MAWD
Legislative Talking Points

Clean Water Fund Spending
- MAWD Supports the recommendations of the Clean Water Council
- $25 million is available to distribute this session

General Fund Levy Increase
- MAWD supports increasing the general fund levy from $250,000 to $500,000
- With ever increasing demands by the state (TMDLS, WRAPS, etc) more funding is needed to keep up with local funding match requirements and project costs
- Greater MN watershed districts are put in a competitive disadvantage in competing for state grants because they do not have the funds for the projects approved in their local plans

Project Levy Clarification
- Only allows use of this project for Clean Water Partnership projects
- Need to expand the use of this funding source to state monies like the Clean Water Fund, Lessard Sams, LCCMR, etc.
- This update in the law allows WD's greater access to this state funding, thereby decreasing dependency on this levy.

Electronic Meeting Attendance
- Because of today's active lifestyles, we need to give our policymakers more flexibility in meeting attendance
- It has been increasing difficult to recruit watershed district managers because of the demands of the job and meeting requirements
- This legislation will allow citizens to serve in a basically volunteer positions but allow them to not be physically present on site at every meeting. This will help in getting the best possible citizens appointed to these important positions.

Flood Hazard Mitigation Bond Request
- MAWD supports the governor's $20 million bonding request for FHM funding

Accelerating Public Drainage System Acquisition and Establishment of Buffer Strips and Alternative Practices
- MAWD supports legislation outlined in a recent report on Accelerating Public Drainage System Acquisition and Establishment of Buffer Strips and Alternative Practices
- This is consensus legislation of the Drainage Work Group and is geared to expedite drainage authority's ability to pay for buffers and alternative practices on drainage ditches.
Watershed Planning & Implementation Coordination

- The purpose of this legislation is to better coordinate activities and funding in the future for TMDLs and WRAPS.
- This is done by making allowances for local plans and implementation on TMDL and WRAPS required by the MPCA.
- This is the first time state agencies are giving formal recognition to the local plans and program activities.
- This will bring greater use of our data which will reduce the cost of planning. Our plans and programming will act as a substitute for the TMDLs and WRAPS if approved by the MPCA and the EPA.
- This will eliminate duplication of planning efforts and move more funds to implementation of our water quality programs.
MAWD Legislative Update
March 7, 2018
By Ray Bohn, MAWD Lobbyist

Legislation is moving surprisingly slow considering the short session deadline. Our first policy committee deadline is March 22nd, the second and final policy deadline is one week later or March 29th, and the third finance committee deadline on April 20th. So, there is not much time to move bills along in the process and committee time is at a premium.

The February 28th revenue forecast was far below most expectations at the capitol. Most were expecting some number in the $800 million to $1 billion in surplus funds. It ended up to be much closer to $350 million. Because the state residents will see a $550 million increase in taxes due to the Federal bill, the tax committees need to try and bring our tax laws into conformity to the new federal law. All in a short three month session.

Unless everyone agrees to all aspects of the conformity legislation, it may well be near impossible to accomplish that goal.

And after all is done with the tax conformity, there will be little remaining for other aspects of state and local governments.

Presently we are moving ahead on several initiatives which are outlined below:

**Clean Water Fund spending:** There is around $3 million remaining in the CWF that can be dispersed this year. In addition, the $22 million moved from the CWF to be used for SWCD operating cost was returned to the CWF because it was backfilled by the state general fund due to the surplus. So that leaves $25 million in the account to spend this year. The CWF Budget Committee last week voted to recommend to the Clean Water Council the following recommended appropriations:

- Compleitive Grants: $5 million
- Forest for the Future: $1 million
- 1WS/1Plan: $4.4 million
- UofM: $0.34 million
- CREP: $15.0 million

MAWD supports this recommendation for the distribution of funds.

**General fund levy** increases for non-metro WDs: Legislation is drafted but we need help to find authors for this legislation. If you think your legislators would be willing to support and author this legislation on our behalf please ask them if they would author this legislation.

**Statutory clarification for use of project levy funds with state funds:** HF2456-Baker/SFXXXX-Lang clarifies that we can use this project levy account for additional money appropriated by law for grants or loans to the district instead of only the Clean Water Partnership Grants. This means we would be able to use this levy to leverage/match funding from the Clean Water Fund, Legacy, LCCMR, etc. This would give us much more flexibility to complete for these funds.
and to keep our project levies lower for projects. The Senate file will be introduce on Thursday, March 8th.

Electronic meeting attendance Open Meeting law: This legislation will allow managers to attend meetings using interactive TV. The bill is being drafted (see attached language) and will be authored by Sen. Johnson in the Senate. The House author is TBD.

Bonding requests (CREP, flood hazard mitigation, etc.): This last week, the Senate Environment Committee met to hear presentation by agencies on their capital investment requests. The Department of Natural Resources has requested $20 million in bonding requests this year of which Governor Dayton approved and made a part of his capital budget request. The House and Senate Bonding committees have also begun to hear presentations on bonding requests. We have met with both Suzy Geroux and Gavin Hansen, Committee Administrators, for the Senate and the House, respectively to discuss the high priority that funding flood damage reduction projects is to businesses and the people in Minnesota. We have also had the chance to speak with the Department of Natural Resources about introducing language requesting more than the $20 million recommended by Governor Dayton in the Department of Natural Resources annual funding request. (provided by Lisa Frenette, RRWDB Lobbyist)

HF2940Bliss/SF 2637Ingebrighten: This legislation that prohibits MPCA from increasing it fees was heard this week in the Senate Environment Finance Committee. The bill, as amended, would prohibit the Pollution Control Agency from increasing water fees unless the increases were statutorily approved. Municipalities and businesses have taken issue with possible amendments to the rules governing water quality fees. Legislators and major stakeholders believe that the PCA should perform a comprehensive overview of the many water quality programs under its purview and prioritize water quality programs that benefit the state before increasing its water quality fees to pay for programs. (provided by Lisa Frenette, RRWDB Lobbyist)

Drainage work group legislation:

a. Recommendations for Accelerating Public Drainage System Acquisition and Establishment of Buffer Strips and Alternative Practices: A Report to the Legislature, (February 1, 2018). Legislation has been drafted by/for the stakeholder Drainage Work Group to address 7 of the 15 recommendations in the report, for which there is consensus support by the DWG. We will be working to secure authors for this bill to pass 7 recommendations from the DWG.

b. Runoff and Sediment Delivery Option for Repair Cost Apportionment: This legislation will probably not be introduced this session. The DWG has been unable to reach an agreement on all aspects of this legislation. It would contain the following elements if introduced.

1. Enable a relative runoff and relative sediment delivery option in Chapter 103E for drainage system repair cost apportionment. This option is not a requirement and is for repairs only.
2. Increase the utilization of technology for apportionment of drainage system repair costs.
3. Better enable equitable repair cost apportionment to properties using the drainage system, without conducting a redetermination of benefits and damages.
4. Potentially reduce the time and cost of equitably apportioning repair costs.
5. Provide incentive in Chapter 103E to reduce runoff and sediment delivery to a drainage system.

Watershed planning and implementation coordination: This pending legislation represents an agreement between state agencies and LGUs on how to better coordinate activities and funding in the
future for TMDLs and WRAPS by making allowances for local plans and implementation on TMDL and WRAPS required by the MPCA. This is the first time state agencies are giving formal recognition to the local plans and program activities. This will bring greater use of our data which will reduce the cost of planning because our plans and programming will substitute for the TMDLs and WRAPS if approved by the MPCA and the EPA. This will eliminate duplication of planning efforts and move more funds to implementation of our water quality programs. We hope to move this important bill forward this session.

**Update on other legislative priorities**

**Stormwater Reuse Task Force:** We are presently holding on this legislation until the final report is released by the MN Dept. of Health.

**Commercial salt applicator / limited liability protection legislation:** This legislation appears to be generating a lot of support at the capitol, but the group that is drafting the legislation and taking the lead on their proposed legislation still has not produce a bill. Once it is introduced, we will review and see if it is some we can get behind.

**END**
MAWD meeting attendance via interactive TV (Final draft be prepared by the Revisor’s Office)

Sec. 2. Minnesota Statutes 2016, section 103D.315, subdivision 10, is amended to read:

Subd. 10. **Meetings.** The managers shall meet annually and at other necessary times to transact the business of the watershed district. A meeting may be called at any time at the request of any manager. When a manager requests a meeting, the secretary of the watershed district must mail a notice of the meeting to each member at least eight days before the meeting. **Notwithstanding section 13D.02 or other law to the contrary, for purposes of meetings conducted by interactive TV, a manager may attend a meeting at a location that is open and accessible to the public and that is located outside the geographic boundaries of the watershed district.**

Senate Author:  Sen Mark Johnson,

House Author:  TBD
Drainage Work Group
Accelerating Drainage System Acquisition of Buffer Strips and Alternative Practices
Recommendations S1, S2, S3, S6, P4, F1 and O1
3-7-18, Al Kean, BWSR

Reference the report to the Minnesota Legislature from the Board of Water and Soil Resources in coordination with the Drainage Work Group titled: “Recommendations for Accelerating Public Drainage System Acquisition and Establishment of Buffer Strips and Alternative Practices, February 1, 2018”.

2018 Statutory Change Recommendations

Recommendation S1. Add a temporary legislative provision to allow, with landowner consent, a drainage authority to seed and establish ditch buffer strips in advance of drainage law proceedings to determine damages and acquire a permanent easement.

Recommendation S2. Clarify Section 103E.021, Subd. 6 to expressly state that, upon findings and an order, the drainage authority is vested with jurisdiction over property rights acquired for 16.5-ft. ditch buffer strips.

Recommendation S3. Revise Section 103E.351 Redetermination of Benefits and Damages to enable 26 percent of benefited landowners, or owners of 26 percent of the benefited lands, to petition for a redetermination of benefits in order to update benefited area(s) and benefits of record and more equitably apportion drainage system costs, including for ditch buffer strips.

Recommendation S6. Clarify Section 103E.071 County Attorney, to make it clear that drainage authorities, including counties, may hire outside legal counsel per Section 388.09, Subd. 1.

2018 Administrative Policy and Procedure Changes Recommendation

Recommendation P4. For a ditch system that does not have adequate cash flow capability, modify an existing or create a new loan program for buffer strip acquisition and establishment.

2018 Funding Recommendation

Recommendation F1. Increase and extend funding for the Buffer Cost Share program, based on an estimate of need.

2018 Outreach Recommendation

Recommendation O1 (Short-Term). AMC, MAWD and BWSR, with appropriate funding and in cooperation with MASWCD and other partners, should develop a coordinated outreach effort to landowners, drainage authorities and their advisors, to inform them of the applicable buffer law provisions, drainage law provisions and procedures, and potential external financial assistance for acquisition and establishment of ditch buffer strips, as well as to provide an overall review of drainage law. The Drainage Work Group must be consulted in the development and dissemination of these products.