Legislative Update: March 18, 2019

MN Association of Watershed Districts

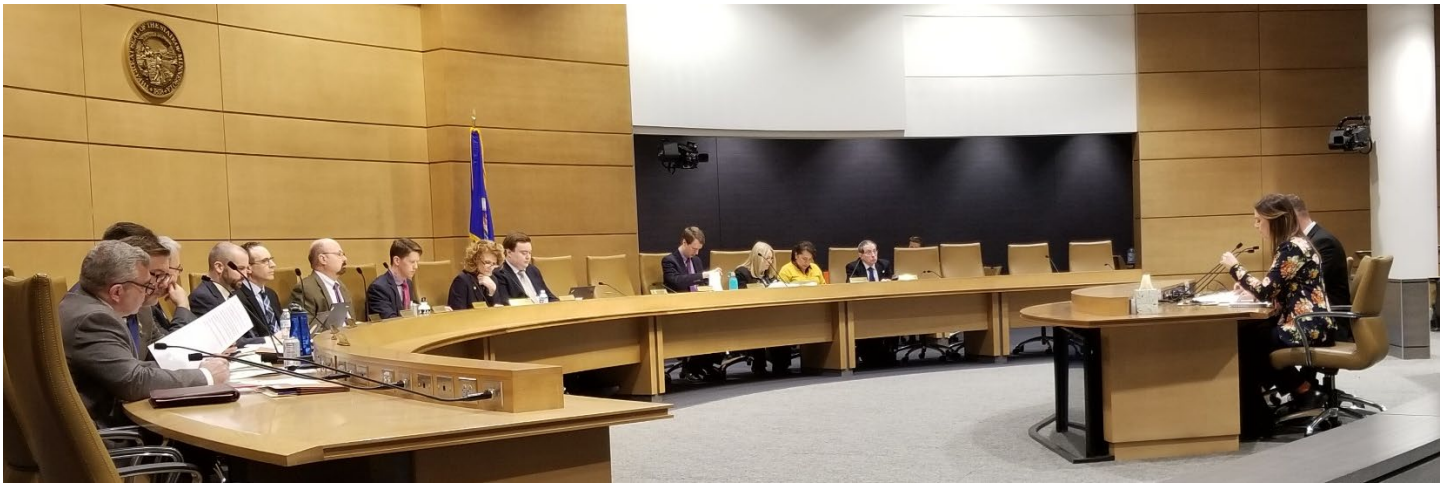
What happened last week (March 11-15)?

- Friday, March 15th, was the deadline for all policy bills to be heard in either the House or the Senate.
- Our project levy tax bill (HF 2275) had a hearing in the senate environment committee and sent to taxes.
- A senate file was introduced for increasing manager per diems. (HF 1837/SF 2451)
- The carp bill (HF 1882) passed out of committee and sent to the General Register for house floor vote.
- The drainage work group bill (HF 1244) was passed in the House on Monday, March 11.
- The commercial salt applicator bill (HF 1502) was amended and returned to Ways and Means. The next stop is the Judiciary Finance and Civil Law Division.
- The developer bill (HF 1887) we oppose missed last week's committee deadline.
- A bill (HF 2431) was introduced in both the House and Senate that appropriates $75M for multi-county flood hazard mitigation grant funding.
- A bill (HF 2011) that would alter 103B and 103D watershed planning requirements had a hearing in the House.
- A bill (HF 2314) was introduced in both the House and Senate that dictates that at least 90% of funds coming from Washington County to Rice Creek WD must be spent in Washington County.

What's happening this week (March 18-22)?

- A "delete all" amendment will be presented in the House on Tuesday for Clean Water Fund (HF 1928) appropriations. Additional amendments to the proposed recommendations are anticipated.
- The Legislative Water Commission will discuss a bill to merge all state agency work on water into one department. This would eliminate the Board of Water and Soil Resources. (SF 2102)
- The watershed planning modification bill (HF 2011) has a second hearing in the House.

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 Margaret Johnson, Middle Fork Crow River WD, for testifying last week on the project levy 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. It has been redrafted to raise the cap $250k to $500k.
- 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 – 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

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 a meeting is being scheduled to discuss.

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 § 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 – Hearing held and the bill was passed to the General Register for a floor vote. **Thank you to Phil Belfiori, Rice Creek WD, for testifying with Rep. Bernardy!**

- 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)

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**
- 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**.
- 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 – 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 (new)
  - 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.

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 scheduled in **ENR-F** committee. (5:00 p.m. in State Office Building, Room 5) A "delete all" amendment will be posted shortly after 3 p.m. on Monday, March 18th.
- 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)**

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 committee deadline.
- 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 committee dealine.

RICE CREEK WD SPENDING IN WASHINGTON COUNTY — MN Statute 103D

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
  - 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.

- 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. (6:45 p.m. State Office Building, Room 300 South)
- 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.
- 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 will be discussed during the Legislative Water Commission meeting. (6 p.m. State Office Building Room 10)

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