

(c) The amount of the expenses of the study and the advisory task force are appropriated from the general fund to the commissioner of the pollution control agency. The director of the state planning agency shall make an assessment under Minnesota Statutes, section 116C.712, subdivision 5, to cover the cost of the expenses for the task force and the study expenses under section 7. The assessment shall be deposited in the general fund and credited for this purpose.

Sec. 7. DUTIES OF THE ADVISORY TASK FORCE ON LOW-LEVEL RADIOACTIVE WASTE DEREGULATION.

The advisory task force on low-level radioactive waste deregulation shall:

(1) design and initiate a study that will be a cost-benefit analysis of deregulation of "low-level" radioactive waste costs, including health, and environmental costs and effects, including both dollar and nondollar effects in both the long-term and the short-term;

(2) determine who will conduct the study;

(3) determine the timelines for the study;

(4) evaluate the cost-benefit study; and

(5) make a recommendation on continuation of the moratorium and other recommendations to the legislature by January 1, 1994.

Sec. 8. REPEALER.

Sections 4 to 7 are repealed effective June 30, 1996.

Sec. 9. EFFECTIVE DATE.

Sections 1 and 2 are effective August 1, 1990, and apply to cities, towns, and counties that initiate action to organize solid waste collection on or after that date. Sections 3 to 7 are effective the day following final enactment.

Presented to the governor April 28, 1990

Signed by the governor May 8, 1990, 8:44 p.m.

CHAPTER 601—S.F.No. 1894

An act relating to environment and natural resources; amending provisions relating to metropolitan water management organizations; providing legislative commission oversight of the metropolitan water management act; providing for appointment of metropolitan watershed district managers from residents within the district; authorizing management and financing of drainage systems under certain laws; clarifying water management purposes; providing for

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removal for just cause of members of watershed management organization boards; authorizing a technical advisory committee; requiring watershed management organizations to prepare newsletters, annual reports, and audits; providing for preparation of watershed plans and implementation of plans; providing penalties for not implementing plans; authorizing and directing the board of water and soil resources to adopt rules; providing for appeal of plan failures; providing for requests for proposals for certain services; authorizing accumulation of levy proceeds; appropriating money; requiring a drainage system report; amending Minnesota Statutes 1988, sections 110B.28; 110B.30; 112.42, subdivision 3; 473.875; 473.876, by adding a subdivision; 473.877, subdivision 1; 473.878, subdivisions 1, 1a, 2, 3, 4, 6, 8, and by adding subdivisions; 473.879, subdivision 2; 473.881; 473.882, subdivision 1; and 473.883, subdivisions 3 and 7; Minnesota Statutes 1989 Supplement, section 473.883, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 112 and 473.

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

Section 1. Minnesota Statutes 1988, section 110B.28, is amended to read:

110B.28 COMMISSION OVERSIGHT; REPORT REQUIRED.

The board shall, on or before January 15 of each year, submit to the legislative water commission ~~on Minnesota resources~~ a written report on the board's functions and the implementation of the comprehensive local water management act and sections 473.875 to 473.883 since the previous report under this section was submitted. The report to the commission must include the board's recommendations for changes to the comprehensive local water management act and sections 473.875 to 473.883 and any recommendations for funding. The board shall also report to the commission at other times requested by the commission. The commission may make recommendations to the legislature concerning the funding, implementation, and amendment of the act and sections 473.875 to 473.883.

Sec. 2. Minnesota Statutes 1988, section 110B.30, is amended to read:

110B.30 APPLICATION.

Sections 110B.01 to 110B.28 do not apply in areas subject to the requirements of sections 473.875 to 473.883 under section 473.878, subdivision 1, and in areas covered by an agreement entered into by December 31, 1985, under section 473.878, subdivision 1a, except as otherwise provided in sections 110B.04, subdivision 4, clause (4); and 110B.08, subdivisions 1, clauses (3) and (4) and 2, clause (b).

Sec. 3. Minnesota Statutes 1988, section 112.42, subdivision 3, is amended to read:

Subd. 3. **TERMS; SUCCESSOR APPOINTMENTS; VACANCIES.** (a) At least 30 days before the expiration of the term of office of the first managers named by the board, the county commissioners of each county affected shall

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meet and appoint successors to the first managers. If the nominating petition for the district originated from a majority of the cities in the district, ~~or if the district is wholly within the metropolitan area~~, the county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and municipalities within the district. If the district is wholly within the metropolitan area, the county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and municipalities within the district. The list must contain at least three nominees for each position to be filled. Managers for a district wholly within the metropolitan area must be appointed to fairly represent by residence the various hydrologic areas within the district.

(b) The list of nominees must be submitted to the affected county board at least 60 days before the expiration of the term of office. If the list is not submitted within 60 days prior to the expiration of the term of office, the county commissioners shall select the managers from eligible individuals within the district. The county commissioners shall meet and appoint the successors at least 30 days before any manager's term expires. If the district affects more than one county, distribution of the managers among the counties affected shall be as directed by the board.

(c) Ten years after the order of establishment, the board may redistribute the managers among the counties if redistribution is in accordance with the purposes of this chapter. The board may take this action upon petition of the county board of commissioners of any county affected by the district and after public hearing on the petition. A petition for the redistribution of managers must not be filed with the board more than once in ten years.

(d) If the number of manager positions in the board's findings and order establishing the district is three, the terms of office of the first county-appointed managers shall be one for a term of one year, one for a term of two years, and one for a term of three years. If the number of managers is five, one manager's term shall be one year, two managers' terms shall be two years, and two managers' terms shall be three years. If the board of managers consists of more than five members, the managers shall be appointed so that as nearly as possible one-third serve terms of one year, one-third serve terms of two years, and one-third serve terms of three years. If the district affects more than one county, the board shall direct the distribution of the one-, two-, and three-year terms among the affected counties. Thereafter, the term of office for each manager must be three years, and until a successor is appointed and qualified. If the district affects more than five counties, in order to provide for the orderly distribution of the managers, the board may determine and identify the manager areas within the territory of the district and select the appointing county board of commissioners for each manager's area. Any vacancy in an office of a manager must be filled by the appointing county board of commissioners.

(e) A record of all appointments made under this subdivision must be filed

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with the county auditor of each county affected, with the secretary of the board of managers, and with the secretary of the board. A person appointed as a manager must be a voting resident of the district and must not be a public officer of the county, state, or federal government, except that a soil and water conservation supervisor may be a manager.

Sec. 4. [112.4305] TECHNICAL ADVISORY COMMITTEES.

For a district wholly within the metropolitan area, the board of managers shall establish a technical advisory committee consisting of representatives of affected statutory and home rule charter cities, counties, and soil and water conservation districts.

Sec. 5. [473.157] WATER RESOURCES PLAN.

To help achieve federal and state water quality standards, provide effective water pollution control, and help reduce unnecessary investments in advanced wastewater treatment, the council shall adopt a water resources plan that includes management objectives and target pollution loads for watersheds in the metropolitan area. The council shall recommend to the board of water and soil resources performance standards for watershed plans in the metropolitan area, including standards relating to the timing of plan revisions and proper water quality management.

Sec. 6. Minnesota Statutes 1988, section 473.875, is amended to read:

473.875 METROPOLITAN WATER MANAGEMENT PROGRAMS; PURPOSES.

The ~~purpose~~ purposes of the water management programs required by sections 473.875 to 473.883 ~~is~~ are to: ~~protect, preserve and use natural surface and ground water storage and retention systems in order to~~ (a) reduce to the greatest practical extent the public capital expenditures necessary to control excessive volumes and rates of runoff; (b) ~~protect and improve surface and ground water quality;~~ (c) prevent flooding and erosion from surface flows; (d) promote ground water recharge; (e) protect and enhance fish and wildlife habitat and water recreational facilities; and (f) secure the other benefits associated with the proper management of surface and ground water.

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

(2) minimize public capital expenditures needed to correct flooding and water quality problems;

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

(4) establish more uniform local policies and official controls for surface and groundwater management;

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(5) prevent erosion of soil into surface water systems;

(6) promote groundwater recharge;

(7) protect and enhance fish and wildlife habitat and water recreational facilities; and

(8) secure the other benefits associated with the proper management of surface and ground water.

Sec. 7. Minnesota Statutes 1988, section 473.876, is amended by adding a subdivision to read:

Subd. 6a. SUBWATERSHED UNIT. "Subwatershed unit" means a hydrologic area less than the entire area under the jurisdiction of a watershed management organization.

Sec. 8. Minnesota Statutes 1988, section 473.877, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY.** (a) Any agreement under section 471.59 to jointly or cooperatively manage or plan for the management of surface water in a watershed delineated pursuant to subdivision 2, as required by sections 473.875 to 473.883, may provide, in addition to other provisions authorized by section 471.59, for a joint board having:

(~~a~~) (1) the authority to prepare, adopt, and implement a plan for the watershed meeting the requirements of section 473.878;

(~~b~~) (2) the authority to review and approve local water management plans as provided in section 473.879;

(~~e~~) (3) the authority of a watershed district under chapter 112 to regulate the use and development of land in the watershed when one or more of the following conditions exists: (~~+~~) (i) the local government unit exercising planning and zoning authority over the land under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a local water management plan approved and adopted in accordance with the requirements of section 473.879 or has not adopted the implementation program described in the plan; (~~2~~) (ii) an application to the local government unit for a permit for the use and development of land requires an amendment to or variance from the adopted local water management plan or implementation program of the local unit; (~~3~~) and (iii) the local government unit has authorized the organization to require permits for the use and development of land;

(~~d~~) (4) the authority of a watershed district under section 112.65 to accept the transfer of drainage systems in the watershed, to repair, improve, and maintain the transferred drainage systems, and to construct all new drainage systems and improvements of existing drainage systems in the watershed, provided that:

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(i) projects may be carried out under the powers granted in chapter 106A, 112, or 473 ~~and sections 106A.005 to 106A.811 and that; and~~ (ii) proceedings of the board with respect to the systems must be in conformance with the watershed plan adopted under section 473.878; and

(e) ~~(5)~~ other powers necessary to exercise the authority under clauses ~~(a)~~ (1) to ~~(e)~~ (3), including the power to enter into contracts for the performance of functions with governmental units or persons.

(b) The board of water and soil resources shall adopt rules prescribing minimum requirements for the content of watershed management organization joint powers agreements.

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

Sec. 9. [473.8775] WATERSHED MANAGEMENT ORGANIZATIONS.

Subdivision 1. APPOINTMENT OF MEMBERS. Watershed management organizations shall notify the board of water and soil resources of member appointments and vacancies in member positions within 30 days. Appointing authorities shall fill vacant positions by 90 days after the vacancy occurs.

Subd. 2. NOTICE OF BOARD VACANCIES. Appointing authorities for watershed management organization board members shall publish a notice of vacancies resulting from expiration of members' terms and other reasons. The notices must be published at least once in a newspaper of general circulation in the watershed management organization area. The notices must state that persons interested in being appointed to serve on the watershed management organization board may submit their names to the appointing authority for consideration. Published notice of the vacancy must be given at least 15 days before an appointment or reappointment is made.

Subd. 3. REMOVAL. Appointing authorities may remove members of watershed management organization boards for just cause. The board of water and soil resources shall adopt rules prescribing standards and procedures for removing members of watershed management organization boards for just cause.

Subd. 4. NEWSLETTER. A watershed management organization shall publish and distribute at least one newsletter or other appropriate written communication each year to residents. The newsletter or other communication must explain the organization's water management programs and list the officers and telephone numbers.

Subd. 5. REQUESTS FOR PROPOSALS FOR SERVICES. A watershed management organization shall at least every two years solicit interest proposals for legal, professional, or technical consultant services before retaining the services of an attorney or consultant or extending an annual services agreement.

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Subd. 6. FORMATION OF ASSOCIATION. The board of water and soil resources shall facilitate the formation of an association of watershed management organizations and inform the association, if formed, of similar national associations with which it may become affiliated.

Subd. 7. DRAINAGE SYSTEMS. Watershed management organizations may accept transfer of drainage systems under sections 473.875 to 473.883.

Sec. 10. Minnesota Statutes 1988, section 473.878, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** (a) A watershed management plan is required for watersheds comprising all minor watershed units wholly or partly within the metropolitan area. ~~For the purposes of this section a minor watershed unit shall be considered within the metropolitan area if units having~~ more than 90 percent of ~~its~~ their area ~~is~~ within the metropolitan area, the watershed management plan shall be prepared, adopted, and implemented in accordance with the requirements of sections 473.875 to 473.883.

(b) Minor watershed units having 90 percent or less of their area within the metropolitan area shall prepare a plan or have the county prepare a watershed management plan for their area in accordance with the requirements of sections 473.875 to 473.883 or chapter 110B, as determined by the board of water and soil resources.

Sec. 11. Minnesota Statutes 1988, section 473.878, subdivision 1a, is amended to read:

Subd. 1a. **OPTIONAL PARTICIPATION IN METROPOLITAN WATER MANAGEMENT ORGANIZATION.** Local government units, ~~within or outside of the metropolitan area, having territory that is not subject to the requirements of this section but that is within a watershed part of which is subject to the requirements of this section,~~ may enter into an agreement under section 473.877. A local government unit that enters into an agreement under this subdivision has the duties imposed and the authority granted in sections 473.875 to 473.883.

Sec. 12. Minnesota Statutes 1988, section 473.878, subdivision 2, is amended to read:

Subd. 2. **RESPONSIBLE UNITS.** (a) Where a watershed management organization exists, the plan for the watershed shall be prepared and adopted by the organization.

(b) If a watershed management organization is not established by July 1, 1985, for any minor watershed unit located wholly outside of Hennepin and Ramsey counties, is terminated, or the board of water and soil resources determines a plan is not being implemented in accordance with its rules, the county

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or counties containing the watershed unit shall prepare, adopt, and implement the watershed plan and for this purpose the county or counties have the planning, review, permitting, and financing authority of a watershed management organization specified in sections 473.877 to 473.883. If a watershed management organization is not established by July 1, 1985, for any minor watershed unit within the metropolitan area and wholly or partly within Hennepin or Ramsey counties, the county or counties containing the watershed unit shall petition for the establishment of a watershed district under chapter 112, provided, however, that a district established pursuant to such a petition shall not cross a primary river nor a river forming the boundary between a metropolitan county and a county outside the metropolitan area, shall have boundaries which are based upon negotiations among all local government units which may have territory within the district and adjacent watersheds and shall not cross county boundaries to include territory whose distinguishing characteristic is multiple drainage points into a primary river. A watershed management organization may request a county to prepare all or part of a plan. A county may delegate the preparation of all or part of a plan to the county soil and water conservation district. Upon request of a statutory or home rule charter city or town, a county may delegate the preparation of all or part of a plan to the city or town.

(c) If the board of water and soil resources determines that a county is not implementing the plan, has not delegated implementation of the plan, and has not petitioned for the creation of a watershed district:

(1) state agencies may withhold from local government units state funding for water programs for projects within the watershed;

(2) state agencies may withhold from local government units delegation of state water resource regulatory authority within the watershed; and

(3) state agencies may suspend issuance of water-related permits within the watershed.

The provisions of this paragraph apply until the board of water and soil resources determines that a plan is being implemented in accordance with its rules.

(d) Appeals from the board of water and soil resources determination are made in the same manner as appeals under section 110B.25, subdivision 5.

Sec. 13. Minnesota Statutes 1988, section 473.878, subdivision 3, is amended to read:

Subd. 3. **GENERAL STANDARDS.** (a) The watershed management plan shall extend through the year 1990 or any year thereafter which is evenly divisible by five.

(b) The plan must be updated before the expiration of the period covered by

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the plan. The plan must be reviewed for consistency with an adopted county ground water plan, and revised as necessary, whenever the watershed plan undergoes substantial revision or updating. In counties that adopt or amend ground water plans within five years following August 1, 1987, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than six years following August 1, 1987. In counties that adopt or amend ground water plans after five years following August 1, 1987, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than one year following the adoption or amendment of the ground water plan. Upon the request of a watershed management organization, the county shall provide a written statement that:

(1) identifies any substantial inconsistencies between the watershed plan and the ground water plan and any substantial adverse effects of the watershed plan on the ground water plan; and

(2) evaluates, estimates the cost of, and recommends alternatives for amending the watershed plan to rectify any substantial inconsistencies and adverse effects.

(c) The plan shall contain the elements required by subdivision 4. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 473.875 to 473.883, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed.

(d) The plan shall be prepared and submitted for review under subdivision 5 not later than December 31, 1986.

(e) Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 473.875 to 473.883. Existing or amended plans of a watershed management organization which meet the requirements of sections 473.875 to 473.883 may be submitted for review under subdivision 5.

(f) Watershed management organizations shall coordinate their planning activities with contiguous watershed management organizations and counties conducting water planning and implementation under chapter 110B.

Sec. 14. Minnesota Statutes 1988, section 473.878, subdivision 4, is amended to read:

Subd. 4. CONTENTS. (a) The plan shall:

(a) (1) describe the existing physical environment, land use, and development in the area and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans;

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(b) (2) present information on the hydrologic system and its components, including any drainage systems previously constructed under sections 106A.005 to 106A.811, and existing and potential problems related thereto;

(e) (3) state objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics;

(d) (4) set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement;

(e) (5) describe the effect of the plan on existing drainage systems;

(f) (6) describe conflicts between the watershed plan and existing plans of local government units;

(g) (7) set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with the watershed plan; and

(h) (8) set out a procedure for amending the plan.

(b) The board shall adopt rules to establish standards and requirements for amendments to watershed plans. The rules must include:

(1) performance standards for the watershed plans, which may distinguish between plans for urban areas and rural areas;

(2) minimum requirements for the content of watershed plans and plan amendments, including public participation process requirements for amendment and implementation of watershed plans;

(3) standards for the content of capital improvement programs to implement watershed plans, including a requirement that capital improvement programs identify structural and nonstructural alternatives that would lessen capital expenditures; and

(4) how watershed plans are to specify the nature of the official controls required to be adopted by the local units of government, including uniform erosion control, stormwater retention, and wetland protection ordinances in the metropolitan area.

Sec. 15. Minnesota Statutes 1988, section 473.878, subdivision 6, is amended to read:

Subd. 6. **REVIEW BY METROPOLITAN COUNCIL.** After completion

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of the review under subdivision 5, the plan and all comments received shall be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to local comprehensive plans. The council shall advise the board of water and soil resources on whether the plan conforms with the management objectives and target pollution loads stated in the council's water resources plan and shall recommend changes in the plan that would satisfy the council's plan. The council may mediate and attempt to resolve differences among local governmental agencies regarding the plan.

Sec. 16. Minnesota Statutes 1988, section 473.878, subdivision 8, is amended to read:

Subd. 8. **ADOPTION; IMPLEMENTATION.** (a) The organization shall adopt and implement its plan within 120 days after compliance with the provisions of subdivision 7 and approval of the plan by the board of water and soil resources. A watershed district may implement its approved plan and approved capital improvement program by resolution of the majority of the board of managers and without respect to the provisions of chapter 112 requiring the managers to wait upon petitions for projects, to submit projects for review by the board of water and soil resources, and to limit the cost and purposes of projects.

(b) The board of water and soil resources shall adopt rules establishing standards and criteria for making determinations of whether watershed management organizations and counties are implementing watershed plans as required under subdivision 1.

Sec. 17. Minnesota Statutes 1988, section 473.878, is amended by adding a subdivision to read:

Subd. 10. PLAN REVIEW. The board of water and soil resources shall review each watershed management organization plan at least once every five years and recommend appropriate changes.

Sec. 18. Minnesota Statutes 1988, section 473.878, is amended by adding a subdivision to read:

Subd. 11. APPEALS OF PLAN FAILURES. Persons aggrieved by an alleged failure to comply with the provisions of an approved plan may request review by the board of water and soil resources. The board shall establish a procedure for resolving disputes and making a determination on whether the plan is being implemented.

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Sec. 19. Minnesota Statutes 1988, section 473.878, is amended by adding a subdivision to read:

Subd. 12. ANNUAL REPORT. The board of water and soil resources shall adopt rules establishing:

(1) requirements for annual watershed management organization financial reports to the board, including a report on administrative, project, and other expenditures;

(2) standards for annual financial audits by certified public accountants, procedures for the board to follow before ordering state financial and performance audits as determined by the board, and procedures for charging the costs of financial and performance audits to the watershed management organization; and

(3) requirements for the content of annual activity reports to the board, which must include the number and type of permits issued, complaints received, plan and ordinance violations, projects constructed, new officers installed, variances granted, status of local unit adoption and enforcement of model ordinance requirements, and financial conditions of the watershed management organization.

Sec. 20. [473.880] **RULE REVIEW.**

The board of water and soil resources shall review the rules relating to sections 473.875 to 473.883 at least once every five years and adopt necessary amendments.

Sec. 21. Minnesota Statutes 1988, section 473.879, subdivision 2, is amended to read:

Subd. 2. **STANDARDS; CONTENTS.** (a) Each local plan, in the degree of detail required in the watershed plan, shall:

- (a) (1) describe existing and proposed physical environment and land use;
- (b) (2) define drainage areas and the volumes, rates, and paths of stormwater runoff;
- (c) (3) identify areas and elevations for stormwater storage adequate to meet performance standards established in the watershed plan;
- (d) (4) define water quality and water quality protection methods adequate to performance standards established in the watershed plan;
- (e) (5) identify regulated areas; and
- (f) (6) set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.

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(b) The board of water and soil resources shall adopt rules establishing minimum local plan standards and a model environmental management ordinance for use by local government units in implementing local water plans. The standards apply to plan amendments made to conform to changes in the watershed plans that are adopted under the board rules required by section 14.

Sec. 22. Minnesota Statutes 1988, section 473.881, is amended to read:

473.881 NO EXEMPTION FROM LEVY LIMIT.

Any levy to pay the increased costs to a local government unit or watershed management organization of implementing sections 473.878 and 473.879 or to pay costs of improvements and maintenance of improvements identified in an approved and adopted plan shall be in addition to any other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by ~~chapter 275, except levies pursuant to section 473.883, subdivision 7, for taxes payable in 1985 and thereafter.~~ Notwithstanding any provision to the contrary in chapter 112, a watershed district may levy a tax sufficient to pay the increased costs to the district of implementing sections 473.878 and 473.879. The proceeds of any tax levied under this section shall be deposited in a separate fund and expended only for the purposes authorized by this section. Watershed management organizations and local government units may accumulate the proceeds of levies as an alternative to issuing bonds to finance improvements. The amount authorized under this section and levied by a governmental subdivision is not exempt from sections 275.50 to 275.56.

Sec. 23. Minnesota Statutes 1988, section 473.882, subdivision 1, is amended to read:

Subdivision 1. **WATERSHED MANAGEMENT TAX DISTRICT.** (a) Any local government unit planning for water management under sections 473.878 and 473.879 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under sections 473.878 and 473.879.

(b) Any local government unit which has part of its territory within a watershed for which a plan has been adopted in accordance with section 473.878 and which has a local water management plan adopted in accordance with section 473.879 may establish a watershed management tax district in the territory within the watershed or a ~~minor watershed~~ subwatershed unit in the watershed, for the purpose of paying capital costs of the water management facilities described in the capital improvement program of the plans and for the purpose of paying for normal and routine maintenance of the facilities.

(c) A county or counties required by section 473.878, subdivision 2, to prepare, adopt, and implement a watershed plan shall apportion the costs of planning, capital improvements, and maintenance proportionate to benefits. The county may apportion the costs among the ~~minor watershed~~ subwatershed

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units in the watershed, or among the statutory and home rule charter cities and towns having territory in the watershed, and for this purpose may establish more than one watershed management tax district in the watershed.

Sec. 24. Minnesota Statutes 1988, section 473.883, subdivision 3, is amended to read:

Subd. 3. **APPORTIONMENT OF COSTS.** If the territory of the watershed management organization extends into more than one county, the cost of the improvement shall be certified to the respective county boards in the proportions prescribed in the capital improvement program of the organization. The certification of the watershed management organization may apportion the cost among some or all of the ~~minor watershed~~ subwatershed units in the watershed and for this purpose may require the establishment of more than one tax district in the watershed.

Sec. 25. Minnesota Statutes 1989 Supplement, section 473.883, subdivision 6, is amended to read:

Subd. 6. **TAX.** For the payment of principal and interest on the bonds issued under subdivision 5 and the payment required under subdivision 4, the county shall irrevocably pledge and appropriate the proceeds of a tax levied on all taxable property located within the territory of the watershed management organization or ~~minor watershed~~ subwatershed unit for which the bonds are issued. Each year until the reserve for payment of the bonds is sufficient to retire the bonds, the county shall levy on all taxable property in the territory of the organization or unit, without respect to any statutory or other limitation on taxes, an amount of taxes sufficient to pay principal and interest on the bonds and to restore any deficiencies in reserves required to be maintained for payment of the bonds. The tax levied on rural towns other than urban towns may not exceed 0.02418 percent of taxable market value, unless approved by resolution of the town electors. If at any time the amounts available from the levy on property in the territory of the organization are insufficient to pay principal and interest on the bonds when due, the county shall make payment from any available funds in the county treasury. The amount of any taxes which are required to be levied outside of the territory of the watershed management organization or unit or taken from the general funds of the county to pay principal or interest on the bonds shall be reimbursed to the county from taxes levied within the territory of the watershed management organization or unit.

Sec. 26. Minnesota Statutes 1988, section 473.883, subdivision 7, is amended to read:

Subd. 7. **MAINTENANCE LEVY.** For the purpose of creating a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by the county pursuant to subdivision 4, the board of managers of a watershed district, with the approval of the county, may impose an ad valorem levy on all property located within

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the territory of the watershed district or ~~minor watershed~~ subwatershed unit. The levy shall be certified, levied, collected, and distributed as provided in section 112.611, and shall be in addition to any other money levied and distributed to the district thereunder. The proceeds of the levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

Sec. 27. DRAINAGE SYSTEM REPORT.

Drainage authorities in the metropolitan area shall inventory and evaluate public ditches under their jurisdiction, prepare a report describing the general condition of the public ditch following the criteria under Minnesota Statutes, section 106A.015, and submit the report to the board of water and soil resources by July 1, 1992. The board shall provide guidance and technical assistance to the drainage authorities in meeting this requirement.

Sec. 28. COOPERATION IN PLANNING.

The council shall establish an advisory water quality management task force to assist the council in the plans and recommendations required by section 5. The council and the board shall coordinate agency activities and technical assistance to watershed management organizations and local governments to achieve the maximum benefit from staff resources.

Sec. 29. APPLICATION.

Sections 5 to 28 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 30. APPROPRIATION.

\$57,000 previously appropriated from the general fund to the board of water and soil resources for fiscal year 1991, including appropriations in Laws 1989, chapters 269, section 9; and 326, article 10, section 1, subdivision 4, either for administrative costs or for grants, is available to be used to carry out this act.

Sec 31. EFFECTIVE DATE.

Sections 9, subdivisions 2 and 4; and 19, are effective July 1, 1992. Section 22 is effective for taxes levied in 1989, payable in 1990, and subsequent years.

Presented to the governor April 28, 1990

Signed by the governor May 3, 1990, 5:49 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.