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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 2536

May 19, 2007

Authored by Lanning, Hansen, Ozment, Eken, McNamara and others

The bill was read for the first time and referred to the Committee on Environment and Natural Resources

February 25, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Local Government and Metropolitan Affairs

1.1 A bill for an act
1.2 relating to environment; authorizing establishment of basin boards; appropriating
1.3 money; amending Minnesota Statutes 2006, section 103D.205, subdivision
1.4 3; Minnesota Statutes 2007 Supplement, section 103B.102, subdivision 2;
1.5 proposing coding for new law in Minnesota Statutes, chapters 103A; 103B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[103A.212] BASIN WATERSHED MANAGEMENT POLICY.**

1.8 The quality of life of every Minnesotan depends on water. Minnesota's rivers, lakes,
1.9 streams, wetlands, and groundwater provide a foundation for the state's recreational,
1.10 municipal, commercial, industrial, agricultural, environmental, aesthetic, and economic
1.11 well being. The legislature finds that it is in the public interest to manage water resources
1.12 from the perspective of watersheds and river basins to achieve protection, preservation,
1.13 enhancement, and restoration of the state's valuable water resources.

1.14 Sec. 2. Minnesota Statutes 2007 Supplement, section 103B.102, subdivision 2, is
1.15 amended to read:

1.16 Subd. 2. **Definitions.** For the purposes of this section, "local water management
1.17 entities" means basin boards, watershed districts, soil and water conservation districts,
1.18 metropolitan water management organizations, and counties operating separately or
1.19 jointly in their role as local water management authorities under chapter 103B, 103C,
1.20 103D, or 103G and chapter 114D.

1.21 Sec. 3. **[103B.176] DEFINITIONS.**

1.22 (a) For the purposes of sections 103B.176 to 103B.179, the following terms have
1.23 the meanings given.

2.1 (b) "Basin board" means a formally organized joint powers organization representing
2.2 the watershed management organizations defined in paragraph (d) established along
2.3 boundaries of the nine major river basins listed in section 103B.177, subdivision 2.

2.4 (c) "Local water management entities" means watershed districts, soil and water
2.5 conservation districts, metropolitan water management organizations, lake improvement
2.6 districts, lake conservation districts, and counties under this chapter and chapters 103C,
2.7 103D, and 114.

2.8 (d) "Watershed management organization" means a watershed district under chapter
2.9 103D; a watershed management organization under section 103B.211; or a formally
2.10 organized joint powers organization of counties, cities, soil and water conservation
2.11 districts, and watershed districts located outside the seven-county metropolitan area
2.12 as defined under section 473.121, subdivision 2, encompassing one or more of the
2.13 state's major watersheds. Lake improvement districts are not watershed management
2.14 organizations.

2.15 **Sec. 4. [103B.177] BASIN WATERSHED MANAGEMENT.**

2.16 Subdivision 1. **Basin management purpose.** The purposes of basin watershed
2.17 management are to:

2.18 (1) protect, preserve, and use natural surface and groundwater storage and retention
2.19 systems;

2.20 (2) maximize benefits of public capital expenditures needed to correct flooding and
2.21 water quality problems;

2.22 (3) identify and plan for means to effectively protect and improve surface and
2.23 groundwater quality;

2.24 (4) establish more uniform policies, goals, and objectives for surface and
2.25 groundwater management;

2.26 (5) prevent erosion of soil and associated pollutants into surface water systems;

2.27 (6) promote groundwater recharge;

2.28 (7) protect and enhance fish and wildlife habitat;

2.29 (8) secure other benefits associated with the sustainable use and management of
2.30 surface and groundwater resources;

2.31 (9) promote coordination and cooperation among basin water management
2.32 organizations;

2.33 (10) work with other public agencies and citizen volunteers collecting scientific data
2.34 used to identify and restore impaired waters; and

2.35 (11) facilitate resolution of water resources conflicts.

3.1 Subd. 2. **Basin boards.** A basin board is established in each of the state's
3.2 major river basins. A basin board's purpose is to coordinate basin water management
3.3 activities, implement projects and programs of common benefit to the basin, and monitor
3.4 performance of local water management entities. The major river basins are:

- 3.5 (1) Rainy River Basin;
3.6 (2) Great Lakes Basin;
3.7 (3) St. Croix River Basin;
3.8 (4) Middle Mississippi River Basin;
3.9 (5) Lower Mississippi-Cedar Rivers Basin;
3.10 (6) Missouri-Des Moines Rivers Basin;
3.11 (7) Upper Mississippi River Basin;
3.12 (8) Minnesota River Basin; and
3.13 (9) Red River of the North Basin.

3.14 Subd. 3. **Membership; organization.** Membership of the basin boards in
3.15 subdivision 2 consists of one member from each of the existing watershed management
3.16 organizations or from each of the major watershed units where there is no formally
3.17 organized watershed management organization within the basin. The governing body for
3.18 each watershed management organization shall appoint one member. If no watershed
3.19 management organization exists, the counties and soil and water conservation districts
3.20 located wholly or partially within, or any watershed district located partially within,
3.21 each major watershed unit shall jointly appoint one member that resides in the major
3.22 watershed unit. A member of a basin board must be a county commissioner, soil and water
3.23 conservation district supervisor, a watershed district manager, or an elected city official.

3.24 (b) Each basin board shall annually elect from among its members a chair, vice-chair,
3.25 and secretary-treasurer who shall serve for concurrent three-year terms. The chair shall
3.26 preside over all meetings of the basin board and may call special meetings at reasonable
3.27 times and with adequate notice, when necessary. The vice-chair shall preside over the
3.28 meetings of the basin board in the absence of the chair. The secretary-treasurer or the
3.29 designee of the secretary-treasurer shall keep a record of all proceedings of the basin board.
3.30 The secretary-treasurer shall provide for the proper receipt and disbursement of funds.

3.31 (c) On or before January 1, 2010, each basin board shall submit to the Board of
3.32 Water and Soil Resources for approval a basin board organization plan that details
3.33 the basin board's membership, structure, and operating authority in order to meet the
3.34 requirements of sections 103B.176 to 103B.179.

3.35 Subd. 4. **Advisory committee.** (a) A basin board must annually appoint an advisory
3.36 committee to advise and assist the basin board on all matters affecting the interests of

4.1 the basin and make recommendations to the basin board on all contemplated projects
4.2 and improvements in the basin.

4.3 (b) An advisory committee must consist of at least six members. Half of the
4.4 members of the advisory committee members should be public officials from local units of
4.5 government and the other half should be landowners within the basin. The members must
4.6 be residents of the basin.

4.7 Subd. 5. **Basin management plans.** On or before January 1, 2012, each basin board
4.8 shall adopt a basin management plan and submit the plan to the Board of Water and Soil
4.9 Resources for approval. The basin management plan must build on local water plans,
4.10 establish goals and measurable outcomes, and coordinate actions addressing the water
4.11 quality, flood protection, land conservation, and related ecosystem needs of the basin.

4.12 Subd. 6. **Watershed management organization plans.** Effective January 1, 2010,
4.13 all watershed management organization plans and local water plans developed under
4.14 sections 103B.231, 103B.235, 103B.255, 103B.311, 103B.501, 103B.601, 103B.651,
4.15 103C.331, subdivision 11, and 103D.401, shall be submitted to the appropriate basin
4.16 board for review and comment on the consistency of the proposed plan with the basin
4.17 management plan. A county or soil and water conservation district may use this plan to
4.18 meet the local water management plan requirements of sections 103B.311 and 103C.331,
4.19 subdivision 11.

4.20 Subd. 7. **Authority.** (a) A basin board may hire or contract for resources to carry
4.21 out its responsibilities under this section.

4.22 (b) A basin board has the authority to and must participate in interstate and
4.23 international river basin organizations that are geographically and hydrologically
4.24 connected with the river basin.

4.25 **Sec. 5. [103B.178] WATERSHED MANAGEMENT ORGANIZATIONS.**

4.26 Subdivision 1. **Authority.** (a) A party to a joint powers agreement under section
4.27 471.59 to jointly or cooperatively manage or plan for the management of surface water
4.28 and groundwater in a watershed under this section has, in addition to other authorities
4.29 granted under section 471.59, the authority to prepare, adopt, and implement a plan for the
4.30 watershed meeting the requirements of section 103B.231.

4.31 (b) Decisions by a joint powers board may not require more than a majority vote,
4.32 except a decision on a capital improvement project, which may require no more than a
4.33 two-thirds vote.

4.34 Subd. 2. **Review of watershed boundaries.** Before commencing planning, a
4.35 watershed management organization established under this section and section 471.59

5.1 must submit a map delineating the boundaries of the watershed management organization
5.2 to the Board of Water and Soil Resources for review and comment. The Board of Water
5.3 and Soil Resources has 60 days to comment.

5.4 Sec. 6. **[103B.179] ACCOUNTABILITY AND OVERSIGHT.**

5.5 Subdivision 1. **Standards.** A basin board may, in its basin management plan, adopt
5.6 additional performance and operational standards for its member watershed management
5.7 organizations. Water management organizations or local water management entities are
5.8 not eligible for Clean Water Legacy restoration and protection implementation grants or
5.9 loans unless they are formally organized and have a water plan approved by the Board of
5.10 Water and Soil Resources and there is cooperation, coordination, and implementation on
5.11 a watershed basis.

5.12 Subd. 2. **Corrective actions.** (a) In addition to any other powers granted to the
5.13 Board of Water and Soil Resources, the Board of Water and Soil Resources may intervene
5.14 for the purpose of resolving disputes between a basin board and its member watershed
5.15 management organizations.

5.16 (b) A basin board may petition the Board of Water and Soil Resources to establish a
5.17 watershed management district if deficiencies identified by the Board of Water and Soil
5.18 Resources are not corrected within two years. The Board of Water and Soil Resources
5.19 may, after public notice and hearing, declare a watershed management organization
5.20 nonimplementing and initiate proceedings for establishment of a watershed district.

5.21 Sec. 7. Minnesota Statutes 2006, section 103D.205, subdivision 3, is amended to read:

5.22 Subd. 3. **Signatures.** The establishment petition must be signed by one or more
5.23 of the following groups:

5.24 (1) one-half or more of the counties within the proposed watershed district;

5.25 (2) counties having 50 percent or more of the area within the proposed watershed
5.26 district;

5.27 (3) a majority of the cities within the proposed watershed district; ~~or~~

5.28 (4) 50 or more resident owners residing in the proposed watershed district, excluding
5.29 resident owners within the corporate limits of a city if the city has signed the petition; or

5.30 (5) a basin board under section 103B.179, subdivision 2.

5.31 Sec. 8. **APPROPRIATION.**

6.1 \$..... is appropriated in fiscal year from ... to as a onetime appropriation for
6.2 grants to the basin boards to assist in development of the basin plan goals, objectives,
6.3 priorities, and outcomes.

6.4 \$..... in fiscal year and \$..... in fiscal year are appropriated from ... to the
6.5 Board of Water and Soil Resources for increased staffing and capacity to support the
6.6 watershed management effort of this act.