



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, November 17, 2021

Agenda Item

Item 6. F. – 2022 Legislative Action

Prepared By

Linda Loomis, Administrator

Summary

Lisa Frenette will be joining the meeting virtually. We would like to discuss the invitation to Representative Torkelson to a LMRWD Board meeting – what would the Board like Representative Torkelson to know, how can the LMRWD help him with his goals and provide him feedback on the implementation of previous legislation.

Attachments

2021 water storage legislation (the section of the bill pertaining to water storage legislation have been highlighted)

Recommended Action

Provide direction to staff

SENATE
STATE OF MINNESOTA
SPECIAL SESSION

S.F. No. 20

(SENATE AUTHORS: INGEBRIGTSEN and Tomassoni)

| DATE | D-PG | OFFICIAL STATUS |
|------------|------|---|
| 06/14/2021 | 9 | Introduction and first reading Referred to Finance |
| 06/22/2021 | 276a | Comm report: To pass as amended |
| | 479 | Second reading |
| | 479 | Laid on table |
| | 481 | Taken from table |
| | | Urgency declared rules suspended |
| 06/25/2021 | 484 | Third reading Passed |
| | 614 | Returned from House |
| | | Presentment date 06/28/2021 |
| | 1248 | Governor's action Approval 06/29/2021 |
| | 1293 | Secretary of State Chapter 6 06/29/2021 |
| | | Effective date Various Dates |

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment, natural

1.3 resources, and tourism; appropriating money from environment and natural

1.4 resources trust fund; modifying fees and programs; modifying disposition and

1.5 expenditure of certain funds; creating accounts; authorizing sales and conveyances

1.6 of certain state land; adding to and deleting from state parks and recreation areas;

1.7 modifying state land and school trust land provisions; modifying forestry provisions;

1.8 modifying aquaculture provisions; modifying game and fish laws; modifying Water

1.9 Law; modifying natural resource and environment provisions; prohibiting PFAS

1.10 in food packaging; providing for DUI conformity for operating recreational

1.11 vehicles; requiring rulemaking; requiring reports; making technical corrections;

1.12 amending Minnesota Statutes 2020, sections 16B.335, subdivision 2; 17.4982,

1.13 subdivisions 6, 8, 9, 12, by adding subdivisions; 17.4985, subdivisions 2, 3, 5;

1.14 17.4986, subdivisions 2, 4; 17.4991, subdivision 3; 17.4992, subdivision 2; 17.4993,

1.15 subdivision 1; 35.155, subdivision 7, by adding a subdivision; 84.027, subdivisions

1.16 13a, 18; 84.415, by adding a subdivision; 84.63; 84.631; 84.795, subdivision 5;

1.17 84.82, subdivisions 1a, 7a; 84.83, subdivision 5; 84.943, subdivisions 3, 5; 84.944,

1.18 subdivision 1; 84.946, subdivision 4; 84D.11, subdivision 1a; 85.019, by adding

1.19 a subdivision; 85.052, subdivisions 1, 2, 6, by adding a subdivision; 85.053,

1.20 subdivision 2, by adding a subdivision; 85.054, subdivision 1; 85.43; 85.47;

1.21 86B.705, subdivision 2; 89.021, by adding a subdivision; 89.17; 89.37, subdivision

1.22 3; 89A.11; 92.50, by adding a subdivision; 92.502; 94.3495, subdivision 3;

1.23 97A.065, subdivision 2; 97A.075, subdivisions 1, 7; 97A.126, by adding a

1.24 subdivision; 97A.401, subdivision 1, by adding a subdivision; 97A.421, subdivision

1.25 1, by adding a subdivision; 97A.475, subdivisions 2, 3, 3a, 4; 97A.505, subdivisions

1.26 3b, 8; 97B.022, by adding a subdivision; 97B.036; 97B.055, subdivision 2;

1.27 97B.086; 97B.715, subdivision 1; 97B.801; 97B.811, subdivision 4a; 97C.005,

1.28 subdivision 3; 97C.081, subdivisions 3, 3a; 97C.342, subdivision 2; 97C.401, by

1.29 adding a subdivision; 97C.605, subdivision 3; 97C.611; 97C.805, subdivision 2;

1.30 97C.836; 103C.315, subdivision 4; 103G.271, subdivision 4a, by adding a

1.31 subdivision; 103G.401; 115A.1310, subdivision 12b; 115A.1312, subdivision 1;

1.32 115A.1314, subdivision 1; 115A.1316, subdivision 1; 115A.1318, subdivision 2;

1.33 115A.1320, subdivision 1; 115A.5501, subdivision 3; 115A.565, subdivision 1;

1.34 115B.17, subdivision 13; 115B.406, subdivisions 1, 9; 115B.407; 115B.421;

1.35 116.07, subdivision 7, by adding a subdivision; 116G.07, by adding a subdivision;

1.36 116G.15, by adding a subdivision; 127A.353, subdivision 4; 169A.20, subdivision

1.37 1; 169A.52, by adding a subdivision; 169A.54, by adding a subdivision; 171.306,

1.38 by adding a subdivision; 290C.01; 290C.04; Laws 2016, chapter 154, sections 16;

2.1 48; Laws 2016, chapter 189, article 3, section 3, subdivision 5; Laws 2017, chapter
 2.2 96, section 2, subdivision 9, as amended; Laws 2018, chapter 214, article 4, section
 2.3 2, subdivision 6; Laws 2019, First Special Session chapter 4, article 1, sections 2,
 2.4 subdivision 9; 3, subdivisions 4, 5; article 3, section 109, as amended; proposing
 2.5 coding for new law in Minnesota Statutes, chapters 84; 86B; 92; 103F; 103G; 171;
 2.6 325F; repealing Minnesota Statutes 2020, sections 84.91, subdivision 1; 85.0505,
 2.7 subdivision 3; 85.0507; 85.054, subdivision 19; 86B.331, subdivision 1; 169A.20,
 2.8 subdivisions 1a, 1b, 1c; Minnesota Rules, part 7044.0350.

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

2.10 **ARTICLE 1**
 2.11 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

2.12 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.13 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.14 and for the purposes specified in this article. The appropriations are from the general fund,
 2.15 or another named fund, and are available for the fiscal years indicated for each purpose.
 2.16 The figures "2022" and "2023" used in this article mean that the appropriations listed under
 2.17 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.
 2.18 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"
 2.19 is fiscal years 2022 and 2023. Appropriations and cancellations for the fiscal year ending
 2.20 June 30, 2021, are effective the day following final enactment.

2.21 **APPROPRIATIONS**
 2.22 **Available for the Year**
 2.23 **Ending June 30**
 2.24 **2022** **2023**

2.25 Sec. 2. **POLLUTION CONTROL AGENCY**

2.26 **Subdivision 1. Total Appropriation** **\$** **112,420,000** **\$** **111,818,000**

| | | | |
|------|-------------------------------|-------------------|-------------------|
| 2.27 | <u>Appropriations by Fund</u> | | |
| 2.28 | | <u>2022</u> | <u>2023</u> |
| 2.29 | <u>General</u> | <u>8,339,000</u> | <u>7,285,000</u> |
| 2.30 | <u>State Government</u> | | |
| 2.31 | <u>Special Revenue</u> | <u>75,000</u> | <u>75,000</u> |
| 2.32 | <u>Environmental</u> | <u>89,460,000</u> | <u>89,912,000</u> |
| 2.33 | <u>Remediation</u> | <u>14,546,000</u> | <u>14,546,000</u> |

2.34 The amounts that may be spent for each
 2.35 purpose are specified in the following
 2.36 subdivisions.

38.1 (l) \$1,000,000 the first year and \$1,000,000
 38.2 the second year are for the water quality and
 38.3 storage program under Minnesota Statutes,
 38.4 section 103F.05. This is a onetime
 38.5 appropriation.

38.6 (m) Notwithstanding Minnesota Statutes,
 38.7 section 103C.501, the board may shift money
 38.8 in this section and may adjust the technical
 38.9 and administrative assistance portion of the
 38.10 funds to leverage federal or other nonstate
 38.11 funds or to address accountability, oversight,
 38.12 local government performance, or
 38.13 high-priority needs identified in local water
 38.14 management plans or comprehensive
 38.15 watershed management plans.

38.16 (n) The appropriations for grants and payments
 38.17 in this section are available until June 30,
 38.18 2025, except returned grants and payments
 38.19 are available for two years after they are
 38.20 returned or regranted, whichever is later.
 38.21 Funds must be regranted consistent with the
 38.22 purposes of this section. If an appropriation
 38.23 for grants in either year is insufficient, the
 38.24 appropriation in the other year is available for
 38.25 it.

38.26 (o) Notwithstanding Minnesota Statutes,
 38.27 section 16B.97, grants awarded from
 38.28 appropriations in this section are exempt from
 38.29 the Department of Administration, Office of
 38.30 Grants Management Policy 08-08 Grant
 38.31 Payments and 08-10 Grant Monitoring.

38.32 Sec. 5. METROPOLITAN COUNCIL \$ 9,990,000 \$ 9,990,000

38.33 Appropriations by Fund
 38.34 2022 2023

90.1 reassessed at the expiration of the current ten-year Fisheries Management Plan for the
 90.2 Minnesota Waters of Lake Superior ~~dated September 2006~~.

90.3 Sec. 79. Minnesota Statutes 2020, section 103C.315, subdivision 4, is amended to read:

90.4 Subd. 4. **Compensation.** A supervisor shall receive compensation for services up to \$75
 90.5 \$125 per day, and may be reimbursed for expenses, including traveling expenses, necessarily
 90.6 incurred in the discharge of duties. A supervisor may be reimbursed for the use of the
 90.7 supervisor's own automobile in the performance of official duties at a rate up to the maximum
 90.8 tax-deductible mileage rate permitted under the federal Internal Revenue Code.

90.9 **Sec. 80. [103F.05] WATER QUALITY AND STORAGE PROGRAM.**

90.10 **Subdivision 1. Definitions.** (a) For purposes of this section, the terms in this subdivision
 90.11 have the meanings given them.

90.12 (b) "Board" means the Board of Water and Soil Resources.

90.13 (c) "Local units of government" has the meaning given under section 103B.305,
 90.14 subdivision 5.

90.15 (d) "Water quality and storage practices" means those practices that sustain or improve
 90.16 water quality via surface water rate and volume and ecological management, including but
 90.17 not limited to:

90.18 (1) retention structures and basins;

90.19 (2) acquisition of flowage rights;

90.20 (3) soil and substrate infiltration;

90.21 (4) wetland restoration, creation, or enhancement;

90.22 (5) channel restoration or enhancement; and

90.23 (6) floodplain restoration or enhancement.

90.24 **Subd. 2. Establishment.** (a) The board must establish a program to provide financial
 90.25 assistance to local units of government to control water volume and rates to protect
 90.26 infrastructure, improve water quality and related public benefits, and mitigate climate change
 90.27 impacts.

90.28 (b) In establishing a water quality and storage program, the board must give priority to
 90.29 the Minnesota River basin and the lower Mississippi River basin in Minnesota.

91.1 **Subd. 3. Financial assistance.** (a) The board may provide financial assistance to local
 91.2 units of government to cover the costs of water storage projects and other water quality and
 91.3 storage practices consistent with a plan approved according to chapter 103B, 103C, or 103D.
 91.4 Eligible costs include costs for property and equipment acquisition, design, engineering,
 91.5 construction, and management. The board may acquire conservation easements under
 91.6 sections 103F.501 to 103F.531 as necessary to implement a project or practice under this
 91.7 section.

91.8 (b) The board must enter into agreements with local units of government receiving
 91.9 financial assistance under this section. The agreements must specify the terms of state and
 91.10 local cooperation, including the financing arrangement for constructing any structures and
 91.11 assuring maintenance of the structures after completion.

91.12 **Subd. 4. Matching contribution.** The board must require a matching contribution when
 91.13 providing financial assistance under this section and may adjust matching requirements if
 91.14 federal funds are available for the project.

91.15 **Subd. 5. Technical assistance.** (a) The board may employ or contract with an engineer
 91.16 or hydrologist to work on the technical implementation of the program established under
 91.17 this section.

91.18 (b) When implementing the program, the board must:

91.19 (1) assist local units of government in achieving the goals of the program;

91.20 (2) review and analyze projects and project sites; and

91.21 (3) evaluate the effectiveness of completed projects constructed under the program.

91.22 (c) The board must cooperate with the commissioner of natural resources, the United
 91.23 States Department of Agriculture Natural Resources Conservation Service, and other agencies
 91.24 as needed to analyze hydrological, climate, and engineering information on proposed sites.

91.25 **Subd. 6. Requirements.** (a) A local unit of government applying for financial assistance
 91.26 under this section must provide a copy of a resolution or other documentation of the local
 91.27 unit of government's support for the project. The documentation must include provisions
 91.28 for local funding and management, the proposed method of obtaining necessary land rights
 91.29 for the proposed project, and an assignment of responsibility for maintaining any structures
 91.30 or practices upon completion.

91.31 (b) A local unit of government, with the assistance of the board, must evaluate the public
 91.32 benefits that are reasonably expected upon completing the proposed project. The evaluation
 91.33 must be submitted to the board before the final design.

92.1 Subd. 7. Interstate cooperation. The board may enter into or approve working
 92.2 agreements with neighboring states or their political subdivisions to accomplish projects
 92.3 consistent with the program established under this section.

92.4 Subd. 8. Federal aid availability. The board must regularly analyze the availability of
 92.5 federal funds and programs to supplement or complement state and local efforts consistent
 92.6 with the purposes of this section.

92.7 Sec. 81. Minnesota Statutes 2020, section 103G.271, subdivision 4a, is amended to read:

92.8 Subd. 4a. **Mt. Simon-Hinckley aquifer.** (a) The commissioner may not issue new
 92.9 water-use permits that will appropriate water from the Mt. Simon-Hinckley aquifer in a
 92.10 metropolitan county, as defined in section 473.121, subdivision 4, unless the appropriation
 92.11 is for potable water use, there are no feasible or practical alternatives to this source, and a
 92.12 water conservation plan is incorporated with the permit.

92.13 ~~(b) The commissioner shall terminate all permits authorizing appropriation and use of~~
 92.14 ~~water from the Mt. Simon-Hinckley aquifer for once-through systems in a metropolitan~~
 92.15 ~~county, as defined in section 473.121, subdivision 4, by December 31, 1992.~~

92.16 Sec. 82. Minnesota Statutes 2020, section 103G.271, is amended by adding a subdivision
 92.17 to read:

92.18 Subd. 4b. Bulk transport or sale. (a) To maintain the supply of drinking water for future
 92.19 generations and except as provided under paragraph (b), the commissioner may not issue
 92.20 a new water-use permit to appropriate water in excess of one million gallons per year for
 92.21 bulk transport or sale of water for consumptive use to a location more than 50 miles from
 92.22 the point of the proposed appropriation.

92.23 (b) Paragraph (a) does not apply to a water-use permit for a public water supply, as
 92.24 defined under section 144.382, subdivision 4, issued to a local unit of government, rural
 92.25 water district established under chapter 116A, or Tribal unit of government if:

92.26 (1) the use is solely for the public water supply;

92.27 (2) the local unit of government, rural water district established under chapter 116A, or
 92.28 Tribal unit of government has a property interest at the point of the appropriation;

92.29 (3) the communities that will use the water are located within 100 miles of the point of
 92.30 appropriation; and

92.31 (4) the requirements in sections 103G.265, 103G.285, and 103G.287 are met.