



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday June 19, 2019

Agenda Item

Item 6. E. 2019 Legislative Session

Prepared By

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Summary

The LMRWD was successful in keeping the LMRWD appropriation in the final state budget. Lisa Frenette has put together a session wrap-up for the Board, which is attached. As you may have noted in the legislative update from MAWD Lisa helped out MAWD in addition to the work she did for the Red River Board and the LMRWD.

Now that the legislative session has wrapped up, Lisa and I will continue to work on other issues for the LMRWD. We are working to schedule a meeting with MNDOT to discuss the possibility of the District using Port Development Assistance Program funds. Lisa is also planning to meet with the government affairs person from the Minnesota Landscape Association to see what can be done to get the limited liability provisions passed for those who provide winter maintenance for businesses.

We have not heard anymore from CHS or Cargill regarding the way Congress funds the Minnesota River Navigation Channel. It may not be a high priority because river navigation has been effectively shut down.

Attachments

LMRWD End of Session Report

Recommended Action

No action recommended

The legislature wrapped up the 2019 Legislative Session during a one Legislative Special Session on Saturday, May 25th. Negotiations were tense during the final days of session with each body refusing to concede provisions in their respective Omnibus bills. This led to the Governor, the Senate Majority Leader and the House Speaker initiating a new process for decision making nicknamed the Triumvirate. In a new twist, this small group of people had final decision making when it came to policy that each body was unable to reach agreement on.

Being a budget year, the joint targets became problematic between the House and the Senate but were finally negotiated in the waning days of regular session with House targets coming down substantially and the Governor receiving approximately \$1.5 billion less than his original Operating Budget request - \$49.9 billion - in spending for the biennium. Conceding one of his crowing requests was the .20 cent gas tax increase that would have been spread out at nickel over the next four years and raised about \$700 million each year to fund road projects. What remained intact was the provider tax for Minnesota Care although the rate was reduced from 2% to 1.8%. This provision assists low income people with paying for healthcare and keeps Minnesota healthcare costs low.

Although a bonding bill was negotiated, the required number of votes of a super majority could not be gained by the House in the waning hours. The Triumvirate had originally agreed on a \$500 million bonding bill with \$440 million in miscellaneous bonding and \$60 million to assist in building residential housing throughout the state.

The number one priority on the Lower Minnesota River Watershed District (LMRWD) legislative agenda was to continue have the State share in the cost of managing dredge material. The funding to assist in dredging is now a base appropriation of \$480,000 to defray the annual cost of operating and maintaining sites.

The Freeway Landfill is still an issue that hasn't found any resolution. The legislature extended an appropriation of \$1.622 million for the PCA to continue to find resolution and determine what needs to be done to clean the landfill and the dump up.

Legislation allowing a watershed district to increase manager compensation for watershed districts has increased from \$75 to \$125 will go into effect on July1, 2019.

The Limited Liability Salt Applicator legislation also known as the chloride pollution reduction bill never passed out of the House Environment Finance committee. It fell short due to a lack of support for both the policy and additional funding. The strongest opposition was the Civil Justice Coalition (Trial Attorneys) who opposed limiting liability for salt applicators who went through a program to learn how to reduce how much salt was used on ice.

The LMRWD also worked with MAWD on the [Project Levy](#) legislation that was amended into the final tax bill.. This legislation allows a watershed district to compete for funding for projects through entities like the Clean Water Council to fund projects that need additional funding for natural resource enhancements.

The Coordinated Watershed language was also signed into law this year. The language eliminates duplicative efforts between the state's Total Maximum Daily Loads (TMDL), Watershed Restoration and Protection Strategy (WRAP) and the One Watershed, One Plan.

Over the course of the past two years the Drainage Workgroup (DWG) developed the Drainage System Repair Cost Apportionment Option (DSRCA) and the Drainage System Acquisition and Compensation of Buffer Strips (Buffer Strip) The legislation was passed and signed into law in the waning hours of the session. The specific legislation may not directly impact the LMRWD but it may allow for better tools for the Upper Minnesota to alleviate run off and sediment. The legislation is optional and will assist drainage authorities (counties or watershed districts) IF the drainage authority chooses to take the new path.

The DSRCA option enables a voluntary, alternative method for repair cost apportionment to better utilize technology to apportion drainage system repair costs based on relative runoff and sediment. If a drainage authority decides to use this provision it may provide property owners with a more consistent, equitable, timely, and cost-effective repair cost

The new law:

- 1) Can only be used for 103E drainage system repair cost apportionment.
- 2) Will not change or replace the "viewing" provisions in Chapter 103E for "drainage projects" or redetermination of benefits and damages.
- 3) Will give a drainage authority to utilize current and future technology (such as GIS) and digital data to evaluate runoff and sediment contributions to a drainage system, together with appropriate on-site verification if the drainage authority chooses to adopt this method.

The Buffer Strip option allows benefited landowners and their county or watershed district drainage authority to finance and implement ditch buffer strips through low interest loans. It will allow public drainage systems to acquire, compensate and maintain ditch buffer strips.

Through a coordinated effort the LWMRD was able to hold back the Developer's Bill of Rights. Among other things this legislation would required a watershed district to go through the Statement of Need and Reasonableness (SONAR) each time it promulgated rules which could lead to a watershed district having to go before an Administrative Law Judge which can be very costly or drop rulemaking. It would have also required the following:

- * County Commissioners must try to find a someone with real estate experience to be on the watershed board.
- * Require annual public reporting of all engineering fees.
- * Dictated that board managers could not adopt or enforce certain rules including but not limited to creating a wetland buffer, together with any side slop, grade or other required setback, impose requirements or manage the watershed to mimic resettlement or predevelopment hydrologic conditions.

The text of the bill can be found here - [Developer's Bill of Rights](#)
