

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 726

(SENATE AUTHORS: SCALZE, Rosen, Sparks and Hoffman)

DATE	D-PG	OFFICIAL STATUS
02/25/2013	385	Introduction and first reading Referred to Environment and Energy
04/02/2013	1458a 1668	Comm report: To pass as amended Second reading Rule 47, returned to Environment and Energy See HF677, Art. 4, Sec. 1-5

1.1 A bill for an act
1.2 relating to waters; modifying authority of Board of Water and Soil Resources;
1.3 modifying local levy authority; modifying disposition of certain funds;
1.4 modifying soil loss ordinance provisions; amending Minnesota Statutes 2012,
1.5 sections 103B.101, by adding a subdivision; 103B.102, subdivision 3; 103B.335;
1.6 103B.3369, subdivision 5; 103C.501, subdivision 4; 103F.405, subdivision 1.

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

1.8 Section 1. Minnesota Statutes 2012, section 103B.101, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 16. **Water quality practices; standardized specifications.** The
1.11 board shall work with state and federal agencies, academic institutions, local
1.12 governments, practitioners, and stakeholders to foster mutual understanding and provide
1.13 recommendations for standardized specifications for water quality and soil conservation
1.14 protection and improvement practices and projects. The board may convene working
1.15 groups or work teams to develop information, education, and recommendations.

1.16 Sec. 2. Minnesota Statutes 2012, section 103B.102, subdivision 3, is amended to read:

1.17 Subd. 3. **Evaluation and report.** The Board of Water and Soil Resources shall
1.18 evaluate performance, financial, and activity information for each local water management
1.19 entity. The board shall evaluate the entities' progress in accomplishing their adopted plans
1.20 on a regular basis as determined by the board based on budget and operations of the local
1.21 water management entity, but not less than once every five ten years. The board shall
1.22 maintain a summary of local water management entity performance on the board's Web site.
1.23 Beginning February 1, 2008, and annually thereafter, the board shall provide an analysis

of local water management entity performance to the chairs of the house of representatives and senate committees having jurisdiction over environment and natural resources policy.

Sec. 3. Minnesota Statutes 2012, section 103B.335, is amended to read:

103B.335 TAX LEVY AUTHORITY.

Subdivision 1. **Local water planning and management.** The governing body of any county, municipality, or township may levy a tax in an amount required to implement sections 103B.301 to 103B.355 or a comprehensive watershed management plan as defined in section 103B.3363.

Subd. 2. **Priority programs; conservation and watershed districts.** A county may levy amounts necessary to pay the reasonable ~~increased~~ costs to soil and water conservation districts and watershed districts of administering and implementing priority programs identified in an approved and adopted plan or a comprehensive watershed management plan as defined in section 103B.3363.

Sec. 4. Minnesota Statutes 2012, section 103B.3369, subdivision 5, is amended to read:

Subd. 5. **Financial assistance.** A base grant may be awarded to a county that provides a match utilizing a water implementation tax or other local source. A water implementation tax that a county intends to use as a match to the base grant must be levied at a rate sufficient to generate a minimum amount determined by the board. The board may award performance-based grants to local units of government that are responsible for implementing elements of applicable portions of watershed management plans, comprehensive plans, local water management plans, or comprehensive watershed management plans, developed or amended, adopted and approved, according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the board may also award performance-based grants to local units of government to carry out TMDL implementation plans as provided in chapter 114D, if the TMDL implementation plan has been incorporated into the local water management plan according to the procedures for approving comprehensive plans, watershed management plans, local water management plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D, or if the TMDL implementation plan has undergone a public review process. Notwithstanding section 16A.41, the board may award performance-based grants on an advanced basis. The fee authorized in section 40A.152 may be used as a local match or as a supplement to state funding to accomplish implementation of comprehensive plans, watershed management plans, local water management plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D.

Sec. 5. Minnesota Statutes 2012, section 103C.501, subdivision 4, is amended to read:

Subd. 4. **Cost-sharing funds.** (a) The state board shall allocate ~~at least 70 percent~~ of cost-sharing funds to areas with high priority erosion, sedimentation, or water quality problems or water quantity problems due to altered hydrology. The areas must be selected based on ~~the statewide~~ priorities established by the state board.

(b) The allocated funds must be used for conservation practices for high priority problems identified in the comprehensive and annual work plans of the districts, for the technical assistance portion of the grant funds to leverage federal or other nonstate funds, or to address high-priority needs identified in local water management plans or comprehensive watershed management plans.

~~(b) The remaining cost-sharing funds may be allocated to districts as follows:~~

~~(1) for technical and administrative assistance, not more than 20 percent of the funds; and~~

~~(2) for conservation practices for lower priority erosion, sedimentation, or water quality problems.~~

Sec. 6. Minnesota Statutes 2012, section 103F.405, subdivision 1, is amended to read:

Subdivision 1. **Authority.** Each statutory or home rule charter city, town, or county that has planning and zoning authority under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365 is encouraged to adopt a soil loss ordinance. The soil loss ordinance must use the soil loss tolerance for each soil series described in the United States Soil Natural Resources Conservation Service Field Office Technical Guide, or another method approved by the Board of Water and Soil Resources, to determine the soil loss limits, but the soil loss limits must be attainable by the best practicable soil conservation practice. Ordinances adopted by local governments ~~within the metropolitan area defined in section 473.121~~ must be consistent with local water management plans adopted under section 103B.235 a comprehensive plan, local water management plan, or watershed management plan developed or amended, adopted and approved, according to chapter 103B, 103C, or 103D.