

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 158

(SENATE AUTHORS: INGEBRIGTSEN, Pederson, Miller, Saxhaug and DeKruif)

DATE	D-PG	OFFICIAL STATUS
01/31/2011	130	Introduction and first reading Referred to Environment and Natural Resources
04/28/2011	1483a	Comm report: To pass as amended and re-refer to State Government Innovation and Veterans
05/02/2011	1599	Comm report: To pass and re-referred to Rules and Administration
05/09/2011	1804	Comm report: To pass and re-referred to Finance See SF1363, Art. 1 and 2 See SF6, Art. 1-2 (First Special Session)

A bill for an act

relating to natural resources; appropriating money from the outdoor heritage fund; appropriating money from the clean water fund; modifying certain outdoor heritage provisions; modifying the Clean Water Legacy Act; revising the Clean Water Council; providing appointments; amending Minnesota Statutes 2010, sections 10A.01, subdivision 35; 97A.056, subdivisions 2, 3, 5, 6, 9, 10, by adding a subdivision; 114D.10; 114D.20, subdivisions 1, 2, 3, 6, 7; 114D.35; 114D.50, subdivision 6; 116.195; Laws 2009, chapter 172, article 1, section 2, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 114D; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 114D.30; 114D.45.

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

ARTICLE 1

OUTDOOR HERITAGE FUND

Section 1. OUTDOOR HERITAGE APPROPRIATION.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the outdoor heritage fund and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. The appropriations in this article are onetime.

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

2.1	Sec. 2. <b><u>OUTDOOR HERITAGE</u></b>		
2.2	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$ 86,471,000</u></b>	<b><u>\$ 471,000</u></b>
2.3	<u>This appropriation is from the outdoor</u>		
2.4	<u>heritage fund. The amounts that may be</u>		
2.5	<u>spent for each purpose are specified in the</u>		
2.6	<u>following subdivisions.</u>		
2.7	<b><u>Subd. 2. Prairies</u></b>	<b><u>32,671,000</u></b>	<b><u>-0-</u></b>
2.8	<b><u>(a) Wildlife Management Area, Scientific</u></b>		
2.9	<b><u>and Natural Areas, and Prairie Bank</u></b>		
2.10	<b><u>Easement Acquisition - Phase III</u></b>		
2.11	<u>\$3,931,000 the first year is to the</u>		
2.12	<u>commissioner of natural resources to:</u>		
2.13	<u>(1) acquire land in fee for wildlife</u>		
2.14	<u>management area purposes under Minnesota</u>		
2.15	<u>Statutes, sections 86A.05, subdivision 8, and</u>		
2.16	<u>97A.145;</u>		
2.17	<u>(2) acquire land in fee for scientific and</u>		
2.18	<u>natural area purposes under Minnesota</u>		
2.19	<u>Statutes, sections 84.033 and 86A.05,</u>		
2.20	<u>subdivision 5; and</u>		
2.21	<u>(3) acquire native prairie bank easements</u>		
2.22	<u>under Minnesota Statutes, section 84.96.</u>		
2.23	<u>A list of proposed land or permanent</u>		
2.24	<u>conservation easement acquisitions must</u>		
2.25	<u>be provided as part of the required</u>		
2.26	<u>accomplishment plan. The accomplishment</u>		
2.27	<u>plan must include an easement monitoring</u>		
2.28	<u>and enforcement plan. Up to \$14,000 is for</u>		
2.29	<u>establishing a monitoring and enforcement</u>		
2.30	<u>fund as approved in the accomplishment</u>		
2.31	<u>plan, and subject to subdivision 15. An</u>		
2.32	<u>annual financial report is required for</u>		
2.33	<u>any monitoring and enforcement fund</u>		

3.1 established, including expenditures from the  
3.2 fund.

3.3 **(b) Accelerated Prairie Restoration and**  
3.4 **Enhancement on DNR Lands - Phase III**

3.5 \$1,652,000 the first year is to the  
3.6 commissioner of natural resources to  
3.7 accelerate the restoration and enhancement  
3.8 on wildlife management areas, scientific and  
3.9 natural areas, and land under native prairie  
3.10 bank easements.

3.11 **(c) Minnesota Buffers for Wildlife and**  
3.12 **Water**

3.13 \$2,249,000 the first year is to the Board of  
3.14 Water and Soil Resources in cooperation  
3.15 with Pheasants Forever to acquire permanent  
3.16 conservation easements to enhance habitat  
3.17 by expanding riparian wildlife buffers on  
3.18 private land. A list of proposed easement  
3.19 acquisitions must be provided as part of  
3.20 the required accomplishment plan. The  
3.21 accomplishment plan must include an  
3.22 easement monitoring and enforcement  
3.23 plan. Up to \$200,000 is for establishing  
3.24 a monitoring and enforcement fund as  
3.25 approved in the accomplishment plan  
3.26 and subject to subdivision 15. An annual  
3.27 financial report is required for any monitoring  
3.28 and enforcement fund established, including  
3.29 expenditures from the fund.

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

3.33 \$1,720,000 the first year is to the  
3.34 commissioner of natural resources for an  
3.35 agreement with The Nature Conservancy

4.1 to acquire land or permanent easements  
4.2 within the Northern Tallgrass Prairie Habitat  
4.3 Preservation Area in western Minnesota for  
4.4 addition to the Northern Tallgrass Prairie  
4.5 National Wildlife Refuge. A list of proposed  
4.6 land acquisitions must be provided as part  
4.7 of the required accomplishment plan. The  
4.8 accomplishment plan must include an  
4.9 easement monitoring and enforcement plan.

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

4.12 \$4,500,000 the first year is to the  
4.13 commissioner of natural resources for an  
4.14 agreement with The Nature Conservancy to  
4.15 acquire native prairie and savanna and restore  
4.16 and enhance grasslands and savanna. A list of  
4.17 proposed land acquisitions must be provided  
4.18 as part of the required accomplishment plan.  
4.19 Acquisitions, restorations, and enhancements  
4.20 must be within the two existing and two  
4.21 additional pilot focus areas contained in  
4.22 the accomplishment plan. Annual income  
4.23 statements and balance sheets for income  
4.24 and expenses from land acquired with  
4.25 appropriations from the outdoor heritage  
4.26 fund must be submitted to the Lessard-Sams  
4.27 Outdoor Heritage Council.

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

4.30 \$1,533,000 the first year is to the  
4.31 commissioner of natural resources for an  
4.32 agreement with The Trust for Public Land  
4.33 to acquire and restore lands in the Cannon  
4.34 River watershed for wildlife management  
4.35 area purposes under Minnesota Statutes,

5.1 section 86A.05, subdivision 8, or aquatic  
5.2 management areas under Minnesota Statutes,  
5.3 sections 86A.05, subdivision 14, and  
5.4 97C.02. A list of proposed land acquisitions  
5.5 must be provided as part of the required  
5.6 accomplishment plan.

5.7 **(g) Accelerating the Wildlife Management**  
5.8 **Area Program - Phase III**

5.9 \$5,500,000 the first year is to the  
5.10 commissioner of natural resources for an  
5.11 agreement with Pheasants Forever to acquire  
5.12 prairie and other habitat areas for wildlife  
5.13 management area purposes under Minnesota  
5.14 Statutes, section 86A.05, subdivision  
5.15 8. A list of proposed land acquisitions  
5.16 must be provided as part of the required  
5.17 accomplishment plan.

5.18 **(h) Accelerating the Waterfowl Production**  
5.19 **Area Program - Phase III**

5.20 \$9,815,000 the first year is to the  
5.21 commissioner of natural resources for  
5.22 an agreement with Pheasants Forever to  
5.23 accelerate the acquisition of wetlands and  
5.24 grasslands to be added to the waterfowl  
5.25 production area system in Minnesota in  
5.26 cooperation with the United States Fish and  
5.27 Wildlife Service. A list of proposed land  
5.28 acquisitions must be provided as part of the  
5.29 required accomplishment plan.

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

5.32 \$1,771,000 the first year is to the  
5.33 commissioner of natural resources for  
5.34 an agreement with the Redwood Area  
5.35 Development Corporation to acquire land

6.1 for wildlife management area purposes  
6.2 under Minnesota Statutes, section 86A.05,  
6.3 subdivision 8, or aquatic management areas  
6.4 under Minnesota Statutes, sections 86A.05,  
6.5 subdivision 14, and 97C.02. A list of  
6.6 proposed land acquisitions must be provided  
6.7 as part of the required accomplishment plan.

6.8 Subd. 3. Forests

14,371,000

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6.9 **(a) Minnesota Forests for the Future -**  
6.10 **Phase III**

6.11 \$5,409,000 the first year is to the  
6.12 commissioner of natural resources to  
6.13 acquire forest and wetland habitat through  
6.14 working forest easements and fee acquisition  
6.15 under the Minnesota forests for the future  
6.16 program pursuant to Minnesota Statutes,  
6.17 section 84.66. A conservation easement  
6.18 acquired with money appropriated under this  
6.19 paragraph must comply with subdivision  
6.20 13. A list of proposed land acquisitions  
6.21 must be provided as part of the required  
6.22 accomplishment plan. The accomplishment  
6.23 plan must include an easement monitoring  
6.24 and enforcement plan. Up to \$150,000 is for  
6.25 establishing a monitoring and enforcement  
6.26 fund as approved in the accomplishment plan  
6.27 and subject to subdivision 15. An annual  
6.28 financial report is required for any monitoring  
6.29 and enforcement fund established, including  
6.30 expenditures from the fund.

6.31 **(b) LaSalle Lake: Protecting Critical**  
6.32 **Mississippi Headwaters Habitat**

6.33 \$4,632,000 the first year is to the  
6.34 commissioner of natural resources for an  
6.35 agreement with The Trust for Public Land

7.1 to acquire land adjacent to LaSalle Lake in  
7.2 Hubbard County. A list of proposed land  
7.3 acquisitions must be provided as part of  
7.4 the required accomplishment plan. If the  
7.5 acquisition is not completed by July 15,  
7.6 2012, or if a balance remains after acquisition  
7.7 of land, the money under this paragraph is  
7.8 available for acquisition under subdivision  
7.9 2, paragraph (a).

7.10 **(c) Accelerated Forest Habitat**

7.11 **Enhancement - Phase II**

7.12 \$826,000 the first year is to the commissioner  
7.13 of natural resources to restore and enhance  
7.14 lands in state forests, pursuant to Minnesota  
7.15 Statutes, section 89.021.

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

7.17 **Grouse Habitat Partnership - Phase II**

7.18 \$988,000 the first year is to the commissioner  
7.19 of natural resources for an agreement with  
7.20 Pheasants Forever in cooperation with the  
7.21 Minnesota Sharp-Tailed Grouse Society  
7.22 to acquire and enhance lands for wildlife  
7.23 management area purposes under Minnesota  
7.24 Statutes, section 86A.05, subdivision

7.25 8. A list of proposed land acquisitions  
7.26 must be provided as part of the required  
7.27 accomplishment plan.

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

7.29 **Partnership - Phase II**

7.30 \$707,000 the first year is to the commissioner  
7.31 of natural resources to acquire and enhance  
7.32 habitat in the lower Root River and  
7.33 lower Zumbro River watersheds, pursuant  
7.34 to Minnesota Statutes, section 86A.05,  
7.35 subdivisions 7 and 8. A list of proposed land

8.1 acquisitions must be provided as part of the  
8.2 required accomplishment plan.

8.3 **(f) Protect Key Forest Habitat Lands in**  
8.4 **Cass County - Phase II**

8.5 \$604,000 the first year is to the commissioner  
8.6 of natural resources for an agreement with  
8.7 Cass County to acquire land in fee for forest  
8.8 wildlife habitat. A list of proposed land  
8.9 acquisitions must be provided as part of the  
8.10 required accomplishment plan.

8.11 **(g) State Forest Acquisition**

8.12 \$1,205,000 the first year is to the  
8.13 commissioner of natural resources to acquire  
8.14 land in fee and permanent management  
8.15 access easements for state forests under  
8.16 Minnesota Statutes, section 86A.05,  
8.17 subdivision 7. A list of proposed land  
8.18 acquisitions must be provided as part of the  
8.19 required accomplishment plan.

8.20 Subd. 4. **Wetlands**

8.21 **(a) Reinvest in Minnesota Wetlands**  
8.22 **Reserve Acquisition and Restoration**  
8.23 **Program Partnership - Phase III**

8.24 \$13,000,000 the first year is to the Board  
8.25 of Water and Soil Resources to acquire  
8.26 permanent conservation easements and  
8.27 restore wetlands and associated upland  
8.28 habitat in cooperation with the United States  
8.29 Department of Agriculture Wetlands Reserve  
8.30 Program. A list of proposed land acquisitions  
8.31 must be provided as part of the required  
8.32 accomplishment plan. The accomplishment  
8.33 plan must include an easement monitoring  
8.34 and enforcement plan. Up to \$112,000 is for

15,827,000

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9.1 establishing a monitoring and enforcement  
9.2 fund as approved in the accomplishment plan  
9.3 and subject to subdivision 15. An annual  
9.4 financial report is required for any monitoring  
9.5 and enforcement fund established, including  
9.6 expenditures from the fund and a description  
9.7 of monitoring and enforcement activities.

9.8 **(b) Accelerated Shallow Lakes and**  
9.9 **Wetlands Restoration and Enhancement -**  
9.10 **Phase III**  
9.11 \$936,000 the first year is to the commissioner  
9.12 of natural resources to develop engineering  
9.13 designs for shallow lakes and wetlands and  
9.14 restore and enhance shallow lakes.

9.15 **(c) Shallow Lake Shoreland Protection:**  
9.16 **Wild Rice Lakes**  
9.17 \$1,891,000 the first year is to the  
9.18 commissioner of natural resources for an  
9.19 agreement with Ducks Unlimited and the  
9.20 Board of Water and Soil Resources to  
9.21 acquire wild rice lake shoreland habitat in  
9.22 fee and as permanent conservation easements  
9.23 as follows: \$500,000 to the Department  
9.24 of Natural Resources; \$1,100,000 to the  
9.25 Board of Water and Soil Resources; and  
9.26 \$291,000 to Ducks Unlimited. A list of  
9.27 proposed land acquisitions must be provided  
9.28 as part of the required accomplishment plan.  
9.29 The accomplishment plan must include  
9.30 an easement monitoring and enforcement  
9.31 plan. Up to \$18,000 is for establishing  
9.32 a monitoring and enforcement fund as  
9.33 approved in the accomplishment plan  
9.34 and subject to subdivision 15. An annual  
9.35 financial report is required for any monitoring

10.1 and enforcement fund established, including  
10.2 expenditures from the fund.

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

10.4 **(a) Accelerated Aquatic Management**  
10.5 **Area Habitat Program - Phase III**

10.6 \$6,500,000 the first year is to the  
10.7 commissioner of natural resources to  
10.8 acquire interests in land in fee or permanent  
10.9 conservation easements for aquatic  
10.10 management areas under Minnesota Statutes,  
10.11 sections 86A.05, subdivision 14, and 97C.02,  
10.12 to restore and enhance aquatic habitat. A  
10.13 list of proposed acquisitions and stream and  
10.14 lake habitat restorations and enhancements  
10.15 must be provided as part of the required  
10.16 accomplishment plan. The accomplishment  
10.17 plan must include an easement monitoring  
10.18 and enforcement plan.

10.19 **(b) Coldwater Fish Habitat Enhancement**  
10.20 **Program - Phase III**

10.21 \$1,533,000 the first year is to the  
10.22 commissioner of natural resources for an  
10.23 agreement with Minnesota Trout Unlimited.  
10.24 A list of proposed projects, describing  
10.25 types and locations of restorations and  
10.26 enhancements, must be provided as part of  
10.27 the required accomplishment plan.

10.28 **(c) Land Addition to the Janet Johnson**  
10.29 **Memorial Wildlife Management Area**

10.30 \$577,000 the first year is to the commissioner  
10.31 of natural resources for an agreement with  
10.32 Chisago County to acquire land in fee to  
10.33 be added to the Janet Johnson Memorial  
10.34 Wildlife Management Area under Minnesota

- 11.1 Statutes, section 86A.05, subdivision  
11.2 8. A list of proposed land acquisitions  
11.3 must be provided as part of the required  
11.4 accomplishment plan.
- 11.5 **(d) Metro Big Rivers Habitat - Phase II**
- 11.6 \$5,000,000 the first year is to the  
11.7 commissioner of natural resources for  
11.8 agreements to acquire interests in land in  
11.9 fee or permanent conservation easements  
11.10 and to restore and enhance natural systems  
11.11 associated with the Mississippi, Minnesota,  
11.12 and St. Croix Rivers as follows: \$960,000  
11.13 to the Minnesota Valley National Wildlife  
11.14 Refuge Trust, Inc.; \$150,000 to Great  
11.15 River Greening; \$840,000 to Minnesota  
11.16 Land Trust; \$150,000 to Friends of the  
11.17 Mississippi River; and \$2,900,000 to The  
11.18 Trust for Public Land. A list of proposed  
11.19 projects, describing types and locations of  
11.20 acquisitions, restorations, and enhancements,  
11.21 must be provided as part of the required  
11.22 accomplishment plan. The accomplishment  
11.23 plan must include an easement monitoring  
11.24 and enforcement plan. Money appropriated  
11.25 from the outdoor heritage fund for easement  
11.26 acquisition may be used to establish a  
11.27 monitoring and enforcement fund as  
11.28 approved in the accomplishment plan  
11.29 and subject to subdivision 15. An annual  
11.30 financial report is required for any monitoring  
11.31 and enforcement fund established, including  
11.32 expenditures from the fund.
- 11.33 **(e) Protecting Sensitive Shorelands in**  
11.34 **North Central Minnesota**

12.1 \$1,098,000 the first year is to the  
12.2 commissioner of natural resources for  
12.3 agreements with the Leech Lake Watershed  
12.4 Foundation and the Minnesota Land Trust  
12.5 as follows: \$339,000 to the Leech Lake  
12.6 Watershed Foundation; \$741,000 to the  
12.7 Minnesota Land Trust; and \$18,000 to the  
12.8 Department of Natural Resources to pay for  
12.9 acquisition-related expenses and monitoring  
12.10 costs of donated permanent conservation  
12.11 easements on sensitive shorelands in north  
12.12 central Minnesota. A list of proposed land  
12.13 acquisitions must be provided as part of  
12.14 the required accomplishment plan. The  
12.15 accomplishment plan must include an  
12.16 easement monitoring and enforcement  
12.17 plan. Up to \$342,000 is for establishing  
12.18 a monitoring and enforcement fund as  
12.19 approved in the accomplishment plan  
12.20 and subject to subdivision 15. An annual  
12.21 financial report is required for any monitoring  
12.22 and enforcement fund established, including  
12.23 expenditures from the fund.

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

12.26 \$2,577,000 the first year is to the  
12.27 commissioner of natural resources for an  
12.28 agreement with the Shell Lake Watershed  
12.29 District to acquire land in fee at the  
12.30 headwaters of the Shell Rock River for  
12.31 aquatic management area purposes under  
12.32 Minnesota Statutes, sections 86A.05,  
12.33 subdivision 14, and 97C.02, to restore  
12.34 and enhance aquatic habitat. The leases  
12.35 for gravel mining existing at the time of  
12.36 acquisition may not be extended and all gross

13.1 income generated from mining operations  
13.2 must be transferred to the commissioner of  
13.3 management and budget and credited to the  
13.4 outdoor heritage fund. A list of proposed  
13.5 land acquisitions must be provided as part of  
13.6 the required accomplishment plan.

13.7 **(g) Outdoor Heritage Conservation**

13.8 **Partners Grant Program - Phase III**

13.9 \$5,629,000 the first year is to the  
13.10 commissioner of natural resources for a  
13.11 program to provide competitive, matching  
13.12 grants of up to \$400,000 to local, regional,  
13.13 state, and national organizations for  
13.14 enhancement, restoration, or protection of  
13.15 forests, wetlands, prairies, and habitat for  
13.16 fish, game, or wildlife in Minnesota. Grants  
13.17 shall not be made for activities required to  
13.18 fulfill the duties of owners of lands subject  
13.19 to conservation easements. Grants shall  
13.20 not be made from appropriations in this  
13.21 paragraph for projects that have a total  
13.22 project cost exceeding \$475,000. \$319,000  
13.23 of this appropriation may be spent for  
13.24 personnel costs and other administrative  
13.25 costs. Grantees may acquire land or interests  
13.26 in land. Easements must be permanent.  
13.27 Land acquired in fee must be open to  
13.28 hunting and fishing during the open season  
13.29 unless otherwise provided by state law. The  
13.30 program shall require a match of at least ten  
13.31 percent from nonstate sources for grants of  
13.32 \$100,000 or less and a match of at least 15  
13.33 percent from nonstate sources for grants over  
13.34 \$100,000. Up to one-third of the match may  
13.35 be in-kind resources. For grant applications  
13.36 of \$25,000 or less, the commissioner shall

14.1 provide a separate, simplified application  
14.2 process. The criteria for evaluating grant  
14.3 applications over \$25,000 must include the  
14.4 amount of habitat restored, enhanced, or  
14.5 protected; local support; encouragement  
14.6 of a local conservation culture; urgency;  
14.7 capacity to achieve multiple benefits;  
14.8 habitat benefits provided; consistency with  
14.9 current conservation science; adjacency  
14.10 to protected lands; full funding of the  
14.11 project; supplementing existing funding;  
14.12 public access for hunting and fishing during  
14.13 the open season; sustainability; degree  
14.14 of collaboration; and use of native plant  
14.15 materials. All projects must conform to  
14.16 the Minnesota statewide conservation and  
14.17 preservation plan. Wildlife habitat projects  
14.18 must also conform to the Minnesota wildlife  
14.19 action plan. Subject to the evaluation  
14.20 criteria and requirements of this paragraph  
14.21 and Minnesota Statutes, the commissioner  
14.22 of natural resources shall give priority to  
14.23 organizations that have a history of receiving  
14.24 or charter to receive private contributions  
14.25 for local conservation or habitat projects  
14.26 when evaluating projects of equal value. If  
14.27 acquiring land or a conservation easement,  
14.28 priority shall be given to projects associated  
14.29 with existing wildlife management areas  
14.30 under Minnesota Statutes, section 86A.05,  
14.31 subdivision 8; scientific and natural areas  
14.32 under Minnesota Statutes, sections 84.033  
14.33 and 86A.05, subdivision 5; and aquatic  
14.34 management areas under Minnesota Statutes,  
14.35 sections 86A.05, subdivision 14, and 97C.02.  
14.36 All restoration or enhancement projects

15.1	<u>must be on land permanently protected by a</u>		
15.2	<u>conservation easement or public ownership</u>		
15.3	<u>or in public waters as defined in Minnesota</u>		
15.4	<u>Statutes, section 103G.005, subdivision</u>		
15.5	<u>15. Priority shall be given to restoration</u>		
15.6	<u>and enhancement projects on public lands.</u>		
15.7	<u>Subdivision 9 applies to grants awarded</u>		
15.8	<u>under this paragraph. This appropriation is</u>		
15.9	<u>available until June 30, 2015. No less than</u>		
15.10	<u>five percent of the amount of each grant</u>		
15.11	<u>must be held back from reimbursement until</u>		
15.12	<u>the grant recipient has completed a grant</u>		
15.13	<u>accomplishment report by the deadline and</u>		
15.14	<u>in the form prescribed by and satisfactory to</u>		
15.15	<u>the Lessard-Sams Outdoor Heritage Council.</u>		
15.16	<u>The commissioner shall provide notice of the</u>		
15.17	<u>grant program in the 2011 game and fish law</u>		
15.18	<u>summaries that are prepared under Minnesota</u>		
15.19	<u>Statutes, section 97A.051, subdivision 2.</u>		
15.20	<u>Subd. 6. <b>Administration</b></u>	<u>688,000</u>	<u>471,000</u>
15.21	<u><b>(a) Contract Management</b></u>		
15.22	<u>\$175,000 the first year is to the Legislative</u>		
15.23	<u>Coordinating Commission to contract with</u>		
15.24	<u>the commissioner of natural resources for</u>		
15.25	<u>expenses incurred for contract fiscal services</u>		
15.26	<u>for the agreements specified in this section.</u>		
15.27	<u>The contract management services must be</u>		
15.28	<u>done on a reimbursement basis.</u>		
15.29	<u><b>(b) Legislative Coordinating Commission</b></u>		
15.30	<u>\$471,000 the first year and \$471,000</u>		
15.31	<u>the second year are to the Legislative</u>		
15.32	<u>Coordinating Commission for two years of</u>		
15.33	<u>administrative expenses of the Lessard-Sams</u>		
15.34	<u>Outdoor Heritage Council and for two years</u>		

16.1 of compensation and expense reimbursement  
16.2 of council members.

16.3 **(c) Technical Assistance Panel**

16.4 \$42,000 the first year is to the commissioner  
16.5 of natural resources for a technical assistance  
16.6 panel to conduct up to ten restoration audits  
16.7 under Minnesota Statutes, section 97A.056,  
16.8 subdivision 10.

16.9 **Subd. 7. Availability of Appropriation**

16.10 Money appropriated in this section may  
16.11 not be spent on activities unless they are  
16.12 directly related to and necessary for a  
16.13 specific appropriation and are specified in the  
16.14 accomplishment plan. Money appropriated  
16.15 in this section must not be spent on indirect  
16.16 costs or other institutional overhead charges.

16.17 Unless otherwise provided, the amounts  
16.18 in this section are available until June 30,  
16.19 2014, when projects must be completed and  
16.20 final accomplishments reported. Funds for  
16.21 restoration or enhancement are available  
16.22 until June 30, 2016, or four years after  
16.23 acquisition, whichever is later, in order to  
16.24 complete restoration or enhancement work.

16.25 If a project receives federal funds, the time  
16.26 period of the appropriation is extended to  
16.27 equal the availability of federal funding.

16.28 Funds appropriated for fee title acquisition  
16.29 of land may be used to restore, enhance, and  
16.30 provide for the public use of land acquired  
16.31 with the appropriation. Public use facilities  
16.32 must have a minimal impact on habitat on  
16.33 acquired lands.

16.34 **Subd. 8. Accomplishment Plans**



17.1 It is a condition of acceptance of the  
17.2 appropriations made under this section that  
17.3 the agency or entity using the appropriation  
17.4 submit to the Lessard-Sams Outdoor  
17.5 Heritage Council an accomplishment plan  
17.6 and periodic accomplishment reports in  
17.7 the form determined by the council. The  
17.8 accomplishment plan must identify the  
17.9 project manager responsible for expending  
17.10 the appropriation and the final product. The  
17.11 accomplishment plan must account for the  
17.12 use of the appropriation and outcomes of  
17.13 the expenditure in measures of wetlands,  
17.14 prairies, forests, and fish, game, and wildlife  
17.15 habitat restored, protected, and enhanced.  
17.16 The plan must include an evaluation of  
17.17 results. None of the money provided in this  
17.18 section may be expended unless the council  
17.19 has approved the pertinent accomplishment  
17.20 plan.

17.21 **Subd. 9. Project Requirements**

17.22 (a) As a condition of accepting an  
17.23 appropriation made under this section, an  
17.24 agency or entity receiving an appropriation  
17.25 must comply with this subdivision for any  
17.26 project funded in whole or in part with funds  
17.27 from the appropriation.

17.28 (b) All conservation easements acquired with  
17.29 money appropriated under this section must:  
17.30 (1) be permanent; (2) specify the parties to  
17.31 the easement; (3) specify all of the provisions  
17.32 of an agreement that are permanent; (4)  
17.33 specify the habitat types and location  
17.34 being protected; (5) where appropriate for  
17.35 conservation or water protection outcomes,

18.1 require the grantor to employ practices  
18.2 retaining water on the eased land as long as  
18.3 practicable; (6) specify the responsibilities  
18.4 of the parties for habitat enhancement and  
18.5 restoration and the associated costs of these  
18.6 activities; (7) be sent to the office of the  
18.7 Lessard-Sams Outdoor Heritage Council; (8)  
18.8 include a long-term stewardship plan and  
18.9 identify the sources and amount of funding  
18.10 for monitoring and enforcing the easement  
18.11 agreement; and (9) identify the parties  
18.12 responsible for monitoring and enforcing the  
18.13 easement agreement.

18.14 (c) For all restorations, a recipient must  
18.15 prepare and retain an ecological restoration  
18.16 and management plan that, to the degree  
18.17 practicable, is consistent with current  
18.18 conservation science and ecological goals  
18.19 for the restoration site. Consideration should  
18.20 be given to soil, geology, topography, and  
18.21 other relevant factors that would provide  
18.22 the best chance for long-term success and  
18.23 durability of the restoration projects. The  
18.24 plan must include the proposed timetable for  
18.25 implementing the restoration, including, but  
18.26 not limited to, site preparation, establishment  
18.27 of diverse plant species, maintenance, and  
18.28 additional enhancement to establish the  
18.29 restoration; identify long-term maintenance  
18.30 and management needs of the restoration  
18.31 and how the maintenance, management,  
18.32 and enhancement will be financed; and use  
18.33 current conservation science to achieve the  
18.34 best restoration.

18.35 (d) For new lands acquired, a recipient  
18.36 must prepare a restoration and management

19.1 plan in compliance with paragraph (d),  
19.2 including identification of sufficient funding  
19.3 for implementation.

19.4 (e) To ensure public accountability for the  
19.5 use of public funds, a recipient must provide  
19.6 to the Lessard-Sams Outdoor Heritage  
19.7 Council documentation of the process  
19.8 used to select parcels acquired in fee or as  
19.9 permanent conservation easements and must  
19.10 provide the council with documentation  
19.11 of all related transaction costs, including,  
19.12 but not limited to, appraisals, legal fees,  
19.13 recording fees, commissions, other similar  
19.14 costs, and donations. This information  
19.15 must be provided for all parties involved  
19.16 in the transaction. The recipient must  
19.17 also report to the Lessard-Sams Outdoor  
19.18 Heritage Council any difference between the  
19.19 acquisition amount paid to the seller and the  
19.20 state-certified or state-reviewed appraisal, if  
19.21 a state-certified or state-reviewed appraisal  
19.22 was conducted. Acquisition data such  
19.23 as appraisals may remain private during  
19.24 negotiations but must ultimately be made  
19.25 public according to Minnesota Statutes,  
19.26 chapter 13.

19.27 (f) Except as otherwise provided in this  
19.28 section, all restoration and enhancement  
19.29 projects funded with money appropriated  
19.30 under this section must be on land  
19.31 permanently protected by a conservation  
19.32 easement or public ownership or in public  
19.33 waters as defined in Minnesota Statutes,  
19.34 section 103G.005, subdivision 15.

20.1 (g) To the extent an appropriation is used to  
20.2 acquire an interest in real property, a recipient  
20.3 of an appropriation under this section must  
20.4 provide to the Lessard-Sams Outdoor  
20.5 Heritage Council and the commissioner  
20.6 of management and budget an analysis of  
20.7 increased operations and maintenance costs  
20.8 likely to be incurred by public entities as  
20.9 a result of the acquisition and of how these  
20.10 costs are to be paid.

20.11 (h) A recipient of money from an  
20.12 appropriation under this section must give  
20.13 consideration to and make timely written  
20.14 contact with Conservation Corps Minnesota  
20.15 for possible use of the corps' services to  
20.16 contract for restoration and enhancement  
20.17 services. A copy of the written contact  
20.18 must be filed with the Lessard-Sams  
20.19 Outdoor Heritage Council within 15 days of  
20.20 execution.

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

20.24 **Subd. 10. Payment Conditions and Capital**  
20.25 **Equipment Expenditures**

20.26 All agreements, grants, or contracts referred  
20.27 to in this section must be administered on  
20.28 a reimbursement basis unless otherwise  
20.29 provided in this section. Notwithstanding  
20.30 Minnesota Statutes, section 16A.41,  
20.31 expenditures directly related to each  
20.32 appropriation's purpose made on or after July  
20.33 1, 2011, are eligible for reimbursement unless  
20.34 otherwise provided in this section. Periodic  
20.35 reimbursement must be made upon receiving  
20.36 documentation that the deliverable items

- 21.1 articulated in the approved accomplishment  
21.2 plan have been achieved, including partial  
21.3 achievements as evidenced by approved  
21.4 progress reports. Reasonable amounts may  
21.5 be advanced to projects to accommodate  
21.6 cash flow needs, support future management  
21.7 of acquired lands, or match a federal share.  
21.8 The advances must be approved as part of  
21.9 the accomplishment plan. Capital equipment  
21.10 expenditures for specific items in excess of  
21.11 \$10,000 must be itemized in and approved as  
21.12 part of the accomplishment plan.
- 21.13 **Subd. 11. Purchase of Recycled and Recyclable**  
21.14 **Materials**
- 21.15 A political subdivision, public or private  
21.16 corporation, or other entity that receives an  
21.17 appropriation under this section must use the  
21.18 appropriation in compliance with Minnesota  
21.19 Statutes, sections 16B.121, regarding  
21.20 purchase of recycled, repairable, and durable  
21.21 materials, and 16B.122, regarding purchase  
21.22 and use of paper stock and printing.
- 21.23 **Subd. 12. Accessibility**
- 21.24 Structural and nonstructural facilities must  
21.25 meet the design standards in the Americans  
21.26 with Disabilities Act (ADA) accessibility  
21.27 guidelines.
- 21.28 **Subd. 13. Land Acquisition Restrictions**
- 21.29 (a) An interest in real property, including, but  
21.30 not limited to, an easement or fee title that  
21.31 is acquired with money appropriated under  
21.32 this section must be used in perpetuity or for  
21.33 the specific term of an easement interest for  
21.34 the purpose for which the appropriation was  
21.35 made.

22.1 (b) A recipient of funding who acquires  
22.2 an interest in real property subject to this  
22.3 subdivision may not alter the intended use  
22.4 of the interest in real property or convey  
22.5 any interest in the real property acquired  
22.6 with the appropriation without the prior  
22.7 review and approval of the Lessard-Sams  
22.8 Outdoor Heritage Council or its successor.  
22.9 The council shall notify the chairs and  
22.10 ranking minority members of the legislative  
22.11 committees and divisions with jurisdiction  
22.12 over the outdoor heritage fund at least 15  
22.13 business days before approval under this  
22.14 paragraph. The council shall establish  
22.15 procedures to review requests from recipients  
22.16 to alter the use of or convey an interest in  
22.17 real property. These procedures shall allow  
22.18 for the replacement of the interest in real  
22.19 property with another interest in real property  
22.20 meeting the following criteria: (1) the  
22.21 interest must be at least equal in fair market  
22.22 value, as certified by the commissioner  
22.23 of natural resources, to the interest being  
22.24 replaced; and (2) the interest must be in a  
22.25 reasonably equivalent location and have a  
22.26 reasonably equivalent useful conservation  
22.27 purpose compared to the interest being  
22.28 replaced, taking into consideration all effects  
22.29 from fragmentation of the whole habitat.  
22.30 (c) A recipient of funding who acquires an  
22.31 interest in real property under paragraph  
22.32 (a) must separately record a notice of  
22.33 funding restrictions in the appropriate local  
22.34 government office where the conveyance  
22.35 of the interest in real property is filed. The  
22.36 notice of funding agreement must contain:

23.1 (1) a legal description of the interest in real  
23.2 property covered by the funding agreement;  
23.3 (2) a reference to the underlying funding  
23.4 agreement; (3) a reference to this section; and  
23.5 (4) the following statement: "This interest  
23.6 in real property shall be administered in  
23.7 accordance with the terms, conditions, and  
23.8 purposes of the grant agreement controlling  
23.9 the acquisition of the property. The interest  
23.10 in real property, or any portion of the interest  
23.11 in real property, shall not be sold, transferred,  
23.12 pledged, or otherwise disposed of or further  
23.13 encumbered without obtaining the prior  
23.14 written approval of the Lessard-Sams  
23.15 Outdoor Heritage Council or its successor.  
23.16 The ownership of the interest in real property  
23.17 shall transfer to the state if: (1) the holder of  
23.18 the interest in real property fails to comply  
23.19 with the terms and conditions of the grant  
23.20 agreement or accomplishment plan; or  
23.21 (2) restrictions are placed on the land that  
23.22 preclude its use for the intended purpose as  
23.23 specified in the appropriation."  
23.24 **Subd. 14. Real Property Interest Report**  
  
23.25 By December 1 each year, a recipient of  
23.26 money appropriated under this section that  
23.27 is used for the acquisition of an interest in  
23.28 real property, including, but not limited to,  
23.29 an easement or fee title, must submit annual  
23.30 reports on the status of the real property to  
23.31 the Lessard-Sams Outdoor Heritage Council  
23.32 or its successor in a form determined by the  
23.33 council. The responsibility for reporting  
23.34 under this section may be transferred by  
23.35 the recipient of the appropriation to another  
23.36 person or entity that holds the interest in the

24.1 real property. To complete the transfer of  
24.2 reporting responsibility, the recipient of the  
24.3 appropriation must: (1) inform the person to  
24.4 whom the responsibility is transferred of that  
24.5 person's reporting responsibility; (2) inform  
24.6 the person to whom the responsibility is  
24.7 transferred of the property restrictions under  
24.8 subdivision 13; (3) provide written notice  
24.9 to the council of the transfer of reporting  
24.10 responsibility, including contact information  
24.11 for the person to whom the responsibility is  
24.12 transferred; and (4) provide the council or  
24.13 its successor written documentation from the  
24.14 person or entity holding the interest in real  
24.15 property certifying the person's or entity's  
24.16 acceptance of all reporting obligations  
24.17 and responsibilities previously held by the  
24.18 recipient of the appropriation. After the  
24.19 transfer, the person or entity that holds the  
24.20 interest in the real property is responsible for  
24.21 reporting requirements under this section.

24.22 **Subd. 15. Easement Monitoring and**  
24.23 **Enforcement Requirements**

24.24 Money appropriated under this section  
24.25 for easement monitoring and enforcement  
24.26 may be spent only on activities included in  
24.27 an easement monitoring and enforcement  
24.28 plan contained within the accomplishment  
24.29 plan. Money received for monitoring  
24.30 and enforcement, including earnings on  
24.31 the money received, shall be kept in a  
24.32 monitoring and enforcement fund held by  
24.33 the organization and is appropriated for  
24.34 monitoring and enforcing conservation  
24.35 easements within Minnesota. Within 120  
24.36 days after the close of the entity's fiscal



25.1 year, an entity receiving appropriations for  
25.2 easement monitoring and enforcement must  
25.3 provide an annual financial report to the  
25.4 Lessard-Sams Outdoor Heritage Council on  
25.5 the easement monitoring and enforcement  
25.6 fund as specified in the accomplishment plan.  
25.7 Money appropriated under this section for  
25.8 monitoring and enforcement of easements  
25.9 and earnings on the money appropriated  
25.10 shall revert to the state if: (1) the easement  
25.11 transfers to the state under subdivision 13;  
25.12 (2) the holder of the easement fails to file  
25.13 an annual report and then fails to cure that  
25.14 default within 30 days of notification of the  
25.15 default by the state; or (3) the holder of the  
25.16 easement fails to comply with the terms  
25.17 of the monitoring and enforcement plan  
25.18 contained within the accomplishment plan  
25.19 and fails to cure that default within 90 days  
25.20 of notification of the default by the state.  
25.21 **Subd. 16. Successor Organizations**  
25.22 The Lessard-Sams Outdoor Heritage Council  
25.23 may approve the continuation of a project  
25.24 with an organization that has adopted  
25.25 a new name. Continuation of a project  
25.26 with an organization that has undergone  
25.27 a significant change in mission, structure,  
25.28 or purpose requires: (1) notice to the  
25.29 chairs of the legislative committees with  
25.30 relevant jurisdiction; and (2) presentation  
25.31 by the council of proposed legislation either  
25.32 ratifying or rejecting continued involvement  
25.33 with the new organization.  
25.34 **Subd. 17. Appropriations Adjustment**

26.1 **(a) Mississippi River Bluffland Prairie**  
26.2 **Protection Initiative.**

26.3 Of the amount appropriated in Laws 2009,  
26.4 chapter 172, article 1, section 2, subdivision  
26.5 2, paragraph (f), \$65,000 is for deposit in  
26.6 a monitoring and enforcement account as  
26.7 authorized in subdivision 15.

26.8 **(b) Critical Shoreline Habitat Protection**  
26.9 **Program**

26.10 Of the amount appropriated in Laws 2010,  
26.11 chapter 361, article 1, section 2, subdivision  
26.12 3, paragraph (a), \$187,000 is for deposit in  
26.13 a monitoring and enforcement account as  
26.14 authorized in subdivision 15.

26.15 **(c) Riparian and Lakeshore Protection in**  
26.16 **Dakota County**

26.17 Of the amount appropriated in Laws 2010,  
26.18 chapter 361, article 1, section 2, subdivision  
26.19 5, paragraph (d), \$80,000 is for deposit in  
26.20 a monitoring and enforcement account as  
26.21 authorized in subdivision 15.

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

26.23 Of the amount appropriated in Laws 2010,  
26.24 chapter 361, article 1, section 2, subdivision  
26.25 5, paragraph (e), \$12,000 is for deposit in  
26.26 a monitoring and enforcement account as  
26.27 authorized in subdivision 15.

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

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

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

27.1 Sec. 4. Minnesota Statutes 2010, section 97A.056, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

27.32 (2) one public member appointed by the senate Subcommittee on Committees of the  
27.33 Committee on Rules and Administration for a term ending the first Monday in January  
27.34 2011;

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

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

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

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

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

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

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

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

Sec. 5. Minnesota Statutes 2010, section 97A.056, subdivision 3, is amended to read:

Subd. 3. **Council recommendations.** (a) The council shall make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law and that will achieve the outcomes of existing natural resource plans, including, but not limited to, the Minnesota Statewide Conservation and Preservation Plan, that directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. ~~In making recommendations, the council shall consider a range of options that would best restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife, and shall not adopt definitions of "restore", "protect", or "enhance" that would limit the council from considering options that are consistent with the Constitution.~~

29.1 ~~The council shall submit its initial recommendations to the legislature no later than April 1,~~  
29.2 ~~2009.~~ Subsequent recommendations shall be submitted no later than January 15 each year.  
29.3 The council shall present its recommendations to the senate and house of representatives  
29.4 committees with jurisdiction over the environment and natural resources budget by  
29.5 February 15 in odd-numbered years, and within the first four weeks of the legislative  
29.6 session in even-numbered years. The council's budget recommendations to the legislature  
29.7 shall be separate from the Department of Natural Resource's budget recommendations.

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

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

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 2010, section 97A.056, subdivision 5, is amended to read:

Subd. 5. **Open meetings.** (a) Meetings of the council and other groups the council may establish ~~are subject to chapter 13D~~ shall be open to the public. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations, including recording meetings, video conferencing, and publishing minutes. For the purposes of this subdivision, a meeting occurs when a quorum is present and the members ~~receive information or~~ take action on any matter relating to the duties of the council. The quorum requirement for the council shall be seven members.

~~(b) Travel to and from scheduled and publicly noticed site visits by council members for the purposes of receiving information is not a violation of paragraph (a). Any decision or agreement to make a decision during the travel is a violation of paragraph (a).~~

~~(c)~~ For legislative members of the council, enforcement of this subdivision is governed by section 3.055, subdivision 2. For nonlegislative members of the council, enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.

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

Subd. 6. **Audit.** The legislative auditor shall audit the outdoor heritage fund expenditures, including administrative and staffing expenditures, ~~every two years to ensure that the money is spent to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife in compliance with all applicable law and the~~ Constitution.

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

Subd. 9. **Lands in public domain.** Money appropriated from the outdoor heritage fund shall not be used to purchase any land in fee title or a permanent conservation easement if the land in question is fully or partially owned by the state of Minnesota or a political subdivision of the state, unless: (1) the purchase creates additional direct benefit to protect, restore, or enhance the state's wetlands, prairies, forests, or habitat for fish, game, and wildlife; and (2) the purchase is approved by an affirmative vote of at least nine members of the council. ~~At least 15 business days prior to a decision under~~

~~this subdivision, the council shall submit the planned decision item to the Legislative Coordinating Commission. The planned decision item takes effect 15 business days after it is submitted by the council.~~

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

Subd. 10. **Restoration evaluations.** ~~Beginning July 1, 2011,~~ The commissioner of natural resources and the Board of Water and Soil Resources ~~shall~~ may convene a technical evaluation panel comprised of five members, including one technical representative from the Board of Water and Soil Resources, one technical representative from the Department of Natural Resources, one technical expert from the University of Minnesota or the Minnesota State Colleges and Universities, and two representatives with expertise in the project being evaluated. The board and the commissioner may add a technical representative from a unit of federal or local government. The members of the technical evaluation panel may not be associated with the restoration, may vary depending upon the projects being reviewed, and shall avoid any potential conflicts of interest. Each year, the board and the commissioner ~~shall~~ may assign a coordinator to identify a sample of up to ten habitat restoration projects completed with outdoor heritage funding. The coordinator shall secure the restoration plans for the projects specified and direct the technical evaluation panel to evaluate the restorations relative to the law, current science, and the stated goals and standards in the restoration plan ~~and, when applicable, to the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines.~~ The coordinator shall summarize the findings of the panel and provide a report to the chair of the Lessard-Sams Outdoor Heritage Council and the chairs of the respective house of representatives and senate policy and finance committees with jurisdiction over natural resources and spending from the outdoor heritage fund. The report shall determine if the restorations are meeting planned goals, any problems with the implementation of restorations, and, if necessary, recommendations on improving restorations. The report shall be focused on improving future restorations. Up to one-tenth of one percent of forecasted receipts from the outdoor heritage fund may be used for restoration evaluations under this section.

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

Subd. 3. <b>Forests</b>	18,000,000	18,000,000
\$18,000,000 in fiscal year 2010 and		
\$18,000,000 in fiscal year 2011 are to the		
commissioner of natural resources to acquire		

32.1 land or permanent working forest easements  
32.2 on private forests in areas identified through  
32.3 the Minnesota forests for the future program  
32.4 under Minnesota Statutes, section 84.66.  
32.5 Up to \$750,000 in fiscal year 2011 may  
32.6 be deposited in an account and used for  
32.7 long-term monitoring and enforcement of  
32.8 the easements acquired. Money, including  
32.9 interest earned, shall be kept in a separate  
32.10 fund and is appropriated for monitoring and  
32.11 enforcement of permanent working forest  
32.12 easements acquired with appropriations from  
32.13 the outdoor heritage fund. Priority must be  
32.14 given to acquiring land or interests in private  
32.15 lands within existing Minnesota state forest  
32.16 boundaries. Any easements acquired must  
32.17 have a forest management plan as defined  
32.18 in Minnesota Statutes, section 290C.02,  
32.19 subdivision 7. A list of proposed fee title  
32.20 and easement acquisitions must be provided  
32.21 as part of the required accomplishment  
32.22 plan. The fiscal year 2011 appropriation  
32.23 is available only for acquisitions that, by  
32.24 August 15, 2009, are:  
32.25 ~~(1) subject to a binding agreement with the~~  
32.26 ~~commissioner, and~~  
32.27 ~~(2) matched by at least \$9,000,000 in private~~  
32.28 ~~donations.~~

32.29       Sec. 11. **REPEALER.**

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



ARTICLE 2

CLEAN WATER FUND

Section 1. CLEAN WATER FUND APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the clean water fund, and are available for the fiscal years indicated for allowable activities under the Minnesota Constitution, article XI, section 15. The figures "2012" and "2013" used in this article mean that the appropriation listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. The appropriations in this article are onetime.

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

Sec. 2. DEPARTMENT OF AGRICULTURE    \$        8,200,000    \$        8,200,000

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

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

(c) \$5,000,000 the first year and \$5,000,000 the second year are for the agriculture best management practices loan program. At least \$4,000,000 the first year and at least \$4,400,000 the second year are for transfer to

34.1 the clean water agricultural best management  
34.2 practices loan account and are available  
34.3 for pass-through to local governments  
34.4 and lenders for low-interest loans under  
34.5 Minnesota Statutes, section 17.117. Any  
34.6 unencumbered balance that is not used for  
34.7 pass-through to local governments does not  
34.8 cancel at the end of the first year and is  
34.9 available for the second year.

34.10 (d) \$700,000 the first year and \$700,000  
34.11 the second year are for research, pilot  
34.12 projects, and technical assistance on proper  
34.13 implementation of best management  
34.14 practices and more precise information on  
34.15 nonpoint contributions to impaired waters.  
34.16 This appropriation is available until spent.

34.17 (e) \$1,050,000 the first year and \$1,050,000  
34.18 the second year are for research to quantify  
34.19 agricultural contributions to impaired waters  
34.20 and for development and evaluation of  
34.21 best management practices to protect and  
34.22 restore water resources while maintaining  
34.23 productivity. This appropriation is available  
34.24 until spent.

34.25 (f) \$250,000 the first year and \$250,000 the  
34.26 second year are for a research inventory  
34.27 database containing water-related research  
34.28 activities.

34.29 **Sec. 3. PUBLIC FACILITIES AUTHORITY    \$        16,710,000    \$        16,710,000**

34.30 (a) \$11,185,000 the first year and  
34.31 \$11,185,000 the second year are for the total  
34.32 maximum daily load grant program under  
34.33 Minnesota Statutes, section 446A.073. This  
34.34 appropriation is available until spent.

35.1 (b) \$4,275,000 the first year and \$4,275,000  
35.2 the second year are for the clean water legacy  
35.3 phosphorus reduction grant program under  
35.4 Minnesota Statutes, section 446A.074. This  
35.5 appropriation is available until spent.  
35.6 (c) \$1,250,000 the first year and \$1,250,000  
35.7 the second year are for small community  
35.8 wastewater treatment grants and loans under  
35.9 Minnesota Statutes, section 446A.075. This  
35.10 appropriation is available until spent.  
35.11 (d) If there are any uncommitted funds at the  
35.12 end of each fiscal year under paragraph (a),  
35.13 (b), or (c), the Public Facilities Authority  
35.14 may transfer the remaining funds to eligible  
35.15 projects under any of the programs listed  
35.16 in this section based on their priority rank  
35.17 on the Pollution Control Agency's project  
35.18 priority list.

35.19 Sec. 4. POLLUTION CONTROL AGENCY     \$     24,100,000 \$     22,600,000

35.20 (a) \$7,500,000 the first year and \$7,500,000  
35.21 the second year are for completion of 20  
35.22 percent of the needed statewide assessments  
35.23 of surface water quality and trends. Of  
35.24 this amount, \$100,000 the first year and  
35.25 \$100,000 the second year are for grants  
35.26 to the Red River Watershed Management  
35.27 Board to enhance and expand the existing  
35.28 water quality and watershed monitoring river  
35.29 watch activities in the schools in the Red  
35.30 River of the North. The Red River Watershed  
35.31 Management Board shall provide a report to  
35.32 the commissioner of the Pollution Control  
35.33 Agency and the legislative committees and  
35.34 divisions with jurisdiction over environment  
35.35 and natural resources finance and policy and

36.1 the clean water fund by February 15, 2013,  
36.2 on the expenditure of these funds.

36.3 (b) \$9,400,000 the first year and \$9,400,000  
36.4 the second year are to develop total maximum  
36.5 daily load (TMDL) studies and TMDL  
36.6 implementation plans for waters listed on  
36.7 the United States Environmental Protection  
36.8 Agency approved impaired waters list in  
36.9 accordance with Minnesota Statutes, chapter  
36.10 114D. The agency shall complete an average  
36.11 of ten percent of the TMDL's each year over  
36.12 the biennium.

36.13 (c) \$1,125,000 the first year and \$1,125,000  
36.14 the second year are for groundwater  
36.15 assessment, including enhancing the  
36.16 ambient monitoring network, modeling,  
36.17 and continuing to monitor for and assess  
36.18 contaminants of emerging concern.

36.19 (d) \$750,000 the first year and \$750,000  
36.20 the second year are for water quality  
36.21 improvements in the lower St. Louis River  
36.22 and Duluth harbor. This appropriation must  
36.23 be matched at a rate of 65 percent nonstate  
36.24 money to 35 percent state money.

36.25 (e) \$1,000,000 the first year and \$1,000,000  
36.26 the second year are for the clean water  
36.27 partnership program to provide grants  
36.28 to protect and improve the basins and  
36.29 watersheds of the state and provide financial  
36.30 and technical assistance to study waters  
36.31 with nonpoint source pollution problems.  
36.32 Priority shall be given to projects preventing  
36.33 impairments and degradation of lakes, rivers,  
36.34 streams, and groundwater in accordance  
36.35 with Minnesota Statutes, section 114D.20,

37.1 subdivision 2, clause (4). Any balance  
37.2 remaining in the first year does not cancel  
37.3 and is available for the second year.

37.4 (f) \$400,000 the first year and \$400,000 the  
37.5 second year are for storm water research and  
37.6 guidance.

37.7 (g) \$1,150,000 the first year and \$1,150,000  
37.8 the second year are for TMDL research and  
37.9 database development.

37.10 (h) \$800,000 the first year and \$800,000  
37.11 the second year are for national pollutant  
37.12 discharge elimination system wastewater and  
37.13 storm water TMDL implementation efforts.

37.14 (i) \$225,000 the first year and \$225,000  
37.15 the second year are transferred to the  
37.16 commissioner of administration for the  
37.17 Environmental Quality Board in cooperation  
37.18 with the United States Geological Survey  
37.19 to characterize groundwater flow and  
37.20 aquifer properties in the I-94 corridor in  
37.21 cooperation with local units of government.

37.22 This appropriation is available until June 30,  
37.23 2014.

37.24 (j) \$1,000,000 the first year is for  
37.25 demonstration grants under Minnesota  
37.26 Statutes, section 116.195, to ethanol plants  
37.27 for improvements that reuse storm water or  
37.28 wastewater.

37.29 (k) \$500,000 the first year is for a wild rice  
37.30 standards study.

37.31 (l) \$250,000 the first year and \$250,000  
37.32 the second year are for groundwater  
37.33 protection or prevention of groundwater  
37.34 degradation activities through enhancing the

38.1 county-level delivery system for subsurface  
38.2 sewage treatment systems (SSTS). The  
38.3 commissioner shall consult with the SSTS  
38.4 Compliance Task Force in developing a  
38.5 distribution allocation for the county base  
38.6 grants.

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

38.12	Sec. 5. <u>DEPARTMENT OF NATURAL</u>			
38.13	<u>RESOURCES</u>	\$	<u>11,160,000</u>	\$ <u>10,160,000</u>

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

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

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

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

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

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

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

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

39.29 (h) \$1,350,000 the first year and \$1,350,000  
39.30 the second year are to acquire and distribute  
39.31 high-resolution digital elevation data using  
39.32 light detection and ranging to aid with  
39.33 impaired waters modeling and TMDL  
39.34 implementation under Minnesota Statutes,  
39.35 chapter 114D. The money shall be used to

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

40.24	Sec. 6. <b><u>BOARD OF WATER AND SOIL</u></b>			
40.25	<b><u>RESOURCES</u></b>	<b><u>\$</u></b>	<b><u>26,992,000</u></b>	<b><u>\$</u></b> <b><u>26,992,000</u></b>

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



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

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

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

41.34 (d) \$1,000,000 the first year and \$1,000,000  
41.35 the second year are for technical assistance

42.1 and grants for the conservation drainage  
42.2 program in consultation with the Drainage  
42.3 Work Group, created under Minnesota  
42.4 Statutes, section 103B.101, subdivision  
42.5 13, that consists of projects to retrofit  
42.6 existing drainage systems with water quality  
42.7 improvement practices, evaluate outcomes,  
42.8 and provide outreach to landowners, public  
42.9 drainage authorities, drainage engineers and  
42.10 contractors, and others.

42.11 (e) \$5,800,000 the first year and \$5,800,000  
42.12 the second year are to purchase and restore  
42.13 permanent conservation easements on  
42.14 riparian buffers adjacent to public waters,  
42.15 excluding wetlands, to keep water on the  
42.16 land in order to decrease sediment, pollutant,  
42.17 and nutrient transport; reduce hydrologic  
42.18 impacts to surface waters; and increase  
42.19 infiltration for groundwater recharge. The  
42.20 riparian buffers must be at least 50 feet  
42.21 unless there is a natural impediment, a road,  
42.22 or other impediment beyond the control  
42.23 of the landowner. This appropriation may  
42.24 be used for restoration of riparian buffers  
42.25 protected by easements purchased with  
42.26 this appropriation and for stream bank  
42.27 restorations when the riparian buffers have  
42.28 been restored.

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

43.1 drinking water supply is designated as high  
43.2 or very high by the commissioner of health.

43.3 (g) \$1,500,000 the first year and \$1,500,000  
43.4 the second year are for community partners  
43.5 grants to local units of government for:  
43.6 (1) structural or vegetative management  
43.7 practices that reduce storm water runoff  
43.8 from developed or disturbed lands to reduce  
43.9 the movement of sediment, nutrients, and  
43.10 pollutants for restoration, protection, or  
43.11 enhancement of water quality in lakes, rivers,  
43.12 and streams and to protect groundwater  
43.13 and drinking water; and (2) installation  
43.14 of proven and effective water retention  
43.15 practices including, but not limited to, rain  
43.16 gardens and other vegetated infiltration  
43.17 basins and sediment control basins in order  
43.18 to keep water on the land. The projects  
43.19 must be of long-lasting public benefit,  
43.20 include a local match, and be consistent with  
43.21 TMDL implementation plans or local water  
43.22 management plans. Local government unit  
43.23 staff and administration costs may be used  
43.24 as a match.

43.25 (h) \$42,000 the first year and \$42,000 the  
43.26 second year are for a technical assistance  
43.27 panel to conduct up to ten restoration audits  
43.28 under Minnesota Statutes, section 114D.50,  
43.29 subdivision 6.

43.30 (i) The board shall contract for services  
43.31 with Conservation Corps Minnesota for  
43.32 restoration, maintenance, and other activities  
43.33 under this section for \$500,000 the first year  
43.34 and \$500,000 the second year.

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

44.8 (k) The appropriations in this section are  
44.9 available until June 30, 2014.

44.10 Sec. 7. DEPARTMENT OF HEALTH                   \$           2,988,000 \$           3,050,000

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

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

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

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

44.27 Sec. 8. METROPOLITAN COUNCIL                   \$           500,000 \$           500,000

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

44.32 Sec. 9. LEGISLATURE                               \$           211,000 \$           200,000

45.1 \$200,000 the first year and \$200,000  
45.2 the second year are to the Legislative  
45.3 Coordinating Commission for administrative  
45.4 expenses of the Clean Water Council and for  
45.5 compensation and expense reimbursement  
45.6 of council members.  
  
45.7 \$11,000 the first year is for the Legislative  
45.8 Coordinating Commission for the costs of  
45.9 developing and implementing a Web site to  
45.10 contain information on projects receiving  
45.11 appropriations from the clean water fund and  
45.12 other constitutionally dedicated funds.

45.13	Sec. 10. <u>DEPARTMENT OF</u>			
45.14	<u>ADMINISTRATION</u>	\$	<u>154,000</u>	\$ <u>-0-</u>

45.15 \$154,000 the first year is for a grant to  
45.16 the Cowles Center for Dance and the  
45.17 Performing Arts for construction operations  
45.18 in Minneapolis relating to the proper capping  
45.19 and sealing of the abandoned well that once  
45.20 served the former West Hotel, to include costs  
45.21 related to the removal of any oil-lubricated  
45.22 pumps or other debris in a manner that does  
45.23 not compromise the two aquifers through  
45.24 which the well runs and any other expenses  
45.25 necessary to receive a certificate of full  
45.26 compliance from the commissioner of health.

45.27 Sec. 11. CARRYFORWARD  
  
45.28 (a) The appropriations in Laws 2009, chapter  
45.29 172, article 2, section 4, paragraph (g), as  
45.30 amended by Laws 2010, chapter 361, article  
45.31 2, section 2, are available until June 30,  
45.32 2013, and may be spent to continue research  
45.33 and testing on the potential for coal tar  
45.34 contamination of waters, on the study of

46.1 treatment and disposal options, and for grants  
46.2 to local units of government.

46.3 (b) The appropriation in Laws 2010, chapter  
46.4 361, article 2, section 4, subdivision 1, for  
46.5 nitrogen and nitrate water quality standards  
46.6 rulemaking is available until June 30, 2012.

46.7 (c) The appropriations in Laws 2009, chapter  
46.8 172, article 2, section 4, paragraph (a),  
46.9 as amended by Laws 2010, chapter 361,  
46.10 article 2, section 2, for total maximum  
46.11 daily load (TDML) study development and  
46.12 implementation are available until June 30,  
46.13 2014.

46.14 (d) The appropriations in Laws 2009, chapter  
46.15 172, article 2, section 2, paragraph (d),  
46.16 for research and pilot projects related to  
46.17 ways agricultural practices contribute to  
46.18 restoring impaired waters and assist with the  
46.19 development of TMDL plans, are available  
46.20 until spent.

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

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

46.23 (1) member of the legislature;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) member of the board of directors or president of Enterprise Minnesota, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

(18) member of the Minnesota Ballpark Authority established in section 473.755;

(19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

(20) manager of a watershed district, or member of a watershed management organization as defined under section 103B.205, subdivision 13;

(21) supervisor of a soil and water conservation district;

(22) director of Explore Minnesota Tourism; ~~or~~

(23) citizen member of the Lessard-Sams Outdoor Heritage Council established in section 97A.056; or

(24) a citizen member of the Clean Water Council established in section 114D.31.

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

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

Subdivision 1. **Purpose.** The purpose of the Clean Water Legacy Act is to protect, enhance, and restore, and preserve the water quality of Minnesota's surface waters in lakes, rivers, and streams and to protect groundwater from degradation, by providing authority, direction, and resources to achieve and maintain water quality standards for

groundwater and surface waters ~~as~~, including the standards required by section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313(d), and other applicable state and federal regulations.

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

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

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

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

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

Subdivision 1. **Coordination and cooperation.** In implementing this chapter, public agencies and private entities shall take into consideration the relevant provisions of local and other applicable water management, conservation, land use, land management, and development plans and programs. Public agencies with authority for local water management, conservation, land use, land management, and development plans shall take into consideration the manner in which their plans affect the implementation of this chapter. Public agencies shall identify opportunities to participate and assist in the successful implementation of this chapter, including the funding or technical assistance needs, if any, that may be necessary. In implementing this chapter, public agencies shall endeavor to engage the cooperation of organizations and individuals whose activities affect the quality of groundwater or surface waters, including point and nonpoint sources of pollution, and who have authority and responsibility for water management, planning, and protection. To the extent practicable, public agencies shall endeavor to enter into formal and informal agreements and arrangements with federal agencies and departments to jointly utilize staff and educational, technical, and financial resources to deliver programs or conduct activities to achieve the intent of this chapter, including efforts under the federal Clean Water Act and other federal farm and soil and water conservation programs. Nothing in this chapter affects the application of silvicultural exemptions under any federal, state, or local law or requires silvicultural practices more stringent than those



49.1 recommended in the timber harvesting and forest management guidelines adopted by the  
49.2 Minnesota Forest Resources Council under section 89A.05.

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

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

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

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

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

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

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

49.18 (6) to achieve compliance with federal Clean Water Act requirements in Minnesota;<sup>2</sup>

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

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

49.22 Sec. 16. Minnesota Statutes 2010, section 114D.20, subdivision 3, is amended to read:

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

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

49.28 (2) maximize use of available organizational, technical, and financial resources to  
49.29 perform sampling, monitoring, and other activities to identify degraded groundwater and  
49.30 impaired waters, including use of citizen monitoring and citizen monitoring data used  
49.31 by the Pollution Control Agency in assessing water quality ~~must meet~~ that meets the  
49.32 requirements in Appendix D of the Volunteer Surface Water Monitoring Guide, Minnesota  
49.33 Pollution Control Agency (2003);

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

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

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

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

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

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

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

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

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

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

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

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

51.1 (4) show a high potential for early restoration and delisting based upon scientific  
51.2 data developed through public agency or citizen monitoring or other means; and  
51.3 (5) show a high potential for long-term water quality and related conservation  
51.4 benefits.

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

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

51.11 Sec. 19. **[114D.31] CLEAN WATER COUNCIL.**

51.12 Subdivision 1. **Creation; membership.** (a) The Clean Water Council of 12  
51.13 members is created in the legislative branch, consisting of:

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

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

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

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

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

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

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

51.27 (c) Public members appointed under paragraph (a) shall have practical experience  
51.28 or expertise or demonstrated knowledge in the science, policy, or practice of restoring,  
51.29 protecting, and enhancing the water quality in lakes, rivers, and streams, and to protect  
51.30 groundwater from degradation.

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

52.1 member from the minority party of the house of representatives. Legislative members  
52.2 shall serve at the pleasure of the appointing authority.

52.3 (e) Public members serve four-year terms and shall be initially appointed according  
52.4 to the following schedule of terms:

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

52.7 (2) one public member appointed by the senate Subcommittee on Committees of the  
52.8 Committee on Rules and Administration for a term ending the first Monday in January  
52.9 2013;

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

52.12 (4) two public members appointed by the governor for a term ending the first  
52.13 Monday in January 2015;

52.14 (5) one public member appointed by the senate Subcommittee on Committees of the  
52.15 Committee on Rules and Administration for a term ending the first Monday in January  
52.16 2015; and

52.17 (6) one public member appointed by the speaker of the house for a term ending  
52.18 the first Monday in January 2015.

52.19 (f) Terms, compensation, and removal of public members are as provided in section  
52.20 15.0575. A vacancy on the council may be filled by the appointing authority for the  
52.21 remainder of the unexpired term.

52.22 (g) The first meeting of the council shall be convened by the chair of the Legislative  
52.23 Coordinating Commission no later than November 15, 2011. Members shall elect a chair,  
52.24 vice-chair, secretary, and other officers as determined by the council. The chair may  
52.25 convene meetings as necessary to conduct the duties prescribed by this section.

52.26 (h) Upon coordination with the Legislative Coordinating Commission, the council  
52.27 may appoint nonpartisan staff and contract with consultants as necessary to carry out the  
52.28 functions of the council. Up to one percent of the annual revenue to the fund may be used  
52.29 to pay for administrative expenses of the council and for compensation and expense  
52.30 reimbursement of council members.

52.31 Subd. 2. **Council recommendations.** (a) By January 15 each odd-numbered year,  
52.32 the council shall make recommendations to the legislature on appropriations of money  
52.33 from the clean water fund and other policies under this chapter that are consistent with the  
52.34 constitution and state law and that will achieve the outcomes of existing water plans.

52.35 (b) Recommendations of the council, including approval of recommendations for the  
52.36 clean water fund, require an affirmative vote of at least nine members of the council.

53.1           (c) The council may work with the Lessard-Sams Outdoor Heritage Council, the  
53.2 Legislative-Citizen Commission on Minnesota Resources, the Board of Water and Soil  
53.3 Resources, soil and water conservation districts, and experts from Minnesota State  
53.4 Colleges and Universities and the University of Minnesota in developing the council's  
53.5 recommendations.

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

53.11           Subd. 3. **Conflict of interest.** (a) A council member may not be an advocate for  
53.12 or against a council action or vote on any action that may be a conflict of interest. A  
53.13 conflict of interest must be disclosed as soon as it is discovered. The council shall follow  
53.14 the policies and requirements related to conflicts of interest developed by the Office of  
53.15 Grants Management under section 16B.98.

53.16           (b) For the purposes of this section, a "conflict of interest" exists when a person has  
53.17 an organizational conflict of interest or direct financial interests and those interests present  
53.18 the appearance that it will be difficult for the person to impartially fulfill the person's duty.  
53.19 An "organizational conflict of interest" exists when a person has an affiliation with an  
53.20 organization that is subject to council activities that presents the appearance of a conflict  
53.21 between organizational interests and council member duties. An "organizational conflict  
53.22 of interest" does not exist if the person's only affiliation with an organization is being a  
53.23 member of the organization.

53.24           Subd. 4. **Open meetings.** (a) Meetings of the council and other groups the council  
53.25 may establish shall be open to the public. Except where prohibited by law, the council  
53.26 shall establish additional processes to broaden public involvement in all aspects of its  
53.27 deliberations, including recording meetings, video conferencing, and publishing minutes.  
53.28 For the purposes of this subdivision, a meeting occurs when a quorum is present and the  
53.29 members take action on any matter relating to the duties of the council. The quorum  
53.30 requirement for the council shall be seven members.

53.31           (b) For legislative members of the council, enforcement of this subdivision is  
53.32 governed by section 3.055, subdivision 2. For nonlegislative members of the council,  
53.33 enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.

53.34           Subd. 5. **Audit.** The legislative auditor shall audit the clean water fund expenditures,  
53.35 including administrative and staffing expenditures, to ensure that the money is spent in  
53.36 compliance with all applicable law and the Constitution.

Sec. 20. Minnesota Statutes 2010, section 114D.35, is amended to read:

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

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

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

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

Sec. 21. Minnesota Statutes 2010, section 114D.50, subdivision 6, is amended to read:

Subd. 6. **Restoration evaluations.** ~~Beginning July 1, 2011,~~ The Board of Water and Soil Resources ~~shall~~ may convene a technical evaluation panel comprised of five members, including one technical representative from the Board of Water and Soil Resources, one technical representative from the Department of Natural Resources, one technical expert from the University of Minnesota or the Minnesota State Colleges and Universities, and two representatives with expertise related to the project being

evaluated. The board may add a technical representative from a unit of federal or local government. The members of the technical evaluation panel may not be associated with the restoration, may vary depending upon the projects being reviewed, and shall avoid any potential conflicts of interest. Each year, the board ~~shall~~ may assign a coordinator to identify a sample of up to ten habitat restoration projects completed with clean water funding. The coordinator shall secure the restoration plans for the projects specified and direct the technical evaluation panel to evaluate the restorations relative to the law, current science, and the stated goals and standards in the restoration plan ~~and, when applicable, to the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines~~. The coordinator shall summarize the findings of the panel and provide a report to the chairs of the respective house of representatives and senate policy and finance committees with jurisdiction over natural resources and spending from the clean water fund. The report shall determine if the restorations are meeting planned goals, any problems with the implementation of restorations, and, if necessary, recommendations on improving restorations. The report shall be focused on improving future restorations. Up to one-tenth of one percent of forecasted receipts from the clean water fund may be used for restoration evaluations under this section.

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

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

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

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

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

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

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

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

Subd. 2. **Grants for capital project design.** The agency shall make grant awards to political subdivisions for up to 50 percent of the costs to predesign and design capital projects that demonstrate the beneficial use of wastewater or storm water. The maximum amount for a grant under this subdivision is \$500,000. The grant agreement must provide

that the predesign and design work being funded is public information and available to anyone without charge. The agency must make the predesign and design work available on its Web site.

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

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

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

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

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

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

Sec. 23. **CIVIC ENGAGEMENT AND PUBLIC EDUCATION.**

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

Sec. 24. **AVAILABILITY OF APPROPRIATIONS.**

Money appropriated in this article may not be spent on activities unless they are directly related to and necessary for a specific appropriation.

Sec. 25. **REPEALER.**



57.1        Minnesota Statutes 2010, sections 114D.30; and 114D.45, are repealed.

APPENDIX  
Article locations in S0158-1

ARTICLE 1 OUTDOOR HERITAGE FUND ..... Page.Ln 1.13  
ARTICLE 2 CLEAN WATER FUND ..... Page.Ln 33.1