

Chapter 1

2021 First Special Session

Subject Legacy Omnibus

Bill H.F. 13

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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,” a constitutional amendment passed by the voters in 2008 that raised the state’s sales tax 3/8 of one percent and dedicated the receipts.

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 \$127,837,000 in fiscal year 2022 and \$557,000 in fiscal year 2023 from the outdoor heritage fund.

Subd. 2. Prairies. Specifies appropriations totaling \$42,784,000 for various projects restoring, enhancing, and protecting the state’s prairies.

Subd. 3. Forests. Specifies appropriations totaling \$12,476,000 for various projects restoring, enhancing, and protecting the state’s forests.

Section Description – Article 1: Outdoor Heritage Fund

Subd. 4. Wetlands. Specifies appropriations totaling \$22,389,000 for various projects restoring, enhancing, and protecting the state’s wetlands.

Subd. 5. Habitats. Specifies appropriations totaling \$49,254,000 for various other habitat projects and the conservation partners legacy grant program.

Subd. 6. Administration. Specifies appropriations totaling \$1,491,000 for administration, including administrative costs of the LSOHC and contract management services from the Department of Natural Resources (DNR).

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. Carryforwards. Extends the availability of a number of previous appropriations.

Subd. 11. Extension of certain appropriations. Establishes a process for recipients to receive a one-year extension on money expiring June 30, 2021.

3 Lands in public domain.

Modifies an existing provision that requires prior approval from the LSOHC before using money from the outdoor heritage fund to purchase lands already owned or partially owned by the state or a political subdivision of the state. The modifications include clarifying that the purchase of land that is partially subject to a conservation easement is not required to get prior approval if money from the outdoor heritage fund is not used to purchase the portion of the land subject to the easement. It also expands the approval requirement to all lands with an existing conservation

Section Description – Article 1: Outdoor Heritage Fund

easement, not just those owned by the state or a political subdivision of the state as required under current law. Provides an immediate effective date for the section.

4 Habitats.

Provides a one-year extension for the FY 2021 conservation partners legacy grant program appropriation.

Article 2: Clean Water Fund

This article contains fiscal years 2022 and 2023 appropriations from the clean water fund. The clean water fund 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 \$126,711,000 from the clean water fund in fiscal year 2022, and \$130,081,000 in fiscal year 2023.

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.

3 Department of Agriculture.

Appropriates \$10,120,000 in fiscal year 2022 and \$10,120,000 in fiscal year 2023 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;

Section Description – Article 2: Clean Water Fund

- technical assistance, research, and demonstration projects regarding best management practice implementation;
- the Minnesota agricultural water quality certification program;
- a regional irrigation water quality specialist;
- the Forever Green Agriculture Initiative; and
- testing of private wells for contaminants.

4 Pollution Control Agency.

Appropriates \$21,024,000 in fiscal year 2022 and \$21,153,000 in fiscal year 2023 to the Pollution Control Agency (PCA), including money for:

- completion of statewide surface water assessments;
- the development of 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);
- accelerated implementation of municipal separate storm sewer system (MS4) permit requirements;
- grants for sanitary sewer projects in Voyageurs National Park;
- activities, training, and grants to reduce chloride pollution; and
- administration of the Clean Water Council (CWC).

5 Department of Natural Resources.

Appropriates \$8,735,000 in fiscal year 2022 and \$8,730,000 in fiscal year 2023 to the Department of Natural Resources (DNR), including money for:

- stream flow monitoring;
- lake Index of Biological Integrity (IBI) assessments;
- assessing mercury 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; and
- maintenance and updates to buffer maps and technical guidance.

Section Description – Article 2: Clean Water Fund

6 Board of Water and Soil Resources.

Appropriates \$68,584,000 in fiscal year 2022 and \$73,216,000 in fiscal year 2023 to the Board of Water and Soil Resources (BWSR), including money for:

- performance based grants to local units of government 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 pilot 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;
- the conservation drainage program;
- conservation easements to treat and store water and to protect threatened public waters with good water quality;
- conservation easements to protect lands adjacent to public waters, wetlands, and associated uplands;
- data collection and estimates of soil erosion;
- developing and implementing a water legacy grant program;
- enhanced cover crop adoption efforts; and
- grants to soil and water conservation districts (SWCDs).

7 Department of Health.

Appropriates \$5,955,000 in fiscal year 2022 and \$5,955,000 in fiscal year 2023 to the Department of Health, including money for:

- addressing public health concerns related to unregulated drinking water contaminants;
- drinking water source protection;
- development and delivery of groundwater restoration and protection strategies; and
- development of public health policies and an action plan to address threats to safe drinking water.

Section Description – Article 2: Clean Water Fund

8 Metropolitan Council.

Appropriates \$1,544,000 in fiscal year 2022 and \$1,544,000 in fiscal year 2023 to the Metropolitan Council for:

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

9 University of Minnesota.

Appropriates \$2,673,000 in fiscal year 2022 and \$1,295,000 in fiscal year 2023 to the University of Minnesota for:

- developing county geologic atlases;
- stormwater performance evaluation and technology transfer program;
- a report on the benefits of clean water investments, a review of equity considerations, and proposing climate considerations; and
- a study of chronic wasting disease prions.

10 Legislature.

Appropriates \$8,000 in fiscal year 2022 to the Legislative Coordinating Commission (LCC) for the Legacy website.

11 Public Facilities Authority.

Appropriates \$8,068,000 in fiscal year 2022 and \$8,068,000 in fiscal year 2023 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 Department of Agriculture.

Extends the availability of certain FY 2018-19 appropriations to the Department of Agriculture from the clean water fund.

13 Pollution Control Agency.

Extends the availability of certain FY 2018-19 appropriations to the PCA from the clean water fund.

14 Department of Natural Resources.

Extends the availability of a certain FY 2018-19 appropriation to the DNR from the clean water fund effective retroactively from June 30, 2020.

Section Description – Article 2: Clean Water Fund

- 15 **Department of Health.**
Extends the availability of certain FY 2018-19 appropriations to the Department of Health from the clean water fund.
- 16 **Department of Agriculture.**
Extends the availability of certain FY 2020-21 appropriations to the Department of Agriculture from the clean water fund.
- 17 **Public Facilities Authority.**
Extends the availability of certain FY 2020-21 appropriations to the PFA from the clean water fund.
- 18 **Pollution Control Agency.**
Extends the availability of certain FY 2020-21 appropriations to the PCA from the clean water fund.
- 19 **Department of Natural Resources.**
Extends the availability of certain FY 2020-21 appropriations to the DNR from the clean water fund.
- 20 **Board of Water and Soil Resources.**
Extends the availability of FY 2020-21 appropriations to BWSR from the clean water fund.
- 21 **Department of Health.**
Extends the availability of a certain FY 2020-21 appropriation to the Department of Health from the clean water fund.
- 22 **Metropolitan Council.**
Extends the availability of certain FY 2020-21 appropriations to the Metropolitan Council from the clean water fund.
- 23 **Multipurpose water management appropriation extension.**
Extends the availability of a prior appropriation for grants under the conservation drainage program to the Greater Blue Earth River Basin Alliance for multipurpose management projects.
- 24 **Clean Water Council (CWC); report required.**
Requires the CWC to submit a report that assesses the implementation of high-resolution digital elevation data (LiDAR) developed with previous clean water fund appropriations.

Article 3: Parks and Trails Fund

This article appropriates money in fiscal years 2022 and 2023 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

25 **Parks and trails fund appropriations.**

Technical.

26 **Parks and trails.**

Provides a total appropriation of \$54,797,000 from the parks and trails fund in fiscal year 2022, and \$55,884,000 in fiscal year 2023. 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.

27 **Department of Natural Resources.**

Appropriates \$33,081,000 in fiscal year 2022 and \$33,735,000 in fiscal year 2023 to the DNR for the following parks and trails purposes:

- \$21,712,000 in 2022 and \$22,149,000 in 2023 for state parks and trails to connect people to the outdoors, acquire land and create opportunities, maintain existing holdings, and coordinating with partners;
- \$10,857,000 in 2022 and \$11,074,000 in 2023 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, and for operation costs of the Greater Minnesota Regional Parks and Trails Commission; and
- \$512,000 in 2022 and \$512,000 in 2023 for coordination between the DNR, Greater Minnesota Regional Parks and Trails Commission, and the Metropolitan Council and other activities.

Section Description – Article 3: Parks and Trails Fund

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.

28 Metropolitan Council.

Appropriates \$21,712,000 in fiscal year 2022 and \$22,149,000 in fiscal year 2023 for metropolitan regional parks and trails to be distributed to implementing agencies according to the parks and trails fund metropolitan park distribution formula under 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.

29 Legislature.

Appropriates \$4,000 in fiscal year 2020 to the Legislative Coordinating Commission (LCC) for the Legacy website.

30 Proctor-Hermantown Munger Trail Spur; extension.

Extends the availability of a portion of a previous appropriation that provided a grant to the city of Hermantown for the Proctor-Hermantown Munger Trail Spur project.

31 Coordination and projects; extension.

Extends the availability of a portion of a previous appropriation that provided: coordination and projects between the DNR, the Metropolitan Council, and the Greater Minnesota Regional Parks and Trails Commission; enhanced web-based information for park and trail users; and support of activities of the Parks and Trails Legacy Advisory Committee.

Article 4: Arts and Cultural Heritage Fund

Appropriates \$73.1 million dollars in 2022 and \$76.6 million dollars in 2023 from the arts and cultural heritage fund to a number 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.

Section Description – Article 4: Arts and Cultural Heritage Fund

32 Arts and cultural heritage fund appropriations.

Provides technical information related to the appropriation; provides this money is appropriated for the 2022-2023 biennium; provides that fiscal year 2022 begins July 1, 2021, and fiscal year 2023 ends on June 30, 2023.

33 Arts and cultural heritage.

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

- **\$70.4 million to the Minnesota State Arts Board** for grants to artists and art organizations, arts education, and diverse cultural arts traditions, and to provide 30 percent of this total funding to the Regional Arts Council throughout the state.
- **\$33 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; funding for the Litchfield Opera House; and funding for the Armour & Company gatehouses.
- **\$5 million to the Department of Education** for the regional library grants program, as well as \$110,000 each year for water safety grants and \$100,000 each year for the Minnesota Book Awards and programming.
- **\$22.6 million to the Department of Administration** for grants to the following organizations:
 - \$3.9 million to the Minnesota Public Radio and \$3.9 million to the Association of Minnesota Public Educational Radio Stations (AMPERS);
 - \$8.9 million to the Minnesota Public Television stations;
 - \$800,000 to the Wilderness Inquiry connecting youth to natural resources;
 - \$3 million to the Como Park Zoo;
 - \$1.4 million to the Science Museum;
 - \$150,000 to the Appetite for Change;
 - \$150,000 to the Lake Superior Zoo in Duluth;
 - \$50,000 to the Midwest Outdoors Unlimited to provide access to persons with disabilities to outdoor hunting and fishing activities;
 - \$150,000 for matching grants for Veteran’s Memorials;
 - \$128,000 for the Disabled Veteran’s Rest Camp;
 - \$30,000 for MN TAP to provide disability services; and

Section Description – Article 4: Arts and Cultural Heritage Fund

- \$30,000 for the city of Kasson to restore the Veteran’s Memorial Park.
 - **\$3.9 million to the Minnesota Zoo** for programs and services.
 - **\$9.55 million to the Minnesota Humanities Center** for the following activities:
 - \$2.5 million to the Humanities Center for their programming related to K12 educator professional development, the Veterans’ Voices Program, and the Why Treaties Matter program;
 - \$1.85 million to Children’s Museums for grants on exhibits and outreach;
 - \$5 million to the Community Identity and Heritage Grant Program for competitive grants to preserve the cultural heritage of Minnesota and provide grants to diverse community groups throughout the state; and
 - \$200,000 for grants to the Minnesota Civics Education Coalition.
 - **\$4 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 county 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.
- 34 **Agreement.**
Allows historical preservation corps to the list of government entities and nonprofits covered under the Joint Exercise of Powers statute and provides municipal liability limits and insurance provisions for civil liability consistent with that section.
- 35 **Department of Administration.**
Provides that the Phalen Park China Garden appropriation from the arts and cultural heritage fund in 2019, is available until June 30, 2023.



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