

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1734
Version: First engrossment

DATE: March 16, 2010

Authors: Lanning

Subject: Watershed Basin Management

Analyst: Janelle Taylor
Karen Baker

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill establishes a state basin watershed management policy and allows for the establishment of basin boards with taxing authority provided a majority of the board members are elected officials.

Section

- 1 Basin watershed management policy.** Adds § 103A.212. Establishes a state basin watershed management policy.
- 2 Powers and duties.** Amends § 103B.101, subd. 9. Requires the Board of Water and Soil Resources to submit a report to the legislature on the progress made to further the basin watershed management policy established in the previous section.
- 3 Definitions.** Amends § 103G.102, subd. 2. Adds basin board to the definition of “local watershed management entities” for purposes of accountability and oversight requirements of the Board of Water and Soil Resources (BWSR).
- 4 Definitions.** Adds § 103B.176. Defines “basin board,” “local water management organizations,” and “watershed management entity.”
- 5 Basin watershed management.** Adds § 103B.177.

Subd. 1. Basin watershed management. States the purposes for basin watershed management.

Subd. 2. Basin boards. Establishes a basin board for the following nine basins:

- (1) Rainy River Basin;

- (2) Great Lakes Basin;
- (3) St. Croix River Basin;
- (4) Middle Mississippi River Basin;
- (5) Lower Mississippi-Cedar Rivers Basin;
- (6) Missouri-Des Moines Rivers Basin;
- (7) Upper Mississippi River Basin; and
- (8) Minnesota River Basin.

States that the Red River of the North Basin shall be the existing Red River Watershed Management Board operating under existing legislative authority. Allows the board to reorganize itself as a basin board under the provisions established in this bill using the petition for amendment process established in section 7.

Subd. 3. Membership; organization. Establishes the membership and administration procedures for the basin boards.

Subd. 4. Advisory committee. Requires a basin board to annually appoint an advisory committee to advise and assist the basin board and specifies the membership of the advisory committee.

Subd. 5. Basin management plans. Requires all basin boards to adopt a basin management plan and submit the plan to BWSR for approval within 24 months of establishment.

Subd. 6. Watershed management entity plans. Requires watershed management organization (WMO) plans and local water plans to be submitted to the appropriate basin board for review and comment. States that counties and soil and water conservation districts may use these plans to meet the local water management plan requirements under section 103B.311 or 103C.331, subdivision 11.

Subd. 7. Taxing and other authority. Paragraph (a) allows an established basin board that has established taxing authority under paragraph (b) or a county under paragraph (c) to levy an ad valorem tax of up to 0.048 percent of the taxable market value of all property within the watershed basin or \$1,000,000, whichever is less (this authority begins for taxes levied the year following the establishment of the basin board). This levy is in addition to any other levy authorized by statute. States that one half of the levy shall be credited to the basin board's general fund to be used for water resource projects and programs of benefit to the basin, the other one half of the levy shall be credited to the watershed management entity's watershed management fund (except that if an entity does not exist, that money is credited to the county and will be held until the one is established).

Paragraph (b) allows a basin board to establish taxing authority under this section if a majority of the members of the board are elected officials at the time the levy is

established.

Paragraph (c) allows a county to a tax under this subdivision on behalf of a basin board without taxing authority.

Paragraph (d) allows a basin board to hire or contract in carrying out its responsibilities.

Paragraph (e) requires basin boards to participate in interstate and international basin organizations that are geographically and hydrologically connected with the basin.

Paragraph (f) states that a basin board is eligible for funding from the clean water fund if it meets certain conditions specified in section 8.

Paragraph (g) allows a basin board to enter into joint powers agreements.

- 6 Establishment petition.** Adds § 103B.178. Establishes a petition process for the establishment of a basin board similar to the establishment petition process for watershed districts. Requires the petition to be signed by: (1) one-half or more of the counties, soil and water conservation districts or watershed districts in the basin; (2) counties, soil and water conservation districts or watershed districts collectively having 50 percent or more of the area within the basin; (3) cities that represent the majority of city residents in the basin; or (4) 50 or more resident owners from a watershed from at least 25 percent of the watersheds in the basin. Requires BWSR to give notice and hold public hearings on the establishment petition.
- 7 Amendments and termination.** Adds § 103B.179. Establishes a petition process for amendments to basin boards similar to the establishment petition process established in section 6 (requiring the petition to meet the same signature requirements and requiring BWSR to give notice and hold public hearings on the amendment petition). Establishes a processes for terminating a basin board similar to the process for terminating a watershed district. Requires at lease 25 percent of the resident owners from each of at least 50 percent of the watersheds in the basin to sign the termination petition. Requires BWSR to give notice and hold public hearings on the termination.
- 8 Standards and oversight.** Adds § 103B.18.

Subd. 1. Standards. Allows basin boards to adopt additional performance and operational standards for its member watershed management entities. States that basin boards, watershed management entities, and local watershed management organizations are not eligible for clean water legacy account or clean water fund money unless they are formally organized, they have an approved water plan, there is cooperation, coordination, and implementation on a watershed basin basis, and there are nonstate matching funds.

Subd. 4. Corrective actions. Grants BWSR the authority to intervene in resolving disputes between basin boards and its member watershed management entities. Allows the basin board to petition for the establishment of a watershed district and states that BWSR may declare a WMO nonimplementing and initiate proceedings for the establishment of a watershed district.

- 9** **General standards.** Adds § 103B.231. Requires watershed management organizations (WMOs) to coordinate their planning activities with basin boards and requires their watershed management plan to be consistent with the basin watershed management policy established in section one.
- 10** **Watershed management tax district.** Adds § 103B.245, subd. 1. Allows a local unit of government to establish a watershed management tax district for purposes of basin water management planning similar (as is allowed for other water management planning).
- 11** **Establishment.** Adds § 103B.3369, subd. 2. Allows BWSR to provide financial assistance to basin boards for activities that protect or manage water and related land quality.
- 12** **Financial assistance.** Adds § 103B.3369, subd. 5. Allows BWSR to award a base grant to basin boards for the development and implementation of a basin management plan.
- 13** **Signatures.** Adds § 103D.205, subd. 3. Allows a basin board to sign an establishment petition for a watershed district.
- 14** **Contents.** Adds § 103D.401, subd. 1. Requires watershed district watershed management plans to be consistent with the basin watershed management policy established in section one.
- 15** **Special taxing districts; definition.** Amends § 275.066. Adds to the definition of “special taxing districts” for purposes of property taxation, a basin board or county acting under the taxing authority established in section 5.