

1.1 CONFERENCE COMMITTEE REPORT ON H. F. No. 1231

1.2 A bill for an act

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

1.14 May 18, 2009

1.15 The Honorable Margaret Anderson Kelliher
1.16 Speaker of the House of Representatives

1.17 The Honorable James P. Metzen
1.18 President of the Senate

1.19 We, the undersigned conferees for H. F. No. 1231 report that we have agreed upon
1.20 the items in dispute and recommend as follows:

1.21 That the Senate recede from its amendment and that H. F. No. 1231 be further
1.22 amended as follows:

1.23 Delete everything after the enacting clause and insert:

1.24 "ARTICLE 1
1.25 OUTDOOR HERITAGE FUND

1.26 Section 1. **OUTDOOR HERITAGE APPROPRIATION.**

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

2.1 "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium"
 2.2 is fiscal years 2010 and 2011. The appropriations in this article are onetime.

2.3		<u>APPROPRIATIONS</u>	
2.4		<u>Available for the Year</u>	
2.5		<u>Ending June 30</u>	
2.6		<u>2010</u>	<u>2011</u>

2.7 **Sec. 2. OUTDOOR HERITAGE**

2.8	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>69,532,000</u>	<u>\$</u>	<u>18,000,000</u>
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2.9 This appropriation is from the outdoor
 2.10 heritage fund.

2.11 The amounts that may be spent for each
 2.12 purpose are specified in the following
 2.13 subdivisions.

2.14	<u>Subd. 2. Prairies</u>		<u>14,213,000</u>		<u>-0-</u>
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2.15 **(a) Accelerated Prairie and Grassland**
 2.16 **Management**

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

3.1 existing native prairies from genetic
3.2 contamination.

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

3.4 \$1,617,000 in fiscal year 2010 is to the
3.5 commissioner of natural resources for an
3.6 agreement with the Southwest Initiative
3.7 Foundation or successor to acquire land
3.8 for purposes allowed under the Minnesota
3.9 Constitution, article XI, section 15, in
3.10 Redwood County to be added to the state
3.11 outdoor recreation system as defined
3.12 in Minnesota Statutes, chapter 86A. A
3.13 list of proposed fee title acquisitions
3.14 must be provided as part of the required
3.15 accomplishment plan. The commissioner
3.16 of natural resources must agree to each
3.17 proposed acquisition. No more than five
3.18 percent of this appropriation may be spent on
3.19 professional services directly related to this
3.20 appropriation's purposes.

3.21 **(c) Prairie Heritage Fund – Acquisition and**
3.22 **Restoration**

3.23 \$3,000,000 in fiscal year 2010 is to the
3.24 commissioner of natural resources for
3.25 an agreement with Pheasants Forever or
3.26 successor to acquire and restore land to
3.27 be added to the state wildlife management
3.28 area system. A list of proposed fee title
3.29 acquisitions and a list of proposed restoration
3.30 projects, describing the types and locations
3.31 of restorations, must be provided as part
3.32 of the required accomplishment plan. The
3.33 commissioner of natural resources must
3.34 agree to each proposed acquisition. To

4.1 the extent possible, prairie restorations
4.2 conducted with money appropriated in this
4.3 section must plant vegetation or sow seed
4.4 only of ecotypes native to Minnesota, and
4.5 preferably of the local ecotype, using a high
4.6 diversity of species originating from as
4.7 close to the restoration site as possible, and
4.8 protect existing native prairies from genetic
4.9 contamination.

4.10 **(d) Accelerated Prairie Grassland Wildlife**
4.11 **Management Area Acquisition**

4.12 \$3,913,000 in fiscal year 2010 is to the
4.13 commissioner of natural resources to
4.14 acquire land for wildlife management areas
4.15 with native prairie or grassland habitats.
4.16 A list of proposed fee title acquisitions
4.17 must be provided as part of the required
4.18 accomplishment plan.

4.19 **(e) Northern Tall Grass Prairie National**
4.20 **Wildlife Refuge Protection**

4.21 \$1,583,000 in fiscal year 2010 is to the
4.22 commissioner of natural resources for an
4.23 agreement with the United States Fish
4.24 and Wildlife Service to acquire land or
4.25 permanent easements within the Northern
4.26 Tall Grass Prairie Habitat Preservation Area
4.27 in western Minnesota. The commissioner
4.28 may advance funds to the United States Fish
4.29 and Wildlife Service. A list of proposed fee
4.30 title and permanent easement acquisitions
4.31 must be provided as part of the required
4.32 accomplishment plan. Land removed from
4.33 this program shall transfer to the state.

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

5.2 \$500,000 in fiscal year 2010 is to the
5.3 commissioner of natural resources for an
5.4 agreement with the Minnesota Land Trust or
5.5 successor to acquire permanent easements
5.6 protecting critical prairie and grassland
5.7 habitats in the blufflands in southeastern
5.8 Minnesota. A list of proposed fee title
5.9 and permanent easement acquisitions
5.10 must be provided as part of the required
5.11 accomplishment plan.

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

5.13 \$1,900,000 in fiscal year 2010 is to the
5.14 commissioner of natural resources for an
5.15 agreement with Anoka County to acquire
5.16 land at the confluence of the Rum River and
5.17 Cedar Creek in Anoka County. Acquired
5.18 land must remain open to hunting and
5.19 fishing, consistent with the capacity of the
5.20 land, during the open season, as determined
5.21 by the commissioner of natural resources.
5.22 This is the first of two planned appropriations
5.23 for this acquisition.

5.24 **Subd. 3. Forests** 18,000,000 18,000,000

5.25 \$18,000,000 in fiscal year 2010 and
5.26 \$18,000,000 in fiscal year 2011 are to the
5.27 commissioner of natural resources to acquire
5.28 land or permanent working forest easements
5.29 on private forests in areas identified through
5.30 the Minnesota forests for the future program
5.31 under Minnesota Statutes, section 84.66.
5.32 Priority must be given to acquiring land
5.33 or interests in private lands within existing

6.1 Minnesota state forest boundaries. Any
6.2 easements acquired must have a forest
6.3 management plan as defined in Minnesota
6.4 Statutes, section 290C.02, subdivision 7.
6.5 A list of proposed fee title and easement
6.6 acquisitions must be provided as part of the
6.7 required accomplishment plan. The fiscal
6.8 year 2011 appropriation is available only for
6.9 acquisitions that, by August 15, 2009, are:

6.10 (1) subject to a binding agreement with the
6.11 commissioner; and

6.12 (2) matched by at least \$9,000,000 in private
6.13 donations.

6.14 Subd. 4. **Wetlands** 20,536,000 -0-

6.15 (a) **Accelerated Wildlife Management Area**
6.16 **Acquisition**

6.17 \$2,900,000 in fiscal year 2010 is to the
6.18 commissioner of natural resources to
6.19 acquire land for wildlife management areas.

6.20 A list of proposed fee title acquisitions
6.21 must be provided as part of the required
6.22 accomplishment plan.

6.23 (b) **Accelerated Shallow Lake Restorations and**
6.24 **Enhancements**

6.25 \$2,528,000 in fiscal year 2010 is to the
6.26 commissioner of natural resources for
6.27 an agreement with Ducks Unlimited,
6.28 Inc. or successor to restore and enhance
6.29 shallow lake habitats. Up to \$400,000
6.30 of this appropriation may be used for
6.31 permanent easements related to shallow
6.32 lake restorations and enhancements. A
6.33 list of proposed easements and projects,

7.1 describing the types and locations of
7.2 easements, restorations, and enhancements,
7.3 must be provided as part of the required
7.4 accomplishment plan. The commissioner
7.5 of natural resources must agree to each
7.6 easement, restoration, and enhancement.

7.7 **(c) Accelerate the Waterfowl Production Area**
7.8 **Program in Minnesota**

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

7.21 **(d) Reinvest in Minnesota Wetlands Reserve**
7.22 **Program Acquisition and Restoration**

7.23 \$9,058,000 in fiscal year 2010 is to the Board
7.24 of Water and Soil Resources to acquire
7.25 permanent easements and restore wetlands
7.26 and associated uplands in cooperation with
7.27 the United States Department of Agriculture
7.28 Wetlands Reserve Program. A list of
7.29 proposed acquisitions and a list of proposed
7.30 projects, describing the types and locations
7.31 of restorations, must be provided as part of
7.32 the required accomplishment plan.

7.33 **(e) Shallow Lake Critical Shoreland**

8.1 \$450,000 in fiscal year 2010 is to the
8.2 commissioner of natural resources for an
8.3 agreement with Ducks Unlimited, Inc. or
8.4 successor to protect habitat by acquiring
8.5 land associated with shallow lakes. A list of
8.6 proposed acquisitions must be provided as
8.7 part of the required accomplishment plan.
8.8 The commissioner of natural resources must
8.9 agree to each proposed acquisition.

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

8.11 **(a) Outdoor Heritage Conservation Partners**
8.12 **Grant Program**

8.13 \$4,000,000 in fiscal year 2010 is to the
8.14 commissioner of natural resources for a pilot
8.15 program to provide competitive, matching
8.16 grants of up to \$400,000 to local, regional,
8.17 state, and national organizations, including
8.18 government, for enhancement, restoration,
8.19 or protection of forests, wetlands, prairies,
8.20 and habitat for fish, game, or wildlife in
8.21 Minnesota. Up to 6-1/2 percent of this
8.22 appropriation may be used for administering
8.23 the grant. The funds may be advanced in
8.24 three equal sums, on or after November
8.25 1, 2009, February 1, 2010, and April 1,
8.26 2010. Grantees may protect land through
8.27 acquisition of land or interests in land.
8.28 Easements must be permanent. Land
8.29 acquired in fee must be open to hunting
8.30 and fishing during the open season unless
8.31 otherwise provided by state law. The
8.32 commissioner of natural resources must
8.33 agree to each proposed acquisition of land
8.34 or interest in land. The program shall
8.35 require a match of at least \$1 nonstate funds

9.1 to \$10 state funds. The nonstate dollars
9.2 match may be in-kind. The criteria for
9.3 evaluating grant applications must include
9.4 amount of habitat restored, enhanced,
9.5 or protected; local support; degree of
9.6 collaboration; urgency; multiple benefits;
9.7 habitat benefits provided; consistency with
9.8 sound conservation science; adjacency to
9.9 protected lands; full funding of the project;
9.10 supplementing existing funding; public
9.11 access for hunting and fishing during the
9.12 open season; sustainability; and use of native
9.13 plant materials. All projects must conform
9.14 to the Minnesota statewide conservation and
9.15 preservation plan. Wildlife habitat projects
9.16 must also conform to the state wildlife action
9.17 plan. Priority may be given to projects
9.18 acquiring land or easements associated
9.19 with existing wildlife management areas.
9.20 All restoration or enhancement projects
9.21 must be on land permanently protected by
9.22 conservation easement or public ownership.
9.23 To the extent possible, a person conducting
9.24 prairie restorations with money appropriated
9.25 in this section must plant vegetation or sow
9.26 seed only of ecotypes native to Minnesota,
9.27 and preferably of the local ecotype, using a
9.28 high diversity of species originating from as
9.29 close to the restoration site as possible, and
9.30 protect existing native prairies from genetic
9.31 contamination. Subdivision 10 applies to
9.32 grants awarded under this paragraph. This
9.33 appropriation is available until June 30,
9.34 2013, at which time all grant projects must
9.35 be completed and final products delivered,
9.36 unless an earlier date is specified in the grant

10.1 agreement. No less than 15 percent of the
10.2 amount of each grant must be held back from
10.3 reimbursement until the grant recipient has
10.4 completed a grant accomplishment report in
10.5 the form prescribed by and satisfactory to the
10.6 Lessard Outdoor Heritage Council.

10.7 As a condition of proceeding with this
10.8 appropriation, the commissioner shall report
10.9 on the feasibility, process, and timeline for
10.10 creation of a Minnesota fish and wildlife
10.11 foundation, to be modeled after the National
10.12 Fish and Wildlife Foundation, and on the
10.13 possibility of allowing for the administration
10.14 by this entity of the conservation partners
10.15 grant program.

10.16 The legislative guide created in this act
10.17 shall consider whether this program should
10.18 be administered by the National Fish and
10.19 Wildlife Foundation, the commissioner of
10.20 natural resources, or some neutral third party.

10.21 **(b) Aquatic Management Area Acquisition**

10.22 \$5,748,000 in fiscal year 2010 is to the
10.23 commissioner of natural resources to acquire
10.24 land in fee title and easement to be added to
10.25 the state aquatic management area system.

10.26 Acquired land must remain open to hunting
10.27 and fishing, consistent with the capacity
10.28 of the land, during the open season, as
10.29 determined by the commissioner of natural
10.30 resources. A list of proposed fee title and
10.31 easement acquisitions must be provided as
10.32 part of the required accomplishment plan.

10.33 **(c) Cold Water River and Stream Restoration,**
10.34 **Protection, and Enhancement**

11.1 \$2,050,000 in fiscal year 2010 is to the
11.2 commissioner of natural resources for an
11.3 agreement with Trout Unlimited or successor
11.4 to restore, enhance, and protect cold water
11.5 river and stream habitats in Minnesota. A
11.6 list of proposed acquisitions and a list of
11.7 proposed projects, describing the types and
11.8 locations of restorations and enhancements,
11.9 must be provided as part of the required
11.10 accomplishment plan. The commissioner
11.11 of natural resources must agree to each
11.12 proposed acquisition, restoration, and
11.13 enhancement.

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

11.15 \$1,000,000 in fiscal year 2010 is to the
11.16 commissioner of natural resources for
11.17 an agreement with Dakota County for
11.18 acquisition of permanent easements. A list
11.19 of proposed acquisitions must be provided as
11.20 part of the required accomplishment plan.

11.21 **(e) Lake Rebecca Water Quality Improvement**
11.22 **Project**

11.23 \$450,000 in fiscal year 2010 is to the
11.24 commissioner of natural resources for an
11.25 agreement with the Three Rivers Park
11.26 District to improve the water quality in Lake
11.27 Rebecca in Lake Rebecca Park Reserve
11.28 in Hennepin County. A description of the
11.29 activities to enhance fish habitat in Lake
11.30 Rebecca must be provided as part of the
11.31 required accomplishment plan.

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

12.1 \$655,000 in fiscal year 2010 is to the
 12.2 commissioner of natural resources for
 12.3 an agreement with the Shell Rock River
 12.4 Watershed District to construct fish barriers
 12.5 at three locations on Fountain Lake. Land
 12.6 acquisition necessary for fish barrier
 12.7 construction is permitted. A list of proposed
 12.8 projects, describing the types and locations
 12.9 of barriers, must be provided as part of
 12.10 the required accomplishment plan. The
 12.11 commissioner of natural resources must
 12.12 agree to each proposed barrier.

12.13	<u>Subd. 6. Administration and Other</u>	<u>880,000</u>	<u>-0-</u>
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12.14 **(a) Contract Management**

12.15 \$175,000 in fiscal year 2010 is to the
 12.16 commissioner of natural resources for
 12.17 contract management, in fiscal years 2010
 12.18 and 2011, for duties assigned in this section.

12.19 **(b) Legislative Coordinating Commission**

12.20 \$705,000 in fiscal year 2010 is to the
 12.21 Legislative Coordinating Commission for
 12.22 administrative expenses of the Lessard
 12.23 Outdoor Heritage Council and for
 12.24 compensation and expense reimbursement
 12.25 of council members. Up to \$100,000 may
 12.26 be transferred to the game and fish fund as
 12.27 reimbursement for advances to the Lessard
 12.28 Outdoor Heritage Council made in fiscal
 12.29 year 2009. Of this amount, \$10,000 is for
 12.30 the costs of developing and implementing a
 12.31 Web site to contain information on projects
 12.32 receiving appropriations.

13.1 (c) Lessard Outdoor Heritage Council Site

13.2 Visit Exception

13.3 Travel to and from site visits by council
13.4 members paid for under paragraph (b) are
13.5 not meetings of the council for the purpose
13.6 of receiving information under Minnesota
13.7 Statutes, section 97A.056, subdivision 5.

13.8 Subd. 7. Availability of Appropriation

13.9 Unless otherwise provided, the amounts in
13.10 this section are available until June 30, 2011,
13.11 when projects must be completed and final
13.12 accomplishments reported. For acquisition
13.13 of an interest in real property, the amounts in
13.14 this section are available until June 30, 2012.
13.15 If a project receives federal funds, the time
13.16 period of the appropriation is extended to
13.17 equal the availability of federal funding.

13.18 Subd. 8. Cash Advances

13.19 When the operations of the outdoor heritage
13.20 fund would be impeded by projected cash
13.21 deficiencies resulting from delays in the
13.22 receipt of dedicated income, and when the
13.23 deficiencies would be corrected within fiscal
13.24 year 2010, the commissioner of finance may
13.25 use fund-level cash reserves to meet cash
13.26 demands of the outdoor heritage fund. If
13.27 funds are transferred from the general fund to
13.28 meet cash flow needs, the cash flow transfers
13.29 must be returned to the general fund as soon
13.30 as sufficient cash balances are available
13.31 in the outdoor heritage fund. Any interest
13.32 earned on general fund cash flow transfers
13.33 accrues to the general fund and not to the
13.34 outdoor heritage fund.

14.1 Subd. 9. **Accomplishment Plans**

14.2 It is a condition of acceptance of the
14.3 appropriations made by this section that the
14.4 agency or entity using the appropriation shall
14.5 submit to the council an accomplishment
14.6 plan and periodic accomplishment reports in
14.7 the form determined by the Lessard Outdoor
14.8 Heritage Council. The accomplishment plan
14.9 must account for the use of the appropriation
14.10 and outcomes of the expenditure in measures
14.11 of wetlands, prairies, forests, and fish, game,
14.12 and wildlife habitat restored, protected, and
14.13 enhanced. The plan must include evaluation
14.14 of results. None of the money provided
14.15 in this section may be expended unless
14.16 the council has approved the pertinent
14.17 accomplishment plan.

14.18 Subd. 10. **Project Requirements**

14.19 As a condition of accepting an appropriation
14.20 in this section, any agency or entity receiving
14.21 an appropriation must, for any project funded
14.22 in whole or in part with funds from the
14.23 appropriation:

14.24 (1) plant vegetation or sow seed only
14.25 of ecotypes native to Minnesota, and
14.26 preferably of the local ecotype, using a
14.27 high diversity of species originating from
14.28 as close to the restoration site as possible,
14.29 and protect existing native prairies from
14.30 genetic contamination, to the extent possible
14.31 if conducting prairie restorations is a
14.32 component of the accomplishment plan;

14.33 (2) provide that all easements:

- 15.1 (i) are permanent;
- 15.2 (ii) specify the parties to an easement in the
- 15.3 easement;
- 15.4 (iii) specify all of the provisions of an
- 15.5 agreement that are permanent;
- 15.6 (iv) are sent to the office of the Lessard
- 15.7 Outdoor Heritage Council; and
- 15.8 (v) include a long-term stewardship plan and
- 15.9 funding for monitoring and enforcing the
- 15.10 easement agreement;
- 15.11 (3) for all restorations, prepare an ecological
- 15.12 restoration and management plan that, to
- 15.13 the degree practicable, is consistent with the
- 15.14 highest quality conservation and ecological
- 15.15 goals for the restoration site. Consideration
- 15.16 should be given to soil, geology, topography,
- 15.17 and other relevant factors that would provide
- 15.18 the best chance for long-term success of the
- 15.19 restoration projects. The plan shall include
- 15.20 the proposed timetable for implementing
- 15.21 the restoration, including, but not limited
- 15.22 to, site preparation, establishment of
- 15.23 diverse plant species, maintenance, and
- 15.24 additional enhancement to establish the
- 15.25 restoration; identify long-term maintenance
- 15.26 and management needs of the restoration
- 15.27 and how the maintenance, management, and
- 15.28 enhancement will be financed; and use the
- 15.29 best available science to achieve the best
- 15.30 restoration;
- 15.31 (4) for new lands acquired, prepare a
- 15.32 restoration and management plan in
- 15.33 compliance with clause (3), including

16.1 identification of sufficient funding for
16.2 implementation;

16.3 (5) to ensure public accountability for the
16.4 use of public funds, provide to the Lessard
16.5 Outdoor Heritage Council documentation
16.6 of the selection process used to identify
16.7 parcels acquired and provide documentation
16.8 of all related transaction costs, including
16.9 but not limited to appraisals, legal fees,
16.10 recording fees, commissions, other similar
16.11 costs, and donations. This information must
16.12 be provided for all parties involved in the
16.13 transaction. The recipient shall also report to
16.14 the Lessard Outdoor Heritage Council any
16.15 difference between the acquisition amount
16.16 paid to the seller and the state-certified or
16.17 state-reviewed appraisal. Acquisition data
16.18 such as appraisals may remain private during
16.19 negotiations but must ultimately be made
16.20 public according to Minnesota Statutes,
16.21 chapter 13;

16.22 (6) provide that all restoration and
16.23 enhancement projects are on land
16.24 permanently protected by conservation
16.25 easement or public ownership;

16.26 (7) to the extent the appropriation is used to
16.27 acquire an interest in real property, provide
16.28 to the Lessard Outdoor Heritage Council and
16.29 the commissioner of finance an analysis of
16.30 increased operations and maintenance costs
16.31 likely to be incurred by public entities as
16.32 a result of the acquisition and of how these
16.33 costs may be paid for; and

16.34 (8) give consideration to and make
16.35 timely written contact with the Minnesota

17.1 Conservation Corps for consideration of
17.2 possible use of their services to contract for
17.3 restoration and enhancement services.

17.4 **Subd. 11. Payment Conditions and Capital**
17.5 **Equipment Expenditures**

17.6 All agreements, grants, or contracts referred
17.7 to in this section must be administered on
17.8 a reimbursement basis unless otherwise
17.9 provided in this section. Payments for
17.10 reimbursement may not be made before
17.11 November 1, 2009. Notwithstanding
17.12 Minnesota Statutes, section 16A.41,
17.13 expenditures directly related to each
17.14 appropriation's purpose made on or after July
17.15 1, 2009, are eligible for reimbursement unless
17.16 otherwise provided in this section. Periodic
17.17 payment must be made upon receiving
17.18 documentation that the deliverable items
17.19 articulated in the approved accomplishment
17.20 plan have been achieved, including partial
17.21 achievements as evidenced by approved
17.22 progress reports. Reasonable amounts may
17.23 be advanced to projects to accommodate
17.24 cash flow needs or to match federal share.
17.25 The advances must be approved as part of
17.26 the accomplishment plan. Capital equipment
17.27 expenditures in excess of \$10,000 must be
17.28 approved as part of the accomplishment plan.

17.29 **Subd. 12. Purchase of Recycled and Recyclable**
17.30 **Materials**

17.31 A political subdivision, public or private
17.32 corporation, or other entity that receives an
17.33 appropriation in this section must use the
17.34 appropriation in compliance with Minnesota
17.35 Statutes, sections 16B.121, regarding

18.1 purchase of recycled, repairable, and durable
18.2 materials, and 16B.122, regarding purchase
18.3 and use of paper stock and printing.

18.4 **Subd. 13. Accessibility**

18.5 Structural and nonstructural facilities must
18.6 meet the design standards in the Americans
18.7 with Disabilities Act (ADA) accessibility
18.8 guidelines.

18.9 **Subd. 14. Land Acquisition Restrictions**

18.10 (a) An interest in real property, including but
18.11 not limited to an easement or fee title, that
18.12 is acquired with money appropriated under
18.13 this section must be used in perpetuity or for
18.14 the specific term of an easement interest for
18.15 the purpose for which the appropriation was
18.16 made.

18.17 (b) A recipient of funding who acquires
18.18 an interest in real property subject to this
18.19 subdivision may not alter the intended use of
18.20 the interest in real property or convey any
18.21 interest in the real property acquired with the
18.22 appropriation without the prior review and
18.23 approval of the Lessard Outdoor Heritage
18.24 Council or its successor. The council shall
18.25 establish procedures to review requests from
18.26 recipients to alter the use of or convey an
18.27 interest in real property. These procedures
18.28 shall allow for the replacement of the interest
18.29 in real property with another interest in real
18.30 property meeting the following criteria:

18.31 (1) the interest is at least equal in fair market
18.32 value, as certified by the commissioner
18.33 of natural resources, to the interest being
18.34 replaced; and

19.1 (2) the interest is in a reasonably equivalent
19.2 location and has a reasonably equivalent
19.3 useful conservation purpose compared to the
19.4 interest being replaced.

19.5 (c) A recipient of funding who acquires an
19.6 interest in real property under paragraph
19.7 (a) must separately record a notice of
19.8 funding restrictions in the appropriate local
19.9 government office where the conveyance
19.10 of the interest in real property is filed. The
19.11 notice of funding agreement must contain:

19.12 (1) a legal description of the interest in real
19.13 property covered by the funding agreement;

19.14 (2) a reference to the underlying funding
19.15 agreement;

19.16 (3) a reference to this section; and

19.17 (4) the following statement: "This interest
19.18 in real property shall be administered in
19.19 accordance with the terms, conditions, and
19.20 purposes of the grant agreement controlling
19.21 the acquisition of the property. The interest
19.22 in real property, or any portion of the interest
19.23 in real property, shall not be sold, transferred,
19.24 pledged, or otherwise disposed of or further
19.25 encumbered without obtaining the prior
19.26 written approval of the Lessard Outdoor
19.27 Heritage Council or its successor. If the
19.28 holder of the interest in real property fails
19.29 to comply with the terms and conditions of
19.30 the grant agreement or accomplishment plan,
19.31 ownership of the interest in real property
19.32 shall transfer to the state."

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

20.1 By December 1 each year, a recipient of
20.2 money appropriated under this section that
20.3 is used for the acquisition of an interest in
20.4 real property, including but not limited to an
20.5 easement or fee title, must submit annual
20.6 reports on the status of the real property to
20.7 the Lessard Outdoor Heritage Council or
20.8 its successor in a form determined by the
20.9 council. The responsibility for reporting
20.10 under this section may be transferred by
20.11 the recipient of the appropriation to another
20.12 person or entity that holds the interest in the
20.13 real property. To complete the transfer of
20.14 reporting responsibility, the recipient of the
20.15 appropriation must:

20.16 (1) inform the person to whom the
20.17 responsibility is transferred of that person's
20.18 reporting responsibility;

20.19 (2) inform the person to whom the
20.20 responsibility is transferred of the property
20.21 restrictions under subdivision 14; and

20.22 (3) provide written notice to the council
20.23 of the transfer of reporting responsibility,
20.24 including contact information for the person
20.25 to whom the responsibility is transferred.
20.26 Before the transfer, the entity receiving
20.27 the transfer of property must certify to the
20.28 Lessard Outdoor Heritage Council, or its
20.29 successor, acceptance of all obligations and
20.30 responsibilities held by the prior owner.

20.31 After the transfer, the person or entity that
20.32 holds the interest in the real property is
20.33 responsible for reporting requirements under
20.34 this section.

21.1 Subd. 16. Protect; Definition

21.2 For purposes of appropriations in this article,

21.3 "protect" means to preserve ecological

21.4 systems and prevent future degradation of

21.5 ecological systems by actions including, but

21.6 not limited to, purchase in fee or easement.

21.7 Sec. 3. Minnesota Statutes 2008, section 97A.056, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

22.3 (2) one public member appointed by the senate Subcommittee on Committees of the
22.4 Committee on Rules and Administration for a term ending the first Monday in January
22.5 2011;

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

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

22.10 (5) one public member appointed by the senate Subcommittee on Committees of the
22.11 Committee on Rules and Administration for a term ending the first Monday in January
22.12 2013;

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

22.15 (7) two members of the senate appointed by the senate Subcommittee on Committees
22.16 of the Committee on Rules and Administration for a term ending the first Monday in
22.17 January 2013, and two members of the house of representatives appointed by the speaker
22.18 of the house for a term ending the first Monday in January 2013.

22.19 (f) Compensation and removal of public members are as provided in section
22.20 15.0575. A vacancy on the council may be filled by the appointing authority for the
22.21 remainder of the unexpired term.

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

22.26 (h) Upon coordination with and approval by the Legislative Coordinating
22.27 Commission, the Department of Natural Resources shall provide administrative support
22.28 for council may appoint nonpartisan staff and contract with consultants as necessary
22.29 to carry out the functions of the council. Up to one percent of the money appropriated
22.30 from the fund may be used to ~~cover the staffing and related administrative expenses of~~
22.31 ~~the department and to cover the compensation and travel expenses~~ pay for administrative
22.32 expenses of the council and for compensation and expense reimbursement of council
22.33 members.

22.34 Sec. 4. Minnesota Statutes 2008, section 97A.056, subdivision 3, is amended to read:

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

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

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

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

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

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

23.35 (g) The council shall develop and implement a process that ensures that citizens
23.36 and potential recipients of funds are included throughout the process, including the

24.1 development and finalization of the council's recommendations. The process must include
24.2 a fair, equitable, and thorough process for reviewing requests for funding and a clear and
24.3 easily understood process for ranking projects.

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

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

24.12 Sec. 5. Minnesota Statutes 2008, section 97A.056, subdivision 6, is amended to read:

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

24.17 Sec. 6. Minnesota Statutes 2008, section 97A.056, subdivision 7, is amended to read:

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

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

24.29 Sec. 7. **APPROPRIATION; FOREST PROTECTION RESERVE.**

24.30 \$2,000,000 is appropriated in fiscal year 2010 from the outdoor heritage fund to
24.31 the commissioner of agriculture to identify, prevent, and in consultation with the Forest
24.32 Resources Council, protect Minnesota forests by rapidly and effectively responding to
24.33 the threat or presence of plant pests. The commissioner may access this appropriation

25.1 if sufficient resources are not available from state, federal, or other sources or if the
 25.2 commissioner determines that sufficient state, federal, or other resources will not be
 25.3 available to the commissioner in time to effectively prevent the introduction or spread
 25.4 of tree pests and avert environmental or economic harm. Up to \$125,000 is available
 25.5 immediately to the commissioner of agriculture to update the state's invasive and exotic
 25.6 tree pest plans by addressing the role of all stakeholders in preventing the introduction or
 25.7 spread of invasive pests, responding to and containing outbreaks, and remediation. The
 25.8 commissioner shall work in consultation with the commissioner of natural resources, the
 25.9 Forest Resources Council, and the Forest Protection Task Force and provide quarterly
 25.10 reports on findings and recommendations to the governor and the appropriate legislative
 25.11 committees. The reports must include recommendations to ensure that a coordinated
 25.12 and effective response network is in place to protect our forests. The commissioner of
 25.13 agriculture may transfer all or part of this appropriation to the commissioner of natural
 25.14 resources and shall award grants to local units of government or other entities.

25.15 **Sec. 8. REVISOR'S INSTRUCTION.**

25.16 The revisor shall remove all references to the "Lessard Outdoor Heritage Council" in
 25.17 Minnesota Statutes, and replace those references with "Lessard-Sams Outdoor Heritage
 25.18 Council."

25.19 **ARTICLE 2**
 25.20 **CLEAN WATER FUND**

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

25.22 The sums shown in the columns marked "Appropriations" are appropriated to the
 25.23 agencies and for the purposes specified in this article. The appropriations are from the
 25.24 clean water fund, and are available for the fiscal years indicated for allowable activities
 25.25 under the Minnesota Constitution, article XI, section 15. The figures "2010" and "2011"
 25.26 used in this act mean that the appropriation listed under them are available for the fiscal
 25.27 year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year
 25.28 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and
 25.29 2011. The appropriations in this act are onetime.

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

25.30

25.31

25.32

25.33

25.34 **Sec. 2. DEPARTMENT OF AGRICULTURE \$ 3,790,000 \$ 5,170,000**

26.1 (a) \$395,000 the first year is to intensively
26.2 monitor and analyze three sub-watersheds
26.3 for changes in agricultural runoff related to
26.4 land management practices and evaluate best
26.5 management practices in sub-watersheds
26.6 within the Root River Watershed in
26.7 southeastern Minnesota. The commissioner
26.8 shall submit a report on the use of this
26.9 appropriation to the chairs of the house of
26.10 representatives and senate committees with
26.11 jurisdiction over agriculture, agriculture
26.12 finance, environment and natural resources,
26.13 and environment and natural resources
26.14 finance by January 15, 2012. This
26.15 appropriation is available until spent.

26.16 (b) \$325,000 the first year and \$350,000 the
26.17 second year are to increase monitoring for
26.18 pesticides and pesticide degradates in surface
26.19 water and groundwater and to use data
26.20 collected to assess pesticide use practices.

26.21 (c) \$375,000 the first year and \$750,000 the
26.22 second year are to increase groundwater and
26.23 drinking water protection from agricultural
26.24 chemicals, primarily nutrients.

26.25 (d) \$695,000 the first year and \$1,570,000
26.26 the second year are for research, pilot
26.27 projects, and technical assistance related
26.28 to ways agricultural practices contribute to
26.29 restoring impaired waters and assist with
26.30 the development of TMDL plans. Of this
26.31 amount, \$150,000 each year is for grants to
26.32 the livestock environmental quality assurance
26.33 program to develop resource management
26.34 plans, provide resource management analysis
26.35 and assistance, provide an implementation

27.1 plan, and provide for annual reporting on
27.2 water quality assessment and reasonable
27.3 assurance of the water quality effects for
27.4 the purposes of TMDL plans, including an
27.5 assurance walk-through for farms enrolled
27.6 in the program. By December 15, 2010, the
27.7 commissioner of agriculture shall submit a
27.8 report to the chairs and ranking minority
27.9 members of the legislative committees and
27.10 divisions with jurisdiction over agriculture
27.11 and environment policy and finance on the
27.12 activities of the livestock environmental
27.13 quality assurance program. The report shall
27.14 include:

27.15 (1) the number of farms enrolled;
27.16 (2) an analysis of the estimated water quality
27.17 improvements to enrolled farms; and
27.18 (3) an analysis of the ability to provide
27.19 reasonable assurance of the water quality
27.20 effects.

27.21 (e) \$2,000,000 the first year and \$2,500,000
27.22 the second year are for the agricultural
27.23 best management practices loan program.
27.24 At least \$1,800,000 the first year and at
27.25 least \$2,200,000 the second year are for
27.26 transfer to a new clean water agricultural
27.27 best management practices loan account
27.28 and are available for pass-through to local
27.29 governments and lenders for low-interest
27.30 loans. Any unencumbered balance that is not
27.31 used for pass-through to local governments
27.32 does not cancel at the end of the first year
27.33 and is available for the second year.

27.34 **Sec. 3. PUBLIC FACILITIES AUTHORITY \$ 13,441,000 \$ 19,259,000**

28.1 (a) \$8,816,000 the first year and \$12,834,000
28.2 the second year are for the total maximum
28.3 daily load grant program under Minnesota
28.4 Statutes, section 446A.073. This
28.5 appropriation is available until spent.

28.6 (b) \$4,125,000 the first year and \$4,425,000
28.7 the second year are for the clean water legacy
28.8 phosphorus reduction grant program under
28.9 Minnesota Statutes, section 446A.074. This
28.10 appropriation is available until spent.

28.11 (c) \$500,000 the first year and \$2,000,000
28.12 the second year are for small community
28.13 wastewater treatment grants and loans under
28.14 Minnesota Statutes, section 446A.075. This
28.15 appropriation is available until spent.

28.16 **Sec. 4. POLLUTION CONTROL AGENCY \$ 24,076,000 \$ 27,285,000**

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

29.1 same fish species sampling at the same 116
29.2 locations and the same macroinvertebrate
29.3 sampling at the same 41 locations as the
29.4 MRAP assessment. The assessment must:
29.5 (1) include an analysis of the findings; and
29.6 (2) identify factors that limit aquatic life in
29.7 the Minnesota River.

29.8 Of this amount, \$250,000 the first year is
29.9 for a pilot project for the development of
29.10 total maximum daily load (TMDL) studies
29.11 conducted on a watershed basis within
29.12 the Buffalo River watershed in order to
29.13 protect, enhance, and restore water quality
29.14 in lakes, rivers, and streams. The pilot
29.15 project shall include all necessary field
29.16 work to develop TMDL studies for all
29.17 impaired subwatersheds within the Buffalo
29.18 River watershed and provide information
29.19 necessary to complete reports for most of the
29.20 remaining watersheds, including analysis of
29.21 water quality data, identification of sources
29.22 of water quality degradation and stressors,
29.23 load allocation development, development
29.24 of reports that provide protection plans
29.25 for subwatersheds that meet water quality
29.26 standards, and development of reports that
29.27 provide information necessary to complete
29.28 TMDL studies for subwatersheds that do not
29.29 meet water quality standards, but are not
29.30 listed as impaired.

29.31 (b) \$500,000 the first year is for development
29.32 of an enhanced TMDL database to manage
29.33 and track progress. Of this amount, \$63,000
29.34 the first year is to promulgate rules. By
29.35 November 1, 2010, the commissioner shall

30.1 submit a report to the chairs of the house of
30.2 representatives and senate committees with
30.3 jurisdiction over environment and natural
30.4 resources finance on the outcomes achieved
30.5 with this appropriation.

30.6 (c) \$1,500,000 the first year and \$3,169,000
30.7 the second year are for grants under
30.8 Minnesota Statutes, section 116.195, to
30.9 political subdivisions for up to 50 percent
30.10 of the costs to predesign, design, and
30.11 implement capital projects that use treated
30.12 municipal wastewater instead of groundwater
30.13 from drinking water aquifers, in order to
30.14 demonstrate the beneficial use of wastewater,
30.15 including the conservation and protection of
30.16 water resources. Of this amount, \$1,000,000
30.17 the first year is for grants to ethanol plants
30.18 that are within one and one-half miles of a
30.19 city for improvements that reuse greater than
30.20 300,000 gallons of wastewater per day.

30.21 (d) \$1,125,000 the first year and \$1,125,000
30.22 the second year are for groundwater
30.23 assessment and drinking water protection to
30.24 include:

30.25 (1) the installation and sampling of at least
30.26 30 new monitoring wells;

30.27 (2) the analysis of samples from at least 40
30.28 shallow monitoring wells each year for the
30.29 presence of endocrine disrupting compounds;
30.30 and

30.31 (3) the completion of at least four to
30.32 five groundwater models for TMDL and
30.33 watershed plans.

31.1 (e) \$2,500,000 the first year is for the clean
31.2 water partnership program. Priority shall be
31.3 given to projects preventing impairments and
31.4 degradation of lakes, rivers, streams, and
31.5 groundwater in accordance with Minnesota
31.6 Statutes, section 114D.20, subdivision 2,
31.7 clause (4). Any balance remaining in the first
31.8 year does not cancel and is available for the
31.9 second year.

31.10 (f) \$896,000 the first year is to establish
31.11 a network of water monitoring sites, to
31.12 include at least 20 additional sites, in public
31.13 waters adjacent to wastewater treatment
31.14 facilities across the state to assess levels of
31.15 endocrine-disrupting compounds, antibiotic
31.16 compounds, and pharmaceuticals as required
31.17 in this article. The data must be placed on
31.18 the agency's Web site.

31.19 (g) \$155,000 the first year is to provide
31.20 notification of the potential for coal tar
31.21 contamination, establish a storm water
31.22 pond inventory schedule, and develop best
31.23 management practices for treating and
31.24 cleaning up contaminated sediments as
31.25 required in this article. \$345,000 the second
31.26 year is to develop a model ordinance for the
31.27 restricted use of undiluted coal tar sealants
31.28 and to provide grants to local units of
31.29 government for up to 50 percent of the costs
31.30 to implement best management practices to
31.31 treat or clean up contaminated sediments
31.32 in storm water ponds and other waters as
31.33 defined under this article. Local governments
31.34 must have adopted an ordinance for the
31.35 restricted use of undiluted coal tar sealants
31.36 in order to be eligible for a grant, unless a

- 32.1 statewide restriction has been implemented.
- 32.2 A grant awarded under this paragraph must
- 32.3 not exceed \$100,000.
- 32.4 (h) \$350,000 the first year and \$400,000
- 32.5 the second year are for a restoration project
- 32.6 in the lower St. Louis River and Duluth
- 32.7 harbor. This appropriation must be matched
- 32.8 by nonstate money at a rate of \$2 for every
- 32.9 \$1 of state money.
- 32.10 (i) \$150,000 the first year and \$196,000 the
- 32.11 second year are for grants to the Red River
- 32.12 Watershed Management Board to enhance
- 32.13 and expand existing river watch activities in
- 32.14 the Red River of the North. The Red River
- 32.15 Watershed Management Board shall provide
- 32.16 a report that includes formal evaluation
- 32.17 results from the river watch program to the
- 32.18 commissioners of education and the Pollution
- 32.19 Control Agency and to the legislative natural
- 32.20 resources finance and policy committees
- 32.21 and K-12 finance and policy committees by
- 32.22 February 15, 2011.
- 32.23 (j) \$200,000 the first year and \$300,000 the
- 32.24 second year are for coordination with the
- 32.25 state of Wisconsin and the National Park
- 32.26 Service on comprehensive water monitoring
- 32.27 and phosphorus reduction activities in the
- 32.28 Lake St. Croix portion of the St. Croix
- 32.29 River. The Pollution Control Agency
- 32.30 shall work with the St. Croix Basin Water
- 32.31 Resources Planning Team and the St. Croix
- 32.32 River Association in implementing the
- 32.33 water monitoring and phosphorus reduction
- 32.34 activities. This appropriation is available
- 32.35 to the extent matched by nonstate sources.

33.1 Money not matched by November 15, 2010,
33.2 cancel for this purpose and is available for
33.3 the purposes of paragraph (a).

33.4 (k) \$7,500,000 the first year and \$7,500,000
33.5 the second year are for completion of 20
33.6 percent of the needed statewide assessments
33.7 of surface water quality and trends. Of this
33.8 amount, \$175,000 the first year and \$200,000
33.9 the second year are for monitoring and
33.10 analyzing endocrine disruptors in surface
33.11 waters.

33.12 (l) \$100,000 the first year and \$150,000
33.13 the second year are for civic engagement
33.14 in TMDL development. The agency shall
33.15 develop a plan for expenditures under
33.16 this paragraph. The agency shall give
33.17 consideration to civic engagement proposals
33.18 from basin or sub-basin organizations,
33.19 including the Mississippi Headwaters Board,
33.20 the Minnesota River Joint Powers Board,
33.21 Area II Minnesota River Basin Projects,
33.22 and the Red River Basin Commission.
33.23 By November 15, 2009, the plan shall be
33.24 submitted to the house and senate chairs
33.25 and ranking minority members of the
33.26 environmental finance divisions.

33.27 (m) \$5,000,000 the second year is for
33.28 groundwater protection or prevention of
33.29 groundwater degradation activities. By
33.30 January 15, 2010, the commissioner, in
33.31 consultation with the commissioner of
33.32 natural resources, the Board of Water and
33.33 Soil Resources, and other agencies, shall
33.34 submit a report to the chairs of the house of
33.35 representatives and senate committees with

34.1 jurisdiction over the clean water fund on the
34.2 intended use of these funds. The legislature
34.3 must approve expenditure of these funds by
34.4 law.

34.5 (n) \$100,000 the first year and \$100,000 the
34.6 second year are for grants to the Star Lake
34.7 Board established under Minnesota Statutes,
34.8 section 103B.702. The appropriation is a
34.9 pilot program to focus on engaging citizen
34.10 participation and fostering local partnerships
34.11 by increasing citizen involvement in water
34.12 quality enhancement by designating star
34.13 lakes and rivers. The board shall include
34.14 information on the results of this pilot
34.15 program in its next biennial report under
34.16 Minnesota Statutes, section 103B.702. The
34.17 second year grants are available only if
34.18 the Board of Water and Soil Resources
34.19 determines that the money granted in the first
34.20 year furthered the water quality goals in the
34.21 star lakes program in Minnesota Statutes,
34.22 section 103B.701.

34.23 Notwithstanding Minnesota Statutes, section
34.24 16A.28, the appropriations encumbered on or
34.25 before June 30, 2011, as grants or contracts in
34.26 this section are available until June 30, 2013.

34.27 **Sec. 5. DEPARTMENT OF NATURAL**
34.28 **RESOURCES**

<u>\$</u>	<u>6,690,000</u>	<u>\$</u>	<u>7,835,000</u>
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34.29 (a) \$1,240,000 the first year and \$2,460,000
34.30 the second year are for assisting in water
34.31 quality assessments in supporting the
34.32 identification of impaired waters.

35.1 (b) \$600,000 the first year and \$525,000 the
35.2 second year are for drinking water planning
35.3 and protection activities.

35.4 (c) \$1,050,000 the first year and \$1,050,000
35.5 the second year are for TMDL development
35.6 and TMDL implementation plans for waters
35.7 listed on the United States Environmental
35.8 Protection Agency approved Impaired
35.9 Waters List in accordance with Minnesota
35.10 Statutes, chapter 114D.

35.11 (d) \$2,800,000 the first year and \$2,800,000
35.12 the second year are to acquire and distribute
35.13 high-resolution digital elevation data
35.14 using light detection and ranging to aid
35.15 with impaired waters modeling and total
35.16 maximum daily load implementation under
35.17 Minnesota Statutes, chapter 114D. The data
35.18 will be collected for areas of the state that
35.19 have not acquired such data prior to January
35.20 1, 2007, or to complete acquisition and
35.21 distribution of the data for those areas of
35.22 the state that have not previously received
35.23 state funds for acquiring and distributing
35.24 the data. The distribution of data acquired
35.25 under this paragraph must be conducted
35.26 under the auspices of the Land Management
35.27 Information Center or its successor, which
35.28 shall receive 2.5 percent of the appropriation
35.29 in this paragraph to support coordination of
35.30 data acquisition and distribution. Mapping
35.31 and data set distribution under this paragraph
35.32 must be completed within three years of
35.33 funds availability. The commissioner shall
35.34 utilize department staff whenever possible.
35.35 The commissioner may contract for services
35.36 only if they cannot otherwise be provided

36.1 by the department. If the commissioner
36.2 contracts for services with this appropriation
36.3 and any of the work done under the contract
36.4 will be done outside of the United States, the
36.5 commissioner must report to the chairs of the
36.6 house of representatives and senate finance
36.7 committees on the proposed contract at least
36.8 30 days before entering into the contract. The
36.9 report must include an analysis of why the
36.10 contract with the selected contractor provides
36.11 the state with "best value," as defined in
36.12 Minnesota Statutes, section 16C.02; any
36.13 alternatives to the selected contractor that
36.14 were considered; what data will be provided
36.15 to the contractor, including the data that
36.16 will be transmitted outside of the United
36.17 States; what security measures will be
36.18 taken to ensure that the data is treated in
36.19 accordance with the Minnesota Government
36.20 Data Practices Act; and what remedies will
36.21 be available to the state if the data is not
36.22 treated in accordance with the Minnesota
36.23 Government Data Practices Act.

36.24 (e) \$250,000 the first year and \$250,000
36.25 the second year are to adopt rules for the
36.26 Mississippi River corridor critical area
36.27 under Minnesota Statutes, section 116G.15.
36.28 The commissioner shall begin rulemaking
36.29 under chapter 14 no later than January 15,
36.30 2010. At least 30 days prior to beginning
36.31 the rulemaking, the commissioner shall
36.32 notify local units of government within the
36.33 Mississippi River corridor critical area of
36.34 the intent to adopt rules. The local units of
36.35 government shall make reasonable efforts to
36.36 notify the public of the contact information

37.1 for the appropriate department staff. The
37.2 commissioner shall maintain an e-mail
37.3 list of interested parties to provide timely
37.4 information about the proposed schedule
37.5 for rulemaking, opportunities for public
37.6 comment, and contact information for the
37.7 appropriate department staff.

37.8 (f) \$500,000 the first year and \$500,000
37.9 the second year are to investigate physical
37.10 and recharge characteristics as part of the
37.11 collection and interpretation of subsurface
37.12 geological information and acceleration of
37.13 the county geologic atlas program. This
37.14 appropriation represents a continuing effort
37.15 to complete the county geologic atlases
37.16 throughout the state in order to provide
37.17 information and assist in planning for the
37.18 sustainable use of groundwater and surface
37.19 water that does not harm ecosystems,
37.20 degrade water quality, or compromise the
37.21 ability of future generations to meet their
37.22 own needs. This appropriation is available
37.23 until December 31, 2014.

37.24 (g) \$250,000 the first year and \$250,000
37.25 the second year are for nonpoint source
37.26 restoration and protection activities.

37.27 **Sec. 6. BOARD OF WATER AND SOIL**
37.28 **RESOURCES**

\$ 18,705,000 \$ 19,519,000

37.29 (a) \$3,250,000 the first year and \$3,250,000
37.30 the second year are to purchase and restore
37.31 permanent conservation easements on
37.32 riparian buffers of up to 100 feet adjacent
37.33 to public waters, excluding wetlands, to
37.34 keep water on the land in order to decrease

38.1 sediment, pollutant and nutrient transport,
38.2 reduce hydrologic impacts to surface waters,
38.3 and increase infiltration for groundwater
38.4 recharge. The riparian buffers must be
38.5 at least 50 feet unless there is a natural
38.6 impediment, a road, or other impediment
38.7 beyond the control of the landowner. This
38.8 appropriation may be used for restoration
38.9 of riparian buffers protected by easements
38.10 purchased with this appropriation and for
38.11 stream bank restorations when the riparian
38.12 buffers have been restored. Up to five
38.13 percent may be used for administration of
38.14 this program.

38.15 (b) \$2,800,000 the first year and \$3,124,000
38.16 the second year are for grants to watershed
38.17 districts and watershed management
38.18 organizations for: (i) structural or vegetative
38.19 management practices that reduce storm
38.20 water runoff from developed or disturbed
38.21 lands to reduce the movement of sediment,
38.22 nutrients, and pollutants or to leverage
38.23 federal funds for restoration, protection, or
38.24 enhancement of water quality in lakes, rivers,
38.25 and streams and to protect groundwater
38.26 and drinking water; and (ii) the installation
38.27 of proven and effective water retention
38.28 practices including, but not limited to, rain
38.29 gardens and other vegetated infiltration
38.30 basins and sediment control basins in order
38.31 to keep water on the land. The projects
38.32 must be of long-lasting public benefit,
38.33 include a local match, and be consistent with
38.34 TMDL implementation plans or local water
38.35 management plans. Watershed district and
38.36 watershed management organization staff

39.1 and administration may be used for local
39.2 match. Priority may be given to school
39.3 projects that can be used to demonstrate
39.4 water retention practices. Up to five percent
39.5 may be used for administering the grants.

39.6 (c) \$3,000,000 the first year and \$3,000,000
39.7 the second year are for nonpoint source
39.8 pollution reduction and restoration grants to
39.9 watershed districts, watershed management
39.10 organizations, counties, and soil and water
39.11 conservation districts for grants in addition
39.12 to grants available under paragraphs (a)
39.13 and (b) to keep water on the land and to
39.14 protect, enhance, and restore water quality
39.15 in lakes, rivers, and streams, and to protect
39.16 groundwater and drinking water. The
39.17 projects must be of long-lasting public
39.18 benefit, include a local match, and be
39.19 consistent with TMDL implementation plans
39.20 or local water management plans. Up to five
39.21 percent may be used for administering the
39.22 grants.

39.23 (d) \$400,000 the first year and \$600,000 the
39.24 second year are to the Anoka Conservation
39.25 District for the metropolitan landscape
39.26 restoration program for water quality and
39.27 improvement projects.

39.28 (e) \$1,000,000 the first year and \$1,000,000
39.29 the second year are for permanent
39.30 conservation easements on wellhead
39.31 protection areas under Minnesota Statutes,
39.32 section 103F.515, subdivision 2, paragraph
39.33 (d). Priority must be placed on land that
39.34 is located where the vulnerability of the
39.35 drinking water supply management area,

40.1 as defined under Minnesota Rules, part
40.2 4720.5100, subpart 13, is designated as high
40.3 or very high by the commissioner of health.

40.4 (f) \$2,000,000 the first year and \$2,000,000
40.5 the second year are for feedlot water quality
40.6 improvement grants for feedlots under 300
40.7 animal units on riparian land, to include
40.8 water quality assessment to determine the
40.9 effectiveness of the grants in protecting,
40.10 enhancing, and restoring water quality in
40.11 lakes, rivers, and streams, and in protecting
40.12 groundwater from degradation.

40.13 (g) \$2,330,000 the first year and \$1,830,000
40.14 the second year are for grants to implement
40.15 stream bank, stream channel, and shoreline
40.16 protection, and restoration projects to protect
40.17 water quality. Of this amount, \$330,000 the
40.18 first year and \$330,000 the second year may
40.19 be used for technical assistance and grants to
40.20 establish a conservation drainage program
40.21 in consultation with the Board of Water
40.22 and Soil Resources and the Drainage Work
40.23 Group that consists of pilot projects to retrofit
40.24 existing drainage systems with water quality
40.25 improvement practices, evaluate outcomes,
40.26 and provide outreach to landowners, public
40.27 drainage authorities, drainage engineers and
40.28 contractors, and others. Of this amount,
40.29 \$500,000 the first year is for a grant to
40.30 Hennepin County for riparian restoration
40.31 and stream bank stabilization in the ten
40.32 primary stream systems in Hennepin County
40.33 in order to protect, enhance, and help
40.34 restore the water quality of the streams and
40.35 downstream receiving waters. The county
40.36 shall work with watershed districts and water

41.1 management organizations to identify and
41.2 prioritize projects. To the extent possible,
41.3 the county shall employ youth through the
41.4 Minnesota Conservation Corps and Tree
41.5 Trust to plant trees and shrubs to reduce
41.6 erosion and stabilize stream banks. This
41.7 appropriation must be matched by nonstate
41.8 sources, including in-kind contributions.

41.9 (h) \$275,000 the first year and \$315,000
41.10 the second year are for state oversight,
41.11 support, and accountability reporting of
41.12 local government implementation, including
41.13 an annual report prepared jointly by
41.14 the board, the commissioner of natural
41.15 resources and the commissioner of the
41.16 Pollution Control Agency to the legislature
41.17 detailing the recipients and projects funded
41.18 under this section; the anticipated water
41.19 quality benefits of projects funded; the
41.20 relationship of restoration projects to
41.21 TMDL load allocations; the relationship
41.22 of protection projects to monitored water
41.23 quality trends; and individual county and
41.24 aggregated statewide progress in: (1)
41.25 identifying noncompliant SSTS, establishing
41.26 maintenance oversight systems, and SSTS
41.27 upgrades funded under this section; and
41.28 (2) identifying and upgrading open lot
41.29 feedlots under 300 animal units in shoreland.

41.30 Organizations receiving grants under this
41.31 section shall provide information to the
41.32 agencies listed in this paragraph or the
41.33 information required in the report. The board
41.34 shall require grantees to specify the outcomes
41.35 that will be achieved by the grants prior to
41.36 any grant awards.

42.1 (i) \$1,250,000 the first year and \$1,500,000
42.2 the second year are for targeted nonpoint
42.3 restoration technical assistance and
42.4 engineering. At least 93 percent of this
42.5 amount must be made available for grants.

42.6 (j) \$1,600,000 the first year and \$1,900,000
42.7 the second year are for grants to implement
42.8 county subsurface sewage treatment system
42.9 (SSTS) programs, including inventories,
42.10 enforcement, development of databases,
42.11 and systems to insure SSTS maintenance
42.12 reporting program results to the Board
42.13 of Water and Soil Resources and the
42.14 Pollution Control Agency, and base grants.

42.15 Priority must be given to the protection
42.16 of lakes, rivers, and streams. Grants are
42.17 limited to counties with ordinances adopted
42.18 pursuant to Minnesota Statutes, section
42.19 115.55, subdivision 2, that can demonstrate
42.20 enforcement of the ordinances.

42.21 (k) \$800,000 the first year and \$1,000,000
42.22 the second year are for grants to address
42.23 imminent threat and failing subsurface
42.24 sewage treatment systems.

42.25 The board shall contract for services with
42.26 the Minnesota Conservation Corps for
42.27 restoration, maintenance, and other activities
42.28 under this section for at least \$500,000 the
42.29 first year and \$500,000 the second year.

42.30 The board may shift grant or cost-share funds
42.31 in this section and may adjust the technical
42.32 and administrative assistance portion of the
42.33 funds to leverage federal or other nonstate
42.34 funds or to address oversight responsibilities

43.1 or high-priority needs identified in local
43.2 water management plans.

43.3 The board shall give priority consideration
43.4 to projects and practices that complement,
43.5 supplement, or exceed current state standards
43.6 for protection, enhancement, and restoration
43.7 of water quality in lakes, rivers, and streams
43.8 or that protect groundwater from degradation.

43.9 To the extent possible, a person conducting
43.10 a restoration with money appropriated in
43.11 this section must plant vegetation or sow
43.12 seed only of ecotypes native to Minnesota,
43.13 and preferably of the local ecotype, using a
43.14 high diversity of species originating from as
43.15 close to the restoration site as possible, and
43.16 protect existing native prairies from genetic
43.17 contamination.

43.18 The board shall submit a report on the
43.19 expenditure and use of money appropriated
43.20 under this section to the chairs of the house
43.21 of representatives and senate committees
43.22 with jurisdiction over environment and
43.23 natural resources and environment and
43.24 natural resources finance by March 1 of
43.25 each year. The report must provide detail
43.26 on: the expenditure of funds, including
43.27 maps; the effectiveness of the expenditures
43.28 in protecting, enhancing, and restoring water
43.29 quality in lakes, rivers, and streams and
43.30 protecting groundwater from degradation;
43.31 and the effectiveness of the expenditures in
43.32 keeping water on the land.

43.33 Sec. 7. **DEPARTMENT OF HEALTH** **\$** **1,645,000** **\$** **2,105,000**

44.1 (a) \$1,200,000 the first year and \$1,215,000
44.2 the second year are for protection of drinking
44.3 water sources, including assisting 30 or
44.4 more communities in fiscal year 2010 and
44.5 60 or more communities in fiscal year 2011
44.6 with the development and implementation
44.7 of community source water protection plans
44.8 before new community wells are installed,
44.9 and awarding ten or more communities in
44.10 fiscal year 2010 and 20 or more communities
44.11 in fiscal year 2011 with source water
44.12 protection implementation grants.

44.13 (b) \$445,000 the first year and \$890,000
44.14 the second year are for addressing public
44.15 health concerns related to contaminants
44.16 found in Minnesota drinking water for which
44.17 no health-based drinking water standard
44.18 exists. The commissioner shall characterize
44.19 and issue health-based guidance for three or
44.20 more additional unregulated drinking water
44.21 contaminants in fiscal year 2010, and seven
44.22 or more additional unregulated drinking
44.23 water contaminants in fiscal year 2011.

44.24 **Sec. 8. UNIVERSITY OF MINNESOTA \$ 750,000 \$ 305,000**

44.25 (a) \$305,000 the second year is for the
44.26 geological survey to continue and to initiate
44.27 the production of county geologic atlases.
44.28 This appropriation represents a continuing
44.29 effort to complete the county geologic
44.30 atlases throughout the state in order to
44.31 provide information and assist in planning
44.32 for the sustainable use of groundwater and
44.33 surface water that does not harm ecosystems,
44.34 degrade water quality, or compromise the
44.35 ability of future generations to meet their

45.1 own needs. This appropriation is available
 45.2 until December 31, 2014.

45.3 (b) \$750,000 the first year is to develop the
 45.4 comprehensive statewide sustainable water
 45.5 resources ten-year plan and 25-year detailed
 45.6 framework in this article.

45.7 (c) Notwithstanding Minnesota Statutes,
 45.8 section 16A.28, the appropriations
 45.9 encumbered on or before June 30, 2011,
 45.10 as grants or contracts in this section are
 45.11 available until June 30, 2013.

45.12 Sec. 9. LEGISLATURE \$ 25,000 \$ 0

45.13 \$25,000 the first year is for the Legislative
 45.14 Coordinating Commission for the costs of
 45.15 developing and implementing a Web site to
 45.16 contain information on projects receiving
 45.17 appropriations from the outdoor heritage
 45.18 fund, the clean water fund, and the parks and
 45.19 trails fund.

45.20 Sec. 10. METROPOLITAN COUNCIL \$ 400,000 \$ 0

45.21 \$400,000 the first year is for implementation
 45.22 of the master water supply plan developed
 45.23 under Minnesota Statutes, section 473.1565.

45.24 Sec. 11. Minnesota Statutes 2008, section 84.66, subdivision 2, is amended to read:

45.25 Subd. 2. **Definitions.** For the purpose of this section, the following terms have
 45.26 the meanings given:

45.27 (1) "forest land" has the meaning given under section 89.001, subdivision 4;

45.28 (2) "forest resources" has the meaning given under section 89.001, subdivision 8;

45.29 (3) "guidelines" has the meaning given under section 89A.01, subdivision 8;

45.30 (4) "riparian land" has the meaning given under section 103F.511, subdivision ~~8a~~

45.31 8b; and

46.1 (5) "working forest land" means land that provides a broad range of goods and
46.2 services, including forest products, recreation, fish and wildlife habitat, clean air and
46.3 water, and carbon sequestration.

46.4 Sec. 12. Minnesota Statutes 2008, section 103F.505, is amended to read:

46.5 **103F.505 PURPOSE AND POLICY.**

46.6 It is the purpose of sections 103F.505 to 103F.531 to ~~keep~~ restore certain marginal
46.7 agricultural land ~~out of crop production~~ and protect environmentally sensitive areas to
46.8 ~~protect~~ enhance soil and water quality, minimize damage to flood-prone areas, sequester
46.9 carbon, and support native plant, fish, and wildlife ~~habitat~~ habitats. It is state policy to
46.10 encourage the restoration of wetlands and riparian lands and promote the retirement of
46.11 marginal, highly erodible land, particularly land adjacent to public waters, drainage
46.12 systems, wetlands, and locally designated priority waters, ~~from crop production and to~~
46.13 ~~reestablish a cover of perennial vegetation.~~

46.14 Sec. 13. Minnesota Statutes 2008, section 103F.511, subdivision 5, is amended to read:

46.15 Subd. 5. **Drained wetland.** "Drained wetland" means a former natural wetland that
46.16 has been altered by draining, dredging, filling, leveling, or other manipulation sufficient
46.17 to render the land suitable for agricultural crop production. ~~The alteration must have~~
46.18 ~~occurred before December 23, 1985, and must be a legal alteration as determined by the~~
46.19 ~~commissioner of natural resources.~~

46.20 Sec. 14. Minnesota Statutes 2008, section 103F.511, is amended by adding a
46.21 subdivision to read:

46.22 Subd. 8a. **Reinvest in Minnesota reserve program.** "Reinvest in Minnesota
46.23 reserve program" means the program established under section 103F.515.

46.24 Sec. 15. Minnesota Statutes 2008, section 103F.511, subdivision 8a, is amended to read:

46.25 Subd. ~~8a~~ 8b. **Riparian land.** "Riparian land" means lands adjacent to public
46.26 waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a~~
46.27 ~~comprehensive local water plan, as defined in section 103B.3363, subdivision 3.~~

46.28 Sec. 16. Minnesota Statutes 2008, section 103F.515, subdivision 1, is amended to read:

46.29 Subdivision 1. **Establishment of program.** The board, in consultation with the
46.30 commissioner of agriculture and the commissioner of natural resources, shall establish
46.31 and administer ~~a conservation~~ the reinvest in Minnesota reserve program. The board

47.1 shall implement sections 103F.505 to 103F.531. Selection of land for the ~~conservation~~
47.2 reinvest in Minnesota reserve program must be based on its enhancement potential for
47.3 fish ~~and~~, wildlife ~~production~~, and native plant habitats, reducing erosion, and protecting
47.4 water quality.

47.5 Sec. 17. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:

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

47.9 (b) Land is eligible if the land:

47.10 (1) is marginal agricultural land;

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

47.13 (3) consists of a drained wetland;

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

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

47.17 (6) is riparian land;

47.18 (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to
47.19 ~~four~~ eight acres of cropland or one acre of noncropland for each acre of wetland restored;

47.20 (8) is a woodlot on agricultural land;

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

47.23 (10) is land ~~on a hillside~~ used for pasture.

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

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

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

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

47.34 (4) have been in agricultural crop production for at least two of the last five
47.35 years before the date of application except drained wetlands, riparian lands, woodlots,

48.1 abandoned building sites, environmentally sensitive areas, wellhead protection areas, or
48.2 ~~land on a hillside~~ used for pasture.

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

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

48.10 Sec. 18. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

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

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

48.15 (2) agricultural crop production and livestock grazing, unless specifically approved
48.16 by the board for ~~wildlife~~ conservation management purposes or extreme drought; and

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

48.21 ~~(4)~~ (3) spraying with chemicals or mowing, except:

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

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

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

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

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

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

48.33 Sec. 19. Minnesota Statutes 2008, section 103F.515, subdivision 5, is amended to read:

49.1 Subd. 5. **Agreements by landowner.** The board may enroll eligible land in the
49.2 ~~conservation~~ reinvest in Minnesota reserve program by signing an agreement in recordable
49.3 form with a landowner in which the landowner agrees:

49.4 (1) to convey to the state a conservation easement that is not subject to any prior
49.5 title, lien, or encumbrance;

49.6 (2) to seed the land subject to the conservation easement, as specified in the
49.7 agreement, to establish and maintain perennial cover of either a grass-legume mixture or
49.8 native grasses for the term of the easement, at seeding rates determined by the board; or
49.9 to plant trees or carry out other long-term capital improvements approved by the board
49.10 for soil and water conservation or wildlife management;

49.11 (3) to convey to the state a permanent easement for the wetland restoration;

49.12 (4) that other land supporting natural vegetation owned or leased as part of the
49.13 same farm operation at the time of application, if it supports natural vegetation ~~or~~ and
49.14 has not been used in agricultural crop production, will not be converted to agricultural
49.15 crop production or pasture; and

49.16 (5) that the easement duration may be lengthened through mutual agreement with
49.17 the board in consultation with the commissioners of agriculture and natural resources
49.18 if they determine that the changes effectuate the purpose of the program or facilitate
49.19 its administration.

49.20 Sec. 20. Minnesota Statutes 2008, section 103F.515, subdivision 6, is amended to read:

49.21 Subd. 6. **Payments for conservation easements and establishment of ~~cover~~**
49.22 **conservation practices.** (a) The board ~~must make the following~~ shall establish rates
49.23 for payments to the landowner for the conservation easement and ~~agreement.~~ related
49.24 practices. The board shall consider market factors, including the township average
49.25 equalized estimated market value of property as established by the commissioner of
49.26 revenue at the time of easement application.

49.27 ~~(1) to establish the perennial cover or other improvements required by the agreement:~~

49.28 ~~(i) except as provided in items (ii) and (iii), up to 75 percent of the total eligible cost~~
49.29 ~~not to exceed \$125 per acre for limited duration easements and 100 percent of the total~~
49.30 ~~eligible cost not to exceed \$150 per acre for perpetual easements;~~

49.31 ~~(ii) for native species restoration, 75 percent of the total eligible cost not to exceed~~
49.32 ~~\$200 per acre for limited duration easements and 100 percent of the total eligible cost not~~
49.33 ~~to exceed \$300 per acre for perpetual easements; and~~

49.34 ~~(iii) 100 percent of the total eligible cost of wetland restoration not to exceed \$600~~
49.35 ~~per acre;~~

50.1 ~~(2) for the cost of planting trees required by the agreement, up to 75 percent of the~~
50.2 ~~total eligible cost not to exceed \$250 per acre for limited duration easements, and 100~~
50.3 ~~percent of the total eligible cost not to exceed \$400 per acre for perpetual easements;~~

50.4 ~~(3) for a permanent easement, 70 percent of the township average equalized~~
50.5 ~~estimated market value of agricultural property as established by the commissioner of~~
50.6 ~~revenue at the time of easement application;~~

50.7 ~~(4) for an easement of limited duration, 90 percent of the present value of the~~
50.8 ~~average of the accepted bids for the federal conservation reserve program, as contained in~~
50.9 ~~Public Law 99-198, in the relevant geographic area and on bids accepted at the time of~~
50.10 ~~easement application; or~~

50.11 ~~(5) an alternative payment system for easements based on cash rent or a similar~~
50.12 ~~system as may be determined by the board.~~

50.13 ~~(b) For hillside pasture conservation easements, the payments to the landowner in~~
50.14 ~~paragraph (a) for the conservation easement and agreement must be reduced to reflect the~~
50.15 ~~value of similar property.~~

50.16 ~~(e) (b)~~ The board may establish a payment system for flowage easements acquired
50.17 under this section.

50.18 ~~(d) (c)~~ For wetland restoration projects involving more than one conservation
50.19 easement, state payments for restoration costs may exceed the limits set forth in this section
50.20 by the board for an individual easement provided the total payment for the restoration
50.21 project does not exceed the amount payable for the total number of acres involved.

50.22 ~~(e) (d)~~ The board may use available nonstate funds to exceed the payment limits
50.23 in this section.

50.24 Sec. 21. Minnesota Statutes 2008, section 103F.521, subdivision 1, is amended to read:

50.25 Subdivision 1. **Cooperation.** In implementing sections 103F.505 to 103F.531, the
50.26 board must share information and cooperate with the Department of Agriculture, the
50.27 Department of Natural Resources, the Pollution Control Agency, the United States Fish
50.28 and Wildlife Service, ~~the Agricultural Stabilization and Conservation Service and Soil~~
50.29 ~~Conservation Service~~ of the United States Department of Agriculture, the Minnesota
50.30 Extension Service, the University of Minnesota, county boards, soil and water conservation
50.31 districts, watershed districts, and interested private organizations and individuals.

50.32 Sec. 22. Minnesota Statutes 2008, section 103F.525, is amended to read:

50.33 **103F.525 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE**
50.34 **CONSERVATION PROGRAMS.**

51.1 The board may supplement payments made under federal land retirement programs
51.2 to the extent of available appropriations ~~other than bond proceeds~~. The supplemental
51.3 payments must be used to establish perennial cover on land enrolled or increase payments
51.4 for land enrollment in programs approved by the board, ~~including the federal conservation~~
51.5 ~~reserve program and federal and state water bank program.~~

51.6 Sec. 23. Minnesota Statutes 2008, section 103F.526, is amended to read:

51.7 **103F.526 FOOD PLOTS IN WINDBREAKS.**

51.8 The board, ~~in cooperation with the commissioner of natural resources,~~ may authorize
51.9 wildlife food plots on land ~~with windbreaks~~ enrolled in a conservation easement under
51.10 section 103F.515.

51.11 Sec. 24. Minnesota Statutes 2008, section 103F.531, is amended to read:

51.12 **103F.531 RULEMAKING.**

51.13 The board may adopt rules or policy to implement sections 103F.505 to 103F.531.
51.14 ~~The rules must include standards for tree planting so that planting does not conflict with~~
51.15 ~~existing electrical lines, telephone lines, rights-of-way, or drainage ditches.~~

51.16 Sec. 25. Minnesota Statutes 2008, section 103F.535, subdivision 5, is amended to read:

51.17 Subd. 5. **Release and alteration of conservation easements.** Conservation
51.18 easements ~~existing under this section, as of April 30, 1992,~~ may be altered, released,
51.19 or terminated by the board ~~of Water and Soil Resources~~ after consultation with the
51.20 commissioners of agriculture and natural resources. The board may alter, release, or
51.21 terminate a conservation easement only if the board determines that the public interest and
51.22 general welfare are better served by the alteration, release, or termination.

51.23 Sec. 26. **[116.201] COAL TAR.**

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

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

51.29 Sec. 27. Minnesota Statutes 2008, section 116G.15, is amended to read:

51.30 **116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.**

52.1 Subdivision 1. Establishment; purpose. ~~(a) The federal Mississippi National~~
52.2 River and Recreation Area established pursuant to United States Code, title 16, section
52.3 460zz-2(k), is designated an area of critical concern in accordance with this chapter. ~~The~~
52.4 ~~governor shall review the existing Mississippi River critical area plan and specify any~~
52.5 ~~additional standards and guidelines to affected communities in accordance with section~~
52.6 ~~116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of~~
52.7 ~~the area pending the completion of the federal plan. The purpose of the designation is to:~~

52.8 (1) protect and preserve the Mississippi River and adjacent lands that the legislature
52.9 finds to be unique and valuable state and regional resources for the benefit of the health,
52.10 safety, and welfare of the citizens of the state, region, and nation;

52.11 (2) prevent and mitigate irreversible damages to these state, regional, and natural
52.12 resources;

52.13 (3) preserve and enhance the natural, aesthetic, cultural, and historical values of the
52.14 Mississippi River and adjacent lands for public use and benefit;

52.15 (4) protect and preserve the Mississippi River as an essential element in the national,
52.16 state, and regional transportation, sewer and water, and recreational systems; and

52.17 (5) protect and preserve the biological and ecological functions of the Mississippi
52.18 River corridor.

52.19 ~~The results of an environmental impact statement prepared under chapter 116D~~
52.20 ~~begun before and completed after July 1, 1994, for a proposed project that is located in~~
52.21 ~~the Mississippi River critical area north of the United States Army Corps of Engineers~~
52.22 ~~Lock and Dam Number One must be submitted in a report to the chairs of the environment~~
52.23 ~~and natural resources policy and finance committees of the house of representatives~~
52.24 ~~and the senate prior to the issuance of any state or local permits and the authorization~~
52.25 ~~for an issuance of any bonds for the project. A report made under this paragraph shall~~
52.26 ~~be submitted by the responsible governmental unit that prepared the environmental~~
52.27 ~~impact statement, and must list alternatives to the project that are determined by the~~
52.28 ~~environmental impact statement to be economically less expensive and environmentally~~
52.29 ~~superior to the proposed project and identify any legislative actions that may assist in the~~
52.30 ~~implementation of environmentally superior alternatives. This paragraph does not apply~~
52.31 ~~to a proposed project to be carried out by the Metropolitan Council or a metropolitan~~
52.32 ~~agency as defined in section 473.121.~~

52.33 ~~(b) If the results of an environmental impact statement required to be submitted by~~
52.34 ~~paragraph (a) indicate that there is an economically less expensive and environmentally~~
52.35 ~~superior alternative, then no member agency of the Environmental Quality Board shall~~
52.36 ~~issue a permit for the facility that is the subject of the environmental impact statement,~~

53.1 ~~other than an economically less expensive and environmentally superior alternative,~~
53.2 ~~nor shall any government bonds be issued for the facility, other than an economically~~
53.3 ~~less expensive and environmentally superior alternative, until after the legislature has~~
53.4 ~~adjourned its regular session sine die in 1996.~~

53.5 Subd. 2. **Administration; duties.** (a) The commissioner of natural resources may
53.6 adopt rules under chapter 14 as are necessary for the administration of the Mississippi
53.7 River corridor critical area program. Duties of the Environmental Quality Council or the
53.8 Environmental Quality Board referenced in this chapter, related rules, and the governor's
53.9 executive order number 79-19, published in the State Register on March 12, 1979,
53.10 that are related to the Mississippi River corridor critical area shall be the duties of the
53.11 commissioner. All rules adopted by the board pursuant to these duties remain in effect
53.12 and shall be enforced until amended or repealed by the commissioner in accordance with
53.13 law. The commissioner shall work in consultation with the United States Army Corps of
53.14 Engineers, the National Park Service, the Metropolitan Council, other agencies, and local
53.15 units of government to ensure that the Mississippi River corridor critical area is managed
53.16 as a multipurpose resource in a way that:

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

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

53.22 (3) provides for the continuation and development of a variety of urban uses,
53.23 including industrial and commercial uses, and residential uses, where appropriate, within
53.24 the Mississippi River corridor;

53.25 (4) utilizes certain reaches of the river as a source of water supply and as a receiving
53.26 water for properly treated sewage, stormwater, and industrial waste effluents; and

53.27 (5) protects and preserves the biological and ecological functions of the corridor.

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

53.31 (c) The rules must be consistent with residential nonconformity provisions under
53.32 sections 394.36 and 462.357.

53.33 Subd. 3. **Districts.** The commissioner shall establish, by rule, districts within
53.34 the Mississippi River corridor critical area. The commissioner must seek to determine
53.35 an appropriate number of districts within any one municipality and take into account

54.1 municipal plans and policies, and existing ordinances and conditions. The commissioner
54.2 shall consider the following when establishing the districts:

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

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

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

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

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

54.11 (6) the intent of the Mississippi River corridor critical area land use districts from
54.12 the governor's executive order number 79-19, published in the State Register on March
54.13 12, 1979; and

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

54.15 Subd. 4. **Standards.** (a) The commissioner shall establish, by rule, minimum
54.16 guidelines and standards for the districts established in subdivision 3. The guidelines and
54.17 standards for each district shall include the intent of each district and key resources and
54.18 features to be protected or enhanced based upon paragraph (b). The commissioner must
54.19 take into account municipal plans and policies, and existing ordinances and conditions
54.20 when developing the guidelines in this section. The commissioner may provide certain
54.21 exceptions and criteria for standards, including, but not limited to, exceptions for river
54.22 access facilities, water supply facilities, stormwater facilities, and wastewater treatment
54.23 facilities, and hydropower facilities.

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

54.26 (1) floodplains;

54.27 (2) wetlands;

54.28 (3) gorges;

54.29 (4) areas of confluence with key tributaries;

54.30 (5) natural drainage routes;

54.31 (6) shorelines and riverbanks;

54.32 (7) bluffs;

54.33 (8) steep slopes and very steep slopes;

54.34 (9) unstable soils and bedrock;

54.35 (10) significant existing vegetative stands, tree canopies, and native plant
54.36 communities;

55.1 (11) scenic views and vistas;

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

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

55.4 (14) water quality.

55.5 (c) The commissioner shall establish a map to define bluffs and bluff-related features
55.6 within the Mississippi River corridor critical area. At the outset of the rulemaking process,
55.7 the commissioner shall create a preliminary map of all the bluffs and bluff lines within
55.8 the Mississippi River corridor critical area, based on the guidelines in paragraph (d). The
55.9 rulemaking process shall provide an opportunity to refine the preliminary bluff map. The
55.10 commissioner may add to or remove areas of demonstrably unique or atypical conditions
55.11 that warrant special protection or exemption. At the end of the rulemaking process, the
55.12 commissioner shall adopt a final bluff map that contains associated features, including
55.13 bluff lines, bases of bluffs, steep slopes, and very steep slopes.

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

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

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

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

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

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

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

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

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

56.1 (3) by the Metropolitan Council for reviewing plans and regulations; and
56.2 (4) by the commissioner when approving plans and regulations, and reviewing
56.3 development permit applications.

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

56.11 Subd. 7. **Rules.** The commissioner shall adopt rules to ensure compliance with this
56.12 section. By January 15, 2010, the commissioner shall begin the rulemaking required
56.13 by this section under chapter 14.

56.14 Sec. 28. **PREVENTION OF WATER POLLUTION FROM POLYCYCLIC**
56.15 **AROMATIC HYDROCARBONS.**

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

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

56.31 (c) The commissioner of the Pollution Control Agency shall develop best
56.32 management practices for state agencies and local units of government regulated under
56.33 a national pollutant discharge elimination system or state disposal system permit for
56.34 municipal separate storm sewer systems treating or cleaning up contaminated sediments
56.35 in storm water ponds and other waters defined under paragraph (a) and make the best

57.1 management practices available on the agency's Web site. As part of the development of
57.2 the best management practices, the commissioner shall:

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

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

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

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

57.15 Sec. 29. **ENDOCRINE-DISRUPTOR MONITORING.**

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

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

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

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

57.34 (e) Monitoring must include, but is not limited to, endocrine-disrupting compounds
57.35 from natural and synthetic hormones, pharmaceuticals, personal care products, and

58.1 a range of industrial products and by-products. At a minimum, concentrations of
58.2 estrone, nonylphenol, bisphenol-A, 17-beta-estradiol, 17-alpha-ethynylestradiol, estriol,
58.3 and antibacterial triclosan must be monitored. Additional compounds, antibacterial
58.4 compounds, and pharmaceuticals potentially impacting human health and aquatic
58.5 communities may be considered for identification and monitoring including, but not
58.6 limited to, nonylphenol ethoxylates, octylphenol, and octylphenol ethoxylates; the
58.7 hormones androstenedione, trenbelone, and diethylphthalate; antidepressant medications,
58.8 including fluoxetine and fluvoxamine; carbamazepine; and triclocarban.

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

58.16 **Sec. 30. COMPREHENSIVE STATEWIDE SUSTAINABLE WATER**
58.17 **RESOURCES DETAILED FRAMEWORK.**

58.18 (a) The University of Minnesota shall develop a comprehensive statewide
58.19 sustainable water resources detailed framework to protect, conserve, and enhance the
58.20 quantity and quality of the state's groundwater and surface water. The detailed framework
58.21 shall be a long-range, 25-year detailed framework, with an implementation schedule and
58.22 associated benchmarks, for policy, research, monitoring, and evaluation in order to achieve
58.23 sustainable groundwater and surface water use, including the ecological benefits provided
58.24 by water resources to humans and fish and wildlife habitat. For the purposes of the detailed
58.25 framework, water use is sustainable when the use does not harm ecosystems, degrade
58.26 water quality, or compromise the ability of future generations to meet their own needs.

58.27 (b) The detailed framework shall be developed by the University of Minnesota
58.28 Water Resources Center in cooperation with the Departments of Natural Resources and
58.29 Agriculture, the Environmental Quality Board, the Pollution Control Agency, the Board
58.30 of Water and Soil Resources, watershed management districts, watershed management
58.31 organizations, soil and water conservation districts, and other federal, state, and local
58.32 government and private nonprofits with expertise in water resources. In developing the
58.33 detailed framework, the water resources plans of organizations with water resources
58.34 expertise shall be considered. The detailed framework must include, but is not limited to,
58.35 identification of infrastructure needs, drinking water, groundwater and surface water, storm

59.1 water, agricultural and industrial needs, the interfaces of climate change, development
59.2 and land use, and demographics. The detailed framework must identify best practices and
59.3 methods for determining the effectiveness of those practices for wastewater treatment,
59.4 drinking water source protection, pollution prevention, conservation, and water valuation.

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

59.9 (d) The University of Minnesota shall submit the detailed framework to the chairs
59.10 and ranking minority members of the legislative committees with jurisdiction over
59.11 agriculture policy and finance, environment and natural resources policy and finance, and
59.12 cultural and outdoor resources policy and finance by January 15, 2011.

59.13 (e) It is a condition of acceptance of this appropriation that the University of
59.14 Minnesota must submit a work plan, a timeline, a budget, and periodic progress reports
59.15 to the Legislative Coordinating Commission. After review, the work plan, progress
59.16 reports, and any comments on the plan must be submitted to the house of representatives
59.17 and senate environment finance and policy and cultural and outdoor resources finance
59.18 committees, and to the Legislative Coordinating Commission.

59.19 **Sec. 31. REVISOR'S INSTRUCTION.**

59.20 The revisor of statutes shall change the term "conservation reserve program" to
59.21 "reinvest in Minnesota reserve program" where it appears in Minnesota Statutes, sections
59.22 84.95, subdivision 2; 92.70, subdivision 1; and 103H.105.

59.23 **Sec. 32. REPEALER.**

59.24 (a) Minnesota Statutes 2008, sections 103B.101, subdivision 11; 103F.511,
59.25 subdivision 4; and 103F.521, subdivision 2, are repealed.

59.26 (b) Minnesota Rules, parts 8400.3130; 8400.3160; 8400.3200; 8400.3230;
59.27 8400.3330; 8400.3360; 8400.3390; 8400.3500; 8400.3530; and 8400.3560, are repealed.

59.28 **ARTICLE 3**

59.29 **PARKS AND TRAILS FUND**

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

59.31 The sums shown in the columns marked "Appropriations" are appropriated to
59.32 the agencies and for the purposes specified in this article. The appropriations are from
59.33 the parks and trails fund, or another named fund, and are available for the fiscal years
59.34 indicated for each purpose. The figures "2010" and "2011" used in this article mean that

60.1 the appropriations listed under them are available for the fiscal year ending June 30, 2010,
 60.2 or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is
 60.3 fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the
 60.4 fiscal year ending June 30, 2009, are effective the day following final enactment. All
 60.5 appropriations in this article are onetime.

60.6		<u>APPROPRIATIONS</u>	
60.7		<u>Available for the Year</u>	
60.8		<u>Ending June 30</u>	
60.9		<u>2010</u>	<u>2011</u>

60.10 **Sec. 2. DEPARTMENT OF NATURAL**
 60.11 **RESOURCES**

\$	<u>16,861,000</u>	\$	<u>20,040,000</u>
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60.12 (a) \$250,000 the first year is for a
 60.13 collaborative project to develop a 25-year,
 60.14 long-term plan for parks and trails. This
 60.15 appropriation is available until June 30, 2011.

60.16 (b) \$12,641,000 the first year and
 60.17 \$15,140,000 the second year are for state
 60.18 parks, recreation areas, and trails to:

60.19 (1) connect people to the outdoors by
 60.20 providing access, conservation education
 60.21 and interpretive services, including the
 60.22 Minnesota Naturalist Corps under new
 60.23 Minnesota Statutes, section 84.992,
 60.24 enhanced marketing and technology, opening
 60.25 or reopening visitor centers advancing
 60.26 new conservation education, enhanced
 60.27 cross-country skiing, and producing a new
 60.28 parks and trails map integrating state parks,
 60.29 recreation areas, forest campgrounds, trails,
 60.30 and regional park and trail facilities that is
 60.31 available in print and on the Web;

60.32 (2) accelerate natural resource management,
 60.33 restoration, and protection activities at state
 60.34 parks, including:

- 61.1 (i) restoring at least 500 additional acres of
61.2 state park land;
- 61.3 (ii) conducting invasive species detection,
61.4 prevention, and response activities on at least
61.5 4,000 acres of state park lands and waters
61.6 and reestablishing native plants, shrubs, and
61.7 trees after invasive species removal;
- 61.8 (iii) providing rapid response to terrestrial
61.9 and aquatic new invasive species detections
61.10 and infestations on state park lands and
61.11 waters and state trails;
- 61.12 (iv) conducting prescribed burns on an
61.13 additional 6,000 acres; and
- 61.14 (v) restoring and managing native prairies
61.15 and woodlands along at least six percent of
61.16 the developed miles of state trails, including
61.17 removing invasive species;
- 61.18 (3) accelerate facility maintenance and
61.19 rehabilitation, including energy-efficiency
61.20 improvements and the use of renewable
61.21 sources of energy, such as solar energy.
- 61.22 (c) The commissioner shall contract for
61.23 services with the Minnesota Conservation
61.24 Corps for restoration, maintenance, and
61.25 other activities under this section for at least
61.26 \$600,000 the first year and \$1,000,000 the
61.27 second year.
- 61.28 (d) \$3,970,000 the first year and \$4,900,000
61.29 the second year are for grants under new
61.30 Minnesota Statutes, section 85.535, to
61.31 parks and trails recognized as meeting the
61.32 constitutional requirement of being a park
61.33 or trail of regional or statewide significance.
61.34 Grants under this section must be used only

62.1 for acquisition, development, restoration,
62.2 and maintenance. Of this amount, \$500,000
62.3 the first year and \$600,000 the second year
62.4 are for grants for solar energy projects. Up to
62.5 2.5 percent of this appropriation may be used
62.6 for administering the grants.

62.7 (e) The commissioner shall develop a
62.8 ten-year strategic state parks and trails
62.9 plan considering traditional funding and
62.10 the funding available under the Minnesota
62.11 Constitution, article XI, section 15. The plan
62.12 shall incorporate the 25-year framework
62.13 developed by the University of Minnesota
62.14 Center for Changing Landscapes.

62.15 The commissioner shall submit an annual
62.16 report on the expenditure and use of money
62.17 appropriated under this section to the
62.18 legislature as provided in Minnesota Statutes,
62.19 section 3.195. The first year report must be
62.20 submitted by March 1, 2010. In subsequent
62.21 years the report shall be submitted by January
62.22 15. The report must relate the expenditure of
62.23 funds by the categories established and detail
62.24 the outcomes in terms of additional use of
62.25 parks and trails resources, user satisfaction
62.26 surveys, and other appropriate outcomes.

62.27 To the extent possible, a person conducting
62.28 restoration with money appropriated in this
62.29 section must plant vegetation or sow seed
62.30 only of ecotypes native to Minnesota, and
62.31 preferably of the local ecotype, using a high
62.32 diversity of species originating from as
62.33 close to the restoration site as possible, and
62.34 protect existing native prairies from genetic
62.35 contamination.

63.1	Sec. 3. <u>METROPOLITAN COUNCIL</u>	<u>\$</u>	<u>12,641,000</u>	<u>\$</u>	<u>15,140,000</u>
63.2	<u>(a) \$12,641,000 the first year and</u>				
63.3	<u>\$15,140,000 the second year are from the</u>				
63.4	<u>parks and trails fund to be distributed as</u>				
63.5	<u>required under new Minnesota Statutes,</u>				
63.6	<u>section 85.535, subdivision 3, except that</u>				
63.7	<u>of this amount, \$40,000 the first year is for</u>				
63.8	<u>a grant to Hennepin County to plant trees</u>				
63.9	<u>along the Victory Memorial Parkway.</u>				
63.10	<u>(b) The Metropolitan Council shall submit</u>				
63.11	<u>a report on the expenditure and use of</u>				
63.12	<u>money appropriated under this section to</u>				
63.13	<u>the legislature as provided in Minnesota</u>				
63.14	<u>Statutes, section 3.195, by March 1 of each</u>				
63.15	<u>year. The report must detail the outcomes in</u>				
63.16	<u>terms of additional use of parks and trails</u>				
63.17	<u>resources, user satisfaction surveys, and</u>				
63.18	<u>other appropriate outcomes.</u>				
63.19	<u>(c) Grant agreements entered into by the</u>				
63.20	<u>Metropolitan Council and recipients of</u>				
63.21	<u>money appropriated under this section shall</u>				
63.22	<u>ensure that the funds are used to supplement</u>				
63.23	<u>and not substitute for traditional sources of</u>				
63.24	<u>funding.</u>				
63.25	<u>(d) The implementing agencies receiving</u>				
63.26	<u>appropriations under this section shall</u>				
63.27	<u>give consideration to contracting with the</u>				
63.28	<u>Minnesota Conservation Corps for contract</u>				
63.29	<u>restoration, maintenance, and other activities.</u>				
63.30	Sec. 4. <u>UNIVERSITY OF MINNESOTA</u>	<u>\$</u>	<u>400,000</u>	<u>\$</u>	<u>-0-</u>
63.31	<u>To the Board of Regents of the University</u>				
63.32	<u>of Minnesota for the Center for Changing</u>				
63.33	<u>Landscapes to create a comprehensive</u>				

65.1 (d) The Center for Changing Landscapes shall submit the framework and a summary
65.2 of the inventory in a report to the commissioner of natural resources and to the chairs and
65.3 ranking minority members of the senate and house of representatives committees and
65.4 divisions having jurisdiction over natural resources policy and finance by January 15, 2011.

65.5 Subd. 2. **State and regional parks and trails plan.** (a) The commissioner
65.6 of natural resources shall participate in a collaborative project to develop a 25-year,
65.7 long-range plan for the use of the money available in the parks and trails fund under
65.8 the Minnesota Constitution, article XI, section 15, and other traditional sources of
65.9 funding. The collaborative project shall consist of a joint effort between representatives
65.10 of the commissioner of natural resources, the Office of Explore Minnesota Tourism, the
65.11 Metropolitan Council and its implementing agencies, the Central Minnesota Regional
65.12 Parks and Trails Coordinating Board, and regional parks and trails organizations outside
65.13 the metropolitan area. The members shall prepare a ten-year strategic parks and trails
65.14 coordination plan and develop a 25-year, long-range plan for use of the funding that
65.15 includes goals and measurable outcomes and includes a vision for Minnesotans of what
65.16 the state and regional parks will look like in 25 years.

65.17 (b) In developing the plans, the members shall utilize a process, including Web
65.18 site survey tools and regional listening sessions, to be staffed by the commissioner, that
65.19 ensures that citizens are included in development and finalization of the final plans. The
65.20 commissioner, office, council, and board shall provide for input from user groups and local
65.21 and regional park and trail organizations.

65.22 (c) The plans must consider the framework and inventory developed by the
65.23 University of Minnesota Center for Changing Landscapes and must include, but is not
65.24 limited to:

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

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

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

65.30 (4) budgeting for ongoing maintenance;

65.31 (5) decommissions;

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

65.34 (7) requirements for local contribution; and

65.35 (8) benchmarks.

66.1 (d) The commissioner shall submit the ten-year strategic plan and 25-year long-range
66.2 plan to the legislature as provided in Minnesota Statutes, section 3.195, by February
66.3 15, 2011.

66.4 Subd. 3. **Parks and trails budget analysis.** The commissioner of natural resources,
66.5 in consultation with the commissioner of finance, shall estimate the total amount of
66.6 funding available from all sources, including the parks and trails fund, for parks and trails
66.7 over the next ten and 25 years. The commissioner shall develop a range of estimates to
66.8 reflect different funding scenarios based on economic and other factors. The commissioner
66.9 and others shall use these estimates in preparing the ten-year strategic parks and trails plan
66.10 and the 25-year long-range plan required under this section, including, but not limited to,
66.11 evaluating the range of estimated funds available to determine:

66.12 (1) the amount necessary to operate existing parks and trails for the next ten and
66.13 25 years;

66.14 (2) the amount necessary to provide maintenance for existing parks and trails for
66.15 the next ten and 25 years;

66.16 (3) the adequacy of funding to support expansion of the existing park system; and

66.17 (4) the adequacy of funding to support expansion of the existing trail system

66.18 The commissioner shall submit the estimates to the chairs and ranking minority
66.19 members of the house of representatives and senate committees with jurisdiction over the
66.20 environment and natural resources finance and the parks and trails fund by August 1, 2009.

66.21 Sec. 7. **AVAILABILITY OF APPROPRIATIONS.**

66.22 Unless otherwise provided, the amounts in this article are available until June
66.23 30, 2011, when projects must be completed and final accomplishments reported.

66.24 Appropriations for 2011 are available for use until June 30, 2012. For acquisition of an
66.25 interest in real property, the amounts in this section appropriated in fiscal year 2010 are
66.26 available until June 30, 2012, and the amounts in this section appropriated in fiscal year
66.27 2011 are available until June 30, 2013. If a project receives federal funds, the time period
66.28 of the appropriation is extended to equal the availability of federal funding.

66.29 Sec. 8. **[84.992] MINNESOTA NATURALIST CORPS.**

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

66.32 Subd. 2. **Program.** The commissioner of natural resources shall develop a program
66.33 for the Minnesota Naturalist Corps that supports state parks in providing interpretation
66.34 of the natural and cultural features of state parks in order to enhance visitors' awareness,

67.1 understanding, and appreciation of those features and encourages the wise and sustainable
67.2 use of the environment.

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

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

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

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

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

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

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

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

67.28 Sec. 9. **[85.535] PARKS AND TRAILS GRANT PROGRAM.**

67.29 Subdivision 1. **Establishment.** The commissioner of natural resources shall
67.30 administer a program to provide grants from the parks and trails fund to support parks and
67.31 trails of regional or statewide significance. Grants shall not be made under this section for
67.32 state parks, state recreational areas, or state trails.

67.33 Subd. 2. **Priorities.** In awarding trails grants under this section, the commissioner
67.34 shall give priority to trail projects that provide:

- 68.1 (1) connectivity;
- 68.2 (2) enhanced opportunities for commuters; and
- 68.3 (3) enhanced safety.

68.4 Subd. 3. **Match.** Recipients must provide a nonstate cash match of at least 25
 68.5 percent of the total eligible project costs.

68.6 Subd. 4. **Rule exemption.** The commissioner is not subject to the rulemaking
 68.7 provisions of chapter 14 in implementing this section, and section 14.386 does not apply.

68.8 **ARTICLE 4**
 68.9 **ARTS AND CULTURAL HERITAGE FUND**

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

68.11 The sums shown in the columns marked "Appropriations" are appropriated to the
 68.12 agencies and for the purposes specified in this article. The appropriations are from the arts
 68.13 and cultural heritage fund, and are available for the fiscal years indicated for allowable
 68.14 activities under the Minnesota Constitution, article XI, section 15. The figures "2010" and
 68.15 "2011" used in this article mean that the appropriations listed under them are available for
 68.16 the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is
 68.17 fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years
 68.18 2010 and 2011. Appropriations for the fiscal year ending June 30, 2009, are effective the
 68.19 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>2010</u>	<u>2011</u>

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

68.25 <u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>44,470,000</u>	<u>\$</u>	<u>48,750,000</u>
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68.26 The amounts that may be spent for each
 68.27 purpose are specified in the following
 68.28 subdivisions.

68.29 <u>Subd. 2. Board of the Arts</u>		<u>21,650,000</u>		<u>21,650,000</u>
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68.30 (a) The appropriations in this subdivision
 68.31 are to the Minnesota Board of the Arts
 68.32 from the arts and cultural heritage fund.

68.33 Grants agreements entered into by the
69.1 Board of the Arts and other recipients of
69.2 appropriations in this section shall ensure
69.3 that these funds are used to supplement and
69.4 not supplant traditional sources of funding.
69.5 Appropriations made directly to the Board
69.6 of the Arts shall supplement, and shall not
69.7 substitute for traditional sources of funding.
69.8 Funds appropriated in the first year may
69.9 be carried over to the second. Each grant
69.10 program established within this appropriation
69.11 shall be separately administered from other
69.12 state appropriations for program planning
69.13 and outcome measurements, but may take
69.14 into consideration other state resources
69.15 awarded in the selection of applicants and
69.16 grant award size.

69.17 (b) Of the amounts in this subdivision:

69.18 (1) up to 78 percent of the money to support
69.19 Minnesota artists and arts organizations
69.20 in creating, producing, and presenting
69.21 high-quality arts activities; to overcome
69.22 barriers to accessing high-quality arts
69.23 activities; and to instill the arts into the
69.24 community and public life in this state.

69.25 A portion of these funds may be used to:

69.26 (i) pay attendance fees and travel costs
69.27 for youth to visit art museums, arts
69.28 performances, or other arts activities; or

69.29 (ii) bring artists to schools, libraries, or other
69.30 community centers or organizations for
69.31 teaching, training, or performance purposes;

69.32 (2) up to 15 percent of the money for
69.33 high-quality, age-appropriate arts education

69.34 for Minnesotans of all ages to develop
70.1 knowledge, skills, and understanding of the
70.2 arts.

70.3 A portion of this appropriation may be used
70.4 for grants to school districts to provide
70.5 materials or resources to teachers, students,
70.6 and parents to promote achievement of K-12
70.7 academic standards in the arts;

70.8 (3) up to five percent of the money for events
70.9 and activities that represent the diverse ethnic
70.10 and cultural arts traditions, including folk
70.11 and traditional artists and art organizations,
70.12 represented in this state; and

70.13 (4) up to three percent of the money
70.14 to administer grant programs, deliver
70.15 technical services, provide fiscal oversight
70.16 for the statewide system, and to ensure
70.17 accountability for these state resources.

70.18 The Board of the Arts, in partnership
70.19 with regional arts councils, shall conduct
70.20 a census of Minnesota artists and artistic
70.21 organizations.

70.22 Thirty percent of the total appropriated to
70.23 each of the categories established in this
70.24 subdivision is for grants to the regional arts
70.25 councils. This percentage does not apply to
70.26 administrative costs.

70.27 Any unexpended balance under this
70.28 subdivision is available in either year.

70.29 **(c) Reporting**

70.30 The executive director shall submit an annual
70.31 report on the expenditure and use of money
70.32 appropriated under this subdivision to the
70.33 legislature as provided in Minnesota Statutes,

70.34 section 3.195. The first year report must be
 71.1 submitted by March 1, 2010. In subsequent
 71.2 years the report shall be submitted by January
 71.3 15. The report must relate the expenditure
 71.4 of funds by the categories established in
 71.5 this subdivision. Distinctive goals and
 71.6 measurable outcomes shall be established
 71.7 and reported on.

71.8	<u>Subd. 3. Department of Education</u>	<u>4,250,000</u>	<u>4,250,000</u>
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71.9 These appropriations are for grants allocated
 71.10 using existing formulas under Minnesota
 71.11 Statutes, section 134.355, to the 12
 71.12 Minnesota Regional Library Systems, to
 71.13 provide educational opportunities in the arts,
 71.14 history, literary arts, and cultural heritage
 71.15 of Minnesota. No more than 2.5 percent of
 71.16 funds may be used for administration by
 71.17 regional library systems. These funds may
 71.18 be used to sponsor programs provided by
 71.19 regional libraries, or to provide grants to
 71.20 local arts and cultural heritage programs
 71.21 for programs in partnership with regional
 71.22 libraries.

71.23	<u>Subd. 4. Minnesota Historical Society</u>	<u>9,750,000</u>	<u>12,250,000</u>
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71.24 (a) The appropriations in this subdivision are
 71.25 to the Minnesota Historical Society from the
 71.26 arts and cultural heritage fund to preserve and
 71.27 enhance access to Minnesota's history and
 71.28 its cultural and historical resources. Grants
 71.29 agreements entered into by the Minnesota
 71.30 Historical Society and other recipients of
 71.31 appropriations in this section shall ensure
 71.32 that these funds are used to supplement
 71.33 and not substitute for traditional sources of
 71.34 funding. Funds directly appropriated to the

71.35 Minnesota Historical Society shall be used to
72.1 supplement, and not substitute for, traditional
72.2 sources of funding. Funds appropriated in
72.3 the first year may be carried over to the
72.4 second. No more than 2.5 percent of each
72.5 appropriation may be used for administration
72.6 by the Minnesota Historical Society. The
72.7 Minnesota Historical Society, with the
72.8 assistance of recipients funded under this
72.9 section, shall report on all expenditures
72.10 made from these funds to the legislature and
72.11 governor by January 15 of each year.

72.12 **(b) Statewide Historic and Cultural**
72.13 **Grants. (i) \$2,250,000 in 2010 and**
72.14 **\$4,500,000 in 2011 are appropriated for**
72.15 **history programs and projects operated**
72.16 **or conducted by or through local, county,**
72.17 **regional or other historical or cultural**
72.18 **organizations; or for activities to preserve**
72.19 **significant historic and cultural resources.**
72.20 **Funds are to be distributed through a**
72.21 **competitive grants process. The Minnesota**
72.22 **Historical Society shall administer these**
72.23 **funds using established grants mechanisms,**
72.24 **and with assistance from the advisory**
72.25 **committee created herein. The Preston**
72.26 **grain elevator restoration and recreation**
72.27 **project shall be eligible for grants under this**
72.28 **program.**

72.29 Also eligible for a grant under this section
72.30 are projects previously approved by the
72.31 Minnesota Historical Society that have had
72.32 this approved funding refused by a public
72.33 board or governing body, provided that these
72.34 projects are now administered by a nonprofit
72.35 organization.

73.1 Ironworld is eligible for a grant under this
73.2 program.

73.3 (ii) The Minnesota Historical Society
73.4 shall appoint a historic resources advisory
73.5 committee, with balanced statewide
73.6 membership and representatives of local,
73.7 county, and statewide historical and cultural
73.8 organizations and programs, to provide
73.9 policy and grant making guidance on
73.10 expenditures of funds from this paragraph.

73.11 This membership shall include, but is
73.12 not limited to, members representing the
73.13 interests of historic preservation, local
73.14 history, archaeology, archival programs, and
73.15 other cultural programs related to the history
73.16 of Minnesota. This committee shall seek
73.17 input from all interested parties, and shall
73.18 make recommendations for expenditures
73.19 from these funds to the executive council
73.20 of the Minnesota Historical Society; all
73.21 expenditures must meet the requirements of
73.22 Minnesota Statutes, section 138.01.

73.23 **(c) Programs.** \$3,000,000 in 2010 and
73.24 \$4,750,000 in 2011 are for programs and
73.25 purposes related to the historical and cultural
73.26 heritage of the state of Minnesota, conducted
73.27 by the Minnesota Historical Society.

73.28 **(d) History Partnerships.** \$1,250,000
73.29 in 2010 and \$2,750,000 in 2011 are
73.30 for partnerships between and with the
73.31 Minnesota Historical Society and partnering
73.32 organizations to enhance access to
73.33 Minnesota's history and cultural heritage in
73.34 all regions of the state.

74.1 (e) \$2,500,000 in 2010 is appropriated to the
74.2 Minnesota Historical Society for an exhibit
74.3 on the regional, local, and cultural diversity
74.4 of Minnesota's history and cultural heritage.
74.5 These funds are available until expended.
74.6 These funds are for the creation of both
74.7 traveling exhibits to be made available to
74.8 local historical and cultural organizations
74.9 and an exhibit to be housed at the Minnesota
74.10 History Center. The Minnesota Historical
74.11 Society shall raise funds from private sources
74.12 to augment this appropriation, with a goal
74.13 of \$1,500,000 in private funds to be raised.
74.14 This is not a match requirement, but the
74.15 Minnesota Historical Society shall certify
74.16 that a good faith effort has been made.

74.17 **(f) Statewide Survey of Historical and**
74.18 **Archaeological Sites. \$250,000 in 2010 and**
74.19 **\$250,000 in 2011 are appropriated to the**
74.20 **Minnesota Historical Society for a contract**
74.21 **or contracts to be let on a competitive**
74.22 **basis to conduct a general statewide**
74.23 **survey of Minnesota's sites of historical,**
74.24 **archaeological, and cultural significance.**
74.25 **Results of this survey must be published in**
74.26 **a searchable form, available to the public on**
74.27 **a cost-free basis. The Minnesota Historical**
74.28 **Society, the Office of the State Archaeologist,**
74.29 **and the Board of Indian Affairs shall each**
74.30 **appoint a representative to an oversight**
74.31 **board, to select a contractor and direct**
74.32 **the conduct of this survey. The oversight**
74.33 **board shall consult with the Minnesota**
74.34 **Departments of Transportation and Natural**
74.35 **Resources. Funds appropriated for this**

75.1 purpose do not cancel and may be carried
 75.2 over from one year to the next.

75.3 (g) **Digital Library.** \$500,000 in 2010 is
 75.4 appropriated for a digital library project
 75.5 to preserve, digitize, and share Minnesota
 75.6 images, documents, and historic materials.

75.7 The Minnesota Historical Society shall
 75.8 cooperate with the MINITEX system and
 75.9 shall jointly share this appropriation for these
 75.10 purposes.

75.11	<u>Subd. 5. Department of Administration</u>	<u>6,500,000</u>	<u>7,900,000</u>
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75.12 (a) Funds in this subdivision are appropriated
 75.13 to the commissioner of the Department
 75.14 of Administration for grants to the named
 75.15 organizations for the purposes specified
 75.16 in this subdivision. Up to one percent of
 75.17 funds may be used by the Department of
 75.18 Administration for grants administration.
 75.19 Grants made to public television or radio
 75.20 organizations are subject to Minnesota
 75.21 Statutes, sections 129D.18 and 129D.19.

75.22 (b) Grant agreements entered into by
 75.23 the commissioner and recipients of
 75.24 appropriations in this subdivision must
 75.25 ensure that money appropriated in this
 75.26 subdivision is used to supplement and
 75.27 not substitute for traditional sources of
 75.28 funding. No more than 2.5 percent of any
 75.29 grant may be used by the recipient for
 75.30 administration. A cultural grants advisory
 75.31 board may be established by the Department
 75.32 of Administration to provide advice and
 75.33 assistance in the making of grants under this
 75.34 subdivision. The board, if appointed, shall
 75.35 consist of seven members, to be appointed

76.1 by the commissioner. One member shall
76.2 represent public radio and television, one
76.3 shall represent Minnesota zoos, one shall
76.4 represent the Minnesota Center for the
76.5 Humanities, and the remaining four shall be
76.6 appointed by the commissioner to represent a
76.7 diverse set of cultural interests. All recipients
76.8 of funds under this subdivision shall report
76.9 to the legislature by January 15 of each year
76.10 on uses of those funds.

76.11 **(c) Public Television.** \$2,800,000 the first
76.12 year and \$3,500,000 the second year are
76.13 appropriated for a grant to the Minnesota
76.14 Public Television Association for production
76.15 and acquisition grants in accordance with
76.16 new Minnesota Statutes, section 129D.18.

76.17 **(d) Minnesota Public Radio.** \$1,150,000
76.18 the first year and \$1,500,000 the second year
76.19 are appropriated for a grant to Minnesota
76.20 Public Radio to create new programming
76.21 and events, expand regional news service,
76.22 amplify Minnesota culture to a regional
76.23 and national audience, and document
76.24 Minnesota's history through the Minnesota
76.25 Audio Archives.

76.26 **(e) Association of Minnesota Public**
76.27 **Educational Radio Stations.** \$1,150,000
76.28 the first year and \$1,500,000 the second
76.29 year are appropriated for a grant to the
76.30 Association of Minnesota Public Radio
76.31 Stations for production and acquisition grants
76.32 in accordance with new Minnesota Statutes,
76.33 section 129D.19.

76.34 **(f) Zoos.** \$450,000 in 2010 and \$450,000 in
76.35 2011 are appropriated for the programmatic

77.1 development of Minnesota's zoos.
77.2 Three-quarters of this fund in any year
77.3 shall be reserved in equal portions each for
77.4 the Minnesota Zoo, the Como Zoo, and
77.5 the Lake Superior Zoo. The remainder
77.6 may be apportioned through a competitive
77.7 grants process or may be allocated by the
77.8 commissioner to zoos that are accredited by
77.9 the Association of Zoos and Aquariums or
77.10 that demonstrate to the commissioner a plan
77.11 for working toward that accreditation during
77.12 the biennium ending June 30, 2011.

77.13 (g) **Minnesota State Capitol.** The
77.14 Department of Administration, the Capitol
77.15 Area Architecture and Planning Board,
77.16 and the Minnesota Historical Society shall
77.17 consider and report to the legislature on
77.18 possible uses of funds created under the
77.19 Minnesota Constitution, article XI, section
77.20 15, for the restoration, renovation, and repair
77.21 of the State Capitol.

77.22 (h) **Minnesota Children's Museum**
77.23 \$250,000 in 2010 and \$250,000 in 2011 are
77.24 appropriated for the Minnesota Children's
77.25 Museum. These amounts are for arts, arts
77.26 education, and arts access and to preserve
77.27 Minnesota's history and cultural heritage.
77.28 The director shall submit an annual report
77.29 on the expenditure and use of money
77.30 appropriated under this paragraph to the
77.31 legislature as provided in Minnesota Statutes,
77.32 section 3.195. The first year report must be
77.33 submitted by March 1, 2010. In subsequent
77.34 years the report shall be submitted by
77.35 January 15. Notwithstanding Minnesota

78.1 Statutes, section 16A.28, the appropriations
78.2 encumbered on or before June 30, 2011,
78.3 as grants or contracts in this paragraph are
78.4 available until June 30, 2013.

78.5 **(i) Duluth Children's Museum**

78.6 \$250,000 in 2010 and \$250,000 in 2011
78.7 are appropriated for the Duluth Children's
78.8 Museum. These amounts are for arts, arts
78.9 education, and arts access and to preserve
78.10 Minnesota's history and cultural heritage.
78.11 The director shall submit an annual report
78.12 on the expenditure and use of money
78.13 appropriated under this paragraph to the
78.14 legislature as provided in Minnesota Statutes,
78.15 section 3.195. The first year report must be
78.16 submitted by March 1, 2010. In subsequent
78.17 years the report shall be submitted by
78.18 January 15. Notwithstanding Minnesota
78.19 Statutes, section 16A.28, the appropriations
78.20 encumbered on or before June 30, 2011,
78.21 as grants or contracts in this paragraph are
78.22 available until June 30, 2013.

78.23 **(j) Science Museum of Minnesota**

78.24 \$450,000 in 2010 and \$450,000 in 2011
78.25 are appropriated for the Science Museum
78.26 of Minnesota. These amounts are for
78.27 arts, arts education, and arts access and to
78.28 preserve Minnesota's history and cultural
78.29 heritage. The director shall submit an annual
78.30 report on the expenditure and use of money
78.31 appropriated under this paragraph to the
78.32 legislature as provided in Minnesota Statutes,
78.33 section 3.195. The first year report must be
78.34 submitted by March 1, 2010. In subsequent
78.35 years the report shall be submitted by

79.1 January 15. Notwithstanding Minnesota
 79.2 Statutes, section 16A.28, the appropriations
 79.3 encumbered on or before June 30, 2011,
 79.4 as grants or contracts in this paragraph are
 79.5 available until June 30, 2013.

79.6 **Subd. 6. Minnesota Center for the Humanities** 1,050,000 1,050,000

79.7 (a) \$300,000 in 2010 and \$300,000 in 2011
 79.8 are appropriated to the Minnesota Center
 79.9 for the Humanities for its programs and
 79.10 purposes.

79.11 The Minnesota Center for the Humanities
 79.12 may consider museums and organizations
 79.13 celebrating the ethnic identities of
 79.14 Minnesotans for grants from these funds.
 79.15 The Minnesota Center for the Humanities
 79.16 may develop a written plan for the
 79.17 competitive issuance of these grants, and,
 79.18 if developed, shall submit that plan for
 79.19 review and approval by the Department of
 79.20 Administration.

79.21 **(b) Councils of Color. \$125,000 in 2010**
 79.22 **and \$125,000 in 2011 are for programs**
 79.23 **and cooperation between the Minnesota**
 79.24 **Center for the Humanities and the Council**
 79.25 **on Asian-Pacific Minnesotans. \$125,000 in**
 79.26 **2010 and \$125,000 in 2011 are for programs**
 79.27 **and cooperation between the Minnesota**
 79.28 **Center for the Humanities and the Council**
 79.29 **on Black Minnesotans. \$125,000 in 2010**
 79.30 **and \$125,000 in 2011 are for programs and**
 79.31 **cooperation between the Minnesota Center**
 79.32 **for the Humanities and the Indian Affairs**
 79.33 **Council. \$125,000 in 2010 and \$125,000**
 79.34 **in 2011 are for programs and cooperation**
 79.35 **between the Minnesota Center for the**

80.1 Humanities and the Council on Affairs of
 80.2 Chicano/Latino people. These programs
 80.3 are for community events and programs to
 80.4 celebrate and preserve the artistic, historical,
 80.5 and cultural heritage of these peoples.

80.6 (c) Civics Education. \$250,000 in 2010
 80.7 and \$250,000 in 2011 are appropriated to
 80.8 the Minnesota Center for the Humanities for
 80.9 grants to Kids Voting Minnesota, Learning
 80.10 Law and Democracy Foundation, and
 80.11 YMCA Youth in Government to conduct
 80.12 civics education programs for the civic and
 80.13 cultural development of Minnesota youth.

80.14 Subd. 7. **Legislature** 20,000

80.15 This appropriation is for the Legislative
 80.16 Coordinating Commission to operate a Web
 80.17 site for dedicated funds.

80.18 Subd. 8. **Perpich Center For Arts Education** 300,000 700,000

80.19 (a) These amounts are for arts, arts education,
 80.20 and arts access and to preserve Minnesota's
 80.21 history and cultural heritage.

80.22 (b) The director shall submit an annual
 80.23 report on the expenditure and use of money
 80.24 appropriated under this section to the
 80.25 legislature as provided in Minnesota Statutes,
 80.26 section 3.195. The first year report must be
 80.27 submitted by March 1, 2010. In subsequent
 80.28 years the report shall be submitted by January
 80.29 15.

80.30 (c) Notwithstanding Minnesota Statutes,
 80.31 section 16A.28, the appropriations
 80.32 encumbered on or before June 30, 2011,
 80.33 as grants or contracts in this section are
 80.34 available until June 30, 2013.

81.1 Sec. 3. **INDIAN LANGUAGE PRESERVATION.**

81.2 (a) \$150,000 is appropriated in fiscal year 2010 from the arts and cultural heritage
81.3 fund to the Indian Affairs Council for the working group on Dakota and Ojibwe Language
81.4 Revitalization and Preservation created under article 4, section 5. Any balance in fiscal
81.5 year 2010 is available in fiscal year 2011.

81.6 (b) \$550,000 in 2010 and \$700,000 in 2011 are appropriated to the Indian Affairs
81.7 Council to issue grants for programs to preserve Dakota and Ojibwe Indian languages and
81.8 to foster educational programs in Dakota and Ojibwe languages.

81.9 Sec. 4. **APPROPRIATIONS.**

81.10 Subdivision 1. **Director.** The sums indicated in this section are appropriated from the
81.11 arts and cultural heritage fund to the Indian Affairs Council for the fiscal years designated.

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

81.14 \$ 250,000 2010

81.15 \$ 250,000 2011

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

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

81.20 (2) provide fluent speakers in the classroom;

81.21 (3) develop appropriate testing and evaluation procedures; and

81.22 (4) develop community-based training and engagement.

81.23 Sec. 5. Minnesota Statutes 2008, section 129D.17, is amended to read:

81.24 **129D.17 ARTS AND CULTURAL HERITAGE FUND.**

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

81.28 Subd. 2. **Expenditures; accountability.** (a) Funding from the arts and cultural
81.29 heritage fund may be spent only for arts, arts education, and arts access, and to preserve
81.30 Minnesota's history and cultural heritage. A project or program receiving funding from
81.31 the arts and cultural heritage fund must include measurable outcomes, and a plan for
81.32 measuring and evaluating the results. A project or program must be consistent with

82.1 current scholarship, or best practices, when appropriate and incorporate state-of-the-art
82.2 technology when appropriate.

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

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

82.9 (d) All information for funded projects, including the proposed measurable
82.10 outcomes, must be made available on the Legislative Coordinating Commission Web
82.11 site, as soon as practicable. Information on the measured outcomes and evaluation must
82.12 be posted as soon as it becomes available.

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

82.17 (f) A recipient of money from the arts and cultural heritage fund must display a sign
82.18 on capital projects during construction and an acknowledgment in a printed program or
82.19 other material funded with money from the arts and cultural heritage fund that identifies it
82.20 as a project funded with money from the vote of the people of Minnesota on November
82.21 4, 2008.

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

82.24 Subd. 3. **Special review.** For a project receiving an appropriation or appropriations
82.25 from the arts and cultural heritage fund totaling \$10,000,000 or more in a biennium, the
82.26 attorney general must review and approve all contracts and real estate transactions and
82.27 must exercise due diligence in the best interests of the state.

82.28 **Sec. 6. [129D.18] PUBLIC TELEVISION CULTURAL AND HERITAGE**
82.29 **PRODUCTION AND ACQUISITION GRANTS.**

82.30 Subdivision 1. **Use of grant funds.** Money appropriated from the Minnesota arts
82.31 and cultural heritage fund may be designated to make grants to public stations, as defined
82.32 in section 129D.12, subdivision 2. Grants received under this section must be used to
82.33 create, produce, acquire, or distribute programs that educate, enhance, or promote local,
82.34 regional, or statewide items of artistic, cultural, or historic significance. Grant funds may
82.35 be used to cover any expenses associated with the creation, production, acquisition, or

83.1 distribution of public television programs through broadcast or online, including the
83.2 creation and distribution of educational materials.

83.3 Subd. 2. **Administration.** Money appropriated under this section must be used by
83.4 the commissioner of administration to make grants based upon the recommendations of
83.5 the Minnesota Public Television Association.

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

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

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

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

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

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

83.18 Subd. 4. **Reporting.** A public station receiving funds appropriated under this
83.19 section must report annually by January 15 to the commissioner and the chairs and ranking
83.20 minority members of the senate and house of representatives committees and divisions
83.21 having jurisdiction over arts and cultural heritage policy and finance regarding how the
83.22 previous year's grant funds were expended. This report must contain specific information
83.23 for each program produced and broadcast, including the cost of production, the number
83.24 of stations broadcasting the program, estimated viewership, the number of Web site
83.25 downloads, and other related measures. If the programs produced include educational
83.26 material, the public station must report on these efforts.

83.27 Sec. 7. **[129D.19] ASSOCIATION OF MINNESOTA PUBLIC EDUCATIONAL**
83.28 **RADIO STATIONS CULTURAL AND HERITAGE PRODUCTION AND**
83.29 **ACQUISITION GRANTS.**

83.30 Subdivision 1. **Applicability.** This section applies only to noncommercial radio
83.31 stations that are members of the Association of Minnesota Public Educational Radio
83.32 Stations.

83.33 Subd. 2. **Use of grant funds.** Money appropriated from the Minnesota arts and
83.34 cultural heritage fund may be designated to make grants to noncommercial radio stations,

84.1 as defined in section 129D.14, subdivision 2. Grants received under this section must be
84.2 used to create, produce, acquire, or distribute programs that educate, enhance, or promote
84.3 local, regional, or statewide items of artistic, cultural, or historic significance. Grant funds
84.4 may be used to cover any expenses associated with the creation, production, acquisition,
84.5 or distribution of noncommercial radio programs through broadcast.

84.6 Subd. 3. **Administration.** Money appropriated under this section must be used by
84.7 the commissioner of administration to make grants based upon the recommendations of
84.8 the Association of Minnesota Public Educational Radio Stations.

84.9 Subd. 4. **Conditions.** (a) A noncommercial radio station receiving funds
84.10 appropriated under this section must:

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

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

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

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

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

84.21 Subd. 5. **Reporting.** A noncommercial radio station receiving funds appropriated
84.22 under this section must report annually by January 15 to the commissioner and the chairs
84.23 and ranking minority members of the senate and house of representatives committees and
84.24 divisions having jurisdiction over arts and cultural heritage policy and finance regarding
84.25 how the previous year's grant funds were expended. This report must contain specific
84.26 information for each program produced and broadcast, including the cost of production,
84.27 the number of stations broadcasting the program, estimated number of listeners, and
84.28 other related measures. If the programs produced include educational material, the
84.29 noncommercial radio station must report on these efforts.

84.30 Sec. 8. **ARTS AND CULTURAL HERITAGE FRAMEWORK.**

84.31 Programs and organizations funded through the arts and cultural heritage fund shall
84.32 conduct a collaborative project to develop a ten-year plan and a 25-year framework for
84.33 the use of the money available in the arts and cultural heritage fund under the Minnesota
84.34 Constitution, article XI, section 15, and other traditional sources of funding. The
84.35 collaborative project shall consist of a joint effort between representatives nominated by

85.1 various listed organizations as follows: an arts education organization serving youth, an
 85.2 arts education organization serving adults, a civics education organization, the Minnesota
 85.3 Historical Society, local and regional historical organizations, Minnesota Board of the
 85.4 Arts, selected Minnesota zoos, children's museums, and libraries, Minnesota public
 85.5 television and radio, the Minnesota Center for the Humanities, and the Science Museum
 85.6 of Minnesota. The organizations shall ensure that public hearings are conducted by those
 85.7 creating plans and frameworks under this section. The members shall prepare a ten-year
 85.8 plan and a 25-year framework for use of the funding that includes goals and measurable
 85.9 outcomes and includes a vision for Minnesotans of what arts, history, and cultural heritage
 85.10 will look like in 25 years. The Minnesota Historical Society, the Minnesota Board of
 85.11 the Arts, and the Minnesota Center for the Humanities shall report to the legislature by
 85.12 January 15, 2010, on the results of the collaborative project.

85.13 Sec. 9. **VOLUNTEER WORKING GROUP ON DAKOTA AND OJIBWE**
 85.14 **LANGUAGE REVITALIZATION AND PRESERVATION.**

85.15 Subdivision 1. **Establishment.** A volunteer working group is established to develop
 85.16 a unified strategy to revitalize and preserve indigenous languages of the 11 federally
 85.17 recognized American Indian tribes in Minnesota. As the federal government recognized
 85.18 through passage of the Esther Martinez Native American Languages Preservation Act
 85.19 of 2006, the revitalization and preservation of American Indian languages is of vital
 85.20 importance to preserving the American Indian culture. There have been recent efforts in
 85.21 Minnesota to develop programs to teach the Dakota and Ojibwe languages to students
 85.22 and to create fluent speakers at both the kindergarten through grade 12 level and at the
 85.23 postsecondary level. The volunteer working group shall, among other duties, inventory
 85.24 these efforts and make recommendations regarding how to further revitalize and preserve
 85.25 Dakota and Ojibwe languages.

85.26 Subd. 2. **Membership.** The executive director of the Minnesota Indian Affairs
 85.27 Council shall invite each of the 11 federally recognized tribes under Minnesota Statutes,
 85.28 section 3.922, subdivision 1, clause (1), to participate by appointing one member of each
 85.29 tribe to the working group. Three additional members shall be appointed by the Indian
 85.30 Affairs Council. Two of these members must represent the American Indian population
 85.31 in the Minneapolis-St. Paul area and one member must represent the American Indian
 85.32 population in Duluth. Other working group members may include, at their discretion, the
 85.33 commissioner of education or the commissioner's appointee, the director of the Office of
 85.34 Higher Education or the director's appointee, one member of the Board of Teaching, and
 85.35 the director of the Minnesota Historical Society or the director's appointee. The working

86.1 group may add other members as deemed appropriate by a majority vote of the existing
86.2 members. The executive director of the Indian Affairs Council must convene the first
86.3 meeting no later than September 1, 2009. At the first meeting, the members shall elect
86.4 from amongst themselves a chair and vice chair of the working group.

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

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

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

86.15 (3) identifying curriculum needs to train teachers to teach the Dakota and Ojibwe
86.16 languages in immersion programs and barriers to training teachers to teach the Dakota and
86.17 Ojibwe language;

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

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

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

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

86.26 (8) identifying private, state, and national financial resources available to further
86.27 Dakota and Ojibwe language revitalization and preservation efforts;

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

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

86.33 Subd. 4. **Expenses.** Members of the group are not eligible for compensation but
86.34 may receive reimbursement for their expenses as provided in Minnesota Statutes, section
86.35 15.059, subdivision 3.

87.1 Subd. 5. **Report.** The working group must report its findings and recommendations,
87.2 including draft legislation, if necessary, to the Indian Affairs Council and the chairs and
87.3 ranking minority members of the legislative committees and divisions with jurisdiction
87.4 over early childhood through grade 12 education and higher education by February 15,
87.5 2011. The committee expires on February 16, 2011.

87.6 **ARTICLE 5**
87.7 **GOVERNANCE; GENERAL PROVISIONS**

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

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

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

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

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

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

87.25 (3) measured outcomes and evaluation of projects as required under sections 85.53,
87.26 subdivision 2; 97A.056, subdivision 9; 114D.50, subdivision 2; and 129D.17, subdivision
87.27 2;

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

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

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

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

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

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

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

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

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

88.19 Subd. 6a. **Protect.** "Protect" means protect or preserve ecological systems to
88.20 maintain active and healthy ecosystems and prevent future degradation including, but not
88.21 limited to, purchase in fee or easement.

88.22 Sec. 5. Minnesota Statutes 2008, section 84.02, is amended by adding a subdivision to
88.23 read:

88.24 Subd. 6b. **Restore.** "Restore" means renewing degraded, damaged, or destroyed
88.25 ecosystems through active human intervention to achieve high-quality ecosystems.

88.26 Sec. 6. Minnesota Statutes 2008, section 85.53, is amended to read:

88.27 **85.53 PARKS AND TRAILS FUND.**

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

88.31 Subd. 2. **Expenditures; accountability.** (a) A project or program receiving funding
88.32 from the parks and trails fund must meet or exceed the constitutional requirement to

89.1 support parks and trails of regional or statewide significance. A project or program
89.2 receiving funding from the parks and trails fund must include measurable outcomes, as
89.3 defined in section 3.303, subdivision 10, and a plan for measuring and evaluating the
89.4 results. A project or program must be consistent with current science and incorporate
89.5 state-of-the-art technology, except when the project or program is a portrayal or restoration
89.6 of historical significance.

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

89.9 (c) All information for funded projects, including the proposed measurable
89.10 outcomes, must be made available on the Web site required under section 3.303,
89.11 subdivision 10, as soon as practicable. Information on the measured outcomes and
89.12 evaluation must be posted as soon as it becomes available.

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

89.17 (e) A recipient of money from the parks and trails fund must display a sign on lands
89.18 and capital improvements purchased, restored, or protected with money from the parks
89.19 and trails fund that includes the logo developed by the commissioner of natural resources
89.20 to identify it as a project funded with money from the vote of the people of Minnesota on
89.21 November 4, 2008.

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

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

89.28 (1) 45 percent of the money must be disbursed according to the allocation formula in
89.29 section 473.351, subdivision 3, to each implementing agency;

89.30 (2) 31.5 percent of the money must be distributed based on each implementing
89.31 agency's relative share of the most recent estimate of the population of the metropolitan
89.32 area;

89.33 (3) 13.5 percent of the money must be distributed based on each implementing
89.34 agency's relative share of nonlocal visits based on the most recent user visitation survey
89.35 conducted by the Metropolitan Council; and

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

90.6 Subd. 4. **Data availability.** Data collected by the projects funded with money from
90.7 the parks and trails fund that have value for planning and management of natural resources,
90.8 emergency preparedness, and infrastructure investments must conform to the enterprise
90.9 information architecture developed by the Office of Enterprise Technology. Spatial data
90.10 must conform to geographic information system guidelines and standards outlined in that
90.11 architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land
90.12 Management Information Center. A description of these data that adheres to the Office
90.13 of Enterprise Technology geographic metadata standards must be submitted to the Land
90.14 Management Information Center to be made available online through the clearinghouse
90.15 and the data must be accessible and free to the public unless made private under chapter
90.16 13. To the extent practicable, summary data and results of projects and programs funded
90.17 with money from the parks and trails fund should be readily accessible on the Internet and
90.18 identified as a parks and trails fund project.

90.19 Sec. 7. Minnesota Statutes 2008, section 114D.50, is amended to read:

90.20 **114D.50 CLEAN WATER FUND.**

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

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

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

90.29 (1) providing grants, loans, and technical assistance to public agencies and others
90.30 testing waters, identifying impaired waters, developing total maximum daily loads,
90.31 implementing restoration plans for impaired waters, and evaluating the effectiveness
90.32 of restoration;

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

91.4 (3) providing grants and loans for wastewater and storm water treatment projects
91.5 through the Public Facilities Authority;

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

91.8 (5) providing funds to state agencies to carry out their responsibilities, including
91.9 enhanced compliance and enforcement.

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

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

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

91.22 (c) All information for proposed and funded projects, including the proposed
91.23 measurable outcomes, must be made available on the Web site required under section
91.24 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and
91.25 evaluation must be posted as it becomes available. Information classified as not public
91.26 under section 13D.05, subdivision 3, paragraph (d), is not required to be placed on the
91.27 Web site.

91.28 (d) Grants funded by the clean water fund must be implemented according to section
91.29 16B.98 and must account for all expenditures. Proposals must specify a process for any
91.30 regranting envisioned. Priority for grant proposals must be given to proposals involving
91.31 grants that will be competitively awarded.

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

91.34 Subd. 5. **Data availability.** Data collected by the projects funded with money from
91.35 the clean water fund that have value for planning and management of natural resources,
91.36 emergency preparedness, and infrastructure investments must conform to the enterprise

92.1 information architecture developed by the Office of Enterprise Technology. Spatial data
92.2 must conform to geographic information system guidelines and standards outlined in that
92.3 architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land
92.4 Management Information Center. A description of these data that adheres to the Office
92.5 of Enterprise Technology geographic metadata standards must be submitted to the Land
92.6 Management Information Center to be made available online through the clearinghouse
92.7 and the data must be accessible and free to the public unless made private under chapter
92.8 13. To the extent practicable, summary data and results of projects funded with money
92.9 from the clean water fund should be readily accessible on the Internet and identified as a
92.10 clean water fund project.

92.11 **Sec. 8. LEGISLATIVE GUIDE.**

92.12 A legislative guide shall be recommended stating principles for the use and expected
92.13 outcomes of all funds from dedicated sales taxes pursuant to the Minnesota Constitution,
92.14 article XI, section 15. The guide shall include principles for managing future state
92.15 obligations, including payment in lieu of taxes and land management and monitoring
92.16 necessary for lands acquired in fee or easement. This guide shall be recommended jointly
92.17 by the Cultural and Outdoor Resources Division of the house of representatives, the
92.18 appropriate senate committees as designated by the majority leader of the senate, and
92.19 the Lessard Outdoor Heritage Council. The recommendations must be presented to the
92.20 legislature by January 15, 2010, and acted on by the legislature.

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

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

92.24 (2) desired outcomes for the expenditures;

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

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

92.28 **Sec. 9. 25-YEAR STRATEGIC PLAN.**

92.29 By January 15, 2011, the legislative committees, divisions, or councils responsible
92.30 for recommending expenditures to the full legislature from the outdoor heritage fund, the
92.31 clean water fund, the parks and trails fund, and the arts and cultural heritage fund must
92.32 develop, with broad public input, and adopt a 25-year strategic plan for the expenditures
92.33 that will be recommended from the funds. The plan must include applicable outcomes
92.34 for restoring, protecting, and enhancing wetlands, prairies, forests, habitat for fish and
92.35 game, lakes, rivers, streams, groundwater, arts, arts education, arts access, preservation of

93.1 Minnesota's history and cultural heritage, and supporting parks and trails. The strategic
93.2 plan shall be updated on a regular basis, but no longer than every five years. The Web site
93.3 established under section 2 must include a link to the plans developed under this section.
93.4 The plan for restoring, protecting, and enhancing wetlands, prairies, forests, habitat for
93.5 fish and game must be based on ecological sections and subsections established by the
93.6 Department of Natural Resources and be based on current science and achieve benefits
93.7 across all ecological sections within the state. The plan for restoring, protecting, and
93.8 enhancing lakes, rivers, streams, and groundwater must be based on watersheds and
93.9 aquifers, and shall take into account existing plans, be based on current science, and
93.10 achieve benefits across all ecological sections within the state. Any recommendations for
93.11 appropriations may be prioritized based on science and urgency.

93.12 Sec. 10. **LOGO.**

93.13 The Minnesota Board of the Arts shall sponsor a contest for selecting the design
93.14 of a logo to use on signage for projects receiving money from the outdoor heritage
93.15 fund, clean water fund, parks and trails fund, and the arts and cultural heritage fund. A
93.16 recipient of funds from the outdoor heritage fund, parks and trails fund, clean water fund,
93.17 or arts and cultural heritage fund shall display, where practicable, a sign with the logo
93.18 developed under this section on construction projects and at access points to any land or
93.19 water resources acquired in fee or an interest in less than fee title, or that were restored,
93.20 protected, or enhanced, and incorporate the logo, where practicable, into printed and other
93.21 materials funded with money from one or more of the funds."

93.22 Delete the title and insert:

93.23 "A bill for an act
93.24 relating to state government; appropriating money from constitutionally
93.25 dedicated funds and providing for policy and governance of outdoor heritage,
93.26 clean water, parks and trails, and arts and cultural heritage purposes; establishing
93.27 and modifying grants and funding programs; providing for advisory groups;
93.28 providing appointments; requiring reports; requiring rulemaking; amending
93.29 Minnesota Statutes 2008, sections 3.303, by adding a subdivision; 84.02, by
93.30 adding subdivisions; 84.66, subdivision 2; 85.53; 97A.056, subdivisions 2, 3, 6,
93.31 7; 103F.505; 103F.511, subdivisions 5, 8a, by adding a subdivision; 103F.515,
93.32 subdivisions 1, 2, 4, 5, 6; 103F.521, subdivision 1; 103F.525; 103F.526;
93.33 103F.531; 103F.535, subdivision 5; 114D.50; 116G.15; 129D.17; proposing
93.34 coding for new law in Minnesota Statutes, chapters 3; 84; 85; 116; 129D;
93.35 repealing Minnesota Statutes 2008, sections 103B.101, subdivision 11; 103F.511,
93.36 subdivision 4; 103F.521, subdivision 2; Minnesota Rules, parts 8400.3130;
93.37 8400.3160; 8400.3200; 8400.3230; 8400.3330; 8400.3360; 8400.3390;
93.38 8400.3500; 8400.3530; 8400.3560."

94.1 We request the adoption of this report and repassage of the bill.

94.2 House Conferees: (Signed)

94.3
94.4 Mary Murphy Jean Wagenius

94.5
94.6 Will Morgan Leon Lillie

94.7
94.8 Gregory Davids

94.9 Senate Conferees: (Signed)

94.10
94.11 Richard Cohen Ellen Anderson

94.12
94.13 Tom Saxhaug Satveer Chaudhary

94.14
94.15 Dennis Frederickson