

Subject Legacy Omnibus Arts and Cultural Heritage Fund

Authors Lillie

Analyst Janelle Taylor (Articles 1 to 4)
Mary Mullen (Articles 5 and 6)

Date May 3, 2019

Overview

This bill 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. It also updates and modifies the state’s Clean Water Legacy Act.

Article 1: Outdoor Heritage Fund

This article contains appropriations from the outdoor heritage fund (OHF) based on the recommendations of the Lessard-Sams Outdoor Heritage Council (LSOHC).

Section	Description – Article 1: Outdoor Heritage Fund
1	Outdoor heritage fund appropriation. Technical.
2	Outdoor heritage fund. Subd. 1. Total appropriation. Provides a total appropriation of \$127,127,000 in fiscal year 2020 and \$565,000 in fiscal year 2021 from the outdoor heritage fund. Subd. 2. Prairies. Specifies appropriations totaling \$38,303,000 for various prairie projects. Subd. 3. Forests. Specifies appropriations totaling \$17,032,000 for various forest projects. Subd. 4. Wetlands. Specifies appropriations totaling \$20,753,000 for various wetland projects. Subd. 5. Habitats. Specifies appropriations totaling \$50,119,000 for various other habitat projects and the conservation partners legacy grant program. Subd. 6. Administration. Specifies appropriations totaling \$920,000 in fiscal year 2020 and \$565,000 in fiscal year 2021 for administration, including contract management services from the Department of Natural Resources (DNR), administrative expenses of the council, and other expenses.

Section **Description – Article 1: Outdoor Heritage Fund**

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 three previous appropriations.

3 **Legislative oversight.**

Updates an obsolete provision that required house and senate legislative committees to convene a joint hearing to review the activities and effectiveness of the LSOHC by updating the committees required to hold the hearing and requiring the hearing to be done again by June 30, 2020.

4 **Prairies.**

Modifies a previous appropriation for conservation easements on important bird areas to allow restoration and enhancement work as originally intended and provides an expiration date of June 30, 2021, for the appropriation. Provides a retroactive effective date.

5 **Prairies.**

Modifies a previous appropriation for conservation easements in the Anoka Sand Plain to expand the work to all areas of the ecoregion and intersecting watersheds rather than specific counties. Provides a retroactive effective date.

Article 2: Clean Water Fund

This article appropriates money in fiscal years 2020 and 2021 from the clean water fund for various projects and programs as well as updates, and modifies the state's Clean Water Legacy Act.

Section	Description – Article 2: Clean Water Fund
1	<p>Clean water fund appropriations. Technical.</p>
2	<p>Clean water.</p> <p>Subd. 1. Total Appropriation. Provides a total appropriation of \$126,959,000 from the clean water fund in fiscal year 2020, and \$134,302,000 in fiscal year 2021.</p> <p>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.</p> <p>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.</p>
3	<p>Department of Agriculture. Appropriates \$12,445,000 in fiscal year 2020 and \$12,445,000 in fiscal year 2021 to the Department of Agriculture for various purposes, including money for:</p> <ul style="list-style-type: none">• increased monitoring for pesticides and pesticide degradates in surface water and groundwater;• activities to protect groundwater from nitrate contamination;• research to quantify and reduce agricultural contributions to impaired waters;• a research inventory database;• the Minnesota agricultural water quality certification program;• a regional irrigation water quality specialist;• the Forever Green Agriculture Initiative; and• testing private wells for pesticides where nitrates are detected.

Section	Description – Article 2: Clean Water Fund
4	<p data-bbox="355 275 672 302">Public Facilities Authority.</p> <p data-bbox="355 317 1382 449">Appropriates \$9,125,000 in fiscal year 2020 and \$9,125,000 in fiscal year 2021 to the Public Facilities Authority (PFA), including a total of \$18,000,000 for the point source implementation grants program, and a total of \$250,000 for grants and loans for small community wastewater treatment.</p>
5	<p data-bbox="355 506 667 533">Pollution Control Agency.</p> <p data-bbox="355 548 1382 611">Appropriates \$24,823,000 in fiscal year 2020 and \$22,623,000 in fiscal year 2021 to the Pollution Control Agency (PCA), including money for:</p> <ul data-bbox="404 653 1382 1339" style="list-style-type: none"><li data-bbox="404 653 1073 680">• completion of statewide surface water assessments;<li data-bbox="404 722 1377 785">• the development of watershed restoration and protection strategies (WRAPS) which include TMDL studies and TMDL implementation plans;<li data-bbox="404 827 760 854">• groundwater assessment;<li data-bbox="404 896 1382 959">• implementation of the St. Louis River System Area of Concern Remedial Action Plan;<li data-bbox="404 1001 1382 1064">• national pollutant discharge elimination system (NPDES) wastewater and storm water TMDL implementation;<li data-bbox="404 1106 1252 1134">• grants to counties for subsurface sewage treatment systems (SSTS);<li data-bbox="404 1176 1182 1203">• grants for sanitary sewer projects in Voyageurs National Park;<li data-bbox="404 1245 1198 1272">• activities, training, and grants to reduce chloride pollution; and<li data-bbox="404 1314 959 1341">• administration of the Clean Water Council.
6	<p data-bbox="355 1398 773 1425">Department of Natural Resources.</p> <p data-bbox="355 1440 1382 1503">Appropriates \$11,076,000 in fiscal year 2020 and \$11,076,000 in fiscal year 2021 to the Department of Natural Resources (DNR), including money for:</p> <ul data-bbox="404 1545 1260 1845" style="list-style-type: none"><li data-bbox="404 1545 740 1572">• stream flow monitoring;<li data-bbox="404 1614 1049 1642">• lake Index of Biological Integrity (IBI) assessments;<li data-bbox="404 1684 935 1711">• assessing mercury contamination of fish;<li data-bbox="404 1753 1032 1780">• development of targeted, science-based WRAPS;<li data-bbox="404 1822 1260 1850">• water supply planning, aquifer protection, and monitoring activities;

Section **Description – Article 2: Clean Water Fund**

- technical assistance to support local implementation of nonpoint source restoration and protection activities;
- applied research and tools;
- county geologic atlases;
- maintenance and updates to buffer maps and technical guidance; and
- the Minnesota forests for the future program.

7 **Board of Water and Soil Resources.**

Appropriates \$56,269,000 in fiscal year 2020 and \$63,269,000 in fiscal year 2021 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;
- acquisition, restoration, and preservation of riparian land adjacent to water by easement or contracts;
- 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;
- conservation easements to treat and store water and to protect threatened public waters with good water quality;
- data collection and estimates of soil erosion;
- increasing citizen participation in implementing water quality projects/programs; and

Section **Description – Article 2: Clean Water Fund**

- enhanced cover crop adoption efforts.

8 **Department of Health.**

Appropriates \$8,882,000 in fiscal year 2020 and \$12,764,000 in fiscal year 2021 to the Department of Health, including money for:

- addressing public health concerns related to unregulated drinking water contaminants;
- drinking water source protection;
- cost-share assistance to seal unused wells;
- development and delivery of groundwater restoration and protection strategies;
- study of the occurrence and magnitude of contaminants in private wells;
- evaluating and addressing risks from certain pathogens in groundwater supplies;
- development of public health policies and an action plan to address threats to safe drinking water; and
- creation of a road map for water reuse implementation and addressing related research gaps.

9 **Metropolitan Council.**

Appropriates \$2,890,000 in fiscal year 2020 and \$1,500,000 in fiscal year 2021 to the Metropolitan Council for:

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

10 **University of Minnesota.**

Appropriates \$1,500,000 in fiscal year 2020 and \$1,500,000 in fiscal year 2021 to the University of Minnesota for:

- developing county geologic atlases;
- storm water performance evaluation and technology transfer program; and
- development of a comprehensive carp management program.

Section	Description – Article 2: Clean Water Fund
11	Legislature. Appropriates \$9,000 in fiscal year 2020 to the Legislative Coordinating Commission (LCC) for the Legacy Web site.
12	Legislative oversight. Requires the chairs of the legislative committees with jurisdiction over the clean water fund to convene a joint hearing by June 30, 2020, and every four years thereafter to review and evaluate the effectiveness of the Clean Water Council.

Article 3: Clean Water Legacy Act Modifications

This article updates and modifies the state’s Clean Water Legacy Act and related provisions. The Clean Water Legacy Act was originally passed in 2006 and established a framework for assessing and improving the state’s waters as required under the federal Clean Water Act.

Section	Description – Article 3: Clean Water Legacy Act Modifications
1	Financial assistance. Expands the types of financial assistance the Board of Water and Soil Resource (BWSR) can provide by allowing watershed-based, program-based, or other financial assistance in addition to performance-based as provided under current law. Allows the board to establish local match requirements and enter into certain intergovernmental agreements. Requires performance measures to be included in grant work plans.
2	Criteria. Allows BWSR to develop and use eligibility criteria to award base amounts of state funding to local governments.
3	Program purposes. Adds protecting sensitive groundwater areas and providing wellhead protection to the list of purposes of the comprehensive watershed management plan program.
4	Plan content. Adds drinking water source restoration, protection, and preservation to the list of items to be included in a comprehensive local watershed management plan.
5	Timelines; administration. Restricts BWSR from amending its transition plan for watershed-based planning to no more than once every two years.

Section	Description – Article 3: Clean Water Legacy Act Modifications
6	Comprehensive local water management plan. Defines “comprehensive local water management plan” for purposes of the Clean Water Legacy Act.
7	Comprehensive watershed management plan. Defines “comprehensive watershed management plan” for purposes of the Clean Water Legacy Act.
8	Restoration. Modifies the definition of “restoration” for purposes of the Clean Water Legacy Act.
9	TMDL implementation plan. Modifies the definition of “TMDL implementation plan” to allow certain plans or strategies, including comprehensive watershed management plans and watershed restoration and protection strategies (WRAPS), to serve as the implementation plan for a TMDL when the Pollution Control Agency (PCA) determines the plan or strategy is sufficient.
10	Watershed restoration and protection strategy or WRAPS. Modifies the definition of “watershed restoration and protection strategy” or “WRAPS” to allow the strategy to apply to a more flexible area and narrows the definition to include only strategies, not strategies and actions as stated under current law.
11	Goals for implementation. Modifies the Clean Water Legacy Act goals.
12	Implementation policies. Modifies the Clean Water Legacy Act implementation policies.
13	Priorities for scheduling and preparing WRAPS and TMDLs. Requires the PCA to seek recommendations from the Clean Water Council (CWC), DNR, Department of Health (MDH), Department of Agriculture (MDA), and BWSR regarding priorities for scheduling and preparing TMDLs and WRAPSs, and adds surface water and groundwater interactions and other items to the list of considerations that must be made when setting priorities.
14	Priorities for funding protection actions. Expands the types of waters the CWC may provide recommendations for funding for to include waters that have an approved TMDL.

Section	Description – Article 3: Clean Water Legacy Act Modifications
15	<p>Alternatives; TMDL, TMDL implementation plan, or WRAPS.</p> <p>Allows the PCA to submit a comprehensive watershed management plan or comprehensive local water management plan as an alternative to a TMDL in certain circumstances. States that a TMDL implementation plan or WRAPS is not needed if the PCA determines that a comprehensive watershed management plan, comprehensive local water management plan, or statewide/regional plan published by the agency is sufficient and allows the PCA to request BWSR to evaluate the implementation of these plans and to revoke or amend a determination after the evaluation is conducted.</p>
16	<p>Coordinating municipal and local water quality activities.</p> <p>States that certain projects, practices, and programs for water quality improvement or protection may be considered as contributing to the requirements of a storm water pollution prevention program for purposes of municipal separate storm sewer system (MS4) permits unless already documented as contributing. Allows the commissioner of health to determine that a comprehensive watershed management plan or comprehensive local watershed management plan is sufficient to meet wellhead protection plan requirements.</p>
17	<p>Watershed restoration and protection strategies.</p> <p>Updates WRAPS requirements, including requiring the PCA, in consultation with BWSR, to coordinate the schedule, budget, scope, and use of WRAPS, and requiring completion of WRAPS for the state’s major watersheds by June 30, 2023, unless a comprehensive watershed management plan or comprehensive local water management plan is determined to be sufficient.</p>
18	<p>Public and stakeholder participation.</p> <p>Requires public agencies and private entities implementing restoration and protection activities identified in comprehensive watershed management plans or comprehensive local water management plans to make efforts to inform, consult, and involve the public and requires the PCA and BWSR to coordinate public and stakeholder participation.</p>
19	<p>Education.</p> <p>Expands the requirement of the CWC to develop education and engagement strategies to strategies regarding the entire Clean Water Legacy Act.</p>
20	<p>Nonpoint funding alternative.</p> <p>Allows BWSR to establish alternative timelines or content for the priority funding plan for nonpoint sources and use the information from comprehensive watershed management plans or comprehensive local water management plans to estimate and summarize costs.</p>

Article 4: Parks and Trails Fund

This article appropriates money in fiscal years 2020 and 2021 from the parks and trails fund. The article provides appropriations to: the Department of Natural Resources (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 4: Parks and Trails Fund
1	<p>Parks and trails fund appropriations.</p> <p>Technical.</p>
2	<p>Parks and trails.</p> <p>Provides a total appropriation of \$50,053,000 from the parks and trails fund in fiscal year 2020, and \$51,204,000 in fiscal year 2021. 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.</p>
3	<p>Department of Natural Resources.</p> <p>Appropriates \$30,229,000 in fiscal year 2020 and \$30,927,000 in fiscal year 2021 to the DNR for the following parks and trails purposes:</p> <ul style="list-style-type: none">• \$19,820,000 in 2020 and \$20,277,000 in 2021 for state parks and trails to connect people to the outdoors, acquire land and create opportunities, maintain existing holdings, and coordinating with partners;• \$9,910,000 in 2020 and \$10,139,000 in 2021 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• \$499,000 in 2020 and \$511,000 in 2021 for coordination between the DNR, Greater Minnesota Regional Parks and Trails Commission, and the Metropolitan Council and other activities. <p>Requires the commissioner to contract with the Conservation Corps Minnesota for at least \$1,000,000 each year and requires implementing agencies receiving funds to give consideration to contracting with the Conservation Corps Minnesota.</p>

Section	Description – Article 4: Parks and Trails Fund
4	<p>Metropolitan Council.</p> <p>Appropriates \$19,820,000 in fiscal year 2020 and \$20,277,000 in fiscal year 2021 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.</p>
5	<p>Legislature.</p> <p>Appropriates \$4,000 in fiscal year 2020 to the Legislative Coordinating Commission (LCC) for the Legacy website.</p>
6	<p>St. Louis and Lake Counties Regional Railroad Authority; grant extension.</p> <p>Extends the availability of a portion of a previous appropriation that provided a grant to the St. Louis and Lake Counties Regional Railroad Authority for a segment of the Mesabi Trail.</p>

Article 5: Arts and Cultural Heritage Fund

Appropriates \$69 million dollars in 2020 and \$70.5 million dollars in 2021 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 5: Arts and Cultural Heritage Fund
1	<p>Arts and cultural heritage fund appropriation.</p> <p>Provides technical information related to the appropriation; provides this money is appropriated for the 2020-2021 biennium; provides that fiscal year 2020 begins July 1, 2019, and fiscal year 2021 ends on June 30, 2021.</p>
2	<p>Arts and cultural heritage.</p> <p>Provides appropriations to the following state agencies for a variety of activities:</p> <ul style="list-style-type: none">• \$65.6 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

Section **Description – Article 5: Arts and Cultural Heritage Fund**

- \$33.9 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 development of the amended 25-year plan and second 10-year plan for the use of arts and cultural heritage funding;
 - funding for Women’s Suffrage commemorative events;
 - funding for the Litchfield Opera House; and
 - funding for the Grindstone River Dam.
- \$5 million to the Department of Education for the regional library grants program and \$50,000 each year for water safety grants
- \$20.2 million to the Department of Administration for grants to the following organizations:
 - \$3.4 million to the Minnesota Public Radio and \$3.4 million to the Association of Minnesota Public Educational Radio Stations (AMPERS);
 - \$8.05 million to the Minnesota Public Television stations;
 - \$500,000 to the Wilderness Inquiry connecting youth to natural resources;
 - \$2.7 million to the Como Park Zoo;
 - \$1.2 million to the Science Museum;
 - \$250,000 to the Duluth Aquarium;
 - \$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;
 - \$400,000 to the China Garden in Phalen Park; and
 - \$100,000 to Green Giant Museum in Blue Earth for programs and activities.
- \$3.5 million to the Minnesota Zoo for access and education on zoo exhibits and programming
- \$6 million to the Minnesota Humanities Center for the following activities:

Section Description – Article 5: Arts and Cultural Heritage Fund

- \$2.2 million to the Humanities Center for their programming related to K-12 educator professional development, the Veterans’ Voices Program, and the Why Treaties Matter program;
 - \$2.3 million to the Children’s Museums for grants on exhibits and outreach; and
 - \$1.5 million to the American Indian Legacy Grants Program, the Hmong Cultural Events and Programming Grants, and the Somali Community Cultural Grants program.
- \$4.3 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
 - \$500,000 to the University of Minnesota for the Bell Museum for access and outreach
 - \$500,000 to the Department of Agriculture for grants to state fairs on arts and cultural heritage
 - \$6,000 to the Legislative Coordinating Commission to maintain the Legacy website for agencies and grantees to report to on arts and cultural heritage funding
- 3 **Expenditures; accountability.**
Adds requirements to existing law clarifying individuals who receive legacy grants must be residents of Minnesota and complete projects in Minnesota, or return a portion of the funding if they move.
- 4 **Prohibited activities; civil penalties.**
Prohibits arts and cultural heritage money from being used for projects that promote domestic terrorism, bias crimes, or white nationalism.

This section allows the commissioner of administration to pursue a civil penalty against a person who violates this section.

Article 6: General Provisions; All Legacy Funds

Provides a new requirement that all entities, including agencies and grantees seeking funds from the four legacy funds provide written assurance they will not use the funds for purposes previously funded from a source other than the legacy fund for three of the last five years.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155