



# Legislative Update: March 4, 2019

## MN Association of Watershed Districts

### What happened last week (February 25 – March 1)?

- Our coordinated watershed management bill was heard in both the House (HF 875) and Senate (SF 1063).
- The Drainage Work Group bill (HF 1945) passed out of committee and sent to the general register in the House.
- MAWD and Rice Creek WD met with the DNR to discuss legislation that has been drafted to clarify DNR's jurisdiction on public drainage system maintenance and repair projects.
- The commercial salt applicator bill (HF 1502) had a hearing in the House.
- The developer bill that we saw last year was reintroduced in the House (HF 1945) and Senate (SF 1766). This bill aims to reduce several authorities for watershed districts.

### What's happening this week (March 4-8)?

- The carp bill (HF 1882) is scheduled for a hearing in the Senate on Monday, March 4<sup>th</sup> at 1:00 p.m.

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).

## 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.

- Bill drafted to eliminate \$250,000 cap, lobbyist seeking authors in House and Senate.
- Will probably need to redraft legislation to retain a dollar cap in our bill. Legislators don't like open ended levies that could raise over \$4 million for several watershed districts and greatly increase others from the present \$250,000 cap.

### ALLOW PROJECT LEVIES FOR ALL TYPES OF GRANTS

**MN Statute 103D.905**

Modify the project tax levy statute to allow this levy 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.

- [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
- We are still working on getting author signatures in the House.

### 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.

## BILL TRACKING – MAWD’s Top Legislative Priorities (continued)

### IMPROVE COORDINATION BETWEEN 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. Emily Javens, MAWD Executive Director, 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
- [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 scheduled in the **ENR-PLF** committee. MAWD testified.
  - 2/25/19 – Bill was laid over for possible inclusion in the omnibus bill.

### 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 will provide comments back to us shortly.

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

Increase maximum daily manager per diem rates.

- [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
- We are working on authors in the Senate.
- 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 follow.

### REMOVE FISHING ASSIGNMENTS FOR COMMON CARP MN Statute § 103D.905 subd. 3

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
  - 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
- [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 testifying. (THANK YOU!)

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## BILL TRACKING – Legislative Efforts We Support

### FLOOD HAZARD MITIGATION PROGRAM

### CAPITAL BUDGET BILL (BONDING BILL)

The Governor released his capital budget recommendations and he did not include any money for the flood hazard mitigation program. We will continue to work to get money appropriated.

### 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
  - 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
- [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

### DRAINAGE WORK GROUP BILL

### MN Statute 103E

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

- [HF 1945 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.
- [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
  - 2/25/19 – Referred to **ENR-PLF** committee

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## BILL TRACKING – Bills We Oppose

### DEVELOPER'S BILL OF RIGHTS

### MN Statute 103D

A bill brought to legislators by developer Mark Lambert, along with a coalition of other interested parties. They would like to see watershed district statutes modified to better recognize 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
- [SF 1766 Watershed districts provisions modifications](#)
  - House Authors: Rich Draheim, Michael Goggin
  - 2/27/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**

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

A special thank you to Rice Creek WD for their assistance last week and Prior Lake – Spring Lake WD this week!