

CHAPTER 172—H.F.No. 1231

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

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 "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. The appropriations in this article are onetime.

APPROPRIATIONS
Available for the Year
Ending June 30
2010 **2011**

Sec. 2. **OUTDOOR HERITAGE**

Subdivision 1. **Total Appropriation** **\$** **69,532,000** **\$** **18,000,000**

This appropriation is from the outdoor heritage fund.

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

Subd. 2. Prairies

14,213,000

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(a) Accelerated Prairie and Grassland Management

\$1,700,000 in fiscal year 2010 is to the commissioner of natural resources to accelerate the restoration and enhancement of native prairie vegetation on public lands, including roadsides. A list of proposed projects, describing the types and locations of restorations and enhancements, must be provided as part of the required accomplishment plan. To the extent possible, prairie restorations conducted with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination.

(b) Green Corridor Legacy Program

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

(c) Prairie Heritage Fund – Acquisition and Restoration

\$3,000,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Pheasants Forever or successor to acquire and restore land to be added to the state wildlife management area system. A list of proposed fee title acquisitions and a list of proposed restoration projects, describing the types and locations of restorations, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition. To the extent possible, prairie restorations conducted with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination.

(d) Accelerated Prairie Grassland Wildlife Management Area Acquisition

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

(e) Northern Tall Grass Prairie National Wildlife Refuge Protection

\$1,583,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with the United States Fish and Wildlife Service to acquire land or permanent easements within the Northern Tall Grass Prairie Habitat Preservation Area in western Minnesota. The commissioner may advance funds to the United States Fish and Wildlife Service. A list of proposed fee title and permanent easement acquisitions must be provided as part of the required

accomplishment plan. Land removed from this program shall transfer to the state.

(f) Bluffland Prairie Protection Initiative

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

(g) Rum River – Cedar Creek Initiative

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

Subd. 3. Forests

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 land or permanent working forest easements on private forests in areas identified through the Minnesota forests for the future program under Minnesota Statutes, section 84.66. Priority must be given to acquiring land or interests in private lands within existing Minnesota state forest boundaries. Any easements acquired must have a forest management plan as defined in Minnesota Statutes, section 290C.02, subdivision 7. A list of proposed fee title and easement acquisitions must be provided as part of the required accomplishment plan. The fiscal year 2011 appropriation is available only for acquisitions that, by August 15, 2009, are:

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

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

Subd. 4. Wetlands

20,536,000

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(a) Accelerated Wildlife Management Area Acquisition

\$2,900,000 in fiscal year 2010 is to the commissioner of natural resources to acquire land for wildlife management areas. A list of proposed fee title acquisitions must be provided as part of the required accomplishment plan.

(b) Accelerated Shallow Lake Restorations and Enhancements

\$2,528,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Ducks Unlimited, Inc. or successor to restore and enhance shallow lake habitats. Up to \$400,000 of this appropriation may be used for permanent easements related to shallow lake restorations and enhancements. A list of proposed easements and projects, describing the types and locations of easements, restorations, and enhancements, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each easement, restoration, and enhancement.

(c) Accelerate the Waterfowl Production Area Program in Minnesota

\$5,600,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Pheasants Forever or successor to acquire and restore wetland and related upland habitats, in cooperation with the United States Fish and Wildlife Service and Ducks Unlimited, Inc. or successor to be managed as waterfowl production areas. A list of proposed acquisitions and a list of proposed projects, describing the types and

locations of restorations, must be provided as part of the required accomplishment plan.

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

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

(e) Shallow Lake Critical Shoreland

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

Subd. 5. Fish, Game, and Wildlife Habitat

13,903,000

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(a) Outdoor Heritage Conservation Partners Grant Program

\$4,000,000 in fiscal year 2010 is to the commissioner of natural resources for a pilot program to provide competitive, matching grants of up to \$400,000 to local, regional, state, and national organizations, including government, for enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife in Minnesota. Up to 6-1/2 percent of this appropriation may be used for administering the grant. The funds may be advanced in three equal sums, on or after November 1, 2009, February 1, 2010, and April 1, 2010. Grantees may protect land through acquisition of land or interests in land. Easements must be permanent. Land

acquired in fee must be open to hunting and fishing during the open season unless otherwise provided by state law. The commissioner of natural resources must agree to each proposed acquisition of land or interest in land. The program shall require a match of at least \$1 nonstate funds to \$10 state funds. The nonstate dollars match may be in-kind. The criteria for evaluating grant applications must include amount of habitat restored, enhanced, or protected; local support; degree of collaboration; urgency; multiple benefits; habitat benefits provided; consistency with sound conservation science; adjacency to protected lands; full funding of the project; supplementing existing funding; public access for hunting and fishing during the open season; sustainability; and use of native plant materials. All projects must conform to the Minnesota statewide conservation and preservation plan. Wildlife habitat projects must also conform to the state wildlife action plan. Priority may be given to projects acquiring land or easements associated with existing wildlife management areas. All restoration or enhancement projects must be on land permanently protected by conservation easement or public ownership. To the extent possible, a person conducting prairie restorations with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination. Subdivision 10 applies to grants awarded under this paragraph. This appropriation is available until June 30, 2013, at which time all grant projects must be completed and final products delivered, unless an earlier date is specified in the grant agreement. No less than 15 percent of the amount of each grant must be held back from reimbursement until the grant recipient has completed a grant accomplishment report in the form prescribed by and satisfactory to the Lessard Outdoor Heritage Council.

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

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

(b) Aquatic Management Area Acquisition

\$5,748,000 in fiscal year 2010 is to the commissioner of natural resources to acquire land in fee title and easement to be added to the state aquatic management area system. Acquired land must remain open to hunting and fishing, consistent with the capacity of the land, during the open season, as determined by the commissioner of natural resources. A list of proposed fee title and easement acquisitions must be provided as part of the required accomplishment plan.

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

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

(d) Dakota County Habitat Protection

\$1,000,000 in fiscal year 2010 is to the commissioner of natural resources for

an agreement with Dakota County for acquisition of permanent easements. A list of proposed acquisitions must be provided as part of the required accomplishment plan.

(e) Lake Rebecca Water Quality Improvement Project

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

(f) Fountain Lake Fish Barriers

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

Subd. 6. Administration and Other

880,000

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(a) Contract Management

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

(b) Legislative Coordinating Commission

\$705,000 in fiscal year 2010 is to the Legislative Coordinating Commission for administrative expenses of the Lessard Outdoor Heritage Council and for compensation and expense reimbursement of council members. Up to \$100,000 may

be transferred to the game and fish fund as reimbursement for advances to the Lessard Outdoor Heritage Council made in fiscal year 2009. Of this amount, \$10,000 is for the costs of developing and implementing a Web site to contain information on projects receiving appropriations.

(c) Lessard Outdoor Heritage Council Site Visit Exception

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

Subd. 7. Availability of Appropriation

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

Subd. 8. Cash Advances

When the operations of the outdoor heritage fund would be impeded by projected cash deficiencies resulting from delays in the receipt of dedicated income, and when the deficiencies would be corrected within fiscal year 2010, the commissioner of finance may use fund-level cash reserves to meet cash demands of the outdoor heritage fund. If funds are transferred from the general fund to meet cash flow needs, the cash flow transfers must be returned to the general fund as soon as sufficient cash balances are available in the outdoor heritage fund. Any interest earned on general fund cash flow transfers accrues to the general fund and not to the outdoor heritage fund.

Subd. 9. Accomplishment Plans

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

Subd. 10. **Project Requirements**

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

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

(2) provide that all easements:

(i) are permanent;

(ii) specify the parties to an easement in the easement;

(iii) specify all of the provisions of an agreement that are permanent;

(iv) are sent to the office of the Lessard Outdoor Heritage Council; and

(v) include a long-term stewardship plan and funding for monitoring and enforcing the easement agreement;

(3) for all restorations, prepare an ecological restoration and management plan that, to

the degree practicable, is consistent with the highest quality conservation and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success of the restoration projects. The plan shall include the proposed timetable for implementing the restoration, including, but not limited to, site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and use the best available science to achieve the best restoration;

(4) for new lands acquired, prepare a restoration and management plan in compliance with clause (3), including identification of sufficient funding for implementation;

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

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

(7) to the extent the appropriation is used to acquire an interest in real property, provide

to the Lessard Outdoor Heritage Council and the commissioner of finance an analysis of increased operations and maintenance costs likely to be incurred by public entities as a result of the acquisition and of how these costs may be paid for; and

(8) give consideration to and make timely written contact with the Minnesota Conservation Corps for consideration of possible use of their services to contract for restoration and enhancement services.

Subd. 11. Payment Conditions and Capital Equipment Expenditures

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

Subd. 12. Purchase of Recycled and Recyclable Materials

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

Subd. 13. Accessibility

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

Subd. 14. Land Acquisition Restrictions

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

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

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

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

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

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

(2) a reference to the underlying funding agreement;

(3) a reference to this section; and

(4) the following statement: "This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard Outdoor Heritage Council or its successor. If the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan, ownership of the interest in real property shall transfer to the state."

Subd. 15. Real Property Interest Report

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

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

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

(3) provide written notice to the council of the transfer of reporting responsibility, including contact information for the person to whom the responsibility is transferred. Before the transfer, the entity receiving

the transfer of property must certify to the Lessard Outdoor Heritage Council, or its successor, acceptance of all obligations and responsibilities held by the prior owner.

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

Subd. 16. Protect; Definition

For purposes of appropriations in this article, "protect" means to preserve ecological systems and prevent future degradation of ecological systems by actions including, but not limited to, purchase in fee or easement.

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

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

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

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

(3) four public members appointed by the governor;

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

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

(b) Members appointed under paragraph (a) must not be registered lobbyists. In making appointments, the governor, senate Subcommittee on Committees of the Committee on Rules and Administration, and the speaker of the house shall consider geographic balance, gender, age, ethnicity, and varying interests including hunting and fishing. The governor's appointments to the council are subject to the advice and consent of the senate.

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

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

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

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

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

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

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

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

(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 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 Department of Natural Resources shall provide administrative support for 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 cover the staffing and related administrative expenses of the department and to cover the compensation and travel expenses, pay for administrative expenses of the council and for compensation and expense reimbursement of council members.

Sec. 4. Minnesota Statutes 2008, 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 ~~take into consideration~~ 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. The council shall submit its initial recommendations to the legislature no later than April 1, 2009. Subsequent recommendations shall be submitted no later than January 15 each year. The council shall present its recommendations to the

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

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

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

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

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

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

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

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

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

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

Subd. 6. **Audit.** ~~The council shall select an independent auditor to~~ 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.

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

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

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

Sec. 7. APPROPRIATION; FOREST PROTECTION RESERVE.

\$2,000,000 is appropriated in fiscal year 2010 from the outdoor heritage fund to the commissioner of agriculture to identify, prevent, and in consultation with the Forest Resources Council, protect Minnesota forests by rapidly and effectively responding to the threat or presence of plant pests. The commissioner may access this appropriation if sufficient resources are not available from state, federal, or other sources or if the commissioner determines that sufficient state, federal, or other resources will not be available to the commissioner in time to effectively prevent the introduction or spread of tree pests and avert environmental or economic harm. Up to \$125,000 is available immediately to the commissioner of agriculture to update the state's invasive and exotic tree pest plans by addressing the role of all stakeholders in preventing the introduction or spread of invasive pests, responding to and containing outbreaks, and remediation. The commissioner shall work in consultation with the commissioner of natural resources, the Forest Resources Council, and the Forest Protection Task Force and provide quarterly reports on findings and recommendations to the governor and the appropriate legislative committees. The reports must include recommendations to ensure that a coordinated and effective response network is in place to protect our forests. The commissioner of agriculture may transfer all or part of this appropriation to the commissioner of natural resources and shall award grants to local units of government or other entities.

Sec. 8. REVISOR'S INSTRUCTION.

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

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 "2010" and "2011" used in this act mean that the appropriation listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year

2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. The appropriations in this act are onetime.

APPROPRIATIONS
Available for the Year
Ending June 30
2010 **2011**

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

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

(b) \$325,000 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.

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

(d) \$695,000 the first year and \$1,570,000 the second year are for research, pilot projects, and technical assistance related to ways agricultural practices contribute to restoring impaired waters and assist with the development of TMDL plans. Of this amount, \$150,000 each year is for grants to the livestock environmental quality assurance program to develop resource management plans, provide resource management analysis and assistance, provide an implementation plan, and provide for annual reporting on water quality assessment and reasonable

assurance of the water quality effects for the purposes of TMDL plans, including an assurance walk-through for farms enrolled in the program. By December 15, 2010, the commissioner of agriculture shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over agriculture and environment policy and finance on the activities of the livestock environmental quality assurance program. The report shall include:

- (1) the number of farms enrolled;
- (2) an analysis of the estimated water quality improvements to enrolled farms; and
- (3) an analysis of the ability to provide reasonable assurance of the water quality effects.

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

Sec. 3. PUBLIC FACILITIES AUTHORITY

\$

13,441,000 \$

19,259,000

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

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

(c) \$500,000 the first year and \$2,000,000 the second year are for small community wastewater treatment grants and loans under

Minnesota Statutes, section 446A.075. This appropriation is available until spent.

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

(a) \$9,000,000 the first year and \$9,000,000 the second year are to develop total maximum daily load (TMDL) studies and TMDL implementation plans for waters listed on the United States Environmental Protection Agency approved impaired waters list in accordance with Minnesota Statutes, chapter 114D. The agency shall complete an average of ten percent of the TMDLs each year over the biennium. Of this amount, \$348,000 the first year is to retest the comprehensive assessment of the biological conditions of the lower Minnesota River and its tributaries within the Lower Minnesota River Major Watershed, as previously assessed from 1976 to 1992 under the Minnesota River Assessment Project (MRAP). The assessment must include the same fish species sampling at the same 116 locations and the same macroinvertebrate sampling at the same 41 locations as the MRAP assessment. The assessment must:

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

Of this amount, \$250,000 the first year is for a pilot project for the development of total maximum daily load (TMDL) studies conducted on a watershed basis within the Buffalo River watershed in order to protect, enhance, and restore water quality in lakes, rivers, and streams. The pilot project shall include all necessary field work to develop TMDL studies for all impaired subwatersheds within the Buffalo River watershed and provide information necessary to complete reports for most of the remaining watersheds, including analysis of water quality data, identification of sources of water quality degradation and stressors, load allocation development, development of reports that provide protection plans for subwatersheds that meet water quality

standards, and development of reports that provide information necessary to complete TMDL studies for subwatersheds that do not meet water quality standards, but are not listed as impaired.

(b) \$500,000 the first year is for development of an enhanced TMDL database to manage and track progress. Of this amount, \$63,000 the first year is to promulgate rules. By November 1, 2010, the commissioner shall submit a report to the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources finance on the outcomes achieved with this appropriation.

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

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

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

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

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

(e) \$2,500,000 the first year is for the clean water partnership program. Priority shall be given to projects preventing impairments and

degradation of lakes, rivers, streams, and groundwater in accordance with Minnesota Statutes, section 114D.20, subdivision 2, clause (4). Any balance remaining in the first year does not cancel and is available for the second year.

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

(g) \$155,000 the first year is to provide notification of the potential for coal tar contamination, establish a storm water pond inventory schedule, and develop best management practices for treating and cleaning up contaminated sediments as required in this article. \$345,000 the second year is to develop a model ordinance for the restricted use of undiluted coal tar sealants and to provide grants to local units of government for up to 50 percent of the costs to implement best management practices to treat or clean up contaminated sediments in storm water ponds and other waters as defined under this article. Local governments must have adopted an ordinance for the restricted use of undiluted coal tar sealants in order to be eligible for a grant, unless a statewide restriction has been implemented. A grant awarded under this paragraph must not exceed \$100,000.

(h) \$350,000 the first year and \$400,000 the second year are for a restoration project in the lower St. Louis River and Duluth harbor. This appropriation must be matched by nonstate money at a rate of \$2 for every \$1 of state money.

(i) \$150,000 the first year and \$196,000 the second year are for grants to the Red River Watershed Management Board to enhance and expand existing river watch activities in the Red River of the North. The Red River Watershed Management Board shall provide

a report that includes formal evaluation results from the river watch program to the commissioners of education and the Pollution Control Agency and to the legislative natural resources finance and policy committees and K-12 finance and policy committees by February 15, 2011.

(j) \$200,000 the first year and \$300,000 the second year are for coordination with the state of Wisconsin and the National Park Service on comprehensive water monitoring and phosphorus reduction activities in the Lake St. Croix portion of the St. Croix River. The Pollution Control Agency shall work with the St. Croix Basin Water Resources Planning Team and the St. Croix River Association in implementing the water monitoring and phosphorus reduction activities. This appropriation is available to the extent matched by nonstate sources. Money not matched by November 15, 2010, cancels for this purpose and is available for the purposes of paragraph (a).

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

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

(m) \$5,000,000 the second year is for groundwater protection or prevention of

groundwater degradation activities. By January 15, 2010, the commissioner, in consultation with the commissioner of natural resources, the Board of Water and Soil Resources, and other agencies, shall submit a report to the chairs of the house of representatives and senate committees with jurisdiction over the clean water fund on the intended use of these funds. The legislature must approve expenditure of these funds by law.

(n) \$100,000 the first year and \$100,000 the second year are for grants to the Star Lake Board established under Minnesota Statutes, section 103B.702. The appropriation is a pilot program to focus on engaging citizen participation and fostering local partnerships by increasing citizen involvement in water quality enhancement by designating star lakes and rivers. The board shall include information on the results of this pilot program in its next biennial report under Minnesota Statutes, section 103B.702. The second year grants are available only if the Board of Water and Soil Resources determines that the money granted in the first year furthered the water quality goals in the star lakes program in Minnesota Statutes, section 103B.701. * (The preceding paragraph beginning "(n) \$100,000 the first year" was indicated as vetoed by the governor.)

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

Sec. 5. DEPARTMENT OF NATURAL RESOURCES

\$ 6,690,000 \$ 7,835,000

(a) \$1,240,000 the first year and \$2,460,000 the second year are for assisting in water quality assessments in supporting the identification of impaired waters.

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

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

(d) \$2,800,000 the first year and \$2,800,000 the second year are to acquire and distribute high-resolution digital elevation data using light detection and ranging to aid with impaired waters modeling and total maximum daily load implementation under Minnesota Statutes, chapter 114D. The data will be collected for areas of the state that have not acquired such data prior to January 1, 2007, or to complete acquisition and distribution of the data for those areas of the state that have not previously received state funds for acquiring and distributing the data. The distribution of data acquired under this paragraph must be conducted under the auspices of the Land Management Information Center or its successor, which shall receive 2.5 percent of the appropriation in this paragraph to support coordination of data acquisition and distribution. Mapping and data set distribution under this paragraph must be completed within three years of funds availability. The commissioner shall utilize department staff whenever possible. The commissioner may contract for services only if they cannot otherwise be provided by the department. If the commissioner contracts for services with this appropriation and any of the work done under the contract will be done outside of the United States, the commissioner must report to the chairs of the house of representatives and senate finance committees on the proposed contract at least 30 days before entering into the contract. The report must include an analysis of why the contract with the selected contractor provides the state with "best value," as defined in Minnesota Statutes, section 16C.02; any alternatives to the selected contractor that were considered; what data will be provided to the contractor, including the data that will be transmitted outside of the United

States; what security measures will be taken to ensure that the data is treated in accordance with the Minnesota Government Data Practices Act; and what remedies will be available to the state if the data is not treated in accordance with the Minnesota Government Data Practices Act.

(e) \$250,000 the first year and \$250,000 the second year are to adopt rules for the Mississippi River corridor critical area under Minnesota Statutes, section 116G.15. The commissioner shall begin rulemaking under chapter 14 no later than January 15, 2010. At least 30 days prior to beginning the rulemaking, the commissioner shall notify local units of government within the Mississippi River corridor critical area of the intent to adopt rules. The local units of government shall make reasonable efforts to notify the public of the contact information for the appropriate department staff. The commissioner shall maintain an e-mail list of interested parties to provide timely information about the proposed schedule for rulemaking, opportunities for public comment, and contact information for the appropriate department staff.

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

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

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

\$

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

(a) \$3,250,000 the first year and \$3,250,000 the second year are to purchase and restore permanent conservation easements on riparian buffers of up to 100 feet adjacent to public waters, excluding wetlands, to keep water on the land in order to decrease sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface waters, and increase infiltration for groundwater recharge. The riparian buffers must be at least 50 feet unless there is a natural impediment, a road, or other impediment beyond the control of the landowner. This appropriation may be used for restoration of riparian buffers protected by easements purchased with this appropriation and for stream bank restorations when the riparian buffers have been restored. Up to five percent may be used for administration of this program.

(b) \$2,800,000 the first year and \$3,124,000 the second year are for grants to watershed districts and watershed management organizations for: (i) structural or vegetative management practices that reduce storm water runoff from developed or disturbed lands to reduce the movement of sediment, nutrients, and pollutants or to leverage federal funds for restoration, protection, or enhancement of water quality in lakes, rivers, and streams and to protect groundwater and drinking water; and (ii) the installation of proven and effective water retention practices including, but not limited to, rain gardens and other vegetated infiltration basins and sediment control basins in order to keep water on the land. The projects must be of long-lasting public benefit, include a local match, and be consistent with TMDL implementation plans or local water management plans. Watershed district and watershed management organization staff and administration may be used for local match. Priority may be given to school projects that can be used to demonstrate

water retention practices. Up to five percent may be used for administering the grants.

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

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

(e) \$1,000,000 the first year and \$1,000,000 the second year are for permanent conservation easements on wellhead protection areas under Minnesota Statutes, section 103F.515, subdivision 2, paragraph (d). Priority must be placed on land that is located where the vulnerability of the drinking water supply management area, as defined under Minnesota Rules, part 4720.5100, subpart 13, is designated as high or very high by the commissioner of health.

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

(g) \$2,330,000 the first year and \$1,830,000 the second year are for grants to implement stream bank, stream channel, and shoreline

protection, and restoration projects to protect water quality. Of this amount, \$330,000 the first year and \$330,000 the second year may be used for technical assistance and grants to establish a conservation drainage program in consultation with the Board of Water and Soil Resources and the Drainage Work Group that consists of pilot projects to retrofit existing drainage systems with water quality improvement practices, evaluate outcomes, and provide outreach to landowners, public drainage authorities, drainage engineers and contractors, and others. Of this amount, \$500,000 the first year is for a grant to Hennepin County for riparian restoration and stream bank stabilization in the ten primary stream systems in Hennepin County in order to protect, enhance, and help restore the water quality of the streams and downstream receiving waters. The county shall work with watershed districts and water management organizations to identify and prioritize projects. To the extent possible, the county shall employ youth through the Minnesota Conservation Corps and Tree Trust to plant trees and shrubs to reduce erosion and stabilize stream banks. This appropriation must be matched by nonstate sources, including in-kind contributions.

(h) \$275,000 the first year and \$315,000 the second year are for state oversight, support, and accountability reporting of local government implementation, including an annual report prepared jointly by the board, the commissioner of natural resources and the commissioner of the Pollution Control Agency to the legislature detailing the recipients and projects funded under this section; the anticipated water quality benefits of projects funded; the relationship of restoration projects to TMDL load allocations; the relationship of protection projects to monitored water quality trends; and individual county and aggregated statewide progress in: (1) identifying noncompliant SSTS, establishing maintenance oversight systems, and SSTS upgrades funded under this section; and (2) identifying and upgrading open lot

feedlots under 300 animal units in shoreland. Organizations receiving grants under this section shall provide information to the agencies listed in this paragraph or the information required in the report. The board shall require grantees to specify the outcomes that will be achieved by the grants prior to any grant awards.

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

(j) \$1,600,000 the first year and \$1,900,000 the second year are for grants to implement county subsurface sewage treatment system (SSTS) programs, including inventories, enforcement, development of databases, and systems to insure SSTS maintenance reporting program results to the Board of Water and Soil Resources and the Pollution Control Agency, and base grants. Priority must be given to the protection of lakes, rivers, and streams. Grants are limited to counties with ordinances adopted pursuant to Minnesota Statutes, section 115.55, subdivision 2, that can demonstrate enforcement of the ordinances.

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

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

The board may shift grant or cost-share funds in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds or to address oversight responsibilities or high-priority needs identified in local water management plans.

The board shall give priority consideration to projects and practices that complement, supplement, or exceed current state standards

for protection, enhancement, and restoration of water quality in lakes, rivers, and streams or that protect groundwater from degradation.

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

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

Sec. 7. **DEPARTMENT OF HEALTH**

\$ **1,645,000** **\$** **2,105,000**

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

(b) \$445,000 the first year and \$890,000 the second year are for addressing public health concerns related to contaminants found in Minnesota drinking water for which no health-based drinking water standard exists. The commissioner shall characterize

and issue health-based guidance for three or more additional unregulated drinking water contaminants in fiscal year 2010, and seven or more additional unregulated drinking water contaminants in fiscal year 2011.

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

(a) \$305,000 the second year is for the geological survey to continue and to initiate the production of county geologic atlases. This appropriation represents a continuing effort to complete the county geologic atlases throughout the state in order to provide information and assist in planning for the sustainable use of groundwater and surface water that does not harm ecosystems, degrade water quality, or compromise the ability of future generations to meet their own needs. This appropriation is available until December 31, 2014.

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

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

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

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

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

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

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

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

- (1) "forest land" has the meaning given under section 89.001, subdivision 4;
- (2) "forest resources" has the meaning given under section 89.001, subdivision 8;
- (3) "guidelines" has the meaning given under section 89A.01, subdivision 8;
- (4) "riparian land" has the meaning given under section 103F.511, subdivision ~~8a~~ 8b; and
- (5) "working forest land" means land that provides a broad range of goods and services, including forest products, recreation, fish and wildlife habitat, clean air and water, and carbon sequestration.

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

103F.505 PURPOSE AND POLICY.

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

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

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

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

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

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

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

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

Subdivision 1. **Establishment of program.** The board, in consultation with the commissioner of agriculture and the commissioner of natural resources, shall establish and administer ~~a conservation~~ the reinvest in Minnesota reserve program. The board shall implement sections 103F.505 to 103F.531. Selection of land for the ~~conservation~~ reinvest in Minnesota reserve program must be based on its enhancement potential for

fish ~~and~~, wildlife ~~production~~, and native plant habitats, reducing erosion, and protecting water quality.

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

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

(b) Land is eligible if the land:

(1) is marginal agricultural land;

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

(3) consists of a drained wetland;

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

(5) is land in a sensitive groundwater area;

(6) is riparian land;

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

(8) is a woodlot on agricultural land;

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

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

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

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

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

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

(4) have been in agricultural crop production for at least two of the last five years before the date of application except drained wetlands, riparian lands, woodlots, abandoned building sites, environmentally sensitive areas, wellhead protection areas, or land ~~on a hillside~~ used for pasture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) that other land supporting natural vegetation owned or leased as part of the same farm operation at the time of application, if it supports natural vegetation ~~or~~ and

has not been used in agricultural crop production, will not be converted to agricultural crop production or pasture; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103F.526 FOOD PLOTS ~~IN WINDBREAKS.~~

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

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

103F.531 RULEMAKING.

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

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

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

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

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

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

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

116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.

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

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

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

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

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

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

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

~~(b) If the results of an environmental impact statement required to be submitted by paragraph (a) indicate that there is an economically less expensive and environmentally superior alternative, then no member agency of the Environmental Quality Board shall issue a permit for the facility that is the subject of the environmental impact statement, other than an economically less expensive and environmentally superior alternative, nor shall any government bonds be issued for the facility, other than an economically less expensive and environmentally superior alternative, until after the legislature has adjourned its regular session sine die in 1996.~~

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

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

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

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

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

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

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

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

Subd. 3. Districts. The commissioner shall establish, by rule, districts within the Mississippi River corridor critical area. The commissioner must seek to determine an appropriate number of districts within any one municipality and take into account municipal plans and policies, and existing ordinances and conditions. The commissioner shall consider the following when establishing the districts:

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

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

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

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

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

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

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

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

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

(1) floodplains;

(2) wetlands;

(3) gorges;

(4) areas of confluence with key tributaries;

(5) natural drainage routes;

(6) shorelines and riverbanks;

(7) bluffs;

(8) steep slopes and very steep slopes;

(9) unstable soils and bedrock;

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

(11) scenic views and vistas;

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

(13) cultural and historic sites and structures; and

(14) water quality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) By January 15, 2010, the commissioner of the Pollution Control Agency shall notify state agencies and local units of government of the potential for contamination of constructed storm water ponds and wetlands or natural ponds used for the collection of storm water via constructed conveyances with polycyclic aromatic hydrocarbons from the use of coal tar sealant products. For the purpose of this section, a storm water pond is a treatment pond constructed and operated for water quality treatment, storm water detention, and flood control. Storm water ponds do not include areas of temporary

ponding, such as ponds that exist only during a construction project or short-term accumulations of water in road ditches.

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

(c) The commissioner of the Pollution Control Agency shall develop best management practices for state agencies and local units of government regulated under a national pollutant discharge elimination system or state disposal system permit for municipal separate storm sewer systems treating or cleaning up contaminated sediments in storm water ponds and other waters defined under paragraph (a) and make the best management practices available on the agency's Web site. As part of the development of the best management practices, the commissioner shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The detailed framework shall be developed by the University of Minnesota Water Resources Center in cooperation with the Departments of Natural Resources and Agriculture, the Environmental Quality Board, the Pollution Control Agency, the Board of Water and Soil Resources, watershed management districts, watershed management organizations, soil and water conservation districts, and other federal, state, and local government and private nonprofits with expertise in water resources. In developing the detailed framework, the water resources plans of organizations with water resources expertise shall be considered. The detailed framework must include, but is not limited to, identification of infrastructure needs, drinking water, groundwater and surface water, storm water, agricultural and industrial needs, the interfaces of climate change, development and land use, and demographics. The detailed framework must identify best practices and methods for determining the effectiveness of those practices for wastewater treatment, drinking water source protection, pollution prevention, conservation, and water valuation.

(c) The University of Minnesota shall also develop a ten-year plan for sustainable water resources. In developing this plan, the University of Minnesota Water Resources

Center shall examine existing plans, as available and appropriate, from the Environmental Quality Board and Clean Water Council.

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

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

Sec. 31. REVISOR'S INSTRUCTION.

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

Sec. 32. REPEALER.

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

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

ARTICLE 3

PARKS AND TRAILS FUND

Section 1. PARKS AND TRAILS FUND APPROPRIATIONS.

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

APPROPRIATIONS

Available for the Year

Ending June 30

2010

2011

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

\$ 16,861,000 \$ 20,040,000

(a) \$250,000 the first year is for a collaborative project to develop a 25-year, long-term plan for parks and trails. This appropriation is available until June 30, 2011.

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

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

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

(i) restoring at least 500 additional acres of state park land;

(ii) conducting invasive species detection, prevention, and response activities on at least 4,000 acres of state park lands and waters and reestablishing native plants, shrubs, and trees after invasive species removal;

(iii) providing rapid response to terrestrial and aquatic new invasive species detections and infestations on state park lands and waters and state trails;

(iv) conducting prescribed burns on an additional 6,000 acres; and

(v) restoring and managing native prairies and woodlands along at least six percent of the developed miles of state trails, including removing invasive species;

(3) accelerate facility maintenance and rehabilitation, including energy-efficiency

improvements and the use of renewable sources of energy, such as solar energy.

(c) The commissioner shall contract for services with the Minnesota Conservation Corps for restoration, maintenance, and other activities under this section for at least \$600,000 the first year and \$1,000,000 the second year.

(d) \$3,970,000 the first year and \$4,900,000 the second year are for grants under new Minnesota Statutes, section 85.535, to parks and trails recognized as meeting the constitutional requirement of being a park or trail of regional or statewide significance. Grants under this section must be used only for acquisition, development, restoration, and maintenance. Of this amount, \$500,000 the first year and \$600,000 the second year are for grants for solar energy projects. Up to 2.5 percent of this appropriation may be used for administering the grants.

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

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

To the extent possible, a person conducting restoration with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as

close to the restoration site as possible, and protect existing native prairies from genetic contamination.

Sec. 3. **METROPOLITAN COUNCIL** \$ 12,641,000 \$ 15,140,000

(a) \$12,641,000 the first year and \$15,140,000 the second year are from the parks and trails fund to be distributed as required under new Minnesota Statutes, section 85.535, subdivision 3, except that of this amount, \$40,000 the first year is for a grant to Hennepin County to plant trees along the Victory Memorial Parkway.

(b) The Metropolitan Council shall submit a report on the expenditure and use of money appropriated under this section to the legislature as provided in Minnesota Statutes, section 3.195, by March 1 of each year. The report must detail the outcomes in terms of additional use of parks and trails resources, user satisfaction surveys, and other appropriate outcomes.

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

(d) The implementing agencies receiving appropriations under this section shall give consideration to contracting with the Minnesota Conservation Corps for contract restoration, maintenance, and other activities.

Sec. 4. **UNIVERSITY OF MINNESOTA** \$ 400,000 \$ -0-

To the Board of Regents of the University of Minnesota for the Center for Changing Landscapes to create a comprehensive statewide parks and trails framework and system inventory. This appropriation is available until June 30, 2011.

Sec. 5. **LEGISLATURE** \$ 15,000 \$ -0-

\$15,000 the first year is for the Legislative Coordinating Commission for the Web site required under this act.

Sec. 6. **CREATION OF A PARKS AND TRAILS INVENTORY, FRAMEWORK, AND PLAN.**

Subdivision 1. Inventory and framework development. (a) The University of Minnesota Center for Changing Landscapes is directed to create a long-range framework for an integrated statewide parks and trails system that provides information on the natural resource-based recreational opportunities available throughout the state. The detailed framework must include an inventory of existing regionally and statewide significant parks and trails, respond to recreational trends and demographic changes, and identify underserved areas, overused facilities, and gaps in the current parks and trails system. The framework must identify opportunities for enhancing existing assets, developing new assets, and linking those assets together effectively within realistic financial resources. In developing the framework and creating the inventory, the Center for Changing Landscapes shall use geographic information system technology, aerial photographs, and other pertinent data from government agencies.

(b) As part of the inventory, the Center for Changing Landscapes shall develop a user-friendly Web-based guide for information on state and regional parks in the state. The Department of Natural Resources, the Office of Explore Minnesota Tourism, and the Metropolitan Council shall work with the Center for Changing Landscapes to ensure that all the information currently available on their Web sites is incorporated into the newly developed statewide Web system. The statewide parks and trails Web guide shall be incorporated into the Department of Natural Resources Web site.

(c) In developing the framework and inventory, the Center for Changing Landscapes shall consult with the Department of Natural Resources, the Office of Explore Minnesota Tourism, the Metropolitan Council, local units of government, park and trail groups, the public, and other stakeholder groups. The Center for Changing Landscapes shall participate and be actively involved in the collaborative under subdivision 2.

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

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

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

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

- (1) a proposed definition of "parks and trails of regional significance";
- (2) a plan to increase the number of visitors to state and regional parks;
- (3) assessment of the need for new or expanded regional outdoor recreation systems to preserve and connect high-quality, diverse natural resources in areas with concentrated and increasing populations;
- (4) budgeting for ongoing maintenance;
- (5) decommissions;
- (6) a plan for trails that takes into account connectivity and the potential for use by commuters;
- (7) requirements for local contribution; and
- (8) benchmarks.

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

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

- (1) the amount necessary to operate existing parks and trails for the next ten and 25 years;
- (2) the amount necessary to provide maintenance for existing parks and trails for the next ten and 25 years;
- (3) the adequacy of funding to support expansion of the existing park system; and
- (4) the adequacy of funding to support expansion of the existing trail system

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

Sec. 7. AVAILABILITY OF APPROPRIATIONS.

Unless otherwise provided, the amounts in this article are available until June 30, 2011, when projects must be completed and final accomplishments reported. Appropriations for 2011 are available for use until June 30, 2012. For acquisition of an interest in real property, the amounts in this section appropriated in fiscal year 2010 are available until June 30, 2012, and the amounts in this section appropriated in fiscal year

2011 are available until June 30, 2013. If a project receives federal funds, the time period of the appropriation is extended to equal the availability of federal funding.

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

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

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

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

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

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

- (1) is a permanent resident of the state;
- (2) is a participant in an approved college internship program or has a postsecondary degree in a natural resource or conservation related field; and
- (3) has completed at least one year of postsecondary education.

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

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

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

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

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

(1) connectivity;

(2) enhanced opportunities for commuters; and

(3) enhanced safety.

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

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

ARTICLE 4

ARTS AND CULTURAL HERITAGE FUND

Section 1. ARTS AND CULTURAL HERITAGE FUND APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the arts and cultural heritage fund, and are available for the fiscal years indicated for allowable activities under the Minnesota Constitution, article XI, section 15. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending June 30, 2009, are effective the day following final enactment. All appropriations in this article are onetime.

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

Sec. 2. ARTS AND CULTURAL HERITAGE

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

<u>Subd. 2. Board of the Arts</u>	<u>21,650,000</u>	<u>21,650,000</u>
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(a) The appropriations in this subdivision are to the Minnesota Board of the Arts from the arts and cultural heritage fund. Grants agreements entered into by the Board of the Arts and other recipients of appropriations in this section shall ensure that these funds are used to supplement and not supplant traditional sources of funding.

Appropriations made directly to the Board of the Arts shall supplement, and shall not substitute for traditional sources of funding. Funds appropriated in the first year may be carried over to the second. Each grant program established within this appropriation shall be separately administered from other state appropriations for program planning and outcome measurements, but may take into consideration other state resources awarded in the selection of applicants and grant award size.

(b) Of the amounts in this subdivision:

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

A portion of these funds may be used to:

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

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

(2) up to 15 percent of the money for high-quality, age-appropriate arts education for Minnesotans of all ages to develop knowledge, skills, and understanding of the arts.

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

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

(4) up to three percent of the money to administer grant programs, deliver technical services, provide fiscal oversight

for the statewide system, and to ensure accountability for these state resources.

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

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

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

(c) Reporting

The executive director shall submit an annual report on the expenditure and use of money appropriated under this subdivision to the legislature as provided in Minnesota Statutes, section 3.195. The first year report must be submitted by March 1, 2010. In subsequent years the report shall be submitted by January 15. The report must relate the expenditure of funds by the categories established in this subdivision. Distinctive goals and measurable outcomes shall be established and reported on.

Subd. 3. Department of Education

4,250,000

4,250,000

These appropriations are for grants allocated using existing formulas under Minnesota Statutes, section 134.355, to the 12 Minnesota Regional Library Systems, to provide educational opportunities in the arts, history, literary arts, and cultural heritage of Minnesota. No more than 2.5 percent of funds may be used for administration by regional library systems. These funds may be used to sponsor programs provided by regional libraries, or to provide grants to local arts and cultural heritage programs for programs in partnership with regional libraries.

Subd. 4. Minnesota Historical Society

9,750,000

12,250,000

(a) The appropriations in this subdivision are to the Minnesota Historical Society from the

arts and cultural heritage fund to preserve and enhance access to Minnesota's history and its cultural and historical resources. Grants agreements entered into by the Minnesota Historical Society and other recipients of appropriations in this section shall ensure that these funds are used to supplement and not substitute for traditional sources of funding. Funds directly appropriated to the Minnesota Historical Society shall be used to supplement, and not substitute for, traditional sources of funding. Funds appropriated in the first year may be carried over to the second. No more than 2.5 percent of each appropriation may be used for administration by the Minnesota Historical Society. The Minnesota Historical Society, with the assistance of recipients funded under this section, shall report on all expenditures made from these funds to the legislature and governor by January 15 of each year.

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

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

Ironworld is eligible for a grant under this program.

(ii) The Minnesota Historical Society shall appoint a historic resources advisory committee, with balanced statewide membership and representatives of local, county, and statewide historical and cultural organizations and programs, to provide policy and grant making guidance on expenditures of funds from this paragraph. This membership shall include, but is not limited to, members representing the interests of historic preservation, local history, archaeology, archival programs, and other cultural programs related to the history of Minnesota. This committee shall seek input from all interested parties, and shall make recommendations for expenditures from these funds to the executive council of the Minnesota Historical Society; all expenditures must meet the requirements of Minnesota Statutes, section 138.01.

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

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

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

(f) **Statewide Survey of Historical and Archaeological Sites.** \$250,000 in 2010 and \$250,000 in 2011 are appropriated to the Minnesota Historical Society for a contract or contracts to be let on a competitive basis to conduct a general statewide survey of Minnesota's sites of historical, archaeological, and cultural significance. Results of this survey must be published in a searchable form, available to the public on a cost-free basis. The Minnesota Historical Society, the Office of the State Archaeologist, and the Board of Indian Affairs shall each appoint a representative to an oversight board, to select a contractor and direct the conduct of this survey. The oversight board shall consult with the Minnesota Departments of Transportation and Natural Resources. Funds appropriated for this purpose do not cancel and may be carried over from one year to the next.

(g) **Digital Library.** \$500,000 in 2010 is appropriated for a digital library project to preserve, digitize, and share Minnesota images, documents, and historic materials. The Minnesota Historical Society shall cooperate with the MINITEX system and shall jointly share this appropriation for these purposes.

Subd. 5. Department of Administration

6,500,000

7,900,000

(a) Funds in this subdivision are appropriated to the commissioner of the Department of Administration for grants to the named organizations for the purposes specified in this subdivision. Up to one percent of funds may be used by the Department of Administration for grants administration. Grants made to public television or radio organizations are subject to Minnesota Statutes, sections 129D.18 and 129D.19.

(b) Grant agreements entered into by the commissioner and recipients of appropriations in this subdivision must ensure that money appropriated in this subdivision is used to supplement and not substitute for traditional sources of funding. No more than 2.5 percent of any

grant may be used by the recipient for administration. A cultural grants advisory board may be established by the Department of Administration to provide advice and assistance in the making of grants under this subdivision. The board, if appointed, shall consist of seven members, to be appointed by the commissioner. One member shall represent public radio and television, one shall represent Minnesota zoos, one shall represent the Minnesota Center for the Humanities, and the remaining four shall be appointed by the commissioner to represent a diverse set of cultural interests. All recipients of funds under this subdivision shall report to the legislature by January 15 of each year on uses of those funds.

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

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

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

(f) **Zoos.** \$450,000 in 2010 and \$450,000 in 2011 are appropriated for the programmatic development of Minnesota's zoos. Three-quarters of this fund in any year shall be reserved in equal portions each for the Minnesota Zoo, the Como Zoo, and the Lake Superior Zoo. The remainder may be apportioned through a competitive

grants process or may be allocated by the commissioner to zoos that are accredited by the Association of Zoos and Aquariums or that demonstrate to the commissioner a plan for working toward that accreditation during the biennium ending June 30, 2011.

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

(h) Minnesota Children's Museum

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

(i) Duluth Children's Museum

\$250,000 in 2010 and \$250,000 in 2011 are appropriated for the Duluth Children's Museum. These amounts are for arts, arts education, and arts access and to preserve Minnesota's history and cultural heritage. The director shall submit an annual report on the expenditure and use of money appropriated under this paragraph to the legislature as provided in Minnesota Statutes, section 3.195. The first year report must be submitted by March 1, 2010. In subsequent years the report shall be submitted by

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

(j) Science Museum of Minnesota

\$450,000 in 2010 and \$450,000 in 2011 are appropriated for the Science Museum of Minnesota. These amounts are for arts, arts education, and arts access and to preserve Minnesota's history and cultural heritage. The director shall submit an annual report on the expenditure and use of money appropriated under this paragraph to the legislature as provided in Minnesota Statutes, section 3.195. The first year report must be submitted by March 1, 2010. In subsequent years the report shall be submitted by January 15. Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2011, as grants or contracts in this paragraph are available until June 30, 2013.

Subd. 6. Minnesota Center for the Humanities

1,050,000

1,050,000

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

The Minnesota Center for the Humanities may consider museums and organizations celebrating the ethnic identities of Minnesotans for grants from these funds. The Minnesota Center for the Humanities may develop a written plan for the competitive issuance of these grants, and, if developed, shall submit that plan for review and approval by the Department of Administration.

(b) **Councils of Color.** \$125,000 in 2010 and \$125,000 in 2011 are for programs and cooperation between the Minnesota Center for the Humanities and the Council on Asian-Pacific Minnesotans. \$125,000 in 2010 and \$125,000 in 2011 are for programs and cooperation between the Minnesota Center for the Humanities and the Council

on Black Minnesotans. \$125,000 in 2010 and \$125,000 in 2011 are for programs and cooperation between the Minnesota Center for the Humanities and the Indian Affairs Council. \$125,000 in 2010 and \$125,000 in 2011 are for programs and cooperation between the Minnesota Center for the Humanities and the Council on Affairs of Chicano/Latino people. These programs are for community events and programs to celebrate and preserve the artistic, historical, and cultural heritage of these peoples.

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

Subd. 7. **Legislature**

20,000

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

Subd. 8. **Perpich Center For Arts Education**

300,000

700,000

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

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

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

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

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

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

Sec. 4. **APPROPRIATIONS.**

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

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

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

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

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

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

129D.17 ARTS AND CULTURAL HERITAGE FUND.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 2. **Use of grant funds.** Money appropriated from the Minnesota arts and cultural heritage fund may be designated to make grants to noncommercial radio stations, as defined in section 129D.14, subdivision 2. Grants received under this section must be used to create, produce, acquire, or distribute programs that educate, enhance, or promote local, regional, or statewide items of artistic, cultural, or historic significance. Grant funds may be used to cover any expenses associated with the creation, production, acquisition, or distribution of noncommercial radio programs through broadcast.

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

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

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

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

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

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

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

Subd. 5. **Reporting.** A noncommercial radio station receiving funds appropriated under this section must report annually by January 15 to the commissioner and the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over arts and cultural heritage policy and finance regarding

how the previous year's grant funds were expended. This report must contain specific information for each program produced and broadcast, including the cost of production, the number of stations broadcasting the program, estimated number of listeners, and other related measures. If the programs produced include educational material, the noncommercial radio station must report on these efforts.

Sec. 8. ARTS AND CULTURAL HERITAGE FRAMEWORK.

Programs and organizations funded through the arts and cultural heritage fund shall conduct a collaborative project to develop a ten-year plan and a 25-year framework for the use of the money available in the arts and cultural heritage fund under the Minnesota Constitution, article XI, section 15, and other traditional sources of funding. The collaborative project shall consist of a joint effort between representatives nominated by various listed organizations as follows: an arts education organization serving youth, an arts education organization serving adults, a civics education organization, the Minnesota Historical Society, local and regional historical organizations, Minnesota Board of the Arts, selected Minnesota zoos, children's museums, and libraries, Minnesota public television and radio, the Minnesota Center for the Humanities, and the Science Museum of Minnesota. The organizations shall ensure that public hearings are conducted by those creating plans and frameworks under this section. The members shall prepare a ten-year plan and a 25-year framework for use of the funding that includes goals and measurable outcomes and includes a vision for Minnesotans of what arts, history, and cultural heritage will look like in 25 years. The Minnesota Historical Society, the Minnesota Board of the Arts, and the Minnesota Center for the Humanities shall report to the legislature by January 15, 2010, on the results of the collaborative project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 5
GOVERNANCE; GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

(b) All information for proposed and funded projects, including the proposed measurable outcomes, must be made available on the Web site as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available. The costs of these activities shall be paid out of the arts and cultural heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and the environment and natural resources trust fund proportionately. For purposes of this section, "measurable outcomes" means outcomes, indicators, or other performance measures that may be quantified or otherwise measured in order to measure the effectiveness of a project or program in meeting its intended goal or purpose.

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

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

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

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

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

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

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

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

85.53 PARKS AND TRAILS FUND.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

114D.50 CLEAN WATER FUND.

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

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

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

(1) providing grants, loans, and technical assistance to public agencies and others testing waters, identifying impaired waters, developing total maximum daily loads,

implementing restoration plans for impaired waters, and evaluating the effectiveness of restoration;

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

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

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

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

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

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

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

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

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

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

Subd. 5. **Data availability.** Data collected by the projects funded with money from the clean water fund that have value for planning and management of natural resources, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Office of Enterprise Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land Management Information Center. A description of these data that adheres to the Office of Enterprise Technology geographic metadata standards must be submitted to the Land Management Information Center to be made available online through the clearinghouse

and the data must be accessible and free to the public unless made private under chapter 13. To the extent practicable, summary data and results of projects funded with money from the clean water fund should be readily accessible on the Internet and identified as a clean water fund project.

Sec. 8. **LEGISLATIVE GUIDE.**

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

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

- (1) principles by which to guide future expenditures for each fund;
- (2) desired outcomes for the expenditures;
- (3) a general statement applicable to later years for these funds; and
- (4) consideration of financial methods such as revolving loan funds that may be used in future appropriations.

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

By January 15, 2011, the legislative committees, divisions, or councils responsible for recommending expenditures to the full legislature from the outdoor heritage fund, the clean water fund, the parks and trails fund, and the arts and cultural heritage fund must develop, with broad public input, and adopt a 25-year strategic plan for the expenditures that will be recommended from the funds. The plan must include applicable outcomes for restoring, protecting, and enhancing wetlands, prairies, forests, habitat for fish and game, lakes, rivers, streams, groundwater, arts, arts education, arts access, preservation of Minnesota's history and cultural heritage, and supporting parks and trails. The strategic plan shall be updated on a regular basis, but no longer than every five years. The Web site established under section 2 must include a link to the plans developed under this section. The plan for restoring, protecting, and enhancing wetlands, prairies, forests, habitat for fish and game must be based on ecological sections and subsections established by the Department of Natural Resources and be based on current science and achieve benefits across all ecological sections within the state. The plan for restoring, protecting, and enhancing lakes, rivers, streams, and groundwater must be based on watersheds and aquifers, and shall take into account existing plans, be based on current science, and achieve benefits across all ecological sections within the state. Any recommendations for appropriations may be prioritized based on science and urgency.

Sec. 10. **LOGO.**

The Minnesota Board of the Arts shall sponsor a contest for selecting the design of a logo to use on signage for projects receiving money from the outdoor heritage

fund, clean water fund, parks and trails fund, and the arts and cultural heritage fund. A recipient of funds from the outdoor heritage fund, parks and trails fund, clean water fund, or arts and cultural heritage fund shall display, where practicable, a sign with the logo developed under this section on construction projects and at access points to any land or water resources acquired in fee or an interest in less than fee title, or that were restored, protected, or enhanced, and incorporate the logo, where practicable, into printed and other materials funded with money from one or more of the funds.

Presented to the governor May 21, 2009

Signed by the governor May 22, 2009, 3:50 p.m.