



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday April 17, 2019

### **Agenda Item**

#### **Item 6. D. - 2019 Legislative Action**

#### **Prepared By**

Linda Loomis, Administrator

#### **Summary**

As reported under Item 6.B. the Lower Minnesota River Watershed District is included in the base funding request for BWSR in the House Environmental and Natural Resource Omnibus Bill ([HF2209](#) line 36.15). We were not aware of this and when we saw this, Lisa Frenette, Lobbyist for the LMRWD, spoke to BWSR. They were not aware of it until it showed up in the Bill. When we went back to look at the language that was passed in 2017 (you may remember that was the year of a special session), it was noted that the 2017 legislation language did not indicate that this was a one-time appropriation. When we discovered this, we requested that the bill we had introduced be pulled. We did this the morning the bill was to be introduced in the Senate Environmental and Natural Resource Finance Committee.

Since then, amount was reduced in the Senate Environment and Natural Resource Omnibus Bill ([SF2314](#) line 34.7). Lisa will be working with the authors of the Bill that we had pulled to make sure the amount is reinstated.

We have also been looking for legislation to clean up the Freeway Landfill in Burnsville. Most of the attention on landfill clean has been focused on Anoka County. There seems to be some reluctance by the state to deal with the Freeway site.

The most recent summary from MAWD about other legislation that would impact watershed District's is attached

#### **Attachments**

MAWD Legislative Update 2019-04-12

#### **Recommended Action**

No recommend action

# Legislative Update: April 12, 2019

## MN Association of Watershed Districts

### What happened this week (April 8-12)?

- The Senate released their **Senate Environment and Natural Resources Omnibus Bill** (SF2314) that includes both policy and finance provisions. A walk through of the bill was completed on Tuesday. Testimony from state agencies and other interested parties began on Tuesday. On Wednesday, testimony continued, and several amendments were introduced and considered. Here are some highlights of the bill:
  - Includes our **coordinated watershed management (SF1063), per diem (SF2451), and carp (SF1677) bills.**
  - The committee cut 25% (\$57M) from the Governor's environment and natural resources budget.
  - Proposed cuts (over the biennium) to the MN Board of Water and Soil Resources (BWSR) include \$2.896M for general operations, \$1.522M for Wetland Conservation Act Enforcement, \$332k to Drainage Work Group Technical Assistance, \$800k for Natural Resource Block Grants, \$2M for Soil and Water Conservation District (SWCD) Service Grants, \$400k to SWCD Cost-Share Grants, \$200k for County Weed Management Cost-Share Grants, and \$230k for MN River Dredge Spoil.
  - Since the House's budget for environment and natural resources budget is drastically different, the two bodies will meet in conference committee to settle the differences. Stay tuned!
- The Senate released a revised **Senate Legacy Omnibus Bill** (SF 836) with several changes to the recommendations of the Clean Water Council's for Clean Water Fund appropriations. The biggest change included a new \$24M allocation for SWCD Administrative Grants. Cuts were taken from other programs, but it should be noted that no BWSR programs will receive less money than the amounts allocated in FY18-19.
- The Senate Taxes Committee heard our **Project Levy Bill**.
- The House Legacy Finance completed their work on their **House Legacy Omnibus Bill** (HF 653)

### What's happening next week (April 15-19)?

- Nothing! The legislature will be on recess and will return Tuesday, April 23<sup>rd</sup>. The MAWD office will also be closed during this time.

If you want to follow along with specific bills we are tracking, see below for links and more details. You can also find handouts for some issues on our website: [www.mnwatershed.org/policy-issues](http://www.mnwatershed.org/policy-issues). Note: the newest details are highlighted in yellow.

## BILL TRACKING – MAWD's Top Legislative Priorities

### INCREASE GENERAL FUND LEVY LIMIT

### MN Statute § 103D.905 subd. 3

Remove (or increase) the \$250,000 general fund levy limit while keeping the not-to-exceed levy limit of 0.048 percent of estimated market value.

- Initially, the bill was drafted to eliminate the cap. It has been redrafted to raise the cap from \$250k to \$500k.
- We have been told in both the House and Senate that they will not be hearing general levy bills this session.

### ALLOW PROJECT LEVIES FOR ALL TYPES OF GRANTS

### MN Statute § 103D.905 subd. 5, 9

Modify the project tax levy statute to allow this funding option to be applied for ALL types of state and federal grants, not just grants (and loans) associated with the Clean Water Partnership (CWP) program.

- [HF 2275 WD construction or implementation fund and project tax levy financing sources expanded](#)
  - House Authors: Jeanne Poppe, Dave Baker
  - 3/07/19 Referred to **Taxes** committee
- [SF 1391 WD construction or implementation fund and project tax levy sources of financing expansion](#)
  - Senate Authors: Andrew Lang, Dan Sparks, Kent Eken, Mark Johnson, Bill Weber
  - 2/18/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance** committee.
  - 3/11/19 – Hearing held in **ENR-PLF** committee. Thank you to Middle Fork Crow River WD for testifying!
  - 3/13/19 – Bill re-referred to the **Taxes** committee
  - 4/11/19 – Hearing held in the **Taxes** committee. MAWD testified. Bill was laid over for possible inclusion in the omnibus bill.

## **INCREASE OUTSTANDING LOAN LIMITS FOR WDS** **MN Statute § 103D.335 subd. 17**

Remove (or increase) the \$2M limit on outstanding loans watershed districts, especially for those entities that serve as drainage authorities.

- After further review of this proposal, the borrowing limit does not appear to pertain to 103E drainage projects. MAWD will continue to find clarity on the issue, but for now the MAWD Board of Directors has removed this issue from needing legislative attention and resources.

## **IMPROVE COORDINATION OF STATE/LOCAL WATERSHED PLANS** **MN Statutes 114D and 103B**

Improve coordination and remove duplicative efforts of water management planning that is being conducted at both the local and state levels.

- [HF 875 Clean Water Legacy Act modified and coordinated watershed management provided for.](#)
  - House Authors: Peter Fischer, Paul Torkelson, John Poston, Jeff Brand
  - 2/07/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
  - 2/13/19 – Hearing in **ENR-P** committee. MAWD testified.
  - 2/13/19 – Bill referred to the **Ways and Means** committee
  - 2/14/19 – Bill referred to **Environment and Natural Resources Finance (ENR-F)** committee
  - 2/19/19 – Bill referred to **Water Division** committee
  - 2/25/19 – BWSR, MPCA, and MAWD presented information about the bill to the Clean Water Council.
  - 2/25/19 – Hearing in the **Water Division**. MAWD testified.
  - 2/25/19 – Bill returned to **ENR-F** committee
  - 3/18/19 – An amended version of this bill showed up in the Clean Water Fund appropriations bill (HF1928). Changes to the bill included more references to drinking water.
  - 3/19/19 – Hearing in the **ENR-F** committee. Bill was held over for possible inclusion in the omnibus bill.
- [HF 1928 Clean Water fund funding provided, and money appropriated.](#)
  - House Author: Rick Hansen, Leon Lillie
  - 3/19/19 – Amended and sent to **Ways and Means**
  - 3/20/19 – Referred to the **Legacy Finance Division**
  - 4/03/19 – Hearing in the **Legacy Finance Division**
- [SF 1063 Clean Water Legacy Act modification; coordinated watershed management establishment](#)
  - Senate Authors: Mark Johnson, Carrie Ruud, Charles Wiger
  - 2/11/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)** committee
  - 2/25/19 – Hearing in the **ENR-PLF** committee. MAWD testified.
  - 2/25/19 – Bill was laid over for possible inclusion in the omnibus bill.
  - 3/21/19 – Bill showed up in the omnibus bill ([SF835](#))
- [SF 835 Omnibus Environment Policy Bill](#)
  - Senate Authors: Carrie Ruud, Bill Weber, Bill Ingebrigtsen, Erik Simonson, Kari Dziedzic
  - 3/21/19 – Referred to **ENR-PLF** committee
  - 3/25/19 – Hearing scheduled in the **ENR-PLF** committee.
  - 3/25/19 – Bill was amended and referred to **Environment and Natural Resources Finance** committee

- 4/08/19 – Bill showed up in Senate Environment Policy and Finance Omnibus Bill (SF836)

## **REINFORCE RIGHTS TO MAINTAIN 103E PUBLIC DRAINAGE SYSTEMS** **MN Statute 103E**

Reinforce existing rights to maintain/repair drainage systems that operate under **MN Statute 103E**.

- 1/30/19 – Meeting held with DNR to discuss concerns about implementation of the [February 2018 guidance document](#) that explained when the DNR had public waters authority over work done in public drainage systems. Javens, Bohn, Rice Creek WD and the Red River Watershed Management Board attended.
- 2/28/19 – Meeting held with DNR to discuss legislation that we drafted to clarify several 103E statute provisions dealing with repair and maintenance work. MAWD and Rice Creek WD attended.
- DNR is currently reviewing our bill and parties have struggled to find a common meeting time to discuss further.

## **INCREASE MANAGER COMPENSATION (PER DIEMS)** **MN Statute § 103D.315 subd. 8**

Increase maximum daily manager per diem rates from \$75/day to \$125/day.

- [HF 1837 Soil and water conservation district supervisor and WD manager compensation increased.](#)
  - House Authors: Rick Hansen
  - 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
- [SF 2451 Soil and water conservation district supervisor and watershed district manager compensation increase](#)
  - Senate Authors: Bill Ingebrigtsen, Kent Eken, Dan Sparks, Mark Johnson
  - 3/14/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
- MAWD is exploring options for expanding the activities that would be eligible for per diems. For instance, watersheds may be allowed to pay a per diem for meeting prep. More details will come.

## **REMOVE FISHING MONOPOLY ON COMMON CARP** **MN Statute § 97C.815 subd. 2**

Remove the area assignments for commercial fishing when removing invasive species, including common carp.

- [HF 1882 Commercial fishing areas restrictions to provide invasive species control modified](#)
  - House Authors: Connie Bernardy, Tony Albright, Josh Heintzeman, Kelly Moller, Mary Kunesh-Podein, Todd Lippert (new)
  - 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
  - 3/14/19 – Hearing held and the bill was passed to the General Register for a floor vote.
- [SF 1677 Commercial fishing areas restrictions modification for invasive species control](#)
  - Senate Authors: Eric Pratt, Carrie Ruud, John Hoffman, Rich Draheim
  - 2/25/19 – Referred to **ENR-PLF** committee
  - 3/04/19 – Hearing in the **ENR-PLF** committee. Prior Lake – Spring Lake WD testified.
  - 3/04/19 – Bill was laid over for possible inclusion in the omnibus bill.
  - 3/21/19 – Bill showed up in the omnibus bill ([SF835](#))
- [SF 835 Omnibus Environment Policy Bill](#)
  - Senate Authors: Carrie Ruud, Bill Weber, Bill Ingebrigtsen, Erik Simonson, Kari Dzedzic
  - 3/21/19 – Referred to **ENR-PLF** committee
  - 3/25/19 – Hearing in the **ENR-PLF** committee. See section 35 (page 26).
  - 3/25/19 – Bill was amended and referred to **Environment and Natural Resources Finance** committee
  - 4/08/19 – Bill was included in the environmental finance omnibus bill (SF2314)

## **BILL TRACKING – Legislative Efforts We Support**

### **FLOOD HAZARD MITIGATION PROGRAM** **CAPITAL BUDGET BILL (BONDING BILL)**

This bill appropriates \$75M to the flood hazard mitigation grant program. Note: the Governor did not include funding in his budget for this program.

- [HF 2431 Multi-county flood hazard mitigation grant funding provided, bonds issued, and money appropriated.](#)
  - House Authors: Ben Lien, Dan Fabian, Jeanne Poppe, Debra Kiel, Paul Marquart
  - 3/13/19 – Referred to **Ways and Means**

- 3/13/19 – Referred to **Capital Investment Division**
- 3/20/19 – Hearing in the **Capital Investment Division**. Bill was unofficially laid over for possible inclusion in an omnibus bill.
- [SF 2450 Flood hazard mitigation grants bond issue and appropriations](#)
  - Senate Authors: Mark Johnson, Kent Eken, Dan Sparks, Bill Weber
  - 3/14/19 – Referred to **Capital Investment Committee**

## PROVIDE PROTECTIONS TO COMMERCIAL SALT APPLICATORS

MN Statute 116.2025

Provide limited liability protections for trained commercial salt applicators.

- [HF 1502 Salt applicator certification program established, and liability limited.](#)
  - House Authors: Peter Fischer, Rick Hansen, Paul Torkelson, Heather Edelson, Josh Heintzeman, Kelly Moller, Alice Hausman, Robert Bierman
  - 2/21/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
  - 2/28/19 – Bill re-referred to the **Ways and Means** committee
  - 2/28/19 – Bill referred to **Environment and Natural Resources Finance (ENR-F)** committee
  - 3/01/19 – Bill referred to **Water Division** committee
  - 3/06/19 – Hearing in the **Water Division**, returned to **ENR-F** committee
  - 3/12/19 – Hearing in the **ENR-F** committee. Bill was amended and returned to **Ways and Means**.
  - 3/13/19 – Bill referred to with a request to re-refer to **Judiciary Finance and Civil Law Division**.
  - 4/03/19 – Hearing scheduled in **Judiciary Finance and Civil Law Division**
- [SF 1667 Certified salt applicator program establishment](#)
  - Senate Authors: Carrie Ruud, Paul Anderson, Bill Ingebrigtsen, David Tomassoni, Dan Hall
  - 2/25/19 – Referred to **ENR-PLF** committee

From Sue Nissen, Stop Over Salting: “[HF1502](#) passed the Judiciary & Civil Law Committee last Wednesday. At week end it was added to Representative Hanson’s Environment & Natural Resources Omnibus Bill and sent back to Ways & Means. My understanding is the bill will remain there, kind of a little siesta, until conference committee time.

Senator Ruud won’t have time to hear the salt bill as a stand-alone bill on the Senate side. However, since it’s included in the House environment bill, she will accept House language in the conference committee.”

## DRAINAGE WORK GROUP BILL

MN Statute 103E

This legislation is the output of recommendations made by the Drainage Work Group.

- [HF 1244 Public drainage system acquisition and compensation of ditch buffer strips accelerated, and runoff and sediment option provided when charging for public drainage ditch repairs.](#)
  - House Authors: Rick Hansen, Paul Torkelson
  - 2/14/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
  - 2/27/19 – Hearing in **ENR-P** committee.
  - 2/27/19 – Bill was passed out of committee and sent to the General Register.
  - 3/04/19 – Committee report to adopt as amended (with only minor grammatical changes)
  - 3/04/19 – Second reading
  - 3/07/19 – House Rule 1.21, placed on the Calendar for the Day Monday, March 11, 2019
  - 3/11/19 – Bill was passed and sent to the Senate.
- [SF 1945 Ditch buffer strips public drainage system acquisition and compensation acceleration; runoff and sediment option under charges for public drainage ditch repairs provision](#)
  - Senate Authors: Bill Weber, Kent Eken
  - 2/25/19 – Referred to **ENR-PLF** committee
  - 3/11/19 – Hearing held. Bill was recommended to pass and be re-referred to **Judiciary and Public Safety Finance and Policy (JPS-FP)** Committee.
  - 3/13/19 – Referred to **JPS-FP** Committee.
  - 3/13/19 – Bill was received from the House and given its first reading.

- 3/20/19 – Hearing in **JPS-FP** Committee. Bill was amended to include a 5-year sunset provision and passed to the General Register for a floor vote.
- 3/21/19 – Bill turned up in the omnibus environmental policy bill (SF835).
- [SF 835 Omnibus Environment Policy Bill](#)
  - Senate Authors: Carrie Ruud, Bill Weber, Bill Ingebrigtsen, Erik Simonson, Kari Dziedzic
  - 3/21/19 – Referred to **ENR-PLF** committee
  - 3/25/19 – Hearing in the **ENR-PLF** committee. DWG recommendations are in section 1 (page 1) and section 42 – 47 (pages 32-36)
  - 3/25/19 – Bill was amended and referred to **Environment and Natural Resources Finance** committee

## CLEAN WATER FUND

This bill allocates where Clean Water Funds will be spent. This bill (as introduced) matches the recommendations of the Clean Water Council.

- [HF 1928 Clean Water fund funding provided, and money appropriated.](#)
  - House Author: Rick Hansen
  - 3/04/19 – Referred to the **Ways and Means** committee
  - 3/04/19 – Referred to **Environment and Natural Resources Finance (ENR-F)** committee
  - 3/07/19 – Hearing in **ENR-F** committee. Bill was laid over for future consideration.
  - 3/21/19 – Hearing held in the **ENR-F** committee. Bill included changes to the recommendations laid out by the Clean Water Council. For a complete list of changes, you can review a **spreadsheet** or the **bill amendment language**.
  - 4/03/19 – Hearing scheduled in **Legacy Finance Division**.
- [SF 2262 Clean water fund appropriations](#)
  - Senate Authors: Chris Eaton, Erik Simonson, Steve Cwodzinski, David Senjem, Patricia Torres Ray
  - 3/11/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
  - 3/13/19 – Bill combined with other legacy finance bills and can now be found in SF 2444.
- [SF 2444 Clean water fund, parks and trails and arts and cultural heritage fund appropriations](#)
  - Senate Authors: Carrie Ruud
  - 3/13/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
  - 3/25/19 – Hearing scheduled in the **ENR-PLF** committee. (Bill was not heard.)
  - 3/27/19 – Hearing scheduled in the **ENR-PLF** committee.
  - 3/27/19 – Bill was laid over for possible inclusion in the omnibus bill.

## BILL TRACKING – Bills We Oppose

### DEVELOPER’S BILL

### MN Statute 103D

A bill brought to legislators by developer Mark Lambert, along with a coalition of other interested parties that would modify MN Statute 103D to protect preexisting water rights when developing land. They propose doing this by limiting the ability for watershed district managers to adopt and enforce several types of rules. MAWD met with several legislators in anticipation of this bill being introduced. Efforts to stop this bill will continue.

- [HF 1887 Watershed district provisions modified](#)
  - House Authors: Josh Heintzeman, Peggy Scott
  - 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
  - 3/15/19 – This bill missed the first and second committee deadlines.
- [SF 1766 Watershed districts provisions modifications](#)
  - Senate Authors: Rich Draheim, Michael Goggin
  - 2/27/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
  - 3/15/19 – This bill missed the first and second committee deadlines.
  - 3/28/19 – MAWD met with Senator Draheim to discuss the bill.

## RICE CREEK WD SPENDING IN WASHINGTON COUNTY

MN Statute 103D.951 (new)

This bill dictates that at least 90% of funds collected from Washington County must be spent in Washington County.

- [HF 2314 Washington County; Rice Creek Watershed District spending and reporting requirements provided.](#)
  - House Authors: Peter Fischer, Bob Dettmer
  - 3/14/19 – Referred to the **Ways and Means** committee
  - 3/14/19 – Referred to **Environment and Natural Resources Finance (ENR-F)** committee
- [SF 2372 Rice Creek watershed district spending and reporting requirements provision](#)
  - Senate Authors: Karin Housley, Chuck Wiger (new)
  - 3/13/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**

## BILL TRACKING – Bills We Are Watching

### WMO and WD PLANNING MODIFICATIONS BILL

MN Statute 103B, 103D

This bill would require water management organizations (WMOs) and watershed districts (WDs) to slow the movement of water to protect surface waters and recharge groundwater resources. It was written by Representative Jean Wagenius without any input from watershed entities.

- [HF 2011 Watershed management organizations planning requirements modified, and watershed districts modified.](#)
  - House Authors: Jean Wagenius, Peter Fischer, Rick Hansen, Steve Sandell
  - 3/04/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
  - 3/13/19 – Hearing in the **ENR-P** committee. MAWD testified with concerns on some of the language and will share our concerns in more depth with the author before the next committee hearing.
  - 3/14/19 – Re-referred to **Ways and Means** committee
  - 3/15/19 – Referred to **Environment and Natural Resources Finance (ENR-F)** committee
  - 3/20/19 – Hearing scheduled in **ENR-F** committee. MAWD testified with concerns regarding the bill.
  - 3/20/19 – Bill was laid over for possible inclusion in the omnibus bill.
- There is no companion bill in the Senate.

### ONE STATE WATER DEPARTMENT

MN Statute 103A

This bill would combine the functions of BWSR, EQB, and water-related responsibilities of other state agencies into one new state water department.

- There is no companion bill in the House, but the House members on the Legislative Water Commission indicated support for this idea and noted they would introduce a bill soon and they hope to discuss it over the summer.
- [SF 2102 Water resources department establishment; board of water and soil resources \(BWSR\) and environmental quality board \(EQB\) abolishment](#)
  - House Authors: Rich Draheim, Charles Wiger, Chris Eaton, Bill Weber, Mark Koran
  - 3/07/19 - Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
  - 3/18/19 – Bill was on the agenda to be discussed during the Legislative Water Commission (LWC) meeting. No house members were present because they were still meeting on the floor, so discussion was limited.
  - 4/01/19 – Bill on the agenda at the LWC meeting.

For errors or omissions, please contact Emily Javens at [emily@mnwatershed.org](mailto:emily@mnwatershed.org).