

Chapter 40

2023 Regular Session

Subject Legacy Omnibus
Bill H.F. 1999
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Mary Davis (Article 4)
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Overview

This act appropriates money from the outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund; the four funds established by the “Legacy Amendment” passed by the voters in 2008.

Article 1: Outdoor Heritage Fund

This article contains appropriations from the outdoor heritage fund (OHF). The appropriations are based upon recommendations made by the Lessard-Sams Outdoor Heritage Council (LSOHC). The LSOHC is a 12-member council made up of four legislators and eight citizens tasked with making annual recommendations to the legislature on how to spend money in the OHF. The OHF receives 33 percent of the revenues from the sales tax increase and the money may be spent only “to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.”

Section Description – Article 1: Outdoor Heritage Fund

- 1 **Outdoor heritage fund appropriation.**
Technical.
- 2 **Outdoor heritage fund.**
 - Subd. 1. Total appropriation.** Provides total appropriations of \$171,135,000 in fiscal year 2024 and \$655,000 in fiscal year 2025 from the outdoor heritage fund.
 - Subd. 2. Prairies.** Specifies appropriations totaling \$31,917,000 for various projects restoring, enhancing, and protecting the state’s prairies.
 - Subd. 3. Forests.** Specifies appropriations totaling \$6,569,000 for various projects restoring, enhancing, and protecting the state’s forests.
 - Subd. 4. Wetlands.** Specifies appropriations totaling \$33,469,000 for various projects restoring, enhancing, and protecting the state’s wetlands.

Section Description – Article 1: Outdoor Heritage Fund

Subd. 5. Habitats. Specifies appropriations totaling \$97,349,000 for various other habitat projects and the conservation partners legacy grant program.

Subd. 6. Administration. Specifies appropriations totaling \$1,831,000 in fiscal year 2024 and \$655,000 in fiscal year 2025 for administration, including administrative costs of the LSOHC, contract management services from the Department of Natural Resources (DNR), and a technical evaluation panel.

Subd. 7. Availability of appropriation. States that money appropriated may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the accomplishment plan and may not be spent on indirect costs or other institutional overhead charges that are not directly related to a specific appropriation. Provides for the availability of funding depending on the use of the funds and whether or not federal funds are also used.

Subd. 8. Payment conditions and capital equipment expenditures. Requires all agreements to be administered on a reimbursement basis unless otherwise provided. Allows reasonable amounts to be advanced in some circumstances if approved as part of an accomplishment plan. Requires capital expenditures that exceed \$10,000 to be itemized and approved as part of an accomplishment plan.

Subd. 9. Mapping. Requires recipients of an appropriation to submit geographic information on lands acquired in fee with the appropriation that are open to the public for hunting and fishing to the DNR for mapping.

Subd. 10. Opportunities for youth. Requires recipients of an appropriation to contact the DNR, in writing, to determine whether opportunities to coordinate with recipients of grants from the no child left inside grant program or other opportunities are available to provide conservation training and education to racially, ethnically, and economically diverse youth. Requires recipients to contact the Conservation Corps Minnesota, in writing, and consider their services. Requires a copy of the written contacts to be filed with the LSOHC.

Subd. 11. Carryforward. Extends the availability of a number of previous appropriations.

3 Lessard-Sams Outdoor Heritage Council.

Allows public members of the LSOHC to be compensated at a rate of up to \$125 per day.

4 Recipient requirements.

Requires projects or programs receiving funding from the OHF to include an assessment of whether the funding celebrates cultural diversity or reaches diverse

Section Description – Article 1: Outdoor Heritage Fund

communities in Minnesota, including reaching low- and moderate-income households.

5 Revenues.

Allows additional time for recipients who receive revenue from activities on land acquired with money from the OHF to disclose the revenue (from 60 to 90 days after the availability of the appropriation).

6 Habitats.

Increases the amount of money that may be used for easement stewardship in a fiscal year 2021 appropriation for a grant to the Minnesota Land Trust.

Article 2: Clean Water Fund

This article contains fiscal years 2024 and 2025 appropriations from the clean water fund. The appropriations are based upon recommendations made by the Clean Water Council (CWC). The CWC is a 28-member council tasked with making recommendations on how to spend money in the CWF. The CWF receives 33 percent of the revenues from the sales tax increase and must be spent “only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation.” The constitutional amendment also requires that at least five percent of the fund be spent to protect drinking water sources.

Section Description – Article 2: Clean Water Fund

1 Clean water fund appropriations.

Technical.

2 Clean water.

Subd. 1. Total appropriation. Provides a total appropriation of \$158,897,000 from the clean water fund in fiscal year 2024, and \$159,499,000 in fiscal year 2025.

Subd. 2. Availability of appropriation. Requires the money to be used only for activities that are directly related to and necessary for a specific appropriation and makes the funds available for two years or, when federal funds are involved, for the time period equal to the federal funding availability.

Subd. 3. Disability access. Requires recipients of the money, where appropriate, to make progress toward providing people with disabilities with greater access to the programs funded.

Section Description – Article 2: Clean Water Fund

Subd. 4. Increasing diversity in environmental careers. States that agencies should work to provide opportunities that encourage a diversity of students to pursue careers in environment and natural resources when implementing appropriations in the article.

3 Department of Agriculture.

Appropriates \$20,839,000 in fiscal year 2024 and \$20,839,000 in fiscal year 2025 to the Department of Agriculture for various purposes, including money for:

- increased monitoring for contaminants in surface water and groundwater;
- activities to protect groundwater from nitrate contamination;
- agriculture best management practices loan program;
- technical assistance, research, and demonstration projects regarding best management practice implementation;
- maintenance of the Minnesota Water Research Digital Library;
- the Minnesota agricultural water quality certification program;
- a regional irrigation water quality specialist;
- the Forever Green Agriculture Initiative;
- testing of private wells for contaminants;
- testing drinking water wells for pesticides;
- conservation assistance grants;
- expanding the existing state weather station and soil temperature network; and
- grants for research and demonstration projects for manure crediting and revising manure best management practices.

4 Pollution Control Agency.

Appropriates \$24,187,000 in fiscal year 2024 and \$24,188,000 in fiscal year 2025 to the Pollution Control Agency (PCA), including money for:

- completion of statewide surface water assessments;
- updating watershed restoration and protection strategies (WRAPS) which include TMDL studies and TMDL implementation plans;
- groundwater assessment;
- implementation of the St. Louis River System Area of Concern remedial action plan;
- national pollutant discharge elimination system (NPDES) wastewater and storm water TMDL implementation;
- grants to counties for subsurface sewage treatment systems (SSTS);
- activities, training, and grants to reduce chloride pollution;

Section Description – Article 2: Clean Water Fund

- administration of the Clean Water Council (CWC); and
- grants for sanitary sewer projects in Voyageurs National Park.

5 Department of Natural Resources.

Appropriates \$12,780,000 in fiscal year 2024 and \$12,780,000 in fiscal year 2025 to the Department of Natural Resources (DNR), including money for:

- stream flow monitoring;
- lake Index of Biological Integrity (IBI) assessments;
- assessing mercury, PFAS, and other contamination of fish;
- development of targeted, science-based WRAPS;
- water supply planning, aquifer protection, and monitoring activities;
- technical assistance to support local implementation of nonpoint source restoration and protection activities;
- applied research and tools;
- maintenance and updates to buffer maps and technical guidance;
- county geologic atlases;
- increasing native freshwater mussel production;
- water-storage projects on state land; and
- technical assistance to local governments to replace culverts.

6 Board of Water and Soil Resources.

Appropriates \$78,064,000 in fiscal year 2024 and \$78,063,000 in fiscal year 2025 to the Board of Water and Soil Resources (BWSR), including money for:

- grants to implement projects identified as part of the One Watershed, One Plan, or other plans;
- grants to local units of government for various water quality projects consistent with TMDL and WRAPS;
- acceleration of implementation, including technical assistance;
- state oversight and accountability of local implementation efforts;
- grants to local units of government to ensure compliance with buffer and soil loss requirements;
- a working lands floodplain program;
- permanent conservation easements on wellhead protection areas and grants to local governments to acquire land to protect groundwater on wellhead protection areas;
- restoration evaluations;
- assistance to local governments to transition to a watershed approach;
- technical assistance and grants for the conservation drainage program;

Section Description – Article 2: Clean Water Fund

- conservation easements to protect lands adjacent to public waters, wetlands, and associated uplands;
- data collection and estimates of soil erosion;
- a water legacy grant program; and
- assistance with the adoption of cover crops and other soil health practices.

7 Department of Health.

Appropriates \$11,296,000 in fiscal year 2024 and \$11,904,000 in fiscal year 2025 to the Department of Health, including money for:

- developing health risk limits for drinking water contaminants;
- studying contaminants in private wells, developing guidance, and conducting outreach;
- drinking water source protection;
- development and delivery of groundwater restoration and protection strategies;
- development of public health policies and an action plan to address threats to safe drinking water; and
- developing a statewide recreational water portal.

8 Metropolitan Council.

Appropriates \$1,875,000 in fiscal year 2024 and \$1,875,000 in fiscal year 2025 to the Metropolitan Council for:

- projects that address emerging drinking water supply threats; and
- the water demand reduction grant program.

9 University of Minnesota.

Appropriates \$1,500,000 in fiscal year 2024 and \$1,500,000 in fiscal year 2025 to the University of Minnesota for:

- developing county geologic atlases; and
- stormwater performance evaluation and technology transfer program.

10 Legislature.

Appropriates \$6,000 in fiscal year 2024 to the Legislative Coordinating Commission (LCC) for the Legacy website.

Section Description – Article 2: Clean Water Fund

- 11 Public Facilities Authority.**
Appropriates \$8,350,000 in fiscal year 2024 and \$8,350,000 in fiscal year 2025 to the Public Facilities Authority (PFA), including money for the point source implementation grants program, and money for grants and loans for small community wastewater treatment.
- 12 Goals for implementation.**
Establishes a goal under the Clean Water Legacy Act that all waters achieve their designated use by 2050.
- 13 Terms; compensation; removal.**
Allows nonlegislative members of the CWC to be compensated at a rate of up to \$125 per day.
- 14 Recommended appropriations.**
Technical.
- 15 Reports to legislature.**
Requires the CWC recommendations for how money in the clean water fund should be spent to include recommended bill language.
- 16 Expenditures; accountability.**
Requires projects receiving funding from the CWF to include an assessment of whether the funding celebrates cultural diversity or reaches diverse communities in Minnesota, including reaching low- and moderate-income households.
- 17 Clean water fund appropriation extensions.**
Extends the availability of certain appropriations from the CWF to the Department of Health made in Laws of 2019.

Article 3: Parks and Trails Fund

This article appropriates money in fiscal years 2024 and 2025 from the parks and trails fund. The parks and trails fund receives 14.25 percent of the revenues from the sales tax increase and must be spent to “support parks and trails of regional or statewide significance.” The article provides appropriations to: the DNR for state parks, state trails, and state recreation areas and for regional parks and trails in greater Minnesota through the parks and trails legacy grant program; and the Metropolitan Council for metropolitan regional parks and trails.

Section Description – Article 3: Parks and Trails Fund

1 Parks and trails fund appropriations.

Technical.

2 Parks and trails.

Provides a total appropriation of \$72,155,000 from the parks and trails fund in fiscal year 2024, and \$64,455,000 in fiscal year 2025. States that the money appropriated may not be spent on activities unless they are directly related to and necessary for a specific appropriation and must be spent in accordance with Minnesota Management and Budget's Guidance to Agencies on Legacy Fund Expenditure. Makes the funds available for two years or, when federal funds are involved, for the time period equal to the federal funding availability. Requires recipients of an appropriation to make progress towards providing greater access to programs, print publications, and digital media for people with disabilities related to programs funded with the appropriations, where appropriate. States that grant recipients should prioritize water and energy conservation technology and the use of renewable energy for construction and building projects.

3 Department of Natural Resources.

Appropriates \$43,580,000 in fiscal year 2024 and \$38,931,000 in fiscal year 2025 to the DNR for the following parks and trails purposes:

- \$28,572,000 in 2024 and \$25,524,000 in 2025 for state parks and trails to connect people to the outdoors, acquire land and create opportunities, maintain existing holdings, and coordinating with partners;
- \$14,286,000 in 2024 and \$12,762,000 in 2024 for grants for regional parks and trails in greater Minnesota under the parks and trails legacy grant program, based on recommendations of the Greater Minnesota Regional Parks and Trails Commission (GMRPTC), and for operation costs of the Greater Minnesota Regional Parks and Trails Commission; and
- \$722,000 in 2024 and \$645,000 in 2025 for coordination between the DNR, GMRPTC, and the Metropolitan Council and other activities.

Requires the commissioner to contract with the Conservation Corps Minnesota for at least \$850,000 each year and requires grant recipients to give consideration to contracting with the Conservation Corps Minnesota. States that the DNR should work to provide other opportunities that encourage a diversity of students to pursue careers in environment and natural resources.

4 Metropolitan Council.

Appropriates \$28,572,000 in fiscal year 2024 and \$25,524,000 in fiscal year 2025 for metropolitan regional parks and trails to be distributed to implementing agencies according to the parks and trails fund metropolitan park distribution formula under

Section Description – Article 3: Parks and Trails Fund

- current law. The appropriation must be used to fund the projects approved by the elected representatives of each implementing agency. Requires grant agreements to ensure that funds are used to supplement (not substitute) traditional sources of funding. Requires implementing agencies receiving funds to give consideration to contracting with the Conservation Corps Minnesota.
- 5 **Legislature.**
Appropriates \$3,000 in fiscal year 2024 to the Legislative Coordinating Commission (LCC) for the Legacy website.
- 6 **Expenditures; accountability.**
Requires projects receiving funding from the parks and trails fund to include an assessment of whether the funding celebrates cultural diversity or reaches diverse communities in Minnesota, including reaching low- and moderate-income households.
- 7 **Free park days.**
Requires implementing agencies, counties, and cities that charge an entrance fee or require a permit to enter their parks to provide free access to all their parks at least four days per year to be eligible for money from the parks and trails fund.
- 8 **Establishment; purpose.**
Adds Tribal governments to the list of those eligible for parks and trails grants outside of the seven-county metropolitan area.
- 9 **Commission.**
Allows members of the GMRPTC to be compensated at a rate of up to \$125 per day.
- 10 **Parks and trails fund appropriation extensions.**
Extends the availability of previous appropriations for grants for the Beaver Island Regional Trail in St. Cloud, Robins Park in Sandstone, and parks and trails of regional significance.
- 11 **Expanding access to parks and trails fund grants in Greater Minnesota; report.**
Requires the DNR, in cooperation with the GMRPTC, to submit a report, by January 15, 2024, to the legislature on expanding eligibility of parks and trails grants to Tribal governments and expanding cooperation with nonprofit organizations.

Article 4: Arts and Cultural Heritage

This article appropriates \$192 million dollars in the 2024-2025 biennium for arts and cultural heritage programs from the sales tax collected pursuant to the legacy amendment of the state constitution.

This article appropriates \$103 million dollars in 2024 and \$89 million dollars in 2025 from the arts and cultural heritage fund to a variety of state agencies in Minnesota for operations activities related to arts, cultural heritage, and history, as well as providing grants to individuals and organizations throughout Minnesota. These appropriations leave a 5 percent reserve in the arts and cultural heritage fund.

Section Description - Article 4: Arts and Cultural Heritage

1 Arts and cultural heritage fund appropriations.

Provides technical information related to the appropriation; provides this money is appropriated for the 2024-2025 biennium; provides that fiscal year 2024 begins July 1, 2023, and fiscal year 2025 ends on June 30, 2025. This section allows recipients of funds to use money appropriated in the first year in the second year as well.

2 Arts and cultural heritage.

Provides appropriations to the following state agencies for a variety of activities:

- \$92 million to the Minnesota State Arts Board for grants to artists and art organizations, arts education, and diverse cultural arts traditions, and significant public arts installations and provides 30 percent of this total funding to the Regional Arts Councils throughout the state. There is a focus in some of these grant programs for funding that helps underserved communities and youth and helps with youth arts access and education.
- \$37 million to the Minnesota Historical Society for their statewide programs, and to provide grants and funding toward the following activities:
 - grants to local and regional historical societies and partners in programming;
 - the digital library and historical surveys; and
 - individual projects throughout the state.
- \$5.75 million to the Department of Education for the regional library grants program and \$250,000 each year for water safety grants.
- \$31 million to the Department of Administration for grants to the following organizations:
 - \$4.1 million to the Minnesota Public Radio and \$4.1 million to the Association of Minnesota Public Educational Radio Stations (AMPERS);

Section Description - Article 4: Arts and Cultural Heritage

- \$9.5 million to the Minnesota Public Television stations;
- \$1.1 million to the Wilderness Inquiry connecting youth to natural resources;
- \$3.45 million to the Como Park Zoo;
- \$1.65 million to the Science Museum;
- \$200,000 to Appetite for Change;
- \$300,000 to the Lake Superior Zoo in Duluth;
- \$500,000 to the Duluth Aquarium;
- \$50,000 to the State Band;
- \$100,000 to Wyoming Veterans Memorial Park;
- \$150,000 to the Great Northern Festival;
- \$50,000 to the Governor’s Council on Developmental Disabilities;
- \$250,000 to the Minnesota Council on Disability;
- \$500,000 on the tuj lub courts;
- \$250,000 for the 50th anniversary commemoration of the Vietnam War;
- \$500,000 for art commemorating the Olympian Suni Lee;
- \$100,000 for One Heartland Center camp;
- \$100,000 for the Forest Lake Veterans Memorial;
- \$450,000 for a Hmong Plaza at Phalen Lake; and
- \$110,000 for a YMCA fellowship.

Additional funding for the Minnesota African American Heritage Museum, Tibetan American Foundation, Hong De Wu Guan, Sepak Takraw of USA, 30,000 Feet, Siengkane Lao Minnesota, Hmong Cultural Center, Comunidades Latinas Unidas En Servicio (CLUES), Hmong RPA Writing program, Somali Museum of America, Minnesota Museum of Art, Ka Joog, 4-H Clubs, The Bakken Museum, and Public Art St. Paul.

- \$4 million to the Minnesota Zoo for access and education on zoo exhibits and programming.
- \$16.5 million to the Minnesota Humanities Center for the following activities:
 - \$4 million to the Humanities Center for their programming for statewide activities including: K12 educator professional development; the Veterans’ Voices Program; and the Why Treaties Matter program;

Section Description - Article 4: Arts and Cultural Heritage

- \$1 million for the St. Paul Children’s Museum and \$2.2 million for competitive grants for children’s museums for exhibits and outreach;
 - \$750,000 for capacity building grants to help smaller organizations build leadership and fundraising capacity;
 - \$75,000 for the Minnesota Humanities Councils to do outreach to help people apply for the Community Identity and Cultural Heritage Grants program;
 - \$8.85 million for the Community Identity and Heritage Grants programs to award grants to individuals and organizations from diverse backgrounds and serving diverse communities around the state to celebrate the unique cultural heritages in Minnesota;
 - \$300,000 for civics grants to promote civics education; and
 - \$30,000 for a fiscal accountability study.
- \$4.6 million to the Indian Affairs Council for competitive language grant programs for both Tribes and language immersion programs and the language working group, and funding for the council to work with the Minnesota State Archeologist on graves and the Native American Grave Protection and Repatriation Act.
 - \$800,000 to the Department of Agriculture for grants to state fairs on arts and cultural heritage.
 - \$4,000 to the Legislative Coordinating Commission to maintain the Legacy website for agencies and grantees to report to on arts and cultural heritage funding.
 - Provides that a portion of the funding to grantees should be used for Legacy Arts and Cultural Access Days allowing families from a variety of economic backgrounds to access programming for free and to use reduce-costs ticket programs to increase the availability of programming supported by funding from the arts and cultural heritage program.
 - Appropriates funding in fiscal year 2023 to the Minnesota Historical Society.

3 Report.

Adds a provision to the Arts and Cultural Heritage Fund statute that requires that fiscal agents receiving funding submit a report by February 15th of the odd-numbered years to the chairs and ranking members of the legislature with jurisdiction over the legacy funds that explains the previous biennium’s funding, including:

- What funds were distributed
- What funds have not yet been distributed or encumbered

Section Description - Article 4: Arts and Cultural Heritage

- Summary information on programs supported by the funding
- Summary information on competitive grant programs offered, if any
- Grant information for grants provided to individuals, entities, or organizations
- An assessment of whether funding celebrates cultural diversity or reaches diverse communities



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