 is for grants of \$400,000 to the Disabled  
79.3 Veterans Rest Camp located on Big Marine  
79.4 Lake in Washington County and \$75,000 to  
79.5 the Veterans on the Lake Resort located on  
79.6 Fall Lake in St. Louis County.

79.7 **Zoos.** \$300,000 the first year and \$300,000  
79.8 the second year are for grants of \$200,000  
79.9 each year to the Como Park Zoo and  
79.10 \$100,000 each year to the Lake Superior Zoo  
79.11 for programmatic development.

79.12 **Minnesota Children's Museum.** \$500,000  
79.13 the first year and \$500,000 the second year  
79.14 are for grants to the Minnesota Children's  
79.15 Museum. These amounts are for arts, arts  
79.16 education, and arts access and to preserve  
79.17 Minnesota's history and cultural heritage.

79.18 **Science Museum of Minnesota.** \$500,000  
79.19 the first year and \$500,000 the second year  
79.20 are for grants to the Science Museum of  
79.21 Minnesota. These amounts are for arts, arts  
79.22 education, and arts access and to preserve  
79.23 Minnesota's history and cultural heritage.

79.24 **Minnesota Film and TV Board.** \$500,000  
79.25 the first year and \$500,000 the second year  
79.26 are for grants to the Minnesota Film and  
79.27 TV Board for grants to Minnesota residents  
79.28 to create film or television productions that  
79.29 promote Minnesota's cultural heritage and  
79.30 for the film production jobs program under  
79.31 Minnesota Statutes, section 116U.26. This  
79.32 appropriation is available until June 30, 2015.

79.33 **State Capitol Preservation Commission.**  
79.34 \$550,000 the first year is for the purposes of

|       |                                                          |                  |                  |
|-------|----------------------------------------------------------|------------------|------------------|
| 80.1  | <u>Minnesota Statutes, section 16B.2405. This</u>        |                  |                  |
| 80.2  | <u>appropriation is available until spent.</u>           |                  |                  |
| 80.3  | <u>Subd. 7. <b>Minnesota Zoological Garden</b></u>       | <u>1,500,000</u> | <u>1,500,000</u> |
| 80.4  | <u>These amounts are appropriated to</u>                 |                  |                  |
| 80.5  | <u>the Minnesota Zoological Board for</u>                |                  |                  |
| 80.6  | <u>programmatic development of the Minnesota</u>         |                  |                  |
| 80.7  | <u>Zoo.</u>                                              |                  |                  |
| 80.8  | <u>Subd. 8. <b>Minnesota Humanities Center</b></u>       | <u>1,575,000</u> | <u>1,575,000</u> |
| 80.9  | <u>These amounts are appropriated to the board</u>       |                  |                  |
| 80.10 | <u>of directors of the Minnesota Humanities</u>          |                  |                  |
| 80.11 | <u>Center for the purposes specified in this</u>         |                  |                  |
| 80.12 | <u>subdivision.</u>                                      |                  |                  |
| 80.13 | <u><b>Programs and Purposes.</b> \$325,000 the first</u> |                  |                  |
| 80.14 | <u>year and \$325,000 the second year are for</u>        |                  |                  |
| 80.15 | <u>programs and purposes of the Minnesota</u>            |                  |                  |
| 80.16 | <u>Humanities Center.</u>                                |                  |                  |
| 80.17 | <u>The Minnesota Humanities Center may</u>               |                  |                  |
| 80.18 | <u>consider museums and organizations</u>                |                  |                  |
| 80.19 | <u>celebrating the ethnic identities of</u>              |                  |                  |
| 80.20 | <u>Minnesotans for grants from these funds.</u>          |                  |                  |
| 80.21 | <u><b>Councils of Color.</b> \$500,000 the first</u>     |                  |                  |
| 80.22 | <u>year and \$500,000 the second year are for</u>        |                  |                  |
| 80.23 | <u>competitive grants to the Council on Asian</u>        |                  |                  |
| 80.24 | <u>Pacific Minnesotans, the Council on Black</u>         |                  |                  |
| 80.25 | <u>Minnesotans, the Indian Affairs Council, and</u>      |                  |                  |
| 80.26 | <u>the Chicano Latino Affairs Council. Grants</u>        |                  |                  |
| 80.27 | <u>are for programs and cooperation between</u>          |                  |                  |
| 80.28 | <u>the Minnesota Humanities Center and the</u>           |                  |                  |
| 80.29 | <u>grant recipients for community events and</u>         |                  |                  |
| 80.30 | <u>programs that celebrate and preserve artistic,</u>    |                  |                  |
| 80.31 | <u>historical, and cultural heritage.</u>                |                  |                  |
| 80.32 | <u><b>Civics Education.</b> \$250,000 the first year</u> |                  |                  |
| 80.33 | <u>and \$250,000 the second year are for a</u>           |                  |                  |
| 80.34 | <u>competitive Arts and Cultural Heritage</u>            |                  |                  |

|       |                                                            |                  |                  |
|-------|------------------------------------------------------------|------------------|------------------|
| 81.1  | <u>Grants Program-Civics Education. The</u>                |                  |                  |
| 81.2  | <u>commissioner shall award grants to entities</u>         |                  |                  |
| 81.3  | <u>that conduct civics education programs</u>              |                  |                  |
| 81.4  | <u>for the civic and cultural development of</u>           |                  |                  |
| 81.5  | <u>Minnesota youth.</u>                                    |                  |                  |
| 81.6  | <b><u>Children's Museums Grants. \$500,000 the</u></b>     |                  |                  |
| 81.7  | <b><u>first year and \$500,000 the second year are</u></b> |                  |                  |
| 81.8  | <b><u>for a competitive Arts and Cultural Heritage</u></b> |                  |                  |
| 81.9  | <b><u>Grants Program-Children's Museums.</u></b>           |                  |                  |
| 81.10 | <u>The board of directors shall solicit proposals</u>      |                  |                  |
| 81.11 | <u>and award grants to children's museums</u>              |                  |                  |
| 81.12 | <u>for projects and programs that maintain or</u>          |                  |                  |
| 81.13 | <u>promote our cultural heritage.</u>                      |                  |                  |
| 81.14 | <b><u>Subd. 9. Perpich Center For Arts Education</u></b>   | <u>850,000</u>   | <u>850,000</u>   |
| 81.15 | <u>These amounts are appropriated to the board</u>         |                  |                  |
| 81.16 | <u>of directors of the Perpich Center for Arts</u>         |                  |                  |
| 81.17 | <u>Education for arts, arts education, and arts</u>        |                  |                  |
| 81.18 | <u>access and to preserve Minnesota's history</u>          |                  |                  |
| 81.19 | <u>and cultural heritage. This appropriation is</u>        |                  |                  |
| 81.20 | <u>available until June 30, 2015.</u>                      |                  |                  |
| 81.21 | <b><u>Subd. 10. Department of Agriculture</u></b>          | <u>1,400,000</u> | <u>1,400,000</u> |
| 81.22 | <u>These amounts are appropriated to the</u>               |                  |                  |
| 81.23 | <u>commissioner of agriculture for grants to</u>           |                  |                  |
| 81.24 | <u>county agricultural societies to enhance arts</u>       |                  |                  |
| 81.25 | <u>access and education and to preserve and</u>            |                  |                  |
| 81.26 | <u>promote Minnesota's history and cultural</u>            |                  |                  |
| 81.27 | <u>heritage as embodied in its county fairs.</u>           |                  |                  |
| 81.28 | <u>The grants shall be in addition to the aid</u>          |                  |                  |
| 81.29 | <u>distributed to county agricultural societies</u>        |                  |                  |
| 81.30 | <u>under Minnesota Statutes, section 38.02. The</u>        |                  |                  |
| 81.31 | <u>commissioner shall award grants as follows:</u>         |                  |                  |
| 81.32 | <u>(1) \$700,000 each year distributed in equal</u>        |                  |                  |
| 81.33 | <u>amounts to each of the state's county fairs</u>         |                  |                  |
| 81.34 | <u>to enhance arts access and education and to</u>         |                  |                  |

|       |                                                         |                |                |
|-------|---------------------------------------------------------|----------------|----------------|
| 82.1  | <u>preserve and promote Minnesota's history</u>         |                |                |
| 82.2  | <u>and cultural heritage; and</u>                       |                |                |
| 82.3  | <u>(2) \$700,000 each year for a competitive</u>        |                |                |
| 82.4  | <u>Arts and Cultural Heritage Grants</u>                |                |                |
| 82.5  | <u>Program-County Fairs. The commissioner</u>           |                |                |
| 82.6  | <u>shall award grants for the development or</u>        |                |                |
| 82.7  | <u>enhancement of county fair facilities or other</u>   |                |                |
| 82.8  | <u>projects or programs that provide access</u>         |                |                |
| 82.9  | <u>to the arts, arts education, or agricultural,</u>    |                |                |
| 82.10 | <u>historical, and cultural heritage programs,</u>      |                |                |
| 82.11 | <u>including but not limited to agricultural</u>        |                |                |
| 82.12 | <u>education centers, arts buildings, and</u>           |                |                |
| 82.13 | <u>performance stages.</u>                              |                |                |
| 82.14 | <u>Subd. 11. <b>Indian Affairs Council</b></u>          | <u>875,000</u> | <u>875,000</u> |
| 82.15 | <u>These amounts are appropriatedated to the Indian</u> |                |                |
| 82.16 | <u>Affairs Council for the purposes identified in</u>   |                |                |
| 82.17 | <u>this subdivision.</u>                                |                |                |
| 82.18 | <u><b>Language Working Group.</b> \$75,000 the</u>      |                |                |
| 82.19 | <u>first year and \$75,000 the second year are</u>      |                |                |
| 82.20 | <u>for continuation of the Working Group on</u>         |                |                |
| 82.21 | <u>Dakota and Ojibwe Language Revitalization</u>        |                |                |
| 82.22 | <u>and Preservation established under Laws</u>          |                |                |
| 82.23 | <u>2009, chapter 172, article 4, section 9.</u>         |                |                |
| 82.24 | <u><b>Language Preservation and Education.</b></u>      |                |                |
| 82.25 | <u>\$550,000 the first year and \$550,000 the</u>       |                |                |
| 82.26 | <u>second year are for grants for programs</u>          |                |                |
| 82.27 | <u>that preserve Dakota and Ojibwe Indian</u>           |                |                |
| 82.28 | <u>languages and to foster educational programs</u>     |                |                |
| 82.29 | <u>in Dakota and Ojibwe languages.</u>                  |                |                |
| 82.30 | <u><b>Language Immersion.</b> \$250,000 the first</u>   |                |                |
| 82.31 | <u>year and \$250,000 the second year are for</u>       |                |                |
| 82.32 | <u>grants of \$125,000 each year to the Niigaane</u>    |                |                |
| 82.33 | <u>Ojibwe Immersion School and the Wicoie</u>           |                |                |
| 82.34 | <u>Nandagikendan Urban Immersion Project to:</u>        |                |                |

83.1 (1) develop and expand K-12 curriculum;

83.2 (2) provide fluent speakers in the classroom;

83.3 (3) develop appropriate testing and

83.4 evaluation procedures; and

83.5 (4) develop community-based training and

83.6 engagement.

83.7 Subd. 12. **Legislature**

8,000

-0-

83.8 This amount is appropriated to the Legislative

83.9 Coordinating Commission to operate the

83.10 Web site for dedicated funds required

83.11 under Minnesota Statutes, section 3.303,

83.12 subdivision 10.

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

83.14 Subdivision 1. **Definitions.** (a) As used in this section, the terms defined in this

83.15 subdivision have the following meanings.

83.16 (b) "Commission" means the State Capitol Preservation Commission created under  
83.17 this section.

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

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

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

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

83.25 (1) the governor;

83.26 (2) the lieutenant governor;

83.27 (3) the attorney general;

83.28 (4) the chief justice of the Supreme Court, or the chief justice's designee, who shall  
83.29 be a member of the Supreme Court;

83.30 (5) the majority leader of the senate or the majority leader's designee, who shall be  
83.31 a member of the senate;

83.32 (6) the speaker of the house or the speaker's designee, who shall be a member of the  
83.33 house of representatives;

84.1           (7) two members of the senate, including one member from the majority party  
84.2 appointed by the majority leader and one member from the minority party appointed by  
84.3 the minority leader;

84.4           (8) two members of the house of representatives, including one member appointed  
84.5 by the speaker of the house and one member from the minority party appointed by the  
84.6 minority leader;

84.7           (9) the chair and ranking minority member of the house of representatives committee  
84.8 with jurisdiction over capital investment and the chair and ranking minority member of  
84.9 the senate committee with jurisdiction over capital investment;

84.10          (10) the commissioner of administration or the commissioner's designee;

84.11          (11) the commissioner of public safety or the commissioner's designee;

84.12          (12) the executive director of the Minnesota Historical Society or the executive  
84.13 director's designee;

84.14          (13) the executive secretary of the Capitol Area Architectural and Planning Board;  
84.15 and

84.16          (14) four public members appointed by the governor.

84.17          Subd. 3. **Terms and compensation.** (a) A member serving on the commission  
84.18 because the member or the appointing authority for the member holds an elected or  
84.19 appointed office shall serve on the commission as long as the member or the appointing  
84.20 authority holds the office.

84.21          (b) Public members of the commission shall serve two-year terms. The public  
84.22 members may not serve for more than three consecutive terms.

84.23          (c) The removal of members and filling of vacancies on the commission are as  
84.24 provided in section 15.059. Public members may receive compensation and expenses as  
84.25 provided under section 15.059, subdivision 3.

84.26          Subd. 4. **Officers and meetings.** (a) The governor is the chair of the commission.  
84.27 The lieutenant governor is the vice-chair of the commission and may act as the chair  
84.28 of the commission in the absence of the governor. The governor may designate a staff  
84.29 member to attend commission meetings and vote on the governor's behalf in the absence  
84.30 of the governor.

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

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

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

85.1           (1) shall exercise ongoing coordination of the restoration, protection, risk  
85.2 management, and preservation of the Capitol building;

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

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

85.8           (4) shall develop a comprehensive, multiyear, predesign plan for the restoration  
85.9 of the Capitol building, review the plan periodically, and, as appropriate, amend and  
85.10 modify the plan. The predesign plan shall identify appropriate and required functions of  
85.11 the Capitol building; identify and address space requirements for legislative, executive,  
85.12 and judicial branch functions; and identify and address the long-term maintenance  
85.13 and preservation requirements of the Capitol building. In developing the predesign  
85.14 plan, the commission shall take into account the comprehensive plan for the Minnesota  
85.15 State Capitol Area, as amended in 2010, the rules governing zoning and design for the  
85.16 Capitol Area, citizen access, information technology needs, energy efficiency, security,  
85.17 educational programs including public and school tours, and any additional space needs  
85.18 for the efficient operation of state government;

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

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

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

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

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

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

The board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**H.F. No. 6, as introduced - 87th Legislative Session (2011-2012) [11-3660]**

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

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

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

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

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

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

Subd. 4. **Reporting.** A public station receiving funds appropriated under this section must report annually by January 15 to the commissioner, the Legislative Coordinating Commission, and the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over arts and cultural heritage policy and finance regarding how the previous year's grant funds were expended. ~~This~~ In addition to all information required of each recipient of money from the arts and cultural heritage fund under section 3.303, subdivision 10, the report must contain specific information for each program produced and broadcast, including the cost of production, the number of stations broadcasting the program, estimated viewership, the number of hours of legacy program content available for streaming on Web site downloads sites, and other related measures. If the programs produced include educational material, the public station must report on these efforts.

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

Subd. 5. **Reporting.** A noncommercial radio station receiving funds appropriated under this section must report annually by January 15 to the commissioner, the Legislative Coordinating Commission, and the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over arts and cultural heritage policy and finance regarding how the previous year's grant funds were expended. ~~This~~ In addition to all information required of each recipient of money from the arts and cultural heritage fund under section 3.303, subdivision 10, the report must contain specific information for each program produced and broadcast, including the

cost of production, the number of stations broadcasting the program, estimated number of listeners, and other related measures. If the programs produced include educational material, the noncommercial radio station must report on these efforts.

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

The Minnesota Historical Society shall:

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

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

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

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

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

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

Sec. 12. **EFFECTIVE DATE; RELATIONSHIP TO OTHER APPROPRIATIONS.**

Unless otherwise specified, this article is effective retroactively from July 1, 2011, and supersedes and replaces funding authorized by order of the Second Judicial District Court in Case No. 62-CV-11-5203.

**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 January 15 of the applicable fiscal year, 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

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91.1 the extent practicable, staff for the commission shall provide assistance and oversight to  
91.2 these planning efforts and shall coordinate public access to hearings and public meetings  
91.3 for all planning efforts.

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

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

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

91.15 (c) ~~At~~ A state agency or other recipient of a direct appropriation from the parks and  
91.16 trails fund must compile and submit all information for funded projects or programs,  
91.17 including the proposed measurable outcomes and all other items required under section  
91.18 3.303, subdivision 10, must be made available on to the Legislative Coordinating  
91.19 Commission as soon as practicable or by January 15 of the applicable fiscal year,  
91.20 whichever comes first. The Legislative Coordinating Commission must post submitted  
91.21 information on the Web site required under section 3.303, subdivision 10, as soon as  
91.22 practicable. Information on the measured outcomes and evaluation must be posted as soon  
91.23 as it becomes available.

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

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

91.30 (f) When practicable, a direct recipient of an appropriation from the parks and  
91.31 trails fund shall prominently display on the recipient's Web site home page the legacy  
91.32 logo required under Laws 2009, chapter 172, article 5, section 10, as amended by Laws  
91.33 2010, chapter 361, article 3, section 5, accompanied by the phrase "Click here for more  
91.34 information." When a person clicks on the legacy logo image, the Web site must direct  
91.35 the person to a Web page that includes both the contact information that a person may

92.1 use to obtain additional information, as well as a link to the Legislative Coordinating  
92.2 Commission Web site required under section 3.303, subdivision 10.

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

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

92.8 Subd. 12. **Recipient requirements.** (a) A state agency or other recipient of a direct  
92.9 appropriation from the outdoor heritage fund must compile and submit all information  
92.10 for funded projects or programs, including the proposed measurable outcomes and all  
92.11 other items required under section 3.303, subdivision 10, to the Legislative Coordinating  
92.12 Commission as soon as practicable or by January 15 of the applicable fiscal year,  
92.13 whichever comes first. The Legislative Coordinating Commission must post submitted  
92.14 information on the Web site required under section 3.303, subdivision 10, as soon as it  
92.15 becomes available.

92.16 (b) When practicable, a direct recipient of an appropriation from the outdoor  
92.17 heritage fund shall prominently display on the recipient's Web site home page the legacy  
92.18 logo required under Laws 2009, chapter 172, article 5, section 10, as amended by Laws  
92.19 2010, chapter 361, article 3, section 5, accompanied by the phrase "Click here for more  
92.20 information." When a person clicks on the legacy logo image, the Web site must direct  
92.21 the person to a Web page that includes both the contact information that a person may  
92.22 use to obtain additional information, as well as a link to the Legislative Coordinating  
92.23 Commission Web site required under section 3.303, subdivision 10.

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

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

92.28 Subd. 4. **Expenditures; accountability.** (a) A project receiving funding from the  
92.29 clean water fund must meet or exceed the constitutional requirements to protect, enhance,  
92.30 and restore water quality in lakes, rivers, and streams and to protect groundwater and  
92.31 drinking water from degradation. Priority may be given to projects that meet more than  
92.32 one of these requirements. A project receiving funding from the clean water fund shall  
92.33 include measurable outcomes, as defined in section 3.303, subdivision 10, and a plan for

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93.1 measuring and evaluating the results. A project must be consistent with current science  
93.2 and incorporate state-of-the-art technology.

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

93.5 (c) ~~At~~ A state agency or other recipient of a direct appropriation from the clean  
93.6 water fund must compile and submit all information for proposed and funded projects  
93.7 or programs, including the proposed measurable outcomes, must be made available on  
93.8 the Web site and all other items required under section 3.303, subdivision 10, to the  
93.9 Legislative Coordinating Commission as soon as practicable or by January 15 of the  
93.10 applicable fiscal year, whichever comes first. ~~Information on the measured outcomes and~~  
93.11 ~~evaluation must be posted~~ The Legislative Coordinating Commission must post submitted  
93.12 information on the Web site required under section 3.303, subdivision 10, as soon as it  
93.13 becomes available. Information classified as not public under section 13D.05, subdivision  
93.14 3, paragraph (d), is not required to be placed on the Web site.

93.15 (d) Grants funded by the clean water fund must be implemented according to section  
93.16 16B.98 and must account for all expenditures. Proposals must specify a process for any  
93.17 regranting envisioned. Priority for grant proposals must be given to proposals involving  
93.18 grants that will be competitively awarded.

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

93.21 (f) When practicable, a direct recipient of an appropriation from the clean water fund  
93.22 shall prominently display on the recipient's Web site home page the legacy logo required  
93.23 under Laws 2009, chapter 172, article 5, section 10, as amended by Laws 2010, chapter  
93.24 361, article 3, section 5, accompanied by the phrase "Click here for more information."  
93.25 When a person clicks on the legacy logo image, the Web site must direct the person to  
93.26 a Web page that includes both the contact information that a person may use to obtain  
93.27 additional information, as well as a link to the Legislative Coordinating Commission Web  
93.28 site required under section 3.303, subdivision 10.

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

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

93.33 Subd. 2. **Expenditures; accountability.** (a) Funding from the arts and cultural  
93.34 heritage fund may be spent only for arts, arts education, and arts access, and to preserve  
93.35 Minnesota's history and cultural heritage. A project or program receiving funding from

94.1 the arts and cultural heritage fund must include measurable outcomes, and a plan for  
94.2 measuring and evaluating the results. A project or program must be consistent with current  
94.3 scholarship, or best practices, when appropriate and must incorporate state-of-the-art  
94.4 technology when appropriate.

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

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

94.11 (d) ~~At~~ A state agency or other recipient of a direct appropriation from the arts and  
94.12 cultural heritage fund must compile and submit all information for funded projects or  
94.13 programs, including the proposed measurable outcomes and all other items required under  
94.14 section 3.303, subdivision 10, must be made available on to the Legislative Coordinating  
94.15 Commission Web site, as soon as practicable or by January 15 of the applicable fiscal year,  
94.16 whichever comes first. Information on the measured outcomes and evaluation must be  
94.17 posted ~~The Legislative Coordinating Commission must post submitted information on the~~  
94.18 Web site required under section 3.303, subdivision 10, as soon as it becomes available.

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

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

94.25 (g) When practicable, a direct recipient of an appropriation from the arts and cultural  
94.26 heritage fund shall prominently display on the recipient's Web site home page the legacy  
94.27 logo required under Laws 2009, chapter 172, article 5, section 10, as amended by Laws  
94.28 2010, chapter 361, article 3, section 5, accompanied by the phrase "Click here for more  
94.29 information." When a person clicks on the legacy logo image, the Web site must direct  
94.30 the person to a Web page that includes both the contact information that a person may  
94.31 use to obtain additional information, as well as a link to the Legislative Coordinating  
94.32 Commission Web site required under section 3.303, subdivision 10.

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

95.1       Sec. 6. **APPLICABILITY.**

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

95.5       Sec. 7. **GENERAL PROVISIONS.**

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

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

95.12           Subd. 3. **Trusts and similar instruments.** A recipient of money from a legacy fund  
95.13 must not use the money to fund a trust, endowment, or similar instrument unless:

95.14           (1) the entity reports no later than February 1 each year to the commissioner of  
95.15 management and budget and the legislative committees with jurisdiction over legacy  
95.16 funds regarding the recipient's use and fiduciary stewardship of legacy funds during the  
95.17 period; and

95.18           (2) the entity submits to regular audits of the trust, endowment, or similar instrument  
95.19 by the Office of the Legislative Auditor.

95.20       Sec. 8. **IN THE EVENT OF A LAWSUIT.**

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

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

95.26       Sec. 9. **LEGACY ACCOUNTING; TECHNICAL ASSISTANCE.**

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

95.31       Sec. 10. **EFFECTIVE DATE; RELATIONSHIP TO OTHER**  
95.32 **APPROPRIATIONS.**

96.1            Unless otherwise specified, this article is effective retroactively from July 1, 2011,  
96.2            and supersedes and replaces funding authorized by order of the Second Judicial District  
96.3            Court in Case No. 62-CV-11-5203.

APPENDIX  
Article locations in 11-3660

|           |                                            |               |
|-----------|--------------------------------------------|---------------|
| ARTICLE 1 | OUTDOOR HERITAGE FUND .....                | Page.Ln 1.22  |
| ARTICLE 2 | CLEAN WATER FUND .....                     | Page.Ln 35.16 |
| ARTICLE 3 | PARKS AND TRAILS FUND .....                | Page.Ln 66.1  |
| ARTICLE 4 | ARTS AND CULTURAL HERITAGE FUND .....      | Page.Ln 72.6  |
| ARTICLE 5 | GENERAL PROVISIONS; ALL LEGACY FUNDS ..... | Page.Ln 89.6  |

**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 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.