

Legislative Update: March 11, 2019

MN Association of Watershed Districts

What happened last week (March 4-8)?

- The carp bill (HF 1882) was heard in the Senate and laid over for possible inclusion in the omnibus bill.
- The commercial salt applicator bill (HF 1502) had another hearing in the House (Water Division this time).
- The Clean Water Fund (HF1928) bill was introduced, and a hearing was held in the House.
- The project tax levy bill was introduced in the house and sent to the tax committee.
- A bill (SF2102) was introduced with bipartisan support to form one state agency to handle water. The new MN Department of Water Resources would combine the Environmental Quality Board (EQB), the Board of Water and Soil Resources (BWSR) and transfers many water-related powers and duties from other state agencies.

What's happening this week (March 11-15)?

- This Friday is the deadline for all policy bills to be heard in either the House or the Senate.
- The project tax levy bill is getting a hearing in the Senate environment committee at 1 p.m. on Monday.
- The Drainage Work Group bill is getting a hearing in the Senate environment committee at 1 p.m. on Monday.
- The Drainage Work Group bill will be voted on from the House Floor at 3:30 p.m. on Monday.
- A bill ([HF 2011](#)) we saw last year that would alter some 103B watershed planning requirements will have a hearing on Wednesday at 9:45 a.m. More details to follow. (Author: Representative Jean Wagenius)
- The carp bill is scheduled for a hearing on Thursday at 5 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.



Thank you to Fred Corrigan and Diane Lynch, Prior Lake – Spring Lake WD, for testifying last week on the carp bill!

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. We redrafted the bill to put the cap back in but increase it from \$250,000 to \$500,000.
- We are looking for authors in the House and Senate. If your legislator expressed support for this bill, please contact Ray or Emily as soon as you can. (651-440-9407 or emily@mnwatershed.org)

ALLOW PROJECT LEVIES FOR ALL TYPES OF GRANTS

MN Statute 103D.905

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 Bill is scheduled for a hearing in the **ENR-PLF** committee.

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 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. 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
- [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.

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
- Senator Ingebrigtsen agreed to author this bill.
- 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 MONOPOLY ON 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
 - 3/14/19 – Bill is scheduled for a hearing in the **ENR-P** committee at 5 p.m.
- [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.

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 support efforts 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
 - 3/06/19 – Hearing in the **Water 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

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 – House will vote on this bill (3:30 p.m.)
- [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
 - 3/11/19 – Hearing scheduled at 1:00 p.m. in Room 1200 in the Minnesota Senate Building.

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 – Bill referred to **Environment and Natural Resources Finance (ENR-F)** committee
 - 3/07/19 – Hearing in **ENR-F** committee (12:45 Room 5 State Office Building)
- [SF 2262 Clean water fund appropriations](#)
 - Senate Authors: Chris Eaton, Erik Simonson, Steve Cwodzinski, David Senjem, Patricia Torres Ray
 - 3/11/19 – Referred to **ENR-PLF** committee

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
- [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)**

For errors or omissions, please contact Emily at emily@mnwatershed.org.