



**MEMORANDUM**

**To:** MCWD Board of Managers  
**From:** James Wisker  
**Date:** July 22, 2019  
**Re:** Item 9.1 - Legislative Briefing

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**Purpose:**

At the July 25, 2019 Minnehaha Creek Watershed District (MCWD) Meeting, the Board of Managers will receive a legislative briefing from the District’s government relations consultant, Joel Carlson, and Emily Javens of the Minnesota Association of Watershed Districts (MAWD).

**Attached Information:**

Attached to this memorandum, please find a summary of the MAWD 2019 Legislative Platform.

If there are questions in advance of the meeting, please contact James Wisker at 952-641-4509 or [Jwisker@minnehahacreek.org](mailto:Jwisker@minnehahacreek.org)

# 2019 Legislative Platform - RESULTS

## MN Association of Watershed Districts

### TOP 2019 LEGISLATIVE PRIORITIES

The following top priorities have been set by the MAWD Board of Directors for 2019.

1. 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. – MN Statute § 103D.905 subd. 3 (**Unable to find authors**)
2. **PASSED** Allow a project tax levy to serve as matching funds for all types of state and federal grants, not just for Clean Water Partnership grants (that no longer exist). – MN Statute § 103D.905 subd. 9
3. **RESOLVED** Remove (or increase) the \$2M limit on outstanding loans for watershed districts, especially for those entities that serve as drainage authorities. – MN Statute § 103D.335 subd. 17
4. **PASSED** Improve coordination and remove duplicative efforts of water management planning as currently required by various local, state, and federal laws. – MN Statutes 114D and 103D
5. Reinforce existing rights to maintain/repair drainage systems that operate under Statute 103E. (**Ongoing**)
6. **PASSED** Increase maximum daily manager per diem rates. – MN Statute § 103D.315 subd. 8
7. **PASSED** Remove permitting restrictions when hiring contractors to remove common carp from lakes.

### LEGISLATIVE EFFORTS WE SUPPORT (BUT LED BY OTHERS)

The following issues are supported by MAWD, but legislative efforts are being led by others.

- Obtain a strong allocation for the flood hazard mitigation funding program. LEAD: Red River Watershed Management Board (**Efforts will continue next year since bonding typically happens in even-numbered years.**)
- Provide limited liability protection to certified commercial salt applicators. LEAD: Minnesota Nursery & Landscape Association and Stop Over Salting
- **PASSED** Provide drainage authorities a voluntary alternative option for apportioning drainage system repair costs. LEAD: Board of Water and Soil Resources (BWSR) and Drainage Work Group (DWG) partners
- **PASSED** Update statutes to allow for faster compensation of ditch buffer strips. LEAD: BWSR, DWG
- When approved by the MAWD Board, bills for single watersheds will be supported. Examples: appropriation for Lower MN River dredging **PASSED**, Bois de Sioux pilot to update drainage system values (**Withdrawn by WD**)

### ISSUES TO HANDLE ADMINISTRATIVELY (FOR NOW)

MAWD will continue (or begin) working with state agencies to address the following issues:

- Ensure watershed districts are given opportunities to provide input on stormwater reuse standards. (**Ongoing**)
- Ensure timely updates to Wildlife Management Area (WMA) plans. (**Not started**)
- Require watershed district permits for the Department of Natural Resources. (**Not started**)

### ISSUES TO WATCH AND PLAY DEFENSE (IF NEEDED)

MAWD will keep a close eye on potential threats to watershed organizations.

- **COMPLETED** Protect Clean Water Funds that focus on local implementation plans and projects.
- **COMPLETED** Monitor for pending legislation that impacts rulemaking, local planning, or other authorities.
  - HF 1887 / SF 1766 – Watershed district provisions modified (a.k.a “Developer’s Bill of Rights”) **DEFEATED**
  - HF 2314 / SF 2372 – Rice Creek watershed district spending and reporting requirements **DEFEATED**

# Proposed 2020 MAWD Legislative Platform

Committee Recommendations June 10, 2019

<b>TOP PRIORITIES FOR 2019 LEGISLATIVE ACTION</b>	
2018-02	Increase or Remove the \$250k General Fund Tax Levy Limit
2016-08	Bonding Bill, Flood Hazard Mitigation (FY2020 Bonding Bill)
2017-02	Temporary Lake Quarantine Authorization to Control the Spread of Aquatic Invasive Species
<b>TOP RESOLUTIONS TO SUPPORT (WILL BE LED BY OTHERS)</b>	
2017-04	Limited Liability for Certified Commercial Salt Applicators
<b>TOP Concerns when Playing Defense</b>	
DEF-01	HF1887/SF1766 Developer's Bill of Rights (Mark Lambert)
DEF-02	HF2314/SF2372 Rice Creek WD spending and reporting requirements
DEF-03	Watch for Bills Aimed Against WDs
<b>Resolutions to Handle Administratively</b>	
2018-08	Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems
2017-07	Creation of a Stormwater Reuse Task Force
2018-04	Require Watershed District Permits for the DNR
2018-06	Ensure Timely Updates to Wildlife Management Area (WMA) Plans
DEF-01	Protect Clean Water Funds From Being Raided
2015-07	Review Commitment to Clean Water Council Recommendations
2018-09	Clean Water Council Appointments by WD Managers or Administrators

<b>Resolutions for the Parking Lot (Action only if unique opportunity pops up)</b>	
2015-01	Encourage DNR to Permit Storing Water on DNR Land
2015-02	Road Raises for Cities with Levees
2015-05	Improvements in Process with Permitting Authorities for Water Quality Improvement Projects
2015-06	Establishment of Minnesota River Basin Commission
2015-08	Protect the Integrity of Clean Water Council Appointments
2016-01	Making HR Expertise Available to Districts through MAWD
2016-03	Tax Treatment of Conservation Easements
2017-05	General Fund Levy Cap Increase for the Middle Fork Crow River Watershed District
2017-06	Stable Funding for the Flood Damage Reduction Program
2018-03	Require Timely Appointments to the BWSR Board

# Active MAWD Resolutions

July 1, 2019



## FUNDING ISSUES

### **2018-02 Increase or Remove the \$250k General Fund Tax Levy Limit**

MAWD supports legislation to increase or remove the \$250,000 general fund ad valorem tax levy limit set in MN statute 103D.905 subd. 3. If the limit is raised to a new dollar amount, MAWD supports an inflationary adjustment be added to statute.

### **2017-05 Increase the General Fund Levy Cap for the Middle Fork Crow River Watershed District**

MAWD supports the efforts of Middle Fork Crow River Watershed District to draft and advance special legislation affecting a change in its general fund levy cap.

### **2017-06 Provide Stable Funding for the Flood Damage Reduction (FDR) Program**

MAWD support requesting the MN Legislature to provide stable funding for the DNR FDR program. A suggested sustainable level of funding is \$25 million per year for the next 10 years.

### **2016-03 Tax Law Treatment of Conservation Easements**

MAWD pursue a legislative initiative to define "riparian buffer" for purposes of conservation easements in state tax code and to establish an administrative procedure whereby a watershed organization would certify, for purposes of section 273.117, a conservation easement or restriction as meeting the water quantity and quality purposes cited in the tax law and therefore be eligible for a reduction in estimated market value.

### **2015-02 Road Raises for Cities with Levees**

MAWD supports the State of Minnesota providing financial support through the MN DNR Flood Damage Reduction Program to cost share with local, state, and federal road authorities to provide road raises as an additional feature of flood control levee projects.

## PERMITTING ISSUES

### **2018-08 Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems**

MAWD supports legislation modeled after House File 2687 and Senate File 2419 of the ninetieth legislature (2017-2018) reinforcing that the DNR cannot restrict existing rights to maintain and repair 103E public drainage systems.

### **2018-04 Require Watershed District Permits for the DNR**

MAWD supports an amendment to the MN Statute § 103D.315, subd. 5, to include the MN Department of Natural Resources as a state agency required to get permits from watershed districts when applicable.

### **2015-01 Encourage DNR to Permit Storing Water on DNR Land**

MAWD should appoint a committee to in turn propose meeting with the DNR to discuss the potential for temporarily storing water on existing wetlands controlled by the DNR in the times of major flood events.

### **2015-05 Improvements in Process with Permitting Authorities for Water Quality Improvement Projects**

MAWD call on all permitting authorities:

1. To identify all regulatory requirements and applicable standards that have been developed, formalized, and codified into applicable laws, statutes, and rules that apply to proposed water quality improvement projects within 30 days of receiving a permit application.
2. To coordinate with permit applicants on proposed water quality improvement projects as part of the technical advisory committee process
3. To consider the development of internal technical advisory/evaluation committees within each authority to review proposed water quality improvement projects
4. To allow permit applicants to address all members of each authority's organization that are offering comments and concerns on a proposed water quality improvement project early on through the technical advisory committee process, instead of trying to go through one contact person at each authority.

## WATER IMPAIRMENTS AND AQUATIC INVASIVE SPECIES

### **2017-02 Temporary Lake Quarantine Authorization to Control the Spread of AIS**

MAWD supports legislation granting to watershed districts, independently or under DNR oversight, the authority, after public hearing and technical findings, to impose a public access quarantine, for a defined period of time in conjunction with determining and instituting an AIS management response to an infestation.

### **2017-04 Limited Liability for Certified Commercial Salt Applicators**

MAWD supports passage and enactment of state law that provides a limited liability exemption to commercial salt applicators and property owners using salt applicators who are certified through the established salt applicator certification program who follow best management practices.

## COORDINATED LOCAL AND STATE WATERSHED MANAGEMENT PLANNING

### **2018-06 Ensure Timely Updates to Wildlife Management Area (WMA) Plans**

MAWD supports that Wildlife Management Area (WMA) operation and maintenance plans and/or management plans are either drafted or brought current in a timely fashion, with input from local governmental entities, to ensure their consideration in future One Watershed One Plan efforts.

### **2017-07 Creation of a Stormwater Reuse Task Force**

MAWD pursue legislation requiring creation of a Stormwater Reuse Task Force with membership from Watershed Districts, Cities, Counties, State Agencies and other Stormwater Reuse implementers; and that the Stormwater Reuse Task Force should be charged with developing recommendations that further clarify and/or replace the information in the Water Reuse Report that relates to stormwater reuse best management practices.

### **2015-07 Review Commitment to Clean Water Council Process for Recommendations to Governor and Legislature on Spending Priorities of the Clean Water Fund**

MAWD undertake a review of our commitment to the present Clean Water Council funding recommendation process and make a recommendation to the membership at our 2016 Annual Meeting on our continued participation in that process.

### **2015-06 Establishment of Minnesota River Basin Commission**

MAWD supports the legislative establishment of a MN River Basin Commission to provide effective and efficient proactive comprehensive basin planning; administration; project development; implementation; construction and maintenance or water resource projects and programs of benefit to the MN River Basin with a focus on water quantity and water quality management.

## STATE BOARD AND COUNCIL APPOINTMENTS

### **2018-03 Require Timely Appointments to the BWSR Board**

MAWD supports legislation that requires the Governor to make BWSR board appointments within 90 days of a vacancy or board member term expiration.

### **2018-09 Clean Water Council Appointments**

MAWD may ask the representative of the Clean Water Council to resign when they lose their direct association to a watershed district; and that MAWD will recommend to the Governor's office that managers and/or administrators in good standing with MAWD be appointed to the Clean Water Council.

### **2015-08 Protect the Integrity of the Clean Water Council Appointments**

MAWD pursue legislation to protect the integrity of Clean Water Council appointments by supporting legislation similar to the BWSR appointment process for local government appointments, and that any state agency influence on the appointment process for local government representatives or any other specific represented groups on the Clean Water Council not be tolerated.

## WATERSHED DISTRICT OPERATIONS

### **2016-01 Making Human Resources Expertise Available to Districts through MAWD**

MAWD research potential options of making human resources expertise available to districts and make every effort to assure districts have access to the expertise they need to effectively manage their organizations.