

..... moves to amend H.F. No. 1061 as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

OUTDOOR HERITAGE FUND

Section 1. OUTDOOR HERITAGE APPROPRIATION.

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

<u>APPROPRIATIONS</u>			
<u>Available for the Year</u>			
<u>Ending June 30</u>			
	<u>2012</u>		<u>2013</u>
Sec. 2. <u>OUTDOOR HERITAGE</u>			
Subdivision 1. <u>Total Appropriation</u>	\$	<u>92,081,000</u>	\$ <u>471,000</u>
<u>This appropriation is from the outdoor heritage fund. The amounts that may be spent for each purpose are specified in the following subdivisions.</u>			
Subd. 2. <u>Prairies</u>		<u>35,324,000</u>	<u>-0-</u>

2.1 **(a) Wildlife Management Area, Scientific**
2.2 **and Natural Areas, and Prairie Bank**
2.3 **Easement Acquisition - Phase III**
2.4 \$4,690,000 the first year is to the
2.5 commissioner of natural resources to:
2.6 (1) acquire land in fee for wildlife
2.7 management area purposes under Minnesota
2.8 Statutes, sections 86A.05, subdivision 8, and
2.9 97A.145;
2.10 (2) acquire land in fee for scientific and
2.11 natural area purposes under Minnesota
2.12 Statutes, sections 84.033 and 86A.05,
2.13 subdivision 5; and
2.14 (3) acquire native prairie bank easements
2.15 under Minnesota Statutes, section 84.96.
2.16 Of this amount, \$759,000 is for transfer
2.17 to the outdoor heritage land management
2.18 account in the special revenue fund for the
2.19 purposes specified in Minnesota Statutes,
2.20 section 97A.056, subdivision 1a.
2.21 A list of proposed land or permanent
2.22 conservation easement acquisitions must
2.23 be provided as part of the required
2.24 accomplishment plan. The accomplishment
2.25 plan must include an easement monitoring
2.26 and enforcement plan. Money appropriated
2.27 from the outdoor heritage fund for easement
2.28 acquisition may be used to establish a
2.29 monitoring and enforcement fund as
2.30 approved in the accomplishment plan,
2.31 and subject to subdivision 15. An annual
2.32 financial report is required for any monitoring
2.33 and enforcement fund established, including
2.34 expenditures from the fund.

3.1 **(b) Accelerated Prairie Restoration and**
3.2 **Enhancement on DNR Lands - Phase III**

3.3 \$1,652,000 the first year is to the
3.4 commissioner of natural resources to
3.5 accelerate the restoration and enhancement
3.6 on wildlife management areas, scientific and
3.7 natural areas, and land under native prairie
3.8 bank easements.

3.9 **(c) Minnesota Buffers for Wildlife and**
3.10 **Water**

3.11 \$2,249,000 the first year is to the Board of
3.12 Water and Soil Resources in cooperation
3.13 with Pheasants Forever to acquire permanent
3.14 conservation easements to enhance habitat
3.15 by expanding riparian wildlife buffers on
3.16 private land. A list of proposed easement
3.17 acquisitions must be provided as part of
3.18 the required accomplishment plan. The
3.19 accomplishment plan must include an
3.20 easement monitoring and enforcement
3.21 plan. Money appropriated from the outdoor
3.22 heritage fund for easement acquisition
3.23 may be used to establish a monitoring
3.24 and enforcement fund as approved in
3.25 the accomplishment plan and subject to
3.26 subdivision 15. An annual financial report is
3.27 required for any monitoring and enforcement
3.28 fund established, including expenditures
3.29 from the fund.

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

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

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

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

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

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

4.30 \$1,877,000 the first year is to the
4.31 commissioner of natural resources for an
4.32 agreement with The Trust for Public Land
4.33 to acquire and restore lands in the Cannon
4.34 River watershed for wildlife management
4.35 area purposes under Minnesota Statutes,

5.1 section 86A.05, subdivision 8, or aquatic
5.2 management areas under Minnesota Statutes,
5.3 sections 86A.05, subdivision 14, and 97C.02.

5.4 Of this amount, \$344,000 is for transfer
5.5 to the outdoor heritage land management
5.6 account in the special revenue fund for the
5.7 purposes specified in Minnesota Statutes,
5.8 section 97A.056, subdivision 1a. A list of
5.9 proposed land acquisitions must be provided
5.10 as part of the required accomplishment plan.

5.11 **(g) Accelerating the Wildlife Management**
5.12 **Area Program - Phase III**

5.13 \$6,691,000 the first year is to the
5.14 commissioner of natural resources for an
5.15 agreement with Pheasants Forever to acquire
5.16 prairie and other habitat areas for wildlife
5.17 management area purposes under Minnesota
5.18 Statutes, section 86A.05, subdivision 8. Of
5.19 this amount, \$1,191,000 is for transfer to the
5.20 outdoor heritage land management account
5.21 in the special revenue fund for the purposes
5.22 specified in Minnesota Statutes, section
5.23 97A.056, subdivision 1a. A list of proposed
5.24 land acquisitions must be provided as part of
5.25 the required accomplishment plan.

5.26 **(h) Accelerating the Waterfowl Production**
5.27 **Area Program - Phase III**

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

6.1 acquisitions must be provided as part of the
 6.2 required accomplishment plan.

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

6.5 \$2,130,000 the first year is to the
 6.6 commissioner of natural resources for
 6.7 an agreement with the Redwood Area
 6.8 Development Corporation to acquire land
 6.9 for wildlife management area purposes
 6.10 under Minnesota Statutes, section 86A.05,
 6.11 subdivision 8, or aquatic management
 6.12 areas under Minnesota Statutes, sections
 6.13 86A.05, subdivision 14, and 97C.02. Of
 6.14 this amount, \$359,000 is for transfer to the
 6.15 outdoor heritage land management account
 6.16 in the special revenue fund for the purposes
 6.17 specified in Minnesota Statutes, section
 6.18 97A.056, subdivision 1a. A list of proposed
 6.19 land acquisitions must be provided as part of
 6.20 the required accomplishment plan.

6.21 Subd. 3. Forests 16,039,000 -0-

6.22 **(a) Minnesota Forests for the Future -**
 6.23 **Phase III**

6.24 \$5,409,000 the first year is to the
 6.25 commissioner of natural resources to
 6.26 acquire forest and wetland habitat through
 6.27 working forest easements and fee acquisition
 6.28 under the Minnesota forests for the future
 6.29 program pursuant to Minnesota Statutes,
 6.30 section 84.66. A conservation easement
 6.31 acquired with money appropriated under this
 6.32 paragraph must comply with subdivision
 6.33 13. A list of proposed land acquisitions
 6.34 must be provided as part of the required
 6.35 accomplishment plan. The accomplishment

7.1 plan must include an easement monitoring
7.2 and enforcement plan. Money appropriated
7.3 from the outdoor heritage fund for easement
7.4 acquisition may be used to establish a
7.5 monitoring and enforcement fund as
7.6 approved in the accomplishment plan
7.7 and subject to subdivision 15. An annual
7.8 financial report is required for any monitoring
7.9 and enforcement fund established, including
7.10 expenditures from the fund.

7.11 **(b) LaSalle Lake: Protecting Critical**
7.12 **Mississippi Headwaters Habitat**

7.13 \$5,709,000 the first year is to the
7.14 commissioner of natural resources for an
7.15 agreement with The Trust for Public Land
7.16 to acquire land adjacent to LaSalle Lake in
7.17 Hubbard County. Of this amount, \$1,077,000
7.18 is for transfer to the outdoor heritage land
7.19 management account in the special revenue
7.20 fund for the purposes specified in Minnesota
7.21 Statutes, section 97A.056, subdivision
7.22 1a. A list of proposed land acquisitions
7.23 must be provided as part of the required
7.24 accomplishment plan. If the acquisition
7.25 is not completed by July 15, 2012, or if a
7.26 balance remains after acquisition of land, the
7.27 money under this paragraph is available for
7.28 acquisition under subdivision 2, paragraph
7.29 (a).

7.30 **(c) Accelerated Forest Habitat**
7.31 **Enhancement - Phase II**

7.32 \$826,000 the first year is to the commissioner
7.33 of natural resources to restore and enhance
7.34 lands in state forests, pursuant to Minnesota
7.35 Statutes, 89.021.

8.1 **(d) Northeastern Minnesota Sharp-Tailed**
8.2 **Grouse Habitat Partnership - Phase II**

8.3 \$1,199,000 the first year is to the
8.4 commissioner of natural resources for
8.5 an agreement with Pheasants Forever in
8.6 cooperation with the Minnesota Sharp-Tailed
8.7 Grouse Society to acquire and enhance
8.8 lands for wildlife management area purposes
8.9 under Minnesota Statutes, section 86A.05,
8.10 subdivision 8. Of this amount, \$211,000
8.11 is for transfer to the outdoor heritage land
8.12 management account in the special revenue
8.13 fund for the purposes specified in Minnesota
8.14 Statutes, section 97A.056, subdivision
8.15 1a. A list of proposed land acquisitions
8.16 must be provided as part of the required
8.17 accomplishment plan.

8.18 **(e) Lower Mississippi River Habitat**
8.19 **Partnership - Phase II**

8.20 \$863,000 the first year is to the commissioner
8.21 of natural resources to acquire and enhance
8.22 habitat in the lower Root River and
8.23 lower Zumbro River watersheds, pursuant
8.24 to Minnesota Statutes, section 86A.05,
8.25 subdivisions 7 and 8. Of this amount,
8.26 \$156,000 is for transfer to the outdoor
8.27 heritage land management account in the
8.28 special revenue fund for the purposes
8.29 specified in Minnesota Statutes, section
8.30 97A.056, subdivision 1a. A list of proposed
8.31 land acquisitions must be provided as part of
8.32 the required accomplishment plan.

8.33 **(f) Protect Key Forest Habitat Lands in**
8.34 **Cass County - Phase II**

9.1 \$604,000 the first year is to the commissioner
9.2 of natural resources for an agreement with
9.3 Cass County to acquire land in fee for forest
9.4 wildlife habitat. A list of proposed land
9.5 acquisitions must be provided as part of the
9.6 required accomplishment plan.

9.7 **(g) State Forest Acquisition**

9.8 \$1,429,000 the first year is to the
9.9 commissioner of natural resources to acquire
9.10 land in fee and permanent management
9.11 access easements for state forests under
9.12 Minnesota Statutes, section 86A.05,
9.13 subdivision 7. Of this amount, \$224,000
9.14 is for transfer to the outdoor heritage land
9.15 management account in the special revenue
9.16 fund for the purposes specified in Minnesota
9.17 Statutes, section 97A.056, subdivision
9.18 1a. A list of proposed land acquisitions
9.19 must be provided as part of the required
9.20 accomplishment plan.

9.21 Subd. 4. **Wetlands** 15,934,000

-0-

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

9.23 **Reserve Acquisition and Restoration**

9.24 **Program Partnership - Phase III**

9.25 \$13,000,000 the first year is to the Board
9.26 of Water and Soil Resources to acquire
9.27 permanent conservation easements and
9.28 restore wetlands and associated upland
9.29 habitat in cooperation with the United States
9.30 Department of Agriculture Wetlands Reserve
9.31 Program. A list of proposed land acquisitions
9.32 must be provided as part of the required
9.33 accomplishment plan. The accomplishment
9.34 plan must include an easement monitoring
9.35 and enforcement plan. Money appropriated

10.1 from the outdoor heritage fund for easement
10.2 acquisition may be used to establish a
10.3 monitoring and enforcement fund as
10.4 approved in the accomplishment plan
10.5 and subject to subdivision 15. An annual
10.6 financial report is required for any monitoring
10.7 and enforcement fund established, including
10.8 expenditures from the fund and a description
10.9 of monitoring and enforcement activities.

10.10 **(b) Accelerated Shallow Lakes and**
10.11 **Wetlands Restoration and Enhancement -**
10.12 **Phase III**

10.13 \$936,000 the first year is to the commissioner
10.14 of natural resources to develop engineering
10.15 designs for shallow lakes and wetlands and
10.16 restore and enhance shallow lakes.

10.17 **(c) Shallow Lake Shoreland Protection:**
10.18 **Wild Rice Lakes**

10.19 \$1,998,000 the first year is to the
10.20 commissioner of natural resources for an
10.21 agreement with Ducks Unlimited and the
10.22 Board of Water and Soil Resources to acquire
10.23 wild rice lake shoreland habitat in fee and
10.24 as permanent conservation easements as
10.25 follows: \$500,000 to the Department of
10.26 Natural Resources; \$1,100,000 to the Board
10.27 of Water and Soil Resources; \$291,000 to
10.28 Ducks Unlimited; and \$107,000 for transfer
10.29 to the outdoor heritage land management
10.30 account in the special revenue fund for the
10.31 purposes specified in Minnesota Statutes,
10.32 section 97A.056, subdivision 1a. A list of
10.33 proposed land acquisitions must be provided
10.34 as part of the required accomplishment plan.
10.35 The accomplishment plan must include

11.1 an easement monitoring and enforcement
 11.2 plan. Money appropriated from the outdoor
 11.3 heritage fund for easement acquisition
 11.4 may be used to establish a monitoring
 11.5 and enforcement fund as approved in
 11.6 the accomplishment plan and subject to
 11.7 subdivision 15. An annual financial report is
 11.8 required for any monitoring and enforcement
 11.9 fund established, including expenditures
 11.10 from the fund.

11.11 Subd. 5. **Habitat** 24,086,000 -0-

11.12 **(a) Accelerated Aquatic Management**
 11.13 **Area Habitat Program - Phase III**

11.14 \$7,061,000 the first year is to the
 11.15 commissioner of natural resources to
 11.16 acquire interests in land in fee or permanent
 11.17 conservation easements for aquatic
 11.18 management areas under Minnesota Statutes,
 11.19 sections 86A.05, subdivision 14, and 97C.02,
 11.20 to restore and enhance aquatic habitat.
 11.21 Of this amount, \$561,000 is for transfer
 11.22 to the outdoor heritage land management
 11.23 account in the special revenue fund for the
 11.24 purposes specified in Minnesota Statutes,
 11.25 section 97A.056, subdivision 1a. A list
 11.26 of proposed acquisitions and stream and
 11.27 lake habitat restorations and enhancements
 11.28 must be provided as part of the required
 11.29 accomplishment plan. The accomplishment
 11.30 plan must include an easement monitoring
 11.31 and enforcement plan. Money appropriated
 11.32 from the outdoor heritage fund for easement
 11.33 acquisition may be used to establish a
 11.34 monitoring and enforcement fund as
 11.35 approved in the accomplishment plan

12.1 and subject to subdivision 15. An annual
12.2 financial report is required for any monitoring
12.3 and enforcement fund established, including
12.4 expenditures from the fund.

12.5 **(b) Coldwater Fish Habitat Enhancement**
12.6 **Program - Phase III**

12.7 \$1,533,000 the first year is to the
12.8 commissioner of natural resources for an
12.9 agreement with Minnesota Trout Unlimited
12.10 to restore, enhance, and protect cold water
12.11 river and stream habitats in Minnesota. A list
12.12 of proposed projects, describing types and
12.13 locations of restorations and enhancements,
12.14 must be provided as part of the required
12.15 accomplishment plan.

12.16 **(c) Land Addition to the Janet Johnson**
12.17 **Memorial Wildlife Management Area**

12.18 \$707,000 the first year is to the commissioner
12.19 of natural resources for an agreement with
12.20 Chisago County to acquire land in fee to
12.21 be added to the Janet Johnson Memorial
12.22 Wildlife Management Area under Minnesota
12.23 Statutes, section 86A.05, subdivision 8. Of
12.24 this amount, \$130,000 is for transfer to the
12.25 outdoor heritage land management account
12.26 in the special revenue fund for the purposes
12.27 specified in Minnesota Statutes, section
12.28 97A.056, subdivision 1a. A list of proposed
12.29 land acquisitions must be provided as part of
12.30 the required accomplishment plan.

12.31 **(d) Metro Big Rivers Habitat - Phase II**

12.32 \$5,481,000 the first year is to the
12.33 commissioner of natural resources for
12.34 agreements to acquire interests in land in

13.1 fee or permanent conservation easements
13.2 and to restore and enhance natural systems
13.3 associated with the Mississippi, Minnesota,
13.4 and St. Croix Rivers as follows: \$960,000
13.5 to the Minnesota Valley National Wildlife
13.6 Refuge Trust, Inc.; \$150,000 to Great River
13.7 Greening; \$840,000 to Minnesota Land
13.8 Trust; \$150,000 to Friends of the Mississippi
13.9 River; \$2,900,000 to The Trust for Public
13.10 Land; and \$481,000 is for transfer to the
13.11 outdoor heritage land management account
13.12 in the special revenue fund for the purposes
13.13 specified in Minnesota Statutes, section
13.14 97A.056, subdivision 1a. A list of proposed
13.15 projects, describing types and locations of
13.16 acquisitions, restorations, and enhancements,
13.17 must be provided as part of the required
13.18 accomplishment plan. The accomplishment
13.19 plan must include an easement monitoring
13.20 and enforcement plan. Money appropriated
13.21 from the outdoor heritage fund for easement
13.22 acquisition may be used to establish a
13.23 monitoring and enforcement fund as
13.24 approved in the accomplishment plan
13.25 and subject to subdivision 15. An annual
13.26 financial report is required for any monitoring
13.27 and enforcement fund established, including
13.28 expenditures from the fund.

13.29 **(e) Protecting Sensitive Shorelands in**
13.30 **North Central Minnesota**

13.31 \$1,098,000 the first year is to the
13.32 commissioner of natural resources for
13.33 agreements with the Leech Lake Watershed
13.34 Foundation and the Minnesota Land Trust
13.35 as follows: \$339,000 to the Leech Lake
13.36 Watershed Foundation; \$741,000 to the

14.1 Minnesota Land Trust; and \$18,000 to the
14.2 Department of Natural Resources to pay for
14.3 acquisition-related expenses and monitoring
14.4 costs of donated permanent conservation
14.5 easements on sensitive shorelands in north
14.6 central Minnesota. A list of proposed land
14.7 acquisitions must be provided as part of
14.8 the required accomplishment plan. The
14.9 accomplishment plan must include an
14.10 easement monitoring and enforcement
14.11 plan. Money appropriated from the outdoor
14.12 heritage fund for easement acquisition
14.13 may be used to establish a monitoring
14.14 and enforcement fund as approved in
14.15 the accomplishment plan and subject to
14.16 subdivision 15. An annual financial report is
14.17 required for any monitoring and enforcement
14.18 fund established, including expenditures
14.19 from the fund.

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

14.22 \$2,577,000 the first year is to the
14.23 commissioner of natural resources for an
14.24 agreement with the Shell Lake Watershed
14.25 District to acquire land in fee at the
14.26 headwaters of the Shell Rock River for
14.27 aquatic management area purposes under
14.28 Minnesota Statutes, sections 86A.05,
14.29 subdivision 14, and 97C.02, to restore
14.30 and enhance aquatic habitat. The leases
14.31 for gravel mining existing at the time of
14.32 acquisition may not be extended and all gross
14.33 income generated from mining operations
14.34 must be transferred to the commissioner of
14.35 management and budget and credited to the
14.36 outdoor heritage fund. A list of proposed

15.1 land acquisitions must be provided as part of
15.2 the required accomplishment plan.

15.3 **(g) Outdoor Heritage Conservation**
15.4 **Partners Grant Program - Phase III**

15.5 \$5,629,000 the first year is to the
15.6 commissioner of natural resources for a
15.7 program to provide competitive, matching
15.8 grants of up to \$400,000 to local, regional,
15.9 state, and national organizations for
15.10 enhancement, restoration, or protection of
15.11 forests, wetlands, prairies, and habitat for
15.12 fish, game, or wildlife in Minnesota. Grants
15.13 shall not be made for activities required to
15.14 fulfill the duties of owners of lands subject
15.15 to conservation easements. Grants shall
15.16 not be made from appropriations in this
15.17 paragraph for projects that have a total
15.18 project cost exceeding \$475,000. \$319,000
15.19 of this appropriation may be spent for
15.20 personnel costs and other administrative
15.21 costs. Grantees may acquire land or interests
15.22 in land. Easements must be permanent.
15.23 Land acquired in fee must be open to
15.24 hunting and fishing during the open season
15.25 unless otherwise provided by state law. The
15.26 program shall require a match of at least ten
15.27 percent from nonstate sources for grants of
15.28 \$100,000 or less and a match of at least 15
15.29 percent from nonstate sources for grants over
15.30 \$100,000. Up to one-third of the match may
15.31 be in-kind resources. For grant applications
15.32 of \$25,000 or less, the commissioner shall
15.33 provide a separate, simplified application
15.34 process. The criteria for evaluating grant
15.35 applications over \$25,000 must include the
15.36 amount of habitat restored, enhanced, or

16.1 protected; local support; encouragement
16.2 of a local conservation culture; urgency;
16.3 capacity to achieve multiple benefits;
16.4 habitat benefits provided; consistency with
16.5 current conservation science; adjacency
16.6 to protected lands; full funding of the
16.7 project; supplementing existing funding;
16.8 public access for hunting and fishing during
16.9 the open season; sustainability; degree
16.10 of collaboration; and use of native plant
16.11 materials. All projects must conform to
16.12 the Minnesota statewide conservation and
16.13 preservation plan. Wildlife habitat projects
16.14 must also conform to the Minnesota wildlife
16.15 action plan. Subject to the evaluation
16.16 criteria and requirements of this paragraph
16.17 and Minnesota Statutes, the commissioner
16.18 of natural resources shall give priority to
16.19 organizations that have a history of receiving
16.20 or charter to receive private contributions
16.21 for local conservation or habitat projects
16.22 when evaluating projects of equal value. If
16.23 acquiring land or a conservation easement,
16.24 priority shall be given to projects associated
16.25 with existing wildlife management areas
16.26 under Minnesota Statutes, section 86A.05,
16.27 subdivision 8; scientific and natural areas
16.28 under Minnesota Statutes, sections 84.033
16.29 and 86A.05, subdivision 5; and aquatic
16.30 management areas under Minnesota Statutes,
16.31 sections 86A.05, subdivision 14, and 97C.02.
16.32 All restoration or enhancement projects
16.33 must be on land permanently protected by a
16.34 conservation easement or public ownership
16.35 or in public waters as defined in Minnesota
16.36 Statutes, section 103G.005, subdivision

17.1 15. Priority shall be given to restoration
 17.2 and enhancement projects on public lands.
 17.3 Subdivision 9 applies to grants awarded
 17.4 under this paragraph. This appropriation is
 17.5 available until June 30, 2015. No less than
 17.6 five percent of the amount of each grant
 17.7 must be held back from reimbursement until
 17.8 the grant recipient has completed a grant
 17.9 accomplishment report by the deadline and
 17.10 in the form prescribed by and satisfactory to
 17.11 the Lessard-Sams Outdoor Heritage Council.
 17.12 The commissioner shall provide notice of the
 17.13 grant program in the 2011 game and fish law
 17.14 summaries that are prepared under Minnesota
 17.15 Statutes, section 97A.051, subdivision 2.

17.16 Subd. 6. Administration 698,000 471,000

17.17 **(a) Contract Management**

17.18 \$175,000 the first year is to the Legislative
 17.19 Coordinating Commission to contract with
 17.20 the commissioner of natural resources for
 17.21 expenses incurred for contract fiscal services
 17.22 for the agreements specified in this section.
 17.23 The contract management services must be
 17.24 done on a reimbursement basis.

17.25 **(b) Legislative Coordinating Commission**

17.26 (1) \$471,000 the first year and \$471,000
 17.27 the second year are to the Legislative
 17.28 Coordinating Commission for two years of
 17.29 administrative expenses of the Lessard-Sams
 17.30 Outdoor Heritage Council and for two years
 17.31 of compensation and expense reimbursement
 17.32 of council members.

17.33 (2) \$10,000 the first year is to the Legislative
 17.34 Coordinating Commission for the Web site

18.1 required under Minnesota Statutes, section
18.2 3.303, subdivision 10.

18.3 **(c) Technical Assistance Panel**

18.4 \$42,000 the first year is to the commissioner
18.5 of natural resources for a technical assistance
18.6 panel to conduct up to ten restoration audits
18.7 under Minnesota Statutes, section 97A.056,
18.8 subdivision 10.

18.9 **Subd. 7. Availability of Appropriation**

18.10 Money appropriated in this section may
18.11 not be spent on activities unless they are
18.12 directly related to and necessary for a
18.13 specific appropriation and are specified in the
18.14 accomplishment plan. Money appropriated
18.15 in this section must not be spent on indirect
18.16 costs or other institutional overhead charges.

18.17 Unless otherwise provided, the amounts
18.18 in this section are available until June 30,
18.19 2014, when projects must be completed and
18.20 final accomplishments reported. Funds for
18.21 restoration or enhancement are available
18.22 until June 30, 2016, or four years after
18.23 acquisition, whichever is later, in order to
18.24 complete restoration or enhancement work.

18.25 If a project receives federal funds, the time
18.26 period of the appropriation is extended to
18.27 equal the availability of federal funding.

18.28 Funds appropriated for fee title acquisition
18.29 of land may be used to restore, enhance, and
18.30 provide for the public use of land acquired
18.31 with the appropriation. Public use facilities
18.32 must have a minimal impact on habitat on
18.33 acquired lands.

18.34 **Subd. 8. Accomplishment Plans**

19.1 It is a condition of acceptance of the
19.2 appropriations made under this section that
19.3 the agency or entity using the appropriation
19.4 submit to the Lessard-Sams Outdoor
19.5 Heritage Council an accomplishment plan
19.6 and periodic accomplishment reports in
19.7 the form determined by the council. The
19.8 accomplishment plan must identify the
19.9 project manager responsible for expending
19.10 the appropriation and the final product. The
19.11 accomplishment plan must account for the
19.12 use of the appropriation and outcomes of
19.13 the expenditure in measures of wetlands,
19.14 prairies, forests, and fish, game, and wildlife
19.15 habitat restored, protected, and enhanced.
19.16 The plan must include an evaluation of
19.17 results. None of the money provided in this
19.18 section may be expended unless the council
19.19 has approved the pertinent accomplishment
19.20 plan.

19.21 Subd. 9. **Project Requirements**

19.22 (a) As a condition of accepting an
19.23 appropriation made under this section, an
19.24 agency or entity receiving an appropriation
19.25 must comply with this subdivision for any
19.26 project funded in whole or in part with funds
19.27 from the appropriation.

19.28 (b) All conservation easements acquired with
19.29 money appropriated under this section must:
19.30 (1) be permanent; (2) specify the parties to
19.31 the easement; (3) specify all of the provisions
19.32 of an agreement that are permanent; (4)
19.33 specify the habitat types and location
19.34 being protected; (5) where appropriate for
19.35 conservation or water protection outcomes,

20.1 require the grantor to employ practices
20.2 retaining water on the eased land as long as
20.3 practicable; (6) specify the responsibilities
20.4 of the parties for habitat enhancement and
20.5 restoration and the associated costs of these
20.6 activities; (7) be sent to the office of the
20.7 Lessard-Sams Outdoor Heritage Council; (8)
20.8 include a long-term stewardship plan and
20.9 identify the sources and amount of funding
20.10 for monitoring and enforcing the easement
20.11 agreement; and (9) identify the parties
20.12 responsible for monitoring and enforcing the
20.13 easement agreement.

20.14 (c) For all restorations, a recipient must
20.15 prepare and retain an ecological restoration
20.16 and management plan that, to the degree
20.17 practicable, is consistent with current
20.18 conservation science and ecological goals
20.19 for the restoration site. Consideration should
20.20 be given to soil, geology, topography, and
20.21 other relevant factors that would provide
20.22 the best chance for long-term success and
20.23 durability of the restoration projects. The
20.24 plan must include the proposed timetable for
20.25 implementing the restoration, including, but
20.26 not limited to, site preparation, establishment
20.27 of diverse plant species, maintenance, and
20.28 additional enhancement to establish the
20.29 restoration; identify long-term maintenance
20.30 and management needs of the restoration
20.31 and how the maintenance, management,
20.32 and enhancement will be financed; and use
20.33 current conservation science to achieve the
20.34 best restoration.

20.35 (d) For new lands acquired, a recipient
20.36 must prepare a restoration and management

21.1 plan in compliance with paragraph (c),
21.2 including identification of sufficient funding
21.3 for implementation.

21.4 (e) To ensure public accountability for the
21.5 use of public funds, a recipient must provide
21.6 to the Lessard-Sams Outdoor Heritage
21.7 Council documentation of the process
21.8 used to select parcels acquired in fee or as
21.9 permanent conservation easements and must
21.10 provide the council with documentation
21.11 of all related transaction costs, including,
21.12 but not limited to, appraisals, legal fees,
21.13 recording fees, commissions, other similar
21.14 costs, and donations. This information
21.15 must be provided for all parties involved
21.16 in the transaction. The recipient must
21.17 also report to the Lessard-Sams Outdoor
21.18 Heritage Council any difference between the
21.19 acquisition amount paid to the seller and the
21.20 state-certified or state-reviewed appraisal, if
21.21 a state-certified or state-reviewed appraisal
21.22 was conducted. Acquisition data such
21.23 as appraisals may remain private during
21.24 negotiations but must ultimately be made
21.25 public according to Minnesota Statutes,
21.26 chapter 13.

21.27 (f) Except as otherwise provided in this
21.28 section, all restoration and enhancement
21.29 projects funded with money appropriated
21.30 under this section must be on land
21.31 permanently protected by a conservation
21.32 easement or public ownership or in public
21.33 waters as defined in Minnesota Statutes,
21.34 section 103G.005, subdivision 15.

22.1 (g) To the extent an appropriation is used to
22.2 acquire an interest in real property, a recipient
22.3 of an appropriation under this section must
22.4 provide to the Lessard-Sams Outdoor
22.5 Heritage Council and the commissioner
22.6 of management and budget an analysis of
22.7 increased operations and maintenance costs
22.8 likely to be incurred by public entities as
22.9 a result of the acquisition and of how these
22.10 costs are to be paid.

22.11 (h) A recipient of money under this section
22.12 must erect signage according to Laws 2009,
22.13 chapter 172, article 5, section 10.

22.14 **Subd. 10. Payment Conditions and Capital**
22.15 **Equipment Expenditures**

22.16 All agreements, grants, or contracts referred
22.17 to in this section must be administered on
22.18 a reimbursement basis unless otherwise
22.19 provided in this section. Notwithstanding
22.20 Minnesota Statutes, section 16A.41,
22.21 expenditures directly related to each
22.22 appropriation's purpose made on or after July
22.23 1, 2011, are eligible for reimbursement unless
22.24 otherwise provided in this section. Periodic
22.25 reimbursement must be made upon receiving
22.26 documentation that the deliverable items
22.27 articulated in the approved accomplishment
22.28 plan have been achieved, including partial
22.29 achievements as evidenced by approved
22.30 progress reports. Reasonable amounts may
22.31 be advanced to projects to accommodate
22.32 cash flow needs, support future management
22.33 of acquired lands, or match a federal share.
22.34 The advances must be approved as part of
22.35 the accomplishment plan. Capital equipment
22.36 expenditures for specific items in excess of

- 23.1 \$10,000 must be itemized in and approved as
23.2 part of the accomplishment plan.
- 23.3 Subd. 11. **Purchase of Recycled and Recyclable**
23.4 **Materials**
- 23.5 A political subdivision, public or private
23.6 corporation, or other entity that receives an
23.7 appropriation under this section must use the
23.8 appropriation in compliance with Minnesota
23.9 Statutes, sections 16B.121, regarding
23.10 purchase of recycled, repairable, and durable
23.11 materials, and 16B.122, regarding purchase
23.12 and use of paper stock and printing.
- 23.13 Subd. 12. **Accessibility**
- 23.14 Structural and nonstructural facilities must
23.15 meet the design standards in the Americans
23.16 with Disabilities Act (ADA) accessibility
23.17 guidelines.
- 23.18 Subd. 13. **Land Acquisition Restrictions**
- 23.19 (a) An interest in real property, including, but
23.20 not limited to, an easement or fee title that
23.21 is acquired with money appropriated under
23.22 this section must be used in perpetuity or for
23.23 the specific term of an easement interest for
23.24 the purpose for which the appropriation was
23.25 made.
- 23.26 (b) A recipient of funding who acquires
23.27 an interest in real property subject to this
23.28 subdivision may not alter the intended use
23.29 of the interest in real property or convey
23.30 any interest in the real property acquired
23.31 with the appropriation without the prior
23.32 review and approval of the Lessard-Sams
23.33 Outdoor Heritage Council or its successor.
23.34 The council shall notify the chairs and

24.1 ranking minority members of the legislative
24.2 committees and divisions with jurisdiction
24.3 over the outdoor heritage fund at least 15
24.4 business days before approval under this
24.5 paragraph. The council shall establish
24.6 procedures to review requests from recipients
24.7 to alter the use of or convey an interest in
24.8 real property. These procedures shall allow
24.9 for the replacement of the interest in real
24.10 property with another interest in real property
24.11 meeting the following criteria: (1) the
24.12 interest must be at least equal in fair market
24.13 value, as certified by the commissioner
24.14 of natural resources, to the interest being
24.15 replaced; and (2) the interest must be in a
24.16 reasonably equivalent location and have a
24.17 reasonably equivalent useful conservation
24.18 purpose compared to the interest being
24.19 replaced, taking into consideration all effects
24.20 from fragmentation of the whole habitat.

24.21 (c) A recipient of funding who acquires an
24.22 interest in real property under paragraph
24.23 (a) must separately record a notice of
24.24 funding restrictions in the appropriate local
24.25 government office where the conveyance
24.26 of the interest in real property is filed. The
24.27 notice of funding agreement must contain:
24.28 (1) a legal description of the interest in real
24.29 property covered by the funding agreement;
24.30 (2) a reference to the underlying funding
24.31 agreement; (3) a reference to this section; and
24.32 (4) the following statement: "This interest
24.33 in real property shall be administered in
24.34 accordance with the terms, conditions, and
24.35 purposes of the grant agreement controlling
24.36 the acquisition of the property. The interest

25.1 in real property, or any portion of the interest
25.2 in real property, shall not be sold, transferred,
25.3 pledged, or otherwise disposed of or further
25.4 encumbered without obtaining the prior
25.5 written approval of the Lessard-Sams
25.6 Outdoor Heritage Council or its successor.
25.7 The ownership of the interest in real property
25.8 shall transfer to the state if: (1) the holder of
25.9 the interest in real property fails to comply
25.10 with the terms and conditions of the grant
25.11 agreement or accomplishment plan; or
25.12 (2) restrictions are placed on the land that
25.13 preclude its use for the intended purpose as
25.14 specified in the appropriation."

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

25.16 By December 1 each year, a recipient of
25.17 money appropriated under this section that
25.18 is used for the acquisition of an interest in
25.19 real property, including, but not limited to,
25.20 an easement or fee title, must submit annual
25.21 reports on the status of the real property to
25.22 the Lessard-Sams Outdoor Heritage Council
25.23 or its successor in a form determined by the
25.24 council. The responsibility for reporting
25.25 under this section may be transferred by
25.26 the recipient of the appropriation to another
25.27 person or entity that holds the interest in the
25.28 real property. To complete the transfer of
25.29 reporting responsibility, the recipient of the
25.30 appropriation must: (1) inform the person to
25.31 whom the responsibility is transferred of that
25.32 person's reporting responsibility; (2) inform
25.33 the person to whom the responsibility is
25.34 transferred of the property restrictions under
25.35 subdivision 13; (3) provide written notice
25.36 to the council of the transfer of reporting

26.1 responsibility, including contact information
26.2 for the person to whom the responsibility is
26.3 transferred; and (4) provide the council or
26.4 its successor written documentation from the
26.5 person or entity holding the interest in real
26.6 property certifying the person's or entity's
26.7 acceptance of all reporting obligations
26.8 and responsibilities previously held by the
26.9 recipient of the appropriation. After the
26.10 transfer, the person or entity that holds the
26.11 interest in the real property is responsible for
26.12 reporting requirements under this section.

26.13 **Subd. 15. Easement Monitoring and**
26.14 **Enforcement Requirements**

26.15 Money appropriated under this section
26.16 for easement monitoring and enforcement
26.17 may be spent only on activities included in
26.18 an easement monitoring and enforcement
26.19 plan contained within the accomplishment
26.20 plan. Money received for monitoring
26.21 and enforcement, including earnings on
26.22 the money received, shall be kept in a
26.23 monitoring and enforcement fund held by
26.24 the organization and dedicated to monitoring
26.25 and enforcing conservation easements within
26.26 Minnesota. Within 120 days after the close
26.27 of the entity's fiscal year, an entity receiving
26.28 appropriations for easement monitoring
26.29 and enforcement must provide an annual
26.30 financial report to the Lessard-Sams Outdoor
26.31 Heritage Council on the easement monitoring
26.32 and enforcement fund as specified in the
26.33 accomplishment plan. Money appropriated
26.34 under this section for monitoring and
26.35 enforcement of easements and earnings on
26.36 the money appropriated shall revert to the

27.1 state if: (1) the easement transfers to the
27.2 state under subdivision 13; (2) the holder of
27.3 the easement fails to file an annual report
27.4 and then fails to cure that default within 30
27.5 days of notification of the default by the
27.6 state; or (3) the holder of the easement fails
27.7 to comply with the terms of the monitoring
27.8 and enforcement plan contained within the
27.9 accomplishment plan and fails to cure that
27.10 default within 90 days of notification of the
27.11 default by the state.

27.12 Subd. 16. **Successor Organizations**

27.13 The Lessard-Sams Outdoor Heritage Council
27.14 may approve the continuation of a project
27.15 with an organization that has adopted
27.16 a new name. Continuation of a project
27.17 with an organization that has undergone
27.18 a significant change in mission, structure,
27.19 or purpose requires: (1) notice to the
27.20 chairs of the legislative committees with
27.21 relevant jurisdiction; and (2) presentation
27.22 by the council of proposed legislation either
27.23 ratifying or rejecting continued involvement
27.24 with the new organization.

27.25 Subd. 17. **Appropriations Adjustment**

27.26 (a) **Mississippi River Bluffland Prairie**
27.27 **Protection Initiative.**

27.28 Of the amount appropriated in Laws 2009,
27.29 chapter 172, article 1, section 2, subdivision
27.30 2, paragraph (f), \$65,000 is for deposit in
27.31 a monitoring and enforcement account as
27.32 authorized in subdivision 15.

27.33 (b) **Critical Shoreline Habitat Protection**
27.34 **Program.**

28.1 Of the amount appropriated in Laws 2010,
28.2 chapter 361, article 1, section 2, subdivision
28.3 3, paragraph (a), \$187,000 is for deposit in
28.4 a monitoring and enforcement account as
28.5 authorized in subdivision 15.

28.6 **(c) Riparian and Lakeshore Protection in**
28.7 **Dakota County.**

28.8 Of the amount appropriated in Laws 2010,
28.9 chapter 361, article 1, section 2, subdivision
28.10 5, paragraph (d), \$80,000 is for deposit in
28.11 a monitoring and enforcement account as
28.12 authorized in subdivision 15.

28.13 **(d) Valley Creek Protection Partnership.**

28.14 Of the amount appropriated in Laws 2010,
28.15 chapter 361, article 1, section 2, subdivision
28.16 5, paragraph (e), \$12,000 is for deposit in
28.17 a monitoring and enforcement account as
28.18 authorized in subdivision 15.

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

28.21 Subdivision 1. **Account established; sources.** The forests for the future
28.22 conservation easement account is created in the natural resources fund in the state treasury.
28.23 The following revenue shall be deposited in the account:

28.24 (1) contributions to the account or specified for any purposes of the account;
28.25 (2) financial contributions required under section 84.66, subdivision 11, or other
28.26 applicable law; and
28.27 (3) money appropriated or transferred for the purposes described in subdivision 2.
28.28 Interest earned on money in the account accrues to the account.

28.29 Subd. 2. **Appropriation; purposes of account.** Money in the forests for the future
28.30 conservation easement account is appropriated annually to the commissioner of natural
28.31 resources and may be spent only to cover the costs of managing forests for the future
28.32 conservation easements held by the Department of Natural Resources, including costs
28.33 incurred from monitoring, landowner contracts, record keeping, processing landowner
28.34 notices, requests for approval or amendments, and enforcement.

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

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

29.4 Subd. 1a. **Outdoor heritage land management account.** An outdoor heritage
29.5 land management account is created as an account in the special revenue fund. The
29.6 State Board of Investment shall ensure the account is invested under section 11A.24.
29.7 The commissioner of management and budget shall credit to the account all money
29.8 appropriated to the account and all money earned by the account. The principal of the
29.9 account and any unexpended earnings must be invested and reinvested by the State Board
29.10 of Investment. Nothing in this section limits the source of contributions to the account.
29.11 No more than five and one-half percent of the market value of the account as of June
29.12 30 of the prior fiscal year is appropriated to the commissioner of natural resources to
29.13 pay for future restoration and enhancement of lands purchased in fee with monies from
29.14 the outdoor heritage fund and held by the state, and to reimburse the general fund for
29.15 payments made under Minnesota Statutes, sections 97A.061, subdivision 1, and 477A.12
29.16 for lands purchased with funds from the outdoor heritage fund.

29.17 Sec. 5. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
29.18 to read:

29.19 Subd. 1b. **Definitions.** For the purpose of appropriations from the outdoor heritage
29.20 fund, "recipient" means the entity responsible for deliverables financed by the outdoor
29.21 heritage fund.

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

29.23 Sec. 6. Minnesota Statutes 2010, section 97A.056, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

30.21 (2) one public member appointed by the senate Subcommittee on Committees of the
30.22 Committee on Rules and Administration for a term ending the first Monday in January
30.23 2011;

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

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

30.28 (5) one public member appointed by the senate Subcommittee on Committees of the
30.29 Committee on Rules and Administration for a term ending the first Monday in January
30.30 2013; and

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

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

31.1 (f) Compensation and removal of public members are as provided in section
 31.2 15.0575. A vacancy on the council may be filled by the appointing authority for the
 31.3 remainder of the unexpired term.

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

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

31.13 Sec. 7. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
 31.14 to read:

31.15 Subd. 11. **Commissioner approval; acquisitions.** The commissioner must agree
 31.16 in writing to each proposed acquisition of land or interest in land purchased with an
 31.17 appropriation from the outdoor heritage fund. Prior to signing the written agreement,
 31.18 the commissioner must determine that the acquisition meets the Department of Natural
 31.19 Resources' precision acquisition goals.

31.20 Sec. 8. Laws 2009, chapter 172, article 1, section 2, subdivision 3, is amended to read:

31.21	Subd. 3. Forests	18,000,000	18,000,000
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31.22 \$18,000,000 in fiscal year 2010 and
 31.23 \$18,000,000 in fiscal year 2011 are to the
 31.24 commissioner of natural resources to acquire
 31.25 land or permanent working forest easements
 31.26 on private forests in areas identified through
 31.27 the Minnesota forests for the future program
 31.28 under Minnesota Statutes, section 84.66.
 31.29 Up to \$750,000 in fiscal year 2011 may
 31.30 be transferred to the forests for the future
 31.31 conservation easement account and used
 31.32 for the purposes specified under Minnesota
 31.33 Statutes, section 84.68, subdivision 2.
 31.34 Priority must be given to acquiring land

32.1 or interests in private lands within existing
 32.2 Minnesota state forest boundaries. Any
 32.3 easements acquired must have a forest
 32.4 management plan as defined in Minnesota
 32.5 Statutes, section 290C.02, subdivision 7.
 32.6 A list of proposed fee title and easement
 32.7 acquisitions must be provided as part of the
 32.8 required accomplishment plan. ~~The fiscal~~
 32.9 ~~year 2011 appropriation is available only for~~
 32.10 ~~acquisitions that, by August 15, 2009, are:~~
 32.11 ~~(1) subject to a binding agreement with the~~
 32.12 ~~commissioner, and~~
 32.13 ~~(2) matched by at least \$9,000,000 in private~~
 32.14 ~~donations.~~

32.15 Sec. 9. **REPEALER.**

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

32.18 **ARTICLE 2**

32.19 **CLEAN WATER FUND**

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

32.21 The sums shown in the columns marked "Appropriations" are appropriated to the
 32.22 agencies and for the purposes specified in this article. The appropriations are from the
 32.23 clean water fund, and are available for the fiscal years indicated for allowable activities
 32.24 under the Minnesota Constitution, article XI, section 15. Notwithstanding Minnesota
 32.25 Statutes, section 16A.28, and unless otherwise specified in this article, fiscal year 2012
 32.26 appropriations are available until June 30, 2013, and fiscal year 2013 appropriations are
 32.27 available until June 30, 2014. "The first year" is fiscal year 2012. "The second year" is
 32.28 fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. The appropriations in
 32.29 this article are onetime.

32.30	<u>APPROPRIATIONS</u>	
32.31	<u>Available for the Year</u>	
32.32	<u>Ending June 30</u>	
32.33	<u>2012</u>	<u>2013</u>

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

33.2 (a) \$350,000 the first year and \$350,000 the

33.3 second year are to increase monitoring for

33.4 pesticides and pesticide degradates in surface

33.5 water and groundwater and to use data

33.6 collected to assess pesticide use practices.

33.7 (b) \$850,000 the first year and \$850,000

33.8 the second year are to increase monitoring

33.9 and evaluate trends in the concentration of

33.10 nitrates in groundwater in high-risk areas

33.11 and regionally and to promote and evaluate

33.12 regional and crop-specific nutrient best

33.13 management practices. This appropriation is

33.14 available until spent.

33.15 (c) \$5,000,000 the first year and \$5,000,000

33.16 the second year are for the agriculture best

33.17 management practices loan program. At

33.18 least \$4,000,000 the first year and at least

33.19 \$4,400,000 the second year are for transfer to

33.20 the clean water agricultural best management

33.21 practices loan account and are available

33.22 for pass-through to local governments

33.23 and lenders for low-interest loans. Any

33.24 unencumbered balance that is not used for

33.25 pass-through to local governments does not

33.26 cancel at the end of the first year and is

33.27 available for the second year.

33.28 (d) \$700,000 the first year and \$700,000

33.29 the second year are for research, pilot

33.30 projects, and technical assistance on proper

33.31 implementation of best management

33.32 practices and more precise information on

33.33 nonpoint contributions to impaired waters.

33.34 This appropriation is available until spent.

34.1 (e) \$1,050,000 the first year and \$1,050,000
 34.2 the second year are for research to quantify
 34.3 agricultural contributions to impaired waters
 34.4 and for development and evaluation of
 34.5 best management practices to protect and
 34.6 restore water resources while maintaining
 34.7 productivity. This appropriation is available
 34.8 until spent.

34.9 (f) \$250,000 the first year and \$250,000 the
 34.10 second year are for a research inventory
 34.11 database containing water-related research
 34.12 activities that have been publicly funded.

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

34.14 (a) \$11,185,000 the first year and \$11,185,000
 34.15 the second year are for the total maximum
 34.16 daily load (TMDL) grant program under
 34.17 Minnesota Statutes, section 446A.073. This
 34.18 appropriation is available until spent.

34.19 (b) \$4,275,000 the first year and \$4,275,000
 34.20 the second year are for the clean water legacy
 34.21 phosphorus reduction grant program under
 34.22 Minnesota Statutes, section 446A.074. This
 34.23 appropriation is available until spent.

34.24 (c) \$1,250,000 the first year and \$1,250,000
 34.25 the second year are for small community
 34.26 wastewater treatment grants and loans under
 34.27 Minnesota Statutes, section 446A.075. This
 34.28 appropriation is available until spent.

34.29 (d) If there are any uncommitted funds at the
 34.30 end of each fiscal year under paragraph (a),
 34.31 (b), or (c), the Public Facilities Authority
 34.32 may transfer the remaining funds to eligible
 34.33 projects under any of the programs listed
 34.34 under this section, based on their priority

35.1 rank on the Pollution Control Agency's
 35.2 project priority list.

35.3 Sec. 4. **POLLUTION CONTROL AGENCY** \$ **23,100,000** \$ **22,600,000**

35.4 (a) \$7,500,000 the first year and \$7,500,000
 35.5 the second year are for completion of 20
 35.6 percent of the needed statewide assessments
 35.7 of surface water quality and trends. Of
 35.8 this amount, \$100,000 the first year and
 35.9 \$100,000 the second year are for grants
 35.10 to the Red River Watershed Management
 35.11 Board to enhance and expand the existing
 35.12 water quality and watershed monitoring river
 35.13 watch activities in the schools in the Red
 35.14 River of the North. The Red River Watershed
 35.15 Management Board shall provide a report to
 35.16 the commissioner of the Pollution Control
 35.17 Agency and the legislative committees and
 35.18 divisions with jurisdiction over environment
 35.19 and natural resources finance and policy and
 35.20 the clean water fund by February 15, 2013,
 35.21 on the expenditure of these funds.

35.22 (b) \$9,400,000 the first year and \$9,400,000
 35.23 the second year are to develop TMDL studies
 35.24 and TMDL implementation plans for waters
 35.25 listed on the United States Environmental
 35.26 Protection Agency approved impaired waters
 35.27 list in accordance with Minnesota Statutes,
 35.28 chapter 114D. The agency shall complete an
 35.29 average of ten percent of the TMDL's each
 35.30 year over the biennium.

35.31 (c) \$1,125,000 the first year and \$1,125,000
 35.32 the second year are for groundwater
 35.33 assessment, including enhancing the
 35.34 ambient monitoring network, modeling,

36.1 and continuing to monitor for and assess
36.2 contaminants of emerging concern.

36.3 (d) \$750,000 the first year and \$750,000
36.4 the second year are for water quality
36.5 improvement in the lower St. Louis River
36.6 and Duluth harbor. This appropriation must
36.7 be matched by a rate of 65 percent nonstate
36.8 funds to 35 percent state funds.

36.9 (e) \$1,250,000 the first year and \$1,250,000
36.10 the second year are for the clean water
36.11 partnership program to provide grants
36.12 to protect and improve the basins and
36.13 watersheds of the state and provide financial
36.14 and technical assistance to study waters
36.15 with nonpoint source pollution problems.
36.16 Priority shall be given to projects preventing
36.17 impairments and degradation of lakes, rivers,
36.18 streams, and groundwater in accordance
36.19 with Minnesota Statutes, section 114D.20,
36.20 subdivision 2, clause (4). Any balance
36.21 remaining in the first year does not cancel
36.22 and is available for the second year.

36.23 (f) \$400,000 the first year and \$400,000 the
36.24 second year are for storm water research and
36.25 guidance.

36.26 (g) \$1,150,000 the first year and \$1,150,000
36.27 the second year are for TMDL research and
36.28 database development.

36.29 (h) \$800,000 the first year and \$800,000
36.30 the second year are for national pollutant
36.31 discharge elimination system wastewater and
36.32 storm water TMDL implementation efforts.

36.33 (i) \$225,000 the first year and \$225,000
36.34 the second year are transferred to the

37.1 commissioner of administration for the
 37.2 Environmental Quality Board in cooperation
 37.3 with the United States Geological Survey
 37.4 to characterize groundwater flow and
 37.5 aquifer properties in the I-94 corridor in
 37.6 cooperation with local units of government.
 37.7 This appropriation is available until June 30,
 37.8 2014.

37.9 (j) \$500,000 the first year is for a wild rice
 37.10 standards study.

37.11 Notwithstanding Minnesota Statutes, section
 37.12 16A.28, the appropriations encumbered on or
 37.13 before June 30, 2013, as grants or contracts in
 37.14 this section are available until June 30, 2016.

37.15 **Sec. 5. DEPARTMENT OF NATURAL**
 37.16 **RESOURCES**

\$ 11,160,000 \$ 10,160,000

37.17 (a) \$1,825,000 the first year and \$1,825,000
 37.18 the second year are for the continuation and
 37.19 expansion of stream flow monitoring.

37.20 (b) \$1,150,000 the first year and \$1,150,000
 37.21 the second year are for lake Index of
 37.22 Biological Integrity (IBI) assessments,
 37.23 including assessment of 400 additional lakes
 37.24 and technical analysis to develop an aquatic
 37.25 plant IBI analysis. The commissioner shall
 37.26 work with the commissioner of the Pollution
 37.27 Control Agency on the development of an
 37.28 assessment tool.

37.29 (c) \$130,000 the first year and \$130,000
 37.30 the second year are for assessing mercury
 37.31 contamination of fish, including monitoring
 37.32 to track the status of waters impaired by
 37.33 mercury and mercury reduction efforts over
 37.34 time.

38.1 (d) \$1,730,000 the first year and \$1,730,000
38.2 the second year are for TMDL development
38.3 and TMDL implementation plans for waters
38.4 listed on the United States Environmental
38.5 Protection Agency approved impaired waters
38.6 list in accordance with Minnesota Statutes,
38.7 chapter 114D, and for development of a
38.8 watershed assessment tool.

38.9 (e) \$1,500,000 the first year and \$1,500,000
38.10 the second year are for water supply
38.11 planning, aquifer protection, and monitoring
38.12 activities.

38.13 (f) \$450,000 the first year and \$450,000 the
38.14 second year are for establishing a Web-based
38.15 electronic permitting system to capture water
38.16 appropriation use information.

38.17 (g) \$1,725,000 the first year and \$1,725,000
38.18 the second year are for shoreland
38.19 stewardship, TMDL implementation
38.20 coordination, providing technical assistance
38.21 to the Drainage Work Group and Drainage
38.22 Management Team, and maintaining and
38.23 updating data. Of this amount, \$235,000
38.24 each year is for maintaining and updating
38.25 watershed boundaries and integrating
38.26 high-resolution digital elevation data with
38.27 watershed modeling and \$40,000 each year
38.28 is for a biomonitoring database. TMDL
38.29 implementation coordination efforts shall be
38.30 focused on major watersheds with TMDL
38.31 implementation plans, including forested
38.32 watersheds.

38.33 (h) \$1,350,000 the first year and \$1,350,000
38.34 the second year are to acquire and distribute
38.35 high-resolution digital elevation data using

39.1 light detection and ranging to aid with
 39.2 impaired waters modeling and TMDL
 39.3 implementation under Minnesota Statutes,
 39.4 chapter 114D. The money shall be used to
 39.5 collect data for areas of the state that have not
 39.6 acquired such data prior to January 1, 2007,
 39.7 or to complete acquisition and distribution
 39.8 of the data for those areas of the state that
 39.9 have not previously received state funds for
 39.10 acquiring and distributing the data. Mapping
 39.11 and data set distribution under this paragraph
 39.12 must be completed within three years of
 39.13 funds availability. The commissioner shall
 39.14 utilize department staff whenever possible.
 39.15 The commissioner may contract for services
 39.16 only if the services cannot otherwise be
 39.17 provided by the department.

39.18 (i) \$300,000 the first year and \$300,000
 39.19 the second year are for delivery of decision
 39.20 support tools through outreach, education,
 39.21 and citizen engagement.

39.22 (j) \$1,000,000 the first year is for
 39.23 implementation of the metropolitan
 39.24 groundwater monitoring and protection
 39.25 activities under Minnesota Laws 2010,
 39.26 chapter 361, article 2, section 4, subdivision
 39.27 5.

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

\$ 27,192,000 \$ 27,192,000

39.30 (a) \$13,750,000 the first year and
 39.31 \$13,750,000 the second year are for
 39.32 pollution reduction and restoration grants
 39.33 to local government units and joint powers
 39.34 organizations of local government units to
 39.35 protect surface water and drinking water; to

40.1 keep water on the land; to protect, enhance,
40.2 and restore water quality in lakes, rivers,
40.3 and streams; and to protect groundwater
40.4 and drinking water, including feedlot water
40.5 quality and subsurface sewage treatment
40.6 system (SSTS) projects and stream bank,
40.7 stream channel, and shoreline restoration
40.8 projects. The projects must be of long-lasting
40.9 public benefit, include a match, and be
40.10 consistent with TMDL implementation plans
40.11 or local water management plans.

40.12 (b) \$3,000,000 the first year and \$3,000,000
40.13 the second year are for targeted local
40.14 resource protection and enhancement grants.
40.15 The board shall give priority consideration
40.16 to projects and practices that complement,
40.17 supplement, or exceed current state standards
40.18 for protection, enhancement, and restoration
40.19 of water quality in lakes, rivers, and streams
40.20 or that protect groundwater from degradation.
40.21 Of this amount, at least \$1,500,000 each year
40.22 is for SSTS county implementation.

40.23 (c) \$900,000 the first year and \$900,000 the
40.24 second year are to provide state oversight
40.25 and accountability, evaluate results, and
40.26 measure the value of conservation program
40.27 implementation by local governments,
40.28 including submission to the legislature
40.29 by March 1 each year an annual report
40.30 prepared by the board, in consultation with
40.31 the commissioners of natural resources,
40.32 health, agriculture, and the Pollution Control
40.33 Agency, detailing the recipients and projects
40.34 funded under this section. The board shall
40.35 require grantees to specify the outcomes that

41.1 will be achieved by the grants prior to any
41.2 grant awards.

41.3 (d) \$1,000,000 the first year and \$1,000,000
41.4 the second year are for technical assistance
41.5 and grants for the conservation drainage
41.6 program in consultation with the Drainage
41.7 Work Group that consists of projects to
41.8 retrofit existing drainage systems with
41.9 water quality improvement practices,
41.10 evaluate outcomes, and provide outreach
41.11 to landowners, public drainage authorities,
41.12 drainage engineers and contractors, and
41.13 others.

41.14 (e) \$6,000,000 the first year and \$6,000,000
41.15 the second year are to purchase and restore
41.16 permanent conservation easements on
41.17 riparian buffers adjacent to public waters,
41.18 excluding wetlands, to keep water on the
41.19 land in order to decrease sediment, pollutant,
41.20 and nutrient transport; reduce hydrologic
41.21 impacts to surface waters; and increase
41.22 infiltration for groundwater recharge. The
41.23 riparian buffers must be at least 50 feet
41.24 unless there is a natural impediment, a road,
41.25 or other impediment beyond the control
41.26 of the landowner. This appropriation may
41.27 be used for restoration of riparian buffers
41.28 protected by easements purchased with
41.29 this appropriation and for stream bank
41.30 restorations when the riparian buffers have
41.31 been restored.

41.32 (f) \$1,000,000 the first year and \$1,000,000
41.33 the second year are for permanent
41.34 conservation easements on wellhead
41.35 protection areas under Minnesota Statutes,

42.1 section 103F.515, subdivision 2, paragraph
42.2 (d). Priority must be placed on land that
42.3 is located where the vulnerability of the
42.4 drinking water supply is designated as high
42.5 or very high by the commissioner of health.

42.6 (g) \$1,500,000 the first year and \$1,500,000
42.7 the second year are for community partners
42.8 grants to local units of government for:
42.9 (1) structural or vegetative management
42.10 practices that reduce storm water runoff
42.11 from developed or disturbed lands to reduce
42.12 the movement of sediment, nutrients, and
42.13 pollutants for restoration, protection, or
42.14 enhancement of water quality in lakes, rivers,
42.15 and streams and to protect groundwater
42.16 and drinking water; and (2) installation
42.17 of proven and effective water retention
42.18 practices including, but not limited to, rain
42.19 gardens and other vegetated infiltration
42.20 basins and sediment control basins in order
42.21 to keep water on the land. The projects
42.22 must be of long-lasting public benefit,
42.23 include a local match, and be consistent with
42.24 TMDL implementation plans or local water
42.25 management plans. Local government unit
42.26 staff and administration costs may be used
42.27 as a match.

42.28 (h) \$42,000 the first year and \$42,000 the
42.29 second year are for a technical assistance
42.30 panel to conduct up to ten restoration audits
42.31 under Minnesota Statutes, section 114D.50,
42.32 subdivision 6.

42.33 (i) The board shall contract for services
42.34 with Conservation Corps Minnesota for
42.35 restoration, maintenance, and other activities

43.1 under this section for \$500,000 the first year
43.2 and \$500,000 the second year.

43.3 (j) The board may shift grant or cost-share
43.4 funds in this section and may adjust the
43.5 technical and administrative assistance
43.6 portion of the funds to leverage federal or
43.7 other nonstate funds or to address oversight
43.8 responsibilities or high-priority needs
43.9 identified in local water management plans.

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

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

43.13 (a) \$1,020,000 the first year and \$1,020,000
43.14 the second year are for addressing public
43.15 health concerns related to contaminants
43.16 found in Minnesota drinking water for which
43.17 no health-based drinking water standard
43.18 exists.

43.19 (b) \$1,415,000 the first year and \$1,415,000
43.20 the second year are for protection of drinking
43.21 water sources.

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

43.26 (d) \$303,000 the first year and \$365,000 the
43.27 second year are to expand the county well
43.28 index.

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

43.30 \$500,000 the first year and \$500,000 the
43.31 second year are for implementation of the

44.1 master water supply plan developed under
 44.2 Minnesota Statutes, section 473.1565.

44.3 Sec. 9. **LEGISLATURE** **\$ 11,000 \$ -0-**

44.4 \$11,000 the first year is for the Legislative
 44.5 Coordinating Commission for the costs of
 44.6 developing and implementing a Web site to
 44.7 contain information on projects receiving
 44.8 appropriations from the clean water fund and
 44.9 other constitutionally dedicated funds.

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

44.11 **114D.10 LEGISLATIVE PURPOSE AND FINDINGS.**

44.12 Subdivision 1. **Purpose.** The purpose of the Clean Water Legacy Act is to protect,
 44.13 enhance, and restore, and preserve the water quality of Minnesota's surface waters in
 44.14 lakes, rivers, and streams and to protect groundwater from degradation, by providing
 44.15 authority, direction, and resources to achieve and maintain water quality standards for
 44.16 groundwater and surface waters as, including the standards required by section 303(d)
 44.17 of the federal Clean Water Act, United States Code, title 33, section 1313(d), and other
 44.18 applicable state and federal regulations.

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

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

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

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

44.30 Sec. 11. Minnesota Statutes 2010, section 114D.20, subdivision 1, is amended to read:

44.31 Subdivision 1. **Coordination and cooperation.** In implementing this chapter,
 44.32 public agencies and private entities shall take into consideration the relevant provisions of
 44.33 local and other applicable water management, conservation, land use, land management,

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

Sec. 12. Minnesota Statutes 2010, section 114D.20, subdivision 2, is amended to read:

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

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

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

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

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

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

(6) to achieve compliance with federal Clean Water Act requirements in Minnesota; ~~and~~

(7) to support effective measures to prevent the degradation of groundwater according to the groundwater degradation prevention goal under section 103H.001; and (8) to support effective measures to restore degraded groundwater.

Sec. 13. Minnesota Statutes 2010, section 114D.20, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

47.1 (8) monitor and enforce cost-sharing contracts and impose monetary damages in an
47.2 amount up to 150 percent of the financial assistance received for failure to comply; and
47.3 (9) identify and encourage implementation of measures to prevent groundwater from
47.4 becoming degraded and measures that restore groundwater resources.

47.5 Sec. 14. Minnesota Statutes 2010, section 114D.20, subdivision 6, is amended to read:

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

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

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

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

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

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

47.20 Sec. 15. Minnesota Statutes 2010, section 114D.20, subdivision 7, is amended to read:

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

47.26 Sec. 16. Minnesota Statutes 2010, section 114D.30, is amended to read:

47.27 **114D.30 CLEAN WATER COUNCIL.**

47.28 Subdivision 1. **Creation; duties.** A Clean Water Council is created to advise on the
47.29 administration and implementation of this chapter, and foster coordination and cooperation
47.30 as described in section 114D.20, subdivision 1. The council may also advise on the
47.31 development of appropriate processes for expert scientific review as described in section
47.32 114D.35, subdivision 2. The Pollution Control Agency shall provide administrative

support for the council with the support of other member agencies. The members of the council shall elect a chair from the ~~nonagency~~ voting members of the council.

Subd. 2. **Membership; appointment.** (a) The commissioners of natural resources, agriculture, health, and the Pollution Control Agency, and the executive director of the Board of Water and Soil Resources shall each appoint one person from their respective agency to serve as a nonvoting member of the council. ~~Agency members serve as nonvoting members of the council.~~ Two members of the house of representatives, including one member from the majority party and one member from the minority party, appointed by the speaker and two senators, including one member from the majority party and one member from the minority party, appointed according to the rules of the senate shall serve at the pleasure of the appointing authority as nonvoting members of the council. Agency and legislative members appointed under this paragraph serve as nonvoting members of the council.

(b) ~~Nineteen additional nonagency~~ voting members of the council shall be appointed by the governor as follows:

- (1) two members representing statewide farm organizations;
- (2) two members representing business organizations;
- (3) two members representing environmental organizations;
- (4) one member representing soil and water conservation districts;
- (5) one member representing watershed districts;
- (6) one member representing nonprofit organizations focused on improvement of Minnesota lakes or streams;
- (7) two members representing organizations of county governments, one member representing the interests of rural counties and one member representing the interests of counties in the seven-county metropolitan area;
- (8) two members representing organizations of city governments;
- (9) one member representing the Metropolitan Council established under section 473.123;
- (10) one member representing township ~~officer~~ officers;
- (11) one member representing the interests of tribal governments;
- (12) one member representing statewide hunting organizations;
- (13) one member representing the University of Minnesota or a Minnesota state university; and
- (14) one member representing statewide fishing organizations.

Members appointed under ~~clauses (1) to (14)~~ this paragraph must not be registered lobbyists or legislators. In making appointments, the governor must attempt to provide for

geographic balance. The members of the council appointed by the governor are subject to the advice and consent of the senate.

Subd. 3. **Conflict of interest.** A Clean Water Council member may not participate in or vote on a decision of the council relating to an organization in which the member has either a direct or indirect personal financial interest. While serving on the Clean Water Council, a member shall avoid any potential conflict of interest.

Subd. 4. **Terms; compensation; removal.** ~~The initial terms of members representing state agencies and the Metropolitan Council expire on the first Monday in January 2007. Thereafter,~~ The terms of members representing the state agencies and the Metropolitan Council are four years and are coterminous with the governor. The terms of other nonlegislative members of the council shall be as provided in section 15.059, subdivision 2. Members may serve until their successors are appointed and qualify. Compensation and removal of nonlegislative council members is as provided in section 15.059, subdivisions 3 and 4. Compensation of legislative members is as determined by the appointing authority. A vacancy on the council may be filled by the appointing authority provided in subdivision 1 for the remainder of the unexpired term.

Subd. 5. **Implementation plan.** The Clean Water Council shall recommend a plan for implementation of this chapter and the provisions of article XI, section 15, of the Minnesota Constitution relating to clean water. The recommended plan shall address general procedures and time frames for implementing this chapter, and shall include a more specific implementation work plan for the next fiscal biennium and a framework for setting priorities to address impaired waters consistent with section 114D.20, subdivisions 2 to 7. The council shall issue ~~the first recommended plan under this subdivision by December 1, 2005, and shall issue~~ a revised plan by December 1 of each even-numbered year ~~thereafter.~~

Subd. 6. **Recommendations on appropriation of funds.** (a) The Clean Water Council shall recommend to the governor and the legislature the manner in which money from the clean water ~~legacy account~~ fund should be appropriated for the purposes ~~identified in section 114D.45, subdivision 3~~ stated in article XI, section 15, of the Minnesota Constitution and section 114D.50.

(b) The council's recommendations must:

(1) be to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation and ensure that at least five percent of the clean water fund is spent only to protect drinking water sources;

(2) be consistent with the purposes, policies, goals, and priorities in ~~sections 114D.05 to 114D.35, this chapter; and shall~~

(3) allocate adequate support and resources to identify degraded groundwater and impaired waters, develop TMDL's, implement restoration of groundwater and impaired waters, and provide assistance and incentives to prevent groundwater and surface waters from becoming degraded or impaired and improve the quality of surface waters which are listed as impaired but have no approved TMDL.

(c) The council must recommend methods of ensuring that awards of grants, loans, or other funds from the clean water ~~legacy account~~ fund specify the outcomes to be achieved as a result of the funding and specify standards to hold the recipient accountable for achieving the desired outcomes. Expenditures from the ~~account~~ fund must be appropriated by law.

Subd. 7. **Biennial report to legislature.** By December 1 of each even-numbered year, the council shall submit a report to the legislature on the activities for which money has been or will be spent for the current biennium, the activities for which money is recommended to be spent in the next biennium, and the impact on economic development of the implementation of efforts to protect and restore groundwater and the impaired waters program. The report due on December 1, 2014, must include an evaluation of the progress made through June 30, 2014, in implementing this chapter and the provisions of article XI, section 15, of the Minnesota Constitution relating to clean water, the need for funding of future implementation ~~of those sections~~, and recommendations for the sources of funding.

Sec. 17. Minnesota Statutes 2010, section 114D.35, is amended to read:

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

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

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

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

Sec. 18. **CIVIC ENGAGEMENT AND PUBLIC EDUCATION.**

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

Sec. 19. **ADMINISTRATION ALLOWANCE.**

Money appropriated in this article may not be spent on activities unless they are directly related to and necessary for a specific appropriation. Unless otherwise specified in this article, an entity that receives money through a direct appropriation or a grant funded by an appropriation in this article may spend no more than five percent of the money for administration, indirect costs, or other institutional overhead charges.

Sec. 20. **REPEALER.**

Minnesota Statutes 2010, section 114D.45, is 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. Notwithstanding Minnesota Statutes, section 16A.28, and unless otherwise specified in this article, fiscal year 2012 appropriations are available until

52.1 June 30, 2013, and fiscal year 2013 appropriations are available until June 30, 2014. "The
52.2 first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is
52.3 fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are
52.4 effective the day following final enactment. All appropriations in this article are onetime.

52.5	<u>APPROPRIATIONS</u>			
52.6	<u>Available for the Year</u>			
52.7	<u>Ending June 30</u>			
52.8		<u>2012</u>		<u>2013</u>

52.9	Sec. 2. <u>DEPARTMENT OF NATURAL</u>			
52.10	<u>RESOURCES</u>	<u>\$</u>	<u>24,033,000</u>	<u>\$</u> <u>23,193,000</u>

52.11 (a) \$14,597,000 the first year and
52.12 \$15,437,000 the second year are for state
52.13 parks, recreation areas, and trails to:
52.14 (1) connect people to the outdoors;
52.15 (2) acquire land and create opportunities;
52.16 (3) maintain existing holdings, including
52.17 developing and redeveloping facilities,
52.18 and improving accessibility and energy
52.19 efficiency; and
52.20 (4) improve cooperation by coordinating
52.21 with partners to implement the 25-year
52.22 long-range parks and trails legacy plan.
52.23 (b) \$2,100,000 the first year is for acquisition
52.24 of land adjacent to LaSalle Lake in Hubbard
52.25 County for a state recreation area.
52.26 (c) \$7,298,000 the first year and \$7,718,000
52.27 the second year are for grants under
52.28 Minnesota Statutes, section 85.535, to
52.29 acquire, develop, improve, and restore
52.30 parks and trails of regional or statewide
52.31 significance. Of this amount, \$100,000
52.32 the first year is for a grant to the Greater
52.33 Minnesota Regional Park and Trail Coalition
52.34 to: define and develop information, including

53.1 the number of users to greater Minnesota
 53.2 regional parks and trails; collect and compile
 53.3 details on the facilities within the greater
 53.4 Minnesota system facilities; and develop
 53.5 a plan for high priority park and trail
 53.6 acquisition and development opportunities.
 53.7 Up to 2.5 percent of this appropriation may
 53.8 be used for administering the grants. Any
 53.9 unencumbered balance does not cancel at the
 53.10 end of the first year and is available for the
 53.11 second year. Applications for grants funded
 53.12 with appropriations from the first year shall
 53.13 be accepted until July 15, 2011.

53.14 (d) \$38,000 the first year and \$38,000 the
 53.15 second year are for a technical assistance
 53.16 panel to conduct up to ten restoration audits
 53.17 under Minnesota Statutes, section 85.53,
 53.18 subdivision 5.

53.19 Sec. 3. **METROPOLITAN COUNCIL** **\$** **14,597,000** **\$** **15,437,000**

53.20 (a) \$14,597,000 the first year and
 53.21 \$15,437,000 the second year are to be
 53.22 distributed as required under Minnesota
 53.23 Statutes, section 85.53, subdivision 3.

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

53.30 Sec. 4. **LEGISLATURE** **\$** **5,000** **\$** **-0-**

53.31 \$5,000 the first year is for the Legislative
 53.32 Coordinating Commission for the costs of
 53.33 developing and implementing a Web site to

contain information on projects receiving
appropriations from the parks and trails fund
and other constitutionally dedicated funds.

Sec. 5. **ADMINISTRATION ALLOWANCE.**

Money appropriated in this article may not be spent on activities unless they are
directly related to and necessary for a specific appropriation. Unless otherwise specified in
this article, an entity that receives money through a direct appropriation or a grant funded
by an appropriation in this article may spend no more than five percent of the money for
administration, indirect costs, or other institutional overhead charges.

ARTICLE 4

ARTS AND CULTURAL HERITAGE FUND

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

The sums shown in the columns marked "Appropriations" are appropriated to the
entities and for the purposes specified in this article. The appropriations are from the arts
and cultural heritage fund, and are available for the fiscal years indicated for allowable
activities under the Minnesota Constitution, article XI, section 15. Notwithstanding
Minnesota Statutes, section 16A.28, and unless otherwise specified in this article,
fiscal year 2012 appropriations are available until June 30, 2013, and fiscal year 2013
appropriations are available until June 30, 2014. "The first year" is fiscal year 2012. "The
second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. All
appropriations in this article are onetime.

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

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

Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>50,610,000</u>	<u>\$</u>	<u>50,604,000</u>
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The amounts that may be spent for each
purpose are specified in the following
subdivisions.

Subd. 2. <u>Minnesota State Arts Board</u>	<u>21,644,000</u>	<u>21,644,000</u>
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These amounts are appropriated to the
Minnesota State Arts Board for arts,

55.1 arts education, and arts access. Grant
55.2 agreements entered into by the Minnesota
55.3 State Arts Board and other recipients of
55.4 appropriations in this section shall ensure
55.5 that these funds are used to supplement
55.6 and not supplant traditional sources of
55.7 funding. Appropriations made directly
55.8 to the Minnesota State Arts Board shall
55.9 supplement, and shall not substitute for,
55.10 traditional sources of funding. Each grant
55.11 program established within this appropriation
55.12 shall be separately administered from other
55.13 state appropriations for program planning
55.14 and outcome measurements, but may take
55.15 into consideration other state resources
55.16 awarded in the selection of applicants and
55.17 grant award size.

55.18 **Arts and Arts Access Initiatives.**
55.19 \$16,500,000 the first year and \$16,500,000
55.20 the second year are to support Minnesota
55.21 artists and arts organizations in creating,
55.22 producing, and presenting high-quality arts
55.23 activities; to overcome barriers to accessing
55.24 high-quality arts activities; and to instill the
55.25 arts into the community and public life in
55.26 this state.

55.27 A portion of these funds may be used to:
55.28 (1) pay attendance fees and travel costs
55.29 for youth to visit art museums, arts
55.30 performances, or other arts activities; or
55.31 (2) bring artists to schools, libraries, or other
55.32 community centers or organizations for
55.33 teaching, training, or performance purposes.

55.34 **Arts Education.** \$3,450,000 the first year
55.35 and \$3,450,000 the second year are for

56.1 high-quality, age-appropriate arts education
 56.2 for Minnesotans of all ages to develop
 56.3 knowledge, skills, and understanding of the
 56.4 arts.

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

56.10 **Arts and Cultural Heritage. \$1,080,000**
 56.11 the first year and \$1,080,000 the second year
 56.12 are for events and activities that represent
 56.13 the diverse ethnic and cultural arts traditions,
 56.14 including folk and traditional artists and art
 56.15 organizations, represented in this state.

56.16 **Administration, Fiscal Oversight, and**
 56.17 **Accountability. \$634,000 the first year**
 56.18 and \$634,000 the second year are for
 56.19 administration of grant programs, delivering
 56.20 technical services, providing fiscal oversight
 56.21 for the statewide system, and ensuring
 56.22 accountability for these state resources.

56.23 **Census.** The Minnesota State Arts Board, in
 56.24 partnership with regional arts councils, shall
 56.25 maintain a census of Minnesota artists and
 56.26 artistic organizations.

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

56.32 **Subd. 3. Department of Education** 3,455,000 3,455,000

56.33 These amounts are appropriated to the
 56.34 commissioner of education for grants

57.1 allocated using existing formulas under
 57.2 Minnesota Statutes, section 134.355, to the
 57.3 12 Minnesota Regional Library Systems, to
 57.4 provide educational opportunities in the arts,
 57.5 history, literary arts, and cultural heritage
 57.6 of Minnesota. These funds may be used
 57.7 to sponsor programs provided by regional
 57.8 libraries, or to provide grants to local arts
 57.9 and cultural heritage programs for programs
 57.10 in partnership with regional libraries.
 57.11 Subd. 4. **Minnesota Historical Society** 12,250,000 12,250,000

 57.12 These amounts are appropriated to the
 57.13 governing board of the Minnesota Historical
 57.14 Society to preserve and enhance access to
 57.15 Minnesota's history and its cultural and
 57.16 historical resources. Grant agreements
 57.17 entered into by the Minnesota Historical
 57.18 Society and other recipients of appropriations
 57.19 in this section shall ensure that these funds
 57.20 are used to supplement and not substitute for
 57.21 traditional sources of funding. Funds directly
 57.22 appropriated to the Minnesota Historical
 57.23 Society shall be used to supplement, and not
 57.24 substitute for, traditional sources of funding.
 57.25 If a project receives federal funds, the time
 57.26 period of the appropriation is extended to
 57.27 equal the availability of the federal funds.
 57.28 For historic preservation projects that
 57.29 improve historic structures, the amounts are
 57.30 available until June 30, 2015.

 57.31 **Statewide Historic and Cultural Grants.**
 57.32 \$6,000,000 the first year and \$6,000,000
 57.33 the second year are for history programs
 57.34 and projects operated or conducted by or
 57.35 through local, county, regional or other

58.1 historical or cultural organizations; or for
58.2 activities to preserve significant historic
58.3 and cultural resources. Funds are to be
58.4 distributed through a competitive grants
58.5 process. The Minnesota Historical Society
58.6 shall administer these funds using established
58.7 grants mechanisms, and with assistance from
58.8 the advisory committee created under Laws
58.9 of 2009, chapter 172, article 4, section 2,
58.10 subdivision 4, paragraph (b), clause (ii).

58.11 **Programs.** \$4,000,000 the first year and
58.12 \$4,000,000 the second year are for programs
58.13 and purposes related to the historical and
58.14 cultural heritage of the state of Minnesota,
58.15 conducted by the Minnesota Historical
58.16 Society.

58.17 **History Partnerships.** \$1,500,000 the
58.18 first year and \$1,500,000 the second year
58.19 are for partnerships involving multiple
58.20 organizations, which may include the
58.21 Minnesota Historical Society, to preserve and
58.22 enhance access to Minnesota's history and
58.23 cultural heritage in all regions of the state.

58.24 **Statewide Survey of Historical and**
58.25 **Archaeological Sites.** \$275,000 the first
58.26 year and \$275,000 the second year are
58.27 for a contract or contracts to be let on
58.28 a competitive basis to conduct surveys,
58.29 statewide, of Minnesota's sites of historical,
58.30 archaeological, and cultural significance.
58.31 Results of this survey must be published in
58.32 a searchable form, available to the public on
58.33 a cost-free basis. The Minnesota Historical
58.34 Society, the Office of the State Archaeologist,
58.35 and the Indian Affairs Council shall each

59.1 appoint a representative to an oversight board
 59.2 to select contractors and direct the conduct
 59.3 of these surveys. The oversight board shall
 59.4 consult with the Minnesota Departments of
 59.5 Transportation and Natural Resources.

59.6 **Digital Library.** \$475,000 the first year and
 59.7 \$475,000 the second year are for a digital
 59.8 library project to preserve, digitize, and share
 59.9 Minnesota images, documents, and historic
 59.10 materials. The Minnesota Historical Society
 59.11 shall cooperate with the MINITEX system
 59.12 and shall jointly share this appropriation for
 59.13 these purposes.

59.14	<u>Subd. 5. Department of Administration</u>	<u>8,460,000</u>	<u>8,460,000</u>
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59.15 These amounts are appropriated to the
 59.16 commissioner of administration for grants
 59.17 to the named organizations for the purposes
 59.18 specified in this subdivision. Up to one
 59.19 percent of funds may be used by the
 59.20 commissioner for grants administration.

59.21 Grant agreements entered into by
 59.22 the commissioner and recipients of
 59.23 appropriations in this subdivision must
 59.24 ensure that money appropriated in this
 59.25 subdivision is used to supplement and not
 59.26 substitute for traditional sources of funding.

59.27 **Public Television.** \$3,900,000 the first
 59.28 year and \$3,900,000 the second year are for
 59.29 grants to the Minnesota Public Television
 59.30 Association for production and acquisition
 59.31 grants in accordance with Minnesota
 59.32 Statutes, section 129D.18.

59.33 **Minnesota Public Radio.** \$1,000,000 the
 59.34 first year and \$1,000,000 the second year

60.1 are for grants to Minnesota Public Radio to
60.2 create new programming and events, expand
60.3 regional news service, amplify Minnesota
60.4 culture to a regional and national audience,
60.5 and document Minnesota's history through
60.6 the Minnesota Audio Archives.

60.7 **Association of Minnesota Public**
60.8 **Educational Radio Stations. \$1,500,000**
60.9 the first year and \$1,500,000 the second
60.10 year are for grants to the Association of
60.11 Minnesota Public Educational Radio Stations
60.12 for production and acquisition grants in
60.13 accordance with Minnesota Statutes, section
60.14 129D.19.

60.15 **Zoos. \$400,000 the first year and \$400,000**
60.16 the second year are for grants of \$200,000
60.17 each year to the Como Zoo and the Lake
60.18 Superior Zoo for programmatic development.

60.19 **Children's Museums. \$1,000,000 the first**
60.20 year and \$1,000,000 the second year are
60.21 for grants of \$250,000 each year to each
60.22 of the following entities: the Minnesota
60.23 Children's Museum, the Duluth Children's
60.24 Museum, the Children's Discovery Museum
60.25 of Grand Rapids, and the Children's Museum
60.26 of Southern Minnesota. These amounts are
60.27 for arts, arts education, and arts access and
60.28 to preserve Minnesota's history and cultural
60.29 heritage.

60.30 **Science Museum of Minnesota. \$500,000**
60.31 the first year and \$500,000 the second year
60.32 are for grants to the Science Museum of
60.33 Minnesota. These amounts are for arts, arts
60.34 education, and arts access and to preserve
60.35 Minnesota's history and cultural heritage.

61.1	<u>Minnesota Film and TV Board. \$160,000</u>		
61.2	<u>the first year and \$160,000 the second year</u>		
61.3	<u>are for grants to the Minnesota Film and TV</u>		
61.4	<u>Board for grants to Minnesota filmmakers</u>		
61.5	<u>to create film or television productions that</u>		
61.6	<u>illuminate Minnesota arts, history, or cultural</u>		
61.7	<u>heritage.</u>		
61.8	<u>Subd. 6. Minnesota Zoological Garden</u>	<u>700,000</u>	<u>700,000</u>
61.9	<u>These amounts are appropriated to</u>		
61.10	<u>the Minnesota Zoological Board for</u>		
61.11	<u>programmatic development of the Minnesota</u>		
61.12	<u>Zoo.</u>		
61.13	<u>Subd. 7. Minnesota Humanities Center</u>	<u>1,075,000</u>	<u>1,075,000</u>
61.14	<u>These amounts are appropriated to the board</u>		
61.15	<u>of directors of the Minnesota Humanities</u>		
61.16	<u>Center for the purposes specified in this</u>		
61.17	<u>subdivision.</u>		
61.18	<u>Programs and Purposes. \$325,000 the first</u>		
61.19	<u>year and \$325,000 the second year are for</u>		
61.20	<u>programs and purposes of the Minnesota</u>		
61.21	<u>Humanities Center.</u>		
61.22	<u>The Minnesota Humanities Center may</u>		
61.23	<u>consider museums and organizations</u>		
61.24	<u>celebrating the ethnic identities of</u>		
61.25	<u>Minnesotans for grants from these funds.</u>		
61.26	<u>The Minnesota Humanities Center may</u>		
61.27	<u>develop a written plan for the competitive</u>		
61.28	<u>issuance of these grants, and, if developed,</u>		
61.29	<u>shall submit that plan for review and approval</u>		
61.30	<u>by the Department of Administration.</u>		
61.31	<u>Councils of Color. \$500,000 the first</u>		
61.32	<u>year and \$500,000 the second year are for</u>		
61.33	<u>competitive grants to the Council on Asian</u>		
61.34	<u>Pacific Minnesotans, the Council on Black</u>		

62.1 Minnesotans, the Indian Affairs Council, and
62.2 the Chicano Latino Affairs Council. Grants
62.3 are for programs and cooperation between
62.4 the Minnesota Humanities Center and the
62.5 grant recipients for community events and
62.6 programs that celebrate and preserve artistic,
62.7 historical, and cultural heritage.

62.8 **Civics Education. \$250,000 the first year**
62.9 **and \$250,000 the second year are for grants**
62.10 **to the following organizations to conduct**
62.11 **civics education programs for the civic and**
62.12 **cultural development of Minnesota youth:**
62.13 **\$113,000 each year to the Learning Law and**
62.14 **Democracy Foundation, \$106,000 each year**
62.15 **to Kids Voting Minnesota, and \$31,000 each**
62.16 **year to YMCA Youth in Government.**

62.17	<u>Subd. 7. Perpich Center For Arts Education</u>	<u>725,000</u>	<u>725,000</u>
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62.18 These amounts are appropriated to the board
62.19 of directors of the Perpich Center for Arts
62.20 Education for arts, arts education, and arts
62.21 access and to preserve Minnesota's history
62.22 and cultural heritage.

62.23	<u>Subd. 8. Department of Agriculture</u>	<u>1,400,000</u>	<u>1,400,000</u>
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62.24 These amounts are appropriated to the
62.25 commissioner of agriculture for grants to
62.26 county agricultural societies to enhance arts
62.27 access and education and to preserve and
62.28 promote Minnesota's history and cultural
62.29 heritage as embodied in its county fairs.
62.30 The grants shall be in addition to the aid
62.31 distributed to county agricultural societies
62.32 under Minnesota Statutes, section 38.02. The
62.33 commissioner shall award grants as follows:

63.1	<u>(1) \$350,000 each year, distributed in equal</u>		
63.2	<u>amounts to each of the state's county fairs</u>		
63.3	<u>to enhance arts access and education and to</u>		
63.4	<u>preserve and promote Minnesota's history</u>		
63.5	<u>and cultural heritage;</u>		
63.6	<u>(2) \$694,0000 each year, distributed as</u>		
63.7	<u>competitive grants for the development or</u>		
63.8	<u>enhancement of county fair facilities that</u>		
63.9	<u>provide access to the arts, arts education, or</u>		
63.10	<u>agricultural, historical and cultural heritage</u>		
63.11	<u>programs, including but not limited to</u>		
63.12	<u>agricultural education centers, arts buildings,</u>		
63.13	<u>and performance stages;</u>		
63.14	<u>(3) \$178,000 each year, distributed as</u>		
63.15	<u>competitive grants for specific county fair</u>		
63.16	<u>projects and events that provide access to the</u>		
63.17	<u>arts or the state's agricultural, historical, and</u>		
63.18	<u>cultural heritage; and</u>		
63.19	<u>(4) \$178,000 each year, distributed as</u>		
63.20	<u>competitive grants for specific arts, cultural,</u>		
63.21	<u>or historical programs at county fairs.</u>		
63.22	<u>Subd. 9. Indian Affairs Council</u>	<u>875,000</u>	<u>875,000</u>
63.23	<u>These amounts are appropriateded to the Indian</u>		
63.24	<u>Affairs Council for the purposes identified in</u>		
63.25	<u>this subdivision.</u>		
63.26	<u>Language Working Group.</u> <u>\$75,000 the</u>		
63.27	<u>first year and \$75,000 the second year are</u>		
63.28	<u>for continuation of the working group on</u>		
63.29	<u>Dakota and Ojibwe Language Revitalization</u>		
63.30	<u>and Preservation established under Laws of</u>		
63.31	<u>2009, chapter 172, article 4, section 5.</u>		
63.32	<u>Language Preservation and Education.</u>		
63.33	<u>\$550,000 the first year and \$550,000 the</u>		
63.34	<u>second year are for grants for programs</u>		

64.1 that preserve Dakota and Ojibwe Indian
64.2 languages and to foster educational programs
64.3 in Dakota and Ojibwe languages.

64.4 **Language Immersion.** \$250,000 the first
64.5 year and \$250,000 the second year are for
64.6 grants of \$125,000 each year to the Niigaane
64.7 Ojibwe Immersion School and the Wicoie
64.8 Nandagikendan Urban Immersion Project to:

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

64.10 (2) provide fluent speakers in the classroom;

64.11 (3) develop appropriate testing and

64.12 evaluation procedures; and

64.13 (4) develop community-based training and

64.14 engagement.

64.15	<u>Subd. 10. Legislature</u>	<u>6,000</u>	<u>0</u>
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64.16 These amounts are appropriated to the
64.17 Legislative Coordinating Commission to
64.18 operate the Web site for dedicated funds
64.19 required under Minnesota Statutes, section
64.20 3.303, subdivision 10.

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

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

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

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

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

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

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

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

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

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

65.18 Subd. 5. **Reporting.** A noncommercial radio station receiving funds appropriated
65.19 under this section must report annually by January 15 to the commissioner, the Legislative
65.20 Coordinating Commission, and the chairs and ranking minority members of the senate
65.21 and house of representatives committees and divisions having jurisdiction over arts and
65.22 cultural heritage policy and finance regarding how the previous year's grant funds were
65.23 expended. ~~This~~ In addition to all information required of each recipient of money from
65.24 the arts and cultural heritage fund under section 3.303, subdivision 10, the report must
65.25 contain specific information for each program produced and broadcast, including the
65.26 cost of production, the number of stations broadcasting the program, estimated number
65.27 of listeners, and other related measures. If the programs produced include educational
65.28 material, the noncommercial radio station must report on these efforts.

65.29 Sec. 6. Laws 2009, chapter 172, article 4, section 9, subdivision 5, is amended to read:

65.30 Subd. 5. **Report.** The working group must report its findings and recommendations,
65.31 including draft legislation, if necessary, to the Indian Affairs Council and the chairs and
65.32 ranking minority members of the legislative committees and divisions with jurisdiction
65.33 over early childhood through grade 12 education ~~and~~ higher education, and arts and

66.1 cultural heritage policy or finance by February 15, 2011, and again by February 15, 2012.
66.2 The ~~committee~~ working group expires on February 16, 2011-2013.

66.3 Sec. 7. **ADMINISTRATION ALLOWANCE.**

66.4 Money appropriated in this article may not be spent on activities unless they are
66.5 directly related to and necessary for a specific appropriation. Unless otherwise specified in
66.6 this article, an entity that receives money through a direct appropriation or a grant funded
66.7 by an appropriation in this article may spend no more than five percent of the money for
66.8 administration, indirect costs, and other institutional overhead charges.

66.9 **ARTICLE 5**

66.10 **GENERAL PROVISIONS; ALL LEGACY FUNDS**

66.11 Section 1. Minnesota Statutes 2010, section 3.303, subdivision 10, is amended to read:

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

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

66.21 (2) information on all projects receiving funding, including:

66.22 (i) the name of the project and a project description;

66.23 (ii) the name, telephone number, members of the board or equivalent governing

66.24 body, and e-mail address of the funding recipient and, when applicable, the Web site

66.25 address where the public can directly access detailed information on the recipient's receipt

66.26 and use of money for the project;

66.27 (iii) the amount and source of funding, including the fiscal year of the appropriation;

66.28 (iv) the amount and source of any additional funding or leverage;

66.29 (v) the duration of the project;

66.30 (vi) the number of full-time equivalents funded under the project;

66.31 (vii) the direct expenses and administration costs of the project;

66.32 (viii) proposed measurable outcomes and the plan for measuring and evaluating

66.33 the results;

(ix) for pass-through, noncompetitive grants, the entity acting as the fiscal agent or administering agency and a point of contact for additional information; and

(x) for competitive grants, the name, qualifications, and any potential conflict of interest, as defined under section 97A.056, subdivision 4, paragraph (b), for all board members or members of an equivalent governing body ultimately responsible for awarding the grants, as well as any grantmaking advisory group.

For the purposes of this clause, "full-time equivalent" means a position directly attributed to the receipt of money from one or more of the funds covered under this section, calculated as the total number of hours planned for the position divided by 2,088;

(3) actual measured outcomes and evaluation of projects as required under sections 85.53, subdivision 2; ~~114D.50, subdivision 2~~ 114D.50, subdivision 4; and 129D.17, subdivision 2;

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

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

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

(b) As soon as practicable or by the deadline specified in the enabling legislation, whichever comes first, a state agency or other recipient of a direct appropriation from a fund covered under this section shall submit the information required under paragraph (a) and, when applicable, compile and submit the same information for any grant recipient or other subrecipient of funding. All information for proposed and funded projects, including the proposed measurable outcomes, must be made available on the Web site as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available. The costs of these activities shall be paid out of the arts and cultural heritage fund, outdoor heritage fund, clean water fund, parks and trails fund, and the environment and natural resources trust fund proportionately. For purposes of this section, "measurable outcomes" means outcomes, indicators, or other performance measures that may be quantified or otherwise measured in order to measure the effectiveness of a project or program in meeting its intended goal or purpose.

(c) The Legislative Coordinating Commission shall be responsible for receiving all ten-year plans and 25-year frameworks for each of the constitutionally dedicated funds. To 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.

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

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

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

68.12 (c) ~~At~~ A state agency or other recipient of a direct appropriation from the parks and
68.13 trails fund must compile and submit all information for funded projects or programs,
68.14 including the proposed measurable outcomes and all other items required under section
68.15 3.303, subdivision 10, must be made available on to the Legislative Coordinating
68.16 Commission as soon as practicable or by the deadline specified in the enabling law,
68.17 whichever comes first. The Legislative Coordinating Commission must post submitted
68.18 information on the Web site required under section 3.303, subdivision 10, as soon as
68.19 practicable. Information on the measured outcomes and evaluation must be posted as soon
68.20 as it becomes available.

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

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

68.27 (f) A state agency or other recipient of money from the parks and trails fund shall,
68.28 when applicable, prominently display on the state agency's or other recipient's Web site
68.29 home page a link to the Legislative Coordinating Commission Web site required under
68.30 section 3.303, subdivision 10. The link must include, and may consist entirely of, the
68.31 legacy logo required under Laws 2010, article 3, section 5.

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

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

69.3 Subd. 12. **Recipient requirements.** (a) A state agency or other recipient of a direct
69.4 appropriation from the outdoor heritage fund must compile and submit all information
69.5 for funded projects or programs, including the proposed measurable outcomes and all
69.6 other items required under section 3.303, subdivision 10, to the Legislative Coordinating
69.7 Commission as soon as practicable or by the deadline specified in the enabling law,
69.8 whichever comes first. The Legislative Coordinating Commission must post submitted
69.9 information on the Web site required under section 3.303, subdivision 10, as soon as it
69.10 becomes available.

69.11 (b) A state agency or other recipient of money from the outdoor heritage fund shall,
69.12 when applicable, prominently display on the state agency's or other recipient's Web site
69.13 home page a link to the Legislative Coordinating Commission Web site required under
69.14 section 3.303, subdivision 10. The link must include, and may consist entirely of, the
69.15 legacy logo required under Laws 2010, article 3, section 5.

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

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

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

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

69.30 (c) ~~At~~ A state agency or other recipient of a direct appropriation from the clean
69.31 water fund must compile and submit all information for proposed and funded projects
69.32 or programs, including the proposed measurable outcomes and all other items required
69.33 under section 3.303, subdivision 10, ~~must be made available on the Web site required~~
69.34 ~~under section 3.303, subdivision 10, to the Legislative Coordinating Commission~~ as soon
69.35 as practicable or by the deadline specified in the enabling law, whichever comes first.

~~Information on the measured outcomes and evaluation must be posted~~ The Legislative Coordinating Commission must post submitted information on the Web site required under section 3.303, subdivision 10, as soon 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 regrantee 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.

(f) A state agency or other recipient of money from the clean water fund shall, when applicable, prominently display on the state agency's or other recipient's Web site home page a link to the Legislative Coordinating Commission Web site required under section 3.303, subdivision 10. The link must include, and may consist entirely of, the legacy logo required under Laws 2010, article 3, section 5.

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

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

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 must 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.

~~At~~ (d) A state agency or other recipient of a direct appropriation from the arts and cultural heritage fund must compile and submit all information for funded projects or

programs, including the proposed measurable outcomes and all other items required under section 3.303, subdivision 10, ~~must be made available on~~ to the Legislative Coordinating Commission ~~Web site~~, as soon as practicable or by the deadline specified in the enabling law, whichever comes first. ~~Information on the measured outcomes and evaluation must be posted~~ The Legislative Coordinating Commission must post submitted information on the Web site required under section 3.303, subdivision 10, 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) All money from the arts and cultural heritage fund must be for projects located in Minnesota.

(g) A state agency or other recipient of money from the arts and cultural heritage fund shall, when applicable, prominently display on the state agency's or other recipient's Web site home page a link to the Legislative Coordinating Commission Web site required under section 3.303, subdivision 10. The link must include, and may consist entirely of, the legacy logo required under Laws 2010, article 3, section 5.

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

Sec. 6. **APPLICABILITY.**

The provisions in sections 7 to 9 apply to any appropriation for fiscal year 2012 or 2013 from a legacy fund. For the purposes of sections 7 to 9, "legacy fund" means the outdoor heritage fund, the clean water fund, the parks and trails fund, or the arts and cultural heritage fund

Sec. 7. **GENERAL PROVISIONS.**

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

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

72.1 **Sec. 8. LEGACY FUNDS RECIPIENT REPORT.**