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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 3790

April 19, 2010

Authored by Murphy, M.; for the Committee on Cultural and Outdoor Resources Finance Division; Davids; Morgan; Howes and others

The bill was read for the first time and referred to the Committee on Finance

April 21, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Ways and Means

April 28, 2010

Committee Recommendation and Adoption of Report:

To Pass and Read Second Time

May 6, 2010

Fiscal Calendar

Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to state government; appropriating money from constitutionally
1.3 dedicated funds and providing for expenditure accountability, administration,
1.4 and governance of outdoor heritage, clean water, parks and trails, and arts and
1.5 cultural heritage purposes; establishing and modifying grants, programs, fees,
1.6 and accounts; requiring reports; amending Minnesota Statutes 2008, sections
1.7 3.971, by adding a subdivision; 97A.056, by adding subdivisions; Minnesota
1.8 Statutes 2009 Supplement, sections 85.53, subdivision 2; 114D.50, subdivision 4;
1.9 129D.17, subdivision 2; Laws 2009, chapter 172, article 2, section 4; proposing
1.10 coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota
1.11 Statutes 2009 Supplement, sections 3.3006; 84.02, subdivisions 4a, 6a, 6b; Laws
1.12 2009, chapter 172, article 5, section 9.

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

1.14 ARTICLE 1

1.15 OUTDOOR HERITAGE

1.16 Section 1. OUTDOOR HERITAGE APPROPRIATION.

1.17 The sums shown in the columns marked "Appropriations" are appropriated to the
1.18 agencies and for the purposes specified in this article. The appropriations are from the
1.19 outdoor heritage fund and are available for the fiscal years indicated for each purpose. The
1.20 figures "2010" and "2011" used in this article mean that the appropriations listed under
1.21 them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively.
1.22 "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium"
1.23 is fiscal years 2010 and 2011. The appropriations in this article are onetime.

1.24 APPROPRIATIONS
1.25 Available for the Year
1.26 Ending June 30
1.27 2010 2011

2.1 **Sec. 2. OUTDOOR HERITAGE**

| | | | | | |
|-----|--|------------------|-------------------|------------------|--------------------------|
| 2.2 | <u>Subdivision 1. Total Appropriation</u> | <u>\$</u> | <u>-0-</u> | <u>\$</u> | <u>58,939,000</u> |
|-----|--|------------------|-------------------|------------------|--------------------------|

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

| | | | | | |
|-----|---------------------------------|--|-------------------|--|--------------------------|
| 2.7 | <u>Subd. 2. Prairies</u> | | <u>-0-</u> | | <u>18,093,000</u> |
|-----|---------------------------------|--|-------------------|--|--------------------------|

2.8 **(a) Accelerated Prairie Grassland Restoration**
 2.9 **and Enhancement Program on DNR Lands**

2.10 \$5,833,000 in fiscal year 2011 is to the
 2.11 commissioner of natural resources to
 2.12 accelerate the protection, restoration, and
 2.13 enhancement of native prairie vegetation.
 2.14 A list of proposed land acquisitions,
 2.15 restorations, and enhancements, describing
 2.16 the types and locations of acquisitions,
 2.17 restorations, and enhancements, must
 2.18 be provided as part of the required
 2.19 accomplishment plan. All restorations must
 2.20 comply with subdivision 9, paragraph (b).

2.21 **(b) The Green Corridor Legacy Program**

2.22 \$1,651,000 in fiscal year 2011 is to the
 2.23 commissioner of natural resources for
 2.24 an agreement with the Redwood Area
 2.25 Communities Foundation to acquire and
 2.26 restore land for purposes allowed under
 2.27 the Minnesota Constitution, article XI,
 2.28 section 15, in Redwood, Renville, Brown,
 2.29 Nicollet, Murray, Lyon, Yellow Medicine,
 2.30 Chippewa, and Cottonwood Counties to be
 2.31 added to the state outdoor recreation system
 2.32 as defined in Minnesota Statutes, chapter
 2.33 86A. A list of proposed fee title acquisitions
 2.34 must be provided as part of the required

3.1 accomplishment plan. The commissioner of
3.2 natural resources must agree in writing to
3.3 each proposed acquisition. All restorations
3.4 must comply with subdivision 9, paragraph
3.5 (b).

3.6 **(c) Prairie Heritage Fund - Acquisition and**
3.7 **Restoration**

3.8 \$3,015,000 in fiscal year 2011 is to the
3.9 commissioner of natural resources for an
3.10 agreement with Pheasants Forever to acquire
3.11 and restore land to be added to the state
3.12 wildlife management area system. A list
3.13 of proposed fee title acquisitions and a list
3.14 of proposed restoration projects, describing
3.15 the types and locations of restorations,
3.16 must be provided as part of the required
3.17 accomplishment plan. The commissioner of
3.18 natural resources must agree in writing to
3.19 each proposed acquisition. All restorations
3.20 must comply with subdivision 9, paragraph
3.21 (b).

3.22 **(d) Northern Tallgrass Prairie National**
3.23 **Wildlife Refuge Protection**

3.24 \$2,041,000 in fiscal year 2011 is to the
3.25 commissioner of natural resources for an
3.26 agreement with The Nature Conservancy
3.27 to acquire land or permanent easements
3.28 within the Northern Tallgrass Prairie Habitat
3.29 Preservation Area in western Minnesota for
3.30 addition to the Northern Tallgrass Prairie
3.31 National Wildlife Refuge. A list of proposed
3.32 fee title and permanent easement acquisitions
3.33 must be provided as part of the required
3.34 accomplishment plan. Land removed from
3.35 this program shall transfer to the state.

- 4.1 The accomplishment plan must include an
4.2 easement stewardship plan.
- 4.3 **(e) Rum River - Cedar Creek Initiative**
- 4.4 \$1,900,000 in fiscal year 2011 is to the
4.5 commissioner of natural resources for an
4.6 agreement with Anoka County to acquire fee
4.7 title to land at the confluence of the Rum
4.8 River and Cedar Creek in Anoka County.
- 4.9 Land acquired in fee must remain open to
4.10 hunting and fishing, consistent with the
4.11 capacity of the land, during the open season,
4.12 as determined in writing by the commissioner
4.13 of natural resources. All restorations must
4.14 comply with subdivision 9, paragraph (b).
- 4.15 **(f) Minnesota Prairie Recovery Project**
- 4.16 \$3,653,000 in fiscal year 2011 is to the
4.17 commissioner of natural resources for an
4.18 agreement with The Nature Conservancy
4.19 for a pilot project to acquire interests in
4.20 land and restore and enhance prairie and
4.21 prairie/wetland habitat in the prairie regions
4.22 of western and southwestern Minnesota.
- 4.23 The Nature Conservancy may acquire land
4.24 in fee or through permanent conservation
4.25 easements. A list of proposed fee title and
4.26 permanent conservation easements, and a list
4.27 of proposed restorations and enhancements,
4.28 must be provided as part of the required
4.29 accomplishment plan. All restorations must
4.30 comply with subdivision 9, paragraph (b).
- 4.31 The commissioner of natural resources must
4.32 agree in writing to each acquisition of interest
4.33 in land, restoration project, and enhancement
4.34 project. The accomplishment plan must
4.35 include an easement stewardship plan.

| | | | |
|------|--|------------|------------------|
| 5.1 | <u>Subd. 3. Forests</u> | <u>-0-</u> | <u>5,603,000</u> |
| 5.2 | <u>(a) Critical Shoreline Habitat Protection</u> | | |
| 5.3 | <u>Program</u> | | |
| 5.4 | <u>\$816,000 in fiscal year 2011 is to the</u> | | |
| 5.5 | <u>commissioner of natural resources for an</u> | | |
| 5.6 | <u>agreement with the Minnesota Land Trust to</u> | | |
| 5.7 | <u>acquire permanent conservation easements</u> | | |
| 5.8 | <u>protecting critical shoreline habitats in</u> | | |
| 5.9 | <u>Koochiching, Cook, Lake, and St. Louis</u> | | |
| 5.10 | <u>County portions of the northern forest</u> | | |
| 5.11 | <u>area in northern Minnesota and provide</u> | | |
| 5.12 | <u>stewardship for those easements. A list of</u> | | |
| 5.13 | <u>proposed conservation easement acquisitions</u> | | |
| 5.14 | <u>must be provided as part of the required</u> | | |
| 5.15 | <u>accomplishment plan. The accomplishment</u> | | |
| 5.16 | <u>plan must include an easement stewardship</u> | | |
| 5.17 | <u>plan.</u> | | |
| 5.18 | <u>(b) Protect Key Industrial Forest Land Tracts</u> | | |
| 5.19 | <u>in Central Minnesota</u> | | |
| 5.20 | <u>\$594,000 in fiscal year 2011 is to the</u> | | |
| 5.21 | <u>commissioner of natural resources for an</u> | | |
| 5.22 | <u>agreement with Cass County to acquire lands</u> | | |
| 5.23 | <u>that assist with gaining access for restoration</u> | | |
| 5.24 | <u>and enhancement purposes to existing public</u> | | |
| 5.25 | <u>land tracts. A list of proposed acquisitions</u> | | |
| 5.26 | <u>must be provided as part of the required</u> | | |
| 5.27 | <u>accomplishment plan.</u> | | |
| 5.28 | <u>(c) Little Nokasippi River Wildlife</u> | | |
| 5.29 | <u>Management Area</u> | | |
| 5.30 | <u>\$843,000 in fiscal year 2011 is to the</u> | | |
| 5.31 | <u>commissioner of natural resources</u> | | |
| 5.32 | <u>for acceleration of agency programs and</u> | | |
| 5.33 | <u>cooperative agreements to acquire interests in</u> | | |
| 5.34 | <u>land within the boundaries of the Minnesota</u> | | |
| 5.35 | <u>National Guard Army compatible use buffer</u> | | |

6.1 (ACUB) program. Of this appropriation,
6.2 \$225,000 is for the Department of Natural
6.3 Resources to acquire land for wildlife
6.4 management areas and \$618,000 is for an
6.5 agreement with the Board of Water and Soil
6.6 Resources to acquire permanent conservation
6.7 easements. A list of proposed acquisitions
6.8 must be provided as part of the required
6.9 accomplishment plan.

6.10 **(d) Accelerated Forest Wildlife Habitat**
6.11 **Program**

6.12 \$1,791,000 in fiscal year 2011 is to the
6.13 commissioner of natural resources for
6.14 acceleration of agency programs to acquire,
6.15 in fee, land for state forests and restore and
6.16 enhance state forest habitat. A list of projects
6.17 including proposed fee title acquisitions
6.18 and restorations and enhancements must
6.19 be provided as part of the required
6.20 accomplishment plan. All restorations must
6.21 comply with subdivision 9, paragraph (b).

6.22 **(e) Northeastern Minnesota Sharp-Tailed**
6.23 **Grouse Habitat**

6.24 \$1,559,000 in fiscal year 2011 is to the
6.25 commissioner of natural resources for an
6.26 agreement with Pheasants Forever to acquire
6.27 interests in land, and to restore and enhance
6.28 habitat for sharp-tailed grouse in Kanabec,
6.29 Aitkin, and St. Louis Counties in cooperation
6.30 with the Minnesota Sharp-Tailed Grouse
6.31 Society. A list of proposed acquisitions
6.32 and a list of proposed restorations and
6.33 enhancements must be provided as part of
6.34 the required accomplishment plan. The
6.35 commissioner of natural resources must
6.36 agree in writing to each acquisition of interest

7.1 in land, restoration project, and enhancement
 7.2 project. All restorations must comply with
 7.3 subdivision 9, paragraph (b).

7.4 **Subd. 4. Wetlands** -0- 16,905,000

7.5 **(a) Accelerated Shallow Lake and Wetland**
 7.6 **Enhancement and Restoration Program**

7.7 \$6,505,000 in fiscal year 2011 is to the
 7.8 commissioner of natural resources to assess,
 7.9 enhance, and restore shallow lake and
 7.10 wetland habitats, to acquire land in fee or
 7.11 through permanent conservation easements
 7.12 for shallow lake program restoration, and to
 7.13 provide stewardship for acquired easements
 7.14 in cooperation with Ducks Unlimited, Inc.
 7.15 Of this appropriation, \$1,463,000 is for the
 7.16 Department of Natural Resources agency
 7.17 program acceleration and \$5,042,000 is for
 7.18 an agreement with Ducks Unlimited, Inc. A
 7.19 list of proposed projects, describing the types
 7.20 and locations of land acquisitions, restoration
 7.21 projects, and enhancement projects,
 7.22 must be provided as part of the required
 7.23 accomplishment plan. The commissioner
 7.24 of natural resources must agree in writing
 7.25 to each acquisition, restoration project, and
 7.26 enhancement project. The accomplishment
 7.27 plan must include an easement stewardship
 7.28 plan. All restorations must comply with
 7.29 subdivision 9, paragraph (b).

7.30 **(b) Accelerate the Waterfowl Production Area**
 7.31 **Program in Minnesota**

7.32 \$3,505,000 in fiscal year 2011 is to the
 7.33 commissioner of natural resources for an
 7.34 agreement with Pheasants Forever to acquire
 7.35 and restore wetland and related upland
 7.36 habitats, in cooperation with the United

8.1 States Fish and Wildlife Service and Ducks
 8.2 Unlimited, Inc., to be managed as waterfowl
 8.3 production areas. Land removed from this
 8.4 program shall transfer to the state. A list of
 8.5 proposed acquisitions and a list of proposed
 8.6 projects, describing the types and locations
 8.7 of restorations, must be provided as part
 8.8 of the required accomplishment plan. All
 8.9 restorations must comply with subdivision
 8.10 9, paragraph (b).

8.11 **(c) Reinvest in Minnesota Wetlands Reserve**
 8.12 **Program Acquisition and Restoration**

8.13 \$6,895,000 in fiscal year 2011 is to the Board
 8.14 of Water and Soil Resources to acquire
 8.15 permanent conservation easements and
 8.16 restore wetlands and associated uplands
 8.17 in cooperation with the United States
 8.18 Department of Agriculture Wetlands Reserve
 8.19 Program. A list of proposed acquisitions
 8.20 and a list of proposed projects, describing
 8.21 the types and locations of restorations,
 8.22 must be provided as part of the required
 8.23 accomplishment plan. All restorations must
 8.24 comply with subdivision 9, paragraph (b).

8.25 Subd. 5. **Habitat** -0- 17,563,000

8.26 **(a) Metro Big Rivers Habitat Program**

8.27 \$2,397,000 in fiscal year 2011 is to the
 8.28 commissioner of natural resources for
 8.29 agreements for projects to protect, restore,
 8.30 and enhance natural systems of the Minnesota
 8.31 River, St. Croix River, Mississippi River,
 8.32 and their major tributaries as follows:
 8.33 \$500,000 with Minnesota Valley National
 8.34 Wildlife Refuge Trust, Inc. for fee title land
 8.35 acquisition, provided that land acquired

9.1 with this appropriation shall transfer to
9.2 the state if removed from the Minnesota
9.3 Valley National Wildlife Refuge; \$1,500,000
9.4 with the Trust for Public Land for fee title
9.5 land acquisition; \$227,300 with the Friends
9.6 of the Mississippi River for restoration,
9.7 enhancement, and conservation easement
9.8 acquisition; and \$169,700 with Great River
9.9 Greening for restoration and enhancement.

9.10 The accomplishment plan must include an
9.11 easement stewardship plan. All restorations
9.12 must comply with subdivision 9, paragraph
9.13 (b).

9.14 **(b) Accelerated Aquatic Management Area**
9.15 **Acquisition**

9.16 \$3,416,000 in fiscal year 2011 is to the
9.17 commissioner of natural resources to
9.18 accelerate land acquisition by fee title and
9.19 easements to be added to the state aquatic
9.20 management area system as defined in
9.21 Minnesota Statutes, chapter 86A, and to
9.22 restore and enhance stream habitat and lake
9.23 habitat. Land acquired in fee must remain
9.24 open to hunting and fishing, consistent
9.25 with the capacity of the land, during the
9.26 open season, as determined in writing by
9.27 the commissioner of natural resources.

9.28 A list of proposed fee title and easement
9.29 acquisitions, stream habitat restorations and
9.30 enhancements, and lake habitat restorations
9.31 and enhancements must be provided as part
9.32 of the required accomplishment plan.

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

9.35 \$1,269,000 in fiscal year 2011 is to the
9.36 commissioner of natural resources for

10.1 an agreement with Trout Unlimited to
10.2 restore, enhance, and protect cold water
10.3 river and stream habitats in Minnesota. A
10.4 list of proposed acquisitions and a list of
10.5 proposed projects, describing the types and
10.6 locations of restorations and enhancements,
10.7 must be provided as part of the required
10.8 accomplishment plan. The commissioner of
10.9 natural resources must agree in writing to
10.10 each proposed acquisition, restoration, and
10.11 enhancement. All restorations must comply
10.12 with subdivision 9, paragraph (b).

10.13 **(d) Dakota County Riparian and Lakeshore**
10.14 **Protection and Restoration**

10.15 \$2,097,000 in fiscal year 2011 is to the
10.16 commissioner of natural resources for
10.17 an agreement with Dakota County for
10.18 acquisition of permanent easements and
10.19 enhancement and restoration of aquatic
10.20 and associated upland habitat. A list of
10.21 proposed acquisitions and restorations
10.22 must be provided as part of the required
10.23 accomplishment plan. The accomplishment
10.24 plan must include an easement stewardship
10.25 plan. All restorations must comply with
10.26 subdivision 9, paragraph (b).

10.27 **(e) Valley Creek Protection Partnership**

10.28 \$1,218,000 in fiscal year 2011 is to the
10.29 commissioner of natural resources for
10.30 agreements on projects to protect, restore,
10.31 and enhance natural systems of Valley Creek
10.32 in Washington County as follows: \$838,000
10.33 with Minnesota Land Trust; \$218,000 with
10.34 Washington County; \$100,000 with the
10.35 Belwin Conservancy; \$50,000 with Trout

11.1 Unlimited; and \$12,000 with the Valley
11.2 Branch Watershed District. All restorations
11.3 must comply with subdivision 9, paragraph
11.4 (b).

11.5 **(f) Anoka Sand Plain Restoration and**
11.6 **Enhancement**

11.7 \$747,000 in fiscal year 2011 is to the
11.8 commissioner of natural resources for
11.9 an agreement with Great River Greening
11.10 to restore and enhance habitat on public
11.11 property in the Anoka Sand Plain in Anoka,
11.12 Chisago, Isanti, Benton, Washington,
11.13 Morrison, and Sherburne Counties. All
11.14 restorations must comply with subdivision
11.15 9, paragraph (b).

11.16 **(g) Lower Mississippi River Habitat**
11.17 **Restoration Acceleration**

11.18 \$1,000,000 in fiscal year 2011 is to
11.19 the commissioner of natural resources
11.20 to accelerate agency programs and for
11.21 cooperative agreements to acquire land in
11.22 the Root River watershed. A list of proposed
11.23 acquisitions must be provided as part of
11.24 the required accomplishment plan. The
11.25 commissioner of natural resources must
11.26 agree in writing to each proposed acquisition,
11.27 restoration, and enhancement. All
11.28 restorations must comply with subdivision
11.29 9, paragraph (b).

11.30 **(h) Washington County St. Croix River Land**
11.31 **Protection**

11.32 \$1,033,000 in fiscal year 2011 is to the
11.33 commissioner of natural resources for an
11.34 agreement with Washington County to
11.35 acquire permanent easements to protect
11.36 habitat associated with the St. Croix River

12.1 Valley. A list of proposed acquisitions
12.2 must be provided as part of the required
12.3 accomplishment plan. The accomplishment
12.4 plan must include an easement stewardship
12.5 plan.

12.6 **(i) Outdoor Heritage Conservation Partners**
12.7 **Grant Program**

12.8 \$4,386,000 in fiscal year 2011 is to the
12.9 commissioner of natural resources for a
12.10 program to provide competitive, matching
12.11 grants of up to \$400,000 to local, regional,
12.12 state, and national organizations, including
12.13 government, for enhancement, restoration,
12.14 or protection of forests, wetlands, prairies,
12.15 and habitat for fish, game, or wildlife
12.16 in Minnesota. Up to four percent of
12.17 this appropriation may be used by the
12.18 commissioner of natural resources for
12.19 administering the grant program. Grantees
12.20 may acquire land or interests in land.

12.21 Easements must be permanent. Land
12.22 acquired in fee must be open to hunting
12.23 and fishing during the open season unless
12.24 otherwise provided by state law. The
12.25 commissioner of natural resources must
12.26 agree in writing to each proposed acquisition
12.27 of land or interest in land. The program
12.28 shall require a cash match of at least ten
12.29 percent nonstate funds, and for projects
12.30 funded by the legislature after July 1, 2010,
12.31 the match shall be 20 percent. The criteria
12.32 for evaluating grant applications must
12.33 include, in a balanced and equally weighted
12.34 order of precedence, the amount of habitat
12.35 restored, enhanced, or protected; local
12.36 support; degree of collaboration; urgency;

13.1 capacity to achieve multiple benefits;
13.2 habitat benefits provided; consistency with
13.3 current conservation science; adjacency
13.4 to protected lands; full funding of the
13.5 project; supplementing existing funding;
13.6 public access for hunting and fishing during
13.7 the open season; sustainability; and use
13.8 of native plant materials. All projects
13.9 must conform to the Minnesota statewide
13.10 conservation and preservation plan. Wildlife
13.11 habitat projects must also conform to the
13.12 Minnesota wildlife action plan. Subject to
13.13 the evaluation criteria and requirements
13.14 of this paragraph and Minnesota Statutes,
13.15 the commissioner of natural resources
13.16 shall give priority to organizations that
13.17 have a history or charter to receive private
13.18 contributions for local conservation or
13.19 habitat projects when evaluating projects of
13.20 equal value. Priority may be given to projects
13.21 acquiring land or easements associated
13.22 with existing wildlife management areas.
13.23 All restoration or enhancement projects
13.24 must be on land permanently protected by
13.25 conservation easement or public ownership
13.26 or in public waters as defined in Minnesota
13.27 Statutes, section 103G.005, subdivision 15.
13.28 Subdivision 9 applies to grants awarded
13.29 under this paragraph. All restorations must
13.30 comply with subdivision 9, paragraph (b).
13.31 This appropriation is available until June
13.32 30, 2014, at which time all grant project
13.33 work must be completed and final products
13.34 delivered, unless an earlier date is specified
13.35 in the grant agreement. No less than five
13.36 percent of the amount of each grant must

14.1 be held back from reimbursement until
 14.2 the grant recipient has completed a grant
 14.3 accomplishment report by the deadline and
 14.4 in the form prescribed by and satisfactory to
 14.5 the Lessard-Sams Outdoor Heritage Council.

14.6 **Subd. 6. Administration and Other Provisions** -0- 775,000

14.7 **(a) Contract Management**

14.8 \$175,000 in fiscal year 2011 is to the
 14.9 commissioner of natural resources for
 14.10 contract management duties assigned in
 14.11 this section. All determinations, findings,
 14.12 or decisions of the commissioner pursuant
 14.13 to this act must be made in writing and
 14.14 available to the public.

14.15 **(b) Legislative Coordinating Commission**

14.16 \$600,000 in fiscal year 2011 is to the
 14.17 Legislative Coordinating Commission for
 14.18 administrative expenses of the Lessard-Sams
 14.19 Outdoor Heritage Council and for
 14.20 compensation and expense reimbursement
 14.21 of council members.

14.22 **Subd. 7. Availability of Appropriation**

14.23 Money appropriated in this section may
 14.24 not be spent on activities unless they are
 14.25 directly related to and necessary for a
 14.26 specific appropriation and are specified in the
 14.27 accomplishment plan. Money appropriated
 14.28 in this section must not be spent on indirect
 14.29 costs or other institutional overhead charges.
 14.30 Unless otherwise provided, the amounts
 14.31 in this section are available until June 30,
 14.32 2013, when projects must be completed and
 14.33 final accomplishments reported. Funds for

15.1 restoration or enhancement are available
15.2 until June 30, 2015, or four years after
15.3 acquisition, whichever is later, in order to
15.4 complete restoration or enhancement work.
15.5 If a project receives federal funds, the time
15.6 period of the appropriation is extended to
15.7 equal the availability of federal funding.
15.8 Funds appropriated for fee title acquisition of
15.9 land may be used to restore and enhance land
15.10 acquired with the appropriation.

15.11 **Subd. 8. Accomplishment Plans**

15.12 It is a condition of acceptance of the
15.13 appropriations made by this section that the
15.14 agency or entity using the appropriation shall
15.15 submit to the council an accomplishment
15.16 plan and periodic accomplishment
15.17 reports in the form determined by the
15.18 Lessard-Sams Outdoor Heritage Council.
15.19 The accomplishment plan must account for
15.20 the use of the appropriation and outcomes
15.21 of the expenditure in measures of wetlands,
15.22 prairies, forests, and fish, game, and wildlife
15.23 habitat restored, protected, and enhanced.
15.24 The plan must include an evaluation of
15.25 results. None of the money provided in this
15.26 section may be expended unless the council
15.27 has approved the pertinent accomplishment
15.28 plan.

15.29 **Subd. 9. Project Requirements**

15.30 (a) As a condition of accepting an
15.31 appropriation in this section, any agency
15.32 or entity receiving an appropriation must
15.33 comply with this subdivision for any project
15.34 funded in whole or in part with funds from
15.35 the appropriation.

- 16.1 (b) To the extent possible, a person
16.2 conducting restoration with money
16.3 appropriated in this section must plant
16.4 vegetation or sow seed only of ecotypes
16.5 native to Minnesota, and preferably of the
16.6 local ecotype, using a high diversity of
16.7 species originating from as close to the
16.8 restoration site as possible, and protect
16.9 existing native prairies, grasslands, forests,
16.10 wetlands, and other aquatic systems from
16.11 genetic contamination.
- 16.12 (c) All conservation easements acquired with
16.13 money appropriated in this section must: (1)
16.14 be permanent; (2) specify the parties to an
16.15 easement; (3) specify all of the provisions of
16.16 an agreement that are permanent; (4) specify
16.17 the habitat types and location being protected;
16.18 (5) require the grantor to employ practices
16.19 retaining water on the eased land as long as
16.20 practicable; (6) specify the responsibilities
16.21 of the parties for habitat enhancement and
16.22 restoration and the associated costs of these
16.23 activities; (7) be sent to the office of the
16.24 Lessard-Sams Outdoor Heritage Council; (8)
16.25 include a long-term stewardship plan and
16.26 identify the sources and amount of funding
16.27 for monitoring and enforcing the easement
16.28 agreement; and (9) identify the parties
16.29 responsible for monitoring and enforcing the
16.30 easement agreement.
- 16.31 (d) For all restorations, a recipient must
16.32 prepare and retain an ecological restoration
16.33 and management plan that, to the degree
16.34 practicable, is consistent with current
16.35 conservation science and ecological goals
16.36 for the restoration site. Consideration should

17.1 be given to soil, geology, topography, and
17.2 other relevant factors that would provide
17.3 the best chance for long-term success of the
17.4 restoration projects. The plan shall include
17.5 the proposed timetable for implementing
17.6 the restoration, including, but not limited
17.7 to, site preparation, establishment of
17.8 diverse plant species, maintenance, and
17.9 additional enhancement to establish the
17.10 restoration; identify long-term maintenance
17.11 and management needs of the restoration
17.12 and how the maintenance, management, and
17.13 enhancement will be financed; and use the
17.14 current conservation science to achieve the
17.15 best restoration.

17.16 (e) For new lands acquired, a recipient
17.17 must prepare a restoration and management
17.18 plan in compliance with paragraph (d),
17.19 including identification of sufficient funding
17.20 for implementation.

17.21 (f) To ensure public accountability for the
17.22 use of public funds, a recipient must provide
17.23 to the Lessard-Sams Outdoor Heritage
17.24 Council documentation of the selection
17.25 process used to identify parcels acquired
17.26 in fee or permanent conservation easement
17.27 and provide the council with documentation
17.28 of all related transaction costs, including,
17.29 but not limited to, appraisals, legal fees,
17.30 recording fees, commissions, other similar
17.31 costs, and donations. This information
17.32 must be provided for all parties involved
17.33 in the transaction. The recipient shall
17.34 also report to the Lessard-Sams Outdoor
17.35 Heritage Council any difference between the
17.36 acquisition amount paid to the seller and the

18.1 state-certified or state-reviewed appraisal, if
18.2 a state-certified or state-reviewed appraisal
18.3 was conducted. Acquisition data such
18.4 as appraisals may remain private during
18.5 negotiations but must ultimately be made
18.6 public according to Minnesota Statutes,
18.7 chapter 13.

18.8 (g) All restoration and enhancement projects
18.9 funded with money appropriated in this
18.10 section must be on land permanently
18.11 protected by a conservation easement or
18.12 public ownership or in public waters as
18.13 defined in Minnesota Statutes, section
18.14 103G.005, subdivision 15.

18.15 (h) To the extent an appropriation is used to
18.16 acquire an interest in real property, a recipient
18.17 of an appropriation under this section must
18.18 provide to the Lessard-Sams Outdoor
18.19 Heritage Council and the commissioner
18.20 of management and budget an analysis of
18.21 increased operations and maintenance costs
18.22 likely to be incurred by public entities as
18.23 a result of the acquisition and of how these
18.24 costs are to be paid.

18.25 (i) A recipient of money from an
18.26 appropriation in this section must give
18.27 consideration to and make timely written
18.28 contact with the Minnesota Conservation
18.29 Corps or its successor for consideration of
18.30 possible use of their services to contract for
18.31 restoration and enhancement services. A
18.32 copy of the written contact must be filed with
18.33 the Lessard-Sams Outdoor Heritage Council
18.34 within 15 days of execution.

19.1 (j) A recipient of money from this section
19.2 must erect signage according to Laws 2009,
19.3 chapter 172, article 5, section 10.

19.4 **Subd. 10. Payment Conditions and Capital**
19.5 **Equipment Expenditures**

19.6 All agreements, grants, or contracts referred
19.7 to in this section must be administered on
19.8 a reimbursement basis unless otherwise
19.9 provided in this section. Notwithstanding
19.10 Minnesota Statutes, section 16A.41,
19.11 expenditures directly related to each
19.12 appropriation's purpose made on or after July
19.13 1, 2010, are eligible for reimbursement unless
19.14 otherwise provided in this section. Periodic
19.15 reimbursement must be made upon receiving
19.16 documentation that the deliverable items
19.17 articulated in the approved accomplishment
19.18 plan have been achieved, including partial
19.19 achievements as evidenced by approved
19.20 progress reports. Reasonable amounts may
19.21 be advanced to projects to accommodate
19.22 cash flow needs or to match federal share.
19.23 The advances must be approved as part of
19.24 the accomplishment plan. Capital equipment
19.25 expenditures for specific items in excess of
19.26 \$10,000 must be approved as part of the
19.27 accomplishment plan.

19.28 **Subd. 11. Purchase of Recycled and Recyclable**
19.29 **Materials**

19.30 A political subdivision, public or private
19.31 corporation, or other entity that receives an
19.32 appropriation in this section must use the
19.33 appropriation in compliance with Minnesota
19.34 Statutes, section 16B.121, regarding
19.35 purchase of recycled, repairable, and durable

20.1 materials, and section 16B.122, regarding
20.2 purchase and use of paper stock and printing.

20.3 Subd. 12. **Accessibility**

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

20.8 Subd. 13. **Land Acquisition Restrictions**

20.9 (a) An interest in real property, including, but
20.10 not limited to, an easement or fee title, that is
20.11 acquired with money appropriated under this
20.12 section must be used in perpetuity.

20.13 (b) A recipient of funding who acquires
20.14 an interest in real property subject to this
20.15 subdivision may not alter the intended use of
20.16 the interest in real property or convey any
20.17 interest in the real property acquired with the
20.18 appropriation without the prior review and
20.19 preliminary approval of the Lessard-Sams
20.20 Outdoor Heritage Council or its successor.

20.21 The council shall establish procedures to
20.22 review requests from recipients to alter the
20.23 use of or convey an interest in real property.

20.24 These procedures shall allow for the
20.25 replacement of the interest in real property
20.26 with another interest in real property meeting
20.27 the following criteria: (1) the interest is at
20.28 least equal in fair market value, as certified
20.29 in writing by the commissioner of natural
20.30 resources, to the interest being replaced; and
20.31 (2) the interest is in a reasonably equivalent
20.32 location and has a reasonably equivalent
20.33 useful conservation purpose compared to the
20.34 interest being replaced. The Lessard-Sams
20.35 Outdoor Heritage Council or its successor

21.1 must submit legislation seeking legislative
21.2 approval for changes given preliminary
21.3 approval under this paragraph.

21.4 (c) A recipient of funding who acquires an
21.5 interest in real property under paragraph
21.6 (a) must separately record a notice of
21.7 funding restrictions in the appropriate local
21.8 government office where the conveyance
21.9 of the interest in real property is filed. The
21.10 notice of funding agreement must contain:
21.11 (1) a legal description of the interest in real
21.12 property covered by the funding agreement;
21.13 (2) a reference to the underlying funding
21.14 agreement; (3) a reference to this section; and
21.15 (4) the following statement: "This interest
21.16 in real property shall be administered in
21.17 accordance with the terms, conditions, and
21.18 purposes of the grant agreement controlling
21.19 the acquisition of the property. The interest
21.20 in real property, or any portion of the
21.21 interest in real property, shall not be sold,
21.22 transferred, pledged, or otherwise disposed
21.23 of or further encumbered without obtaining
21.24 the prior written preliminary approval of the
21.25 Lessard-Sams Outdoor Heritage Council or
21.26 its successor, and final legislative approval.
21.27 The ownership of the interest in real property
21.28 shall transfer to the state if: (1) the holder of
21.29 the interest in real property fails to comply
21.30 with the terms and conditions of the grant
21.31 agreement or accomplishment plan; or
21.32 (2) restrictions are placed on the land that
21.33 preclude its use for the intended purpose as
21.34 specified in the appropriation."

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

22.1 By December 1 each year, a recipient of
22.2 money appropriated under this section that
22.3 is used for the acquisition of an interest in
22.4 real property, including, but not limited to,
22.5 an easement or fee title, must submit annual
22.6 reports on the status of the real property to
22.7 the Lessard-Sams Outdoor Heritage Council
22.8 or its successor in a form determined by the
22.9 council. The responsibility for reporting
22.10 under this section may be transferred by
22.11 the recipient of the appropriation to another
22.12 person or entity that holds the interest in the
22.13 real property. To complete the transfer of
22.14 reporting responsibility, the recipient of the
22.15 appropriation must: (1) inform the person to
22.16 whom the responsibility is transferred of that
22.17 person's reporting responsibility; (2) inform
22.18 the person to whom the responsibility is
22.19 transferred of the property restrictions under
22.20 subdivision 13; (3) provide written notice
22.21 to the council of the transfer of reporting
22.22 responsibility, including contact information
22.23 for the person to whom the responsibility is
22.24 transferred; and (4) provide the Lessard-Sams
22.25 Outdoor Heritage Council or its successor
22.26 written documentation from the person or
22.27 entity holding the interest in real property
22.28 certifying its acceptance of all reporting
22.29 obligations and responsibilities previously
22.30 held by the recipient of the appropriation.
22.31 After the transfer, the person or entity that
22.32 holds the interest in the real property is
22.33 responsible for reporting requirements under
22.34 this section.

22.35 **Subd. 15. Successor Organizations**

23.1 The Lessard-Sams Outdoor Heritage council
23.2 may approve the continuation of a project
23.3 with an organization that has adopted a new
23.4 name. Continuation of a project with an
23.5 organization that has undergone a significant
23.6 change in mission, structure, or purpose
23.7 will require: (1) notice to the chairs of
23.8 committees with relevant jurisdiction; and (2)
23.9 presentation by the Lessard-Sams Outdoor
23.10 Heritage Council of proposed legislation
23.11 either ratifying or rejecting continued
23.12 involvement with the new organization.

23.13 Sec. 3. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision
23.14 to read:

23.15 Subd. 1a. **Definitions.** For the purposes of this section, the following terms have
23.16 the meanings given them:

23.17 (1) "protect" means action to maintain the ability of habitat and related natural
23.18 systems to sustain fish, game, or wildlife through, but not limited to, acquisition of fee
23.19 title or conservation easements;

23.20 (2) "restore" means action to renew degraded, damaged, or destroyed wetlands,
23.21 prairies, forests, and habitat for fish, game, and wildlife with the ultimate goal of
23.22 restoration to a desired conservation condition; and

23.23 (3) "enhance" means action to improve in value, quality, and desirability in order to
23.24 increase the ecological value of wetlands, prairies, forests, and habitat for fish, game, and
23.25 wildlife.

23.26 Sec. 4. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision
23.27 to read:

23.28 Subd. 8. **Land management option.** The council shall develop options for a
23.29 method to assess each recommended project a land management fee. A land management
23.30 fee is a payment on a onetime basis of all projected costs for the reasonable management,
23.31 care, restoration, and protection of land acquired through fee title or easement. The
23.32 council shall also recommend options for methods to escrow these fees, and to provide
23.33 oversight for payment of future costs from these escrow funds. Legislative proposals
23.34 pursuant to this section shall be adopted by the council by September 1, 2010, and a fee

24.1 complying with this mechanism shall be included as a part of all recommended projects
24.2 from July 2011 onward.

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

24.4 Sec. 5. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision
24.5 to read:

24.6 **Subd. 9. Lands in public domain.** No funds appropriated from the outdoor heritage
24.7 fund shall be used to purchase any land in fee title, or permanent conservation easement,
24.8 if the land in question is fully or partially owned by the state of Minnesota or a political
24.9 subdivision of the state for a conservation purpose.

24.10 **EFFECTIVE DATE.** This section is effective on July 1, 2010, and applies only to
24.11 projects proposed after that date.

24.12 Sec. 6. **REPEALER.**

24.13 Minnesota Statutes 2009 Supplement, sections 3.3006; and 84.02, subdivisions 4a,
24.14 6a, and 6b, are repealed.

24.15 **ARTICLE 2**

24.16 **CLEAN WATER**

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

24.18 The sums shown in the columns marked "Appropriations" are appropriated to the
24.19 agencies and for the purposes specified in this article. The appropriations are from the
24.20 clean water fund, or another named fund, and are available for the fiscal years indicated
24.21 for each purpose. The figures "2010" and "2011" used in this article mean that the
24.22 appropriations listed under them are available for the fiscal year ending June 30, 2010,
24.23 or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is
24.24 fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the
24.25 fiscal year ending June 30, 2010, are effective the day following final enactment. All
24.26 appropriations in this article are onetime only.

| | | | |
|-------|--|--------------------------------------|--------------------|
| 24.27 | | <u>APPROPRIATIONS</u> | |
| 24.28 | | <u>Available for the Year</u> | |
| 24.29 | | <u>Ending June 30</u> | |
| 24.30 | | <u>2010</u> | <u>2011</u> |

| | | | | | |
|-------|--|------------------|-------------------|------------------|-----------------------|
| 24.31 | Sec. 2. <u>POLLUTION CONTROL AGENCY</u> | <u>\$</u> | <u>-0-</u> | <u>\$</u> | <u>310,000</u> |
|-------|--|------------------|-------------------|------------------|-----------------------|

25.1 \$310,000 the second year is for continued
 25.2 rulemaking to establish water quality
 25.3 standards for total nitrogen and nitrate
 25.4 nitrogen.

25.5 **Sec. 3. DEPARTMENT OF NATURAL**
 25.6 **RESOURCES**

\$ **-0-** **\$** **5,000,000**

25.7 \$5,000,000 the second year is to the
 25.8 commissioner of natural resources for the
 25.9 following purposes:

25.10 (1) establish a groundwater monitoring
 25.11 network in the 11-county metropolitan area
 25.12 that monitors nonstressed systems to provide
 25.13 information on aquifer characteristics and
 25.14 natural water level and water quality trends;
 25.15 and

25.16 (2) develop an automated data system,
 25.17 including existing wells, to capture
 25.18 groundwater level and water use data to
 25.19 enhance the evaluation of water resource
 25.20 changes in aquifer systems that are stressed
 25.21 by pumping of existing wells.

25.22 The commissioner shall collaborate with the
 25.23 commissioners of health and the Pollution
 25.24 Control Agency in designing the methods
 25.25 used to collect and evaluate the data.

25.26 **Sec. 4. BOARD OF WATER AND SOIL**
 25.27 **RESOURCES**

\$ **-0-** **\$** **1,615,000**

25.28 (a) \$558,000 the second year is to purchase
 25.29 and restore permanent conservation
 25.30 easements on riparian buffers of up to 120
 25.31 feet adjacent to public waters, excluding
 25.32 wetlands, to keep water on the land in
 25.33 order to decrease sediment, pollutant, and
 25.34 nutrient transport, reduce hydrologic impacts

26.1 to surface waters, and increase infiltration
26.2 for groundwater recharge. The riparian
26.3 buffers must be at least 50 feet unless
26.4 there is a natural impediment, a road, or
26.5 other impediment beyond the control of
26.6 the landowner. This appropriation may
26.7 be used for restoration of riparian buffers
26.8 protected by easements purchased with
26.9 this appropriation and for stream bank
26.10 restorations when the riparian buffers have
26.11 been restored. Up to five percent may be
26.12 used for administration of this program and
26.13 up to five percent may be used for technical
26.14 design, construction, and project oversight.
26.15 (b) \$557,000 the second year is for grants
26.16 to watershed districts and watershed
26.17 management organizations for: (1) structural
26.18 or vegetative management practices that
26.19 reduce storm water runoff from developed
26.20 or disturbed lands to reduce the movement
26.21 of sediment, nutrients, and pollutants or
26.22 to leverage federal funds for restoration,
26.23 protection, or enhancement of water quality
26.24 in lakes, rivers, and streams and to protect
26.25 groundwater and drinking water; and (2)
26.26 the installation of proven and effective
26.27 water retention practices including, but not
26.28 limited to, rain gardens and other vegetated
26.29 infiltration basins and sediment control
26.30 basins in order to keep water on the land.
26.31 The projects must be of long-lasting public
26.32 benefit, include a local match, and be
26.33 consistent with TMDL implementation plans
26.34 or local water management plans. Watershed
26.35 district and watershed management
26.36 organization staff and administration may

27.1 be used for the local match. Priority may be
27.2 given to school projects that can be used to
27.3 demonstrate water retention practices. Up to
27.4 five percent may be used for administering
27.5 the grants and up to five percent may be
27.6 used for technical design, construction, and
27.7 project oversight.

27.8 (c) \$500,000 the second year is for
27.9 permanent conservation easements on
27.10 wellhead protection areas under Minnesota
27.11 Statutes, section 103F.515, subdivision 2,
27.12 paragraph (d). Priority must be placed on
27.13 land that is located where the vulnerability
27.14 of the drinking water supply management
27.15 area, as defined under Minnesota Rules,
27.16 part 4720.5100, subpart 13, is designated as
27.17 high or very high by the commissioner of
27.18 health. Up to five percent may be used for
27.19 administration of this program and up to five
27.20 percent may be used for technical design,
27.21 construction, and project oversight.

27.22 (d) The Star Lake Board, established under
27.23 Minnesota Statutes, section 103B.702, shall
27.24 provide recommendations to the Board of
27.25 Water and Soil Resources on a set of criteria
27.26 that could be used to designate a lake or river
27.27 as a "Minnesota Star Lake" or "Minnesota
27.28 Star River."

27.29 (e) The appropriations in fiscal year 2011 to
27.30 the Board of Water and Soil Resources in
27.31 Laws 2009, chapter 172, article 2, section
27.32 6, are available until June 30, 2012, and,
27.33 unless otherwise specified, may utilize up to
27.34 five percent for administration of grant and
27.35 easement programs and up to five percent for

28.1 technical design, construction, and project
28.2 oversight.

28.3 Sec. 5. Laws 2009, chapter 172, article 2, section 4, is amended to read:

| | | | | |
|------|---|-----------|-------------------|--------------------------|
| 28.4 | | | | <u>27,285,000</u> |
| 28.5 | Sec. 4. POLLUTION CONTROL AGENCY | \$ | 24,076,000 | \$ |
| | | | | <u>22,785,000</u> |

28.6 (a) \$9,000,000 the first year and \$9,000,000
 28.7 the second year are to develop total
 28.8 maximum daily load (TMDL) studies and
 28.9 TMDL implementation plans for waters
 28.10 listed on the United States Environmental
 28.11 Protection Agency approved impaired
 28.12 waters list in accordance with Minnesota
 28.13 Statutes, chapter 114D. The agency shall
 28.14 complete an average of ten percent of the
 28.15 TMDLs each year over the biennium. Of
 28.16 this amount, \$348,000 the first year is to
 28.17 retest the comprehensive assessment of the
 28.18 biological conditions of the lower Minnesota
 28.19 River and its tributaries within the Lower
 28.20 Minnesota River Major Watershed, as
 28.21 previously assessed from 1976 to 1992 under
 28.22 the Minnesota River Assessment Project
 28.23 (MRAP). The assessment must include the
 28.24 same fish species sampling at the same 116
 28.25 locations and the same macroinvertebrate
 28.26 sampling at the same 41 locations as the
 28.27 MRAP assessment. The assessment must:
 28.28 (1) include an analysis of the findings; and
 28.29 (2) identify factors that limit aquatic life in
 28.30 the Minnesota River.
 28.31 Of this amount, \$250,000 the first year is
 28.32 for a pilot project for the development of
 28.33 total maximum daily load (TMDL) studies
 28.34 conducted on a watershed basis within

29.1 the Buffalo River watershed in order to
29.2 protect, enhance, and restore water quality
29.3 in lakes, rivers, and streams. The pilot
29.4 project shall include all necessary field
29.5 work to develop TMDL studies for all
29.6 impaired subwatersheds within the Buffalo
29.7 River watershed and provide information
29.8 necessary to complete reports for most of the
29.9 remaining watersheds, including analysis of
29.10 water quality data, identification of sources
29.11 of water quality degradation and stressors,
29.12 load allocation development, development
29.13 of reports that provide protection plans
29.14 for subwatersheds that meet water quality
29.15 standards, and development of reports that
29.16 provide information necessary to complete
29.17 TMDL studies for subwatersheds that do not
29.18 meet water quality standards, but are not
29.19 listed as impaired.

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

29.30 (c) \$1,500,000 the first year and \$3,169,000
29.31 the second year are for grants under
29.32 Minnesota Statutes, section 116.195, to
29.33 political subdivisions for up to 50 percent
29.34 of the costs to predesign, design, and
29.35 implement capital projects that use treated
29.36 municipal wastewater instead of groundwater

30.1 from drinking water aquifers, in order to
30.2 demonstrate the beneficial use of wastewater,
30.3 including the conservation and protection of
30.4 water resources. Of this amount, \$1,000,000
30.5 the first year is for grants to ethanol plants
30.6 that are within one and one-half miles of a
30.7 city for improvements that reuse greater than
30.8 300,000 gallons of wastewater per day.

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

30.13 (1) the installation and sampling of at least
30.14 30 new monitoring wells;

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

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

30.22 (e) \$2,500,000 the first year is for the clean
30.23 water partnership program. Priority shall be
30.24 given to projects preventing impairments and
30.25 degradation of lakes, rivers, streams, and
30.26 groundwater in accordance with Minnesota
30.27 Statutes, section 114D.20, subdivision 2,
30.28 clause (4). Any balance remaining in the first
30.29 year does not cancel and is available for the
30.30 second year.

30.31 (f) \$896,000 the first year is to establish
30.32 a network of water monitoring sites, to
30.33 include at least 20 additional sites, in public
30.34 waters adjacent to wastewater treatment
30.35 facilities across the state to assess levels of

31.1 endocrine-disrupting compounds, antibiotic
31.2 compounds, and pharmaceuticals as required
31.3 in this article. The data must be placed on
31.4 the agency's Web site.

31.5 (g) \$155,000 the first year is to provide
31.6 notification of the potential for coal tar
31.7 contamination, establish a storm water
31.8 pond inventory schedule, and develop best
31.9 management practices for treating and
31.10 cleaning up contaminated sediments as
31.11 required in this article. ~~\$345,000~~ \$645,000
31.12 the second year is ~~to develop a model~~
31.13 ~~ordinance for the restricted use of undiluted~~
31.14 ~~coal tar sealants and~~ to provide grants to local
31.15 units of government for up to 50 percent of
31.16 the costs to implement best management
31.17 practices to treat or clean up contaminated
31.18 sediments in storm water ponds and other
31.19 waters as defined under this article. Local
31.20 governments must have adopted an ordinance
31.21 for the restricted use of undiluted coal tar
31.22 sealants in order to be eligible for a grant,
31.23 unless a statewide restriction has been
31.24 implemented. A grant awarded under this
31.25 paragraph must not exceed \$100,000. Up to
31.26 \$145,000 of the appropriation in the second
31.27 year may be used to complete work required
31.28 under section 28, paragraph (c).

31.29 (h) \$350,000 the first year and ~~\$400,000~~
31.30 \$600,000 the second year are for a restoration
31.31 project in the lower St. Louis River and
31.32 Duluth harbor in order to improve water
31.33 quality. This appropriation must be matched
31.34 by nonstate money at a rate of at least \$2 for
31.35 every \$1 of state money.

32.1 (i) \$150,000 the first year and \$196,000 the
32.2 second year are for grants to the Red River
32.3 Watershed Management Board to enhance
32.4 and expand existing river watch activities in
32.5 the Red River of the North. The Red River
32.6 Watershed Management Board shall provide
32.7 a report that includes formal evaluation
32.8 results from the river watch program to the
32.9 commissioners of education and the Pollution
32.10 Control Agency and to the legislative natural
32.11 resources finance and policy committees
32.12 and K-12 finance and policy committees by
32.13 February 15, 2011.

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

32.30 (k) \$7,500,000 the first year and \$7,500,000
32.31 the second year are for completion of 20
32.32 percent of the needed statewide assessments
32.33 of surface water quality and trends. Of this
32.34 amount, \$175,000 the first year and \$200,000
32.35 the second year are for monitoring and

33.1 analyzing endocrine disruptors in surface
33.2 waters.

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

33.18 ~~(m) \$5,000,000 the second year is for~~
33.19 ~~groundwater protection or prevention of~~
33.20 ~~groundwater degradation activities. By~~
33.21 ~~January 15, 2010, the commissioner, in~~
33.22 ~~consultation with the commissioner of~~
33.23 ~~natural resources, the Board of Water and~~
33.24 ~~Soil Resources, and other agencies, shall~~
33.25 ~~submit a report to the chairs of the house of~~
33.26 ~~representatives and senate committees with~~
33.27 ~~jurisdiction over the clean water fund on the~~
33.28 ~~intended use of these funds. The legislature~~
33.29 ~~must approve expenditure of these funds by~~
33.30 ~~law.~~

33.31 *(n) \$100,000 the first year and \$100,000 the*
33.32 *second year are for grants to the Star Lake*
33.33 *Board established under Minnesota Statutes,*
33.34 *section 103B.702. The appropriation is a*
33.35 *pilot program to focus on engaging citizen*

34.1 *participation and fostering local partnerships*
 34.2 *by increasing citizen involvement in water*
 34.3 *quality enhancement by designating star*
 34.4 *lakes and rivers. The board shall include*
 34.5 *information on the results of this pilot*
 34.6 *program in its next biennial report under*
 34.7 *Minnesota Statutes, section 103B.702. The*
 34.8 *second year grants are available only if*
 34.9 *the Board of Water and Soil Resources*
 34.10 *determines that the money granted in the first*
 34.11 *year furthered the water quality goals in the*
 34.12 *star lakes program in Minnesota Statutes,*
 34.13 *section 103B.701. * (The preceding*
 34.14 **paragraph beginning "(n) \$100,000 the**
 34.15 **first year" was indicated as vetoed by the**
 34.16 **governor.)**

34.17 Notwithstanding Minnesota Statutes, section
 34.18 16A.28, the appropriations encumbered on or
 34.19 before June 30, 2011, as grants or contracts in
 34.20 this section are available until June 30, 2013.

ARTICLE 3

GENERAL PROVISIONS

34.23 Section 1. Minnesota Statutes 2008, section 3.971, is amended by adding a subdivision
 34.24 to read:

34.25 Subd. 9. Restoration audits. The legislative auditor, at the direction of the
 34.26 Legislative Audit Commission, shall conduct restoration audits on a limited sample of
 34.27 land restorations funded in whole or in part with state funds to determine whether the
 34.28 activities and programs funded with state funds, including the outdoor heritage fund,
 34.29 the parks and trails fund, the clean water fund, and the arts and cultural heritage funds,
 34.30 are accomplishing restoration goals. The audit must be based solely on the project's
 34.31 goals, parameters, and outcomes, as contained in approved project proposals and
 34.32 accomplishment plans, and must include a critical analysis of the restoration goals and
 34.33 objectives, scientific evaluation of the results, and the effectiveness of the restorations in
 34.34 meeting applicable restoration requirements. The legislative auditor may hire or contract

35.1 with scientists and other appropriate persons to meet this requirement. Restoration audits
35.2 shall be funded out of the fund that funded the restoration, when possible, and may not
35.3 exceed one-quarter of one percent of available funds within the applicable dedicated fund
35.4 in any given biennium. For the purposes of this section, a "restoration audit" is a scientific
35.5 evaluation of an area of land that has been restored in order to determine whether the
35.6 restoration meets applicable requirements for the restoration.

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

35.8 **Sec. 2. [3.9715] PAYMENT FROM HERITAGE FUNDS FOR AUDIT COSTS.**

35.9 The outdoor heritage fund, the clean water fund, the parks and trails fund, and the
35.10 arts and cultural heritage fund, established in the Minnesota Constitution, article XI,
35.11 section 15, must each pay the legislative auditor for costs incurred by the legislative
35.12 auditor to examine financial activities related to each fund. The legislative auditor shall
35.13 provide cost data to the commissioner of management and budget to determine the amount
35.14 of the required payments. The amount required to make these payments is appropriated
35.15 from each fund for payments to the legislative auditor under this section. Amounts
35.16 received by the legislative auditor under this section are appropriated to the legislative
35.17 auditor for purposes of examining financial activities related to each fund. The legislative
35.18 auditor shall report by January 15 each year to the chairs and ranking minority members of
35.19 the house of representatives and senate funding divisions with jurisdiction over the Office
35.20 of the Legislative Auditor and the funds established in the Minnesota Constitution, article
35.21 XI, section 15, on past and projected future expenditure of funds under this section.

35.22 **Sec. 3.** Minnesota Statutes 2009 Supplement, section 85.53, subdivision 2, is amended
35.23 to read:

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

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

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

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

36.9 (e) A recipient of money from the parks and trails fund ~~must display a sign on lands~~
36.10 ~~and capital improvements purchased, restored, or protected with money from the parks~~
36.11 ~~and trails fund that includes the logo developed by the commissioner of natural resources~~
36.12 ~~to identify it as a project funded with money from the vote of the people of Minnesota on~~
36.13 ~~November 4, 2008.~~ shall display, where practicable, a sign with the logo selected by the
36.14 Board of the Arts as follows when funded by the parks and trails fund: on construction
36.15 projects; at access points to any land or water resources acquired in fee or a less-than-fee
36.16 title interest; and on lands that were restored, protected, or enhanced. A recipient shall
36.17 also incorporate the logo, where practicable, into printed and other materials funded
36.18 with money from the parks and trails fund.

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

36.21 Sec. 4. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision
36.22 to read:

36.23 Subd. 10. **Logo.** A recipient of money from the outdoor heritage fund shall display,
36.24 where practicable, a sign with the logo selected by the Board of the Arts as follows
36.25 when funded by the outdoor heritage fund: on construction projects; at access points to
36.26 any land or water resources acquired in fee or a less-than-fee title interest; and on lands
36.27 that were restored, protected, or enhanced. A recipient shall also incorporate the logo,
36.28 where practicable, into printed and other materials funded with money from the outdoor
36.29 heritage fund.

36.30 Sec. 5. Minnesota Statutes 2009 Supplement, section 114D.50, subdivision 4, is
36.31 amended to read:

36.32 Subd. 4. **Expenditures; accountability.** (a) A project receiving funding from the
36.33 clean water fund must meet or exceed the constitutional requirements to protect, enhance,
36.34 and restore water quality in lakes, rivers, and streams and to protect groundwater and

37.1 drinking water from degradation. Priority may be given to projects that meet more than
37.2 one of these requirements. A project receiving funding from the clean water fund shall
37.3 include measurable outcomes, as defined in section 3.303, subdivision 10, and a plan for
37.4 measuring and evaluating the results. A project must be consistent with current science
37.5 and incorporate state-of-the-art technology.

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

37.8 (c) All information for proposed and funded projects, including the proposed
37.9 measurable outcomes, must be made available on the Web site required under section
37.10 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and
37.11 evaluation must be posted as it becomes available. Information classified as not public
37.12 under section 13D.05, subdivision 3, paragraph (d), is not required to be placed on the
37.13 Web site.

37.14 (d) Grants funded by the clean water fund must be implemented according to section
37.15 16B.98 and must account for all expenditures. Proposals must specify a process for any
37.16 regranting envisioned. Priority for grant proposals must be given to proposals involving
37.17 grants that will be competitively awarded.

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

37.20 (f) A recipient of money from the clean water fund shall display, where practicable,
37.21 a sign with the logo selected by the Board of the Arts as follows when funded by the clean
37.22 water fund: on construction projects; at access points to any land or water resources
37.23 acquired in fee or a less-than-fee title interest; and on lands that were restored, protected,
37.24 or enhanced. A recipient shall also incorporate the logo, where practicable, into printed
37.25 and other materials funded with money from the clean water fund.

37.26 Sec. 6. Minnesota Statutes 2009 Supplement, section 129D.17, subdivision 2, is
37.27 amended to read:

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

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

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

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

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

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

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

38.22 **Sec. 7. FUNDS CARRYOVER.**

38.23 Unless otherwise provided, the amounts appropriated in Laws 2009, chapter 172,
38.24 are available until June 30, 2011. For acquisition of an interest in real property, the
38.25 amounts in Laws 2009, chapter 172, are available until June 30, 2012. If a project receives
38.26 federal funds, the time period of the appropriation is extended to equal the availability
38.27 of federal funding.

38.28 **Sec. 8. PARKS.**

38.29 The Minneapolis Park and Recreation Board may acquire the entire property
38.30 known as the Scherer Brothers Lumber Yard for a metropolitan area regional park and
38.31 may allocate any future appropriations to the board from the parks and trails fund to
38.32 acquire the property.

39.1 **EFFECTIVE DATE.** This section is effective the day after the Minneapolis
39.2 Park Board timely completes compliance with Minnesota Statutes, section 645.021,
39.3 subdivisions 2 and 3.

39.4 Sec. 9. **REPEALER.**

39.5 Laws 2009, chapter 172, article 5, section 9, is repealed.

APPENDIX
Article locations in h3790-2

| | | |
|-----------|--------------------------|---------------|
| ARTICLE 1 | OUTDOOR HERITAGE | Page.Ln 1.14 |
| ARTICLE 2 | CLEAN WATER | Page.Ln 24.15 |
| ARTICLE 3 | GENERAL PROVISIONS | Page.Ln 34.21 |

APPENDIX
Repealed Minnesota Statutes: H3790-2

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.

84.02 DEFINITIONS.

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

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.

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

Laws 2009, chapter 172, article 5, section 9

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.