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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2703

03/25/2019 Authored by Masin, Hansen, Hornstein, Hausman, Kunesch-Podein and others
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to legacy; modifying requirements for certain grants from the parks and
1.3 trails fund; amending Minnesota Statutes 2018, section 85.53, subdivisions 2, 3,
1.4 by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2018, section 85.53, subdivision 2, is amended to read:

1.7 Subd. 2. Expenditures; accountability. (a) A project or program receiving funding
1.8 from the parks and trails fund must meet or exceed the constitutional requirement to support
1.9 parks and trails of regional or statewide significance. A project or program receiving funding
1.10 from the parks and trails fund must include measurable outcomes, as identified in the 25-year
1.11 parks and trails legacy plan and as defined in section 3.303, subdivision 10, and a plan for
1.12 measuring and evaluating the results. A project or program must be consistent with current
1.13 science and incorporate state-of-the-art technology, except when the project or program is
1.14 a portrayal or restoration of historical significance.

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

1.17 (c) A state agency or other recipient of a direct appropriation from the parks and trails
1.18 fund must compile and submit all information for funded projects or programs, including
1.19 the proposed measurable outcomes and all other items required under section 3.303,
1.20 subdivision 10, to the Legislative Coordinating Commission as soon as practicable or by
1.21 January 15 of the applicable fiscal year, whichever comes first. The Legislative Coordinating
1.22 Commission must post submitted information on the website required under section 3.303,
1.23 subdivision 10, as soon as it becomes available.

2.1 (d) Grants funded by the parks and trails fund must be implemented according to section  
2.2 16B.98 and must account for all expenditures. Proposals must specify a process for any  
2.3 regranting envisioned. Priority for grant proposals must be given to proposals involving  
2.4 grants that will be competitively awarded.

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

2.7 (f) When practicable, a direct recipient of an appropriation from the parks and trails fund  
2.8 shall prominently display on the recipient's website home page the legacy logo required  
2.9 under Laws 2009, chapter 172, article 5, section 10, as amended by Laws 2010, chapter  
2.10 361, article 3, section 5, accompanied by the phrase "Click here for more information."  
2.11 When a person clicks on the legacy logo image, the website must direct the person to a web  
2.12 page that includes both the contact information that a person may use to obtain additional  
2.13 information, as well as a link to the Legislative Coordinating Commission website required  
2.14 under section 3.303, subdivision 10.

2.15 (g) Future eligibility for money from the parks and trails fund is contingent upon a state  
2.16 agency or other recipient satisfying all applicable requirements in this section, as well as  
2.17 any additional requirements contained in applicable session law. If the Office of the  
2.18 Legislative Auditor, in the course of an audit or investigation, publicly reports that a recipient  
2.19 of money from the parks and trails fund has not complied with the laws, rules, or regulations  
2.20 in this section or other laws applicable to the recipient, the recipient must be listed in an  
2.21 annual report to the legislative committees with jurisdiction over the legacy funds. The list  
2.22 must be publicly available. The legislative auditor shall remove a recipient from the list  
2.23 upon determination that the recipient is in compliance. A recipient on the list is not eligible  
2.24 for future funding from the parks and trails fund until the recipient demonstrates compliance  
2.25 to the legislative auditor.

2.26 (h) Any state agency or organization requesting a direct appropriation from the parks  
2.27 and trails fund must inform the house of representatives and senate committees having  
2.28 jurisdiction over the parks and trails fund, at the time the request for funding is made,  
2.29 whether the request is supplanting or is a substitution for any previous funding that was not  
2.30 from a legacy fund and was used for the same purpose.

2.31 Sec. 2. Minnesota Statutes 2018, section 85.53, subdivision 3, is amended to read:

2.32 Subd. 3. **Metropolitan area distribution formula.** Money appropriated from the parks  
2.33 and trails fund to the Metropolitan Council shall be distributed to implementing agencies;  
2.34 ~~as defined in section 473.351, subdivision 1, paragraph (a),~~ as grants based on the

3.1 recommendations of the technical peer review committee according to subdivision 6. The  
3.2 committee must make recommendations on appropriations of money from the parks and  
3.3 trails fund that are consistent with the constitution and state law according to the following  
3.4 formula:

3.5 ~~(1) 45 percent of the money must be disbursed according to the allocation formula in~~  
3.6 ~~section 473.351, subdivision 3, to each implementing agency;~~

3.7 ~~(2) 31.5 percent of the money must be distributed based on each implementing agency's~~  
3.8 ~~relative share of the most recent estimate of the population of the metropolitan area;~~

3.9 ~~(3) 13.5 percent of the money must be distributed based on each implementing agency's~~  
3.10 ~~relative share of nonlocal visits based on the most recent user visitation survey conducted~~  
3.11 ~~by the Metropolitan Council; and~~

3.12 (1) 50 percent of the money must be distributed as grants to implementing agencies to  
3.13 achieve the outcomes of existing natural resource plans that directly relate to the restoration,  
3.14 protection, and enhancement of wetlands, prairies, forests, and habitat for fish and wildlife  
3.15 and that prevent forest fragmentation, encourage forest consolidation, and expand restored  
3.16 native prairie;

3.17 ~~(4) (2) ten percent of the money must be distributed as grants to implementing agencies~~  
3.18 ~~for land acquisition within Metropolitan Council approved regional parks and trails master~~  
3.19 ~~plan boundaries under the council's park acquisition opportunity grant program. The~~  
3.20 ~~Metropolitan Council must provide a match of \$2 of the council's park bonds for every \$3~~  
3.21 ~~of state funds for the park acquisition opportunity grant program;~~

3.22 (3) the remaining 40 percent of the money must be distributed as grants to implementing  
3.23 agencies to achieve the desired outcomes as defined by the 25-year parks and trails legacy  
3.24 plan; and

3.25 (4) any money not used must be returned to the fund.

3.26 Sec. 3. Minnesota Statutes 2018, section 85.53, is amended by adding a subdivision to  
3.27 read:

3.28 Subd. 4a. **Proposal requirements; technical peer review committee.** (a) Project  
3.29 proposals must include a stated purpose directly connected to the constitutional mandate of  
3.30 the parks and trails fund, this chapter, and the natural resources plan under subdivision 3;  
3.31 a timeline; and potential outcomes to be achieved. All project proposals must be peer  
3.32 reviewed before receiving an appropriation.

4.1 (b) The technical peer review committee must be comprised of five members with  
4.2 backgrounds in conservation biology, Minnesota's ecology, limnology, natural resources,  
4.3 soil science, or similar expertise and must include one technical representative from the  
4.4 Board of Water and Soil Resources, one technical representative from the Department of  
4.5 Natural Resources, one technical expert from the University of Minnesota or the Minnesota  
4.6 State Colleges and Universities, and two other representatives. Public members appointed  
4.7 must have practical experience or expertise or demonstrated knowledge in the science,  
4.8 ecology, policy, or practice of restoring, protecting, and enhancing wetlands, prairies, forests,  
4.9 and habitat for fish and wildlife. The commissioner may add a technical representative from  
4.10 a unit of federal or local government. The members of the technical peer review committee  
4.11 may not be associated with the projects being reviewed, may vary depending upon the  
4.12 projects being reviewed, and must avoid any potential conflicts of interest.

4.13 (c) In conducting project proposal reviews, the peer reviewers must:

4.14 (1) comment on the proposed project and whether the project can be expected to achieve  
4.15 the natural resource restoration goals of the natural resource restoration plans;

4.16 (2) comment on the need for additional activities to achieve the goals;

4.17 (3) provide suggestions as to how the proposed projects could be improved to further  
4.18 advance natural resource protection, restoration, and enhancement; and

4.19 (4) recommend projects for funding and report the projects to the legislature.

4.20 (d) It is a condition of acceptance of money appropriated from the parks and trails fund  
4.21 that the agency or entity using the appropriation submits an accomplishment plan and final  
4.22 report to the technical peer review committee. The accomplishment plan must identify the  
4.23 project manager responsible for expending the appropriation and for the final product. The  
4.24 accomplishment plan must account for the use of the appropriation and outcomes of the  
4.25 expenditure in measures of wetlands, prairies, forests, and fish and wildlife habitat restored,  
4.26 protected, and enhanced. The plan must include an evaluation of results. No money  
4.27 appropriated from the fund may be expended unless the technical peer review committee  
4.28 approves the pertinent accomplishment plan.

4.29 (e) Up to one-tenth of one percent of forecasted receipts from the parks and trails fund  
4.30 may be used for technical peer review under this section.