

**SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION**

S.F. No. 2156

(SENATE AUTHORS: OSMEK, Limmer and Hann)

DATE	D-PG	OFFICIAL STATUS
05/07/2015		Introduction and first reading Referred to Environment and Energy

1.1 A bill for an act

1.2 relating to water; reorganizing watershed management organizations wholly
1.3 or partially located in Hennepin County into three watershed management
1.4 organizations; proposing coding for new law in Minnesota Statutes, chapter 103B.

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

1.6 Section 1. **[103B.254] WATERSHED MANAGEMENT IN HENNEPIN COUNTY.**

1.7 Subdivision 1. **Three watershed management organizations established.** (a)

1.8 Notwithstanding any other law to the contrary, the territory of the watershed management
1.9 organizations wholly or partially located in Hennepin County may reorganize into three
1.10 watershed management organizations as follows:

1.11 (1) North Hennepin Watershed Management Organization includes all territory in
1.12 the Elm Creek, Shingle Creek, Bassett Creek, West Mississippi, and Mississippi joint
1.13 powers watershed management organizations;

1.14 (2) Central Hennepin Watershed Management Organization includes all territory
1.15 in the Pioneer-Sarah Creek joint powers watershed management organization and the
1.16 Minnehaha Creek Watershed District; and

1.17 (3) South Hennepin Watershed Management Organization includes all territory
1.18 in the Riley-Purgatory-Bluff Creek, Nine Mile Creek, and Lower Minnesota River
1.19 Watershed Districts, and the Richfield-Bloomington joint powers watershed management
1.20 organization.

1.21 (b) If a watershed management organization listed in paragraph (a) that is
1.22 reorganized into one of the three new watershed management organizations includes a
1.23 subwatershed in territory outside of Hennepin County, the new watershed management
1.24 organization established in paragraph (a) may include the subwatershed area if the new

2.1 watershed management organization provides for appointment of managers based on
2.2 the population and tax capacity of the areas of the respective counties served by the
2.3 new watershed management organization. Absent representation of the areas outside of
2.4 Hennepin County, the new watershed management organization boundary is coterminous
2.5 with the county boundary.

2.6 Subd. 2. **Applicable law; exceptions.** Except as otherwise provided in this section,
2.7 the three watershed management organizations established in subdivision 1 are governed
2.8 by and subject to the requirements of this chapter and chapter 103D, and other laws
2.9 governing watershed districts.

2.10 Subd. 3. **Governance; plans continued during transition.** Until the managers
2.11 of a watershed management organization established in subdivision 1 are appointed
2.12 as provided in the new watershed management organization's rules and bylaws, the
2.13 governing body of each watershed management organization consolidated into one of the
2.14 new watershed management organizations shall continue to govern the area it governed
2.15 before the new watershed management organization was established. Until a watershed
2.16 management plan is adopted for a new watershed management organization, the plans of
2.17 the watershed management organizations that were consolidated into the new watershed
2.18 management organization remain in effect.

2.19 Subd. 4. **Transition plan committees.** (a) Within 30 days after the effective date
2.20 of this section, each home rule charter or statutory city wholly or partially within the
2.21 jurisdiction of a new watershed management organization established in subdivision 1 shall
2.22 appoint a council member or the mayor to be its nominee to the transition plan committee.
2.23 For any city that does not make an appointment within 30 days of the effective date of this
2.24 section, the mayor or a city council member designated by the mayor shall represent the city.

2.25 (b) Within 30 days after the effective date of this section, each watershed
2.26 management organization that is consolidated into a watershed management organization
2.27 established in subdivision 1 shall appoint a manager to the transition plan committee to
2.28 serve as a nonvoting member of the committee.

2.29 (c) Within 60 days of the effective date of this section, the Board of Water and Soil
2.30 Resources shall convene the first meeting of each watershed management organization's
2.31 transition plan committee as soon as practicable after appointment of the members of
2.32 the committee. At the first meeting, the committee members shall elect from among
2.33 themselves a member to serve as chair, a member to serve as vice chair, and at least five
2.34 but not more than 13 additional voting members to develop the watershed management
2.35 organization rules and bylaws, as provided in subdivision 5. The transition plan committee
2.36 shall continue for the longer of one year or until the appointment of managers has been

3.1 made following the operating procedures in the rules and bylaws adopted by the new
 3.2 watershed management organization and filed with the Board of Water and Soil Resources.

3.3 (d) Hennepin County shall provide to each transition plan committee administrative
 3.4 support, including meeting space if necessary, and funding for the transition plan
 3.5 committee's organizational activities. Unless otherwise agreed to by the county, within
 3.6 one year of filing the rules and bylaws of the watershed management organization with the
 3.7 Board of Water and Soil Resources, the watershed management organization must repay
 3.8 to the county the organizational expenses incurred by the county for the work of the
 3.9 transition plan committee, as provided in section 103D.905.

3.10 Subd. 5. **Rules, bylaws, and comprehensive plans.** The new watershed
 3.11 management organization's rules and bylaws must provide that only elected municipal
 3.12 officials may serve as managers of the watershed management organization; must include
 3.13 a formula for weighting the vote of each city wholly or partially within the watershed
 3.14 management organization, taking into account the city's population and tax capacity
 3.15 relative to all other cities in the watershed management organization's territory; and must
 3.16 include the method for selecting managers of the watershed management organization.
 3.17 In addition, the rules and bylaws must provide for a revised comprehensive watershed
 3.18 management plan for the watershed management organization. The watershed management
 3.19 organization may file the rules, bylaws, and revised comprehensive watershed management
 3.20 plan with the Board of Water and Soil Resources only after at least two-thirds of the cities
 3.21 wholly or partially within the watershed management organization have approved them.

3.22 Subd. 6. **Hennepin Watershed Management Organizations Coordinating**
 3.23 **Board.** Hennepin County may by resolution establish the Hennepin County Watershed
 3.24 Management Organizations Coordinating Board to promote coordination and cooperation
 3.25 among local water management entities, as defined in section 103B.102, work with
 3.26 other public agencies and citizen volunteers to identify and restore impaired waters, and
 3.27 establish countywide priorities. The coordinating board shall consist of:

3.28 (1) one watershed management organization manager appointed by each watershed
 3.29 management organization established in subdivision 1;

3.30 (2) one county board member appointed by the Hennepin County Board, who shall
 3.31 also serve as chair of the coordinating board;

3.32 (3) one park district board member appointed by each park district board of a park
 3.33 district wholly or partially within the county; and

3.34 (4) one member who is a resident of the county, appointed by the Hennepin County
 3.35 Board.

4.1 The county shall provide to the coordinating board administrative support, including
4.2 meeting space if necessary.

4.3 Subd. 7. **Hennepin watershed districts as MS4s.** Notwithstanding the petition
4.4 procedure in Minnesota Rules, part 7090.1010, subpart 4, the commissioner of the Pollution
4.5 Control Agency shall designate each watershed management organization established in
4.6 this section as a municipal separate storm sewer system operator responsible for:

4.7 (1) identifying a watershed-wide total maximum daily load;

4.8 (2) aligning storm water pollution prevention programs in the watershed with each
4.9 other;

4.10 (3) developing total maximum daily load implementation plans; and

4.11 (4) determining a general strategy, tracking system, and schedule for meeting a total
4.12 maximum daily load allocation, in cooperation with municipalities within the watershed
4.13 management organization's territory.

4.14 Subd. 8. **Taxing authority.** A watershed management organization established in
4.15 this section may levy a tax authorized in section 103B.241, not to exceed ... percent of the
4.16 total taxable market value of the territory of the watershed management organization.

4.17 Subd. 9. **Transfer of personnel, assets, and liabilities; former watershed**
4.18 **management organizations abolished.** The personnel, assets, and liabilities of the
4.19 watershed management organizations that are reorganized and consolidated into a new
4.20 watershed management organization are transferred to the new watershed management
4.21 organization established in subdivision 1, effective upon the appointment of managers as
4.22 provided in the rules and bylaws for the new watershed management organization. Upon
4.23 completing transfer of all personnel, assets, and liabilities of a watershed management
4.24 organization to the new watershed management organization, the former watershed
4.25 management organization is abolished.

4.26 Subd. 10. **Failure to organize a watershed management organization.** If the
4.27 Board of Water and Soil Resources determines that a watershed management organization
4.28 established in subdivision 1 has not filed its rules, bylaws, and revised comprehensive
4.29 watershed management plan within one year of the effective date of this section:

4.30 (1) the political subdivisions located wholly or partially within the watershed
4.31 management organization are not eligible for state funding for water projects or programs;

4.32 (2) state agencies may withhold delegation of state water resource regulatory
4.33 authority from political subdivisions in the territory of the watershed management
4.34 organization; and

4.35 (3) state agencies may suspend issuance of water-related permits within the territory
4.36 of the watershed management organization.

5.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.