

Lessard-Sams Outdoor Heritage Council

MEMO: Agenda Item # 5

DATE: June 23, 2015

SUBJECT: Session Report

PRESENTER: Mark Johnson

Background:

The regular session of the 2015 legislature ended at 11:59 p.m. on Monday, May 18, 2015. The Outdoor Heritage Bill was wrapped into the Omnibus Legacy Bill (HF0303) that passed out of the conference committee, was passed on the House floor in the last minutes of the session, but did not make it to the Senate in time before the session clock ran out.

Conference Committee bill (changes from original LSOHC recommendations):

1. Inclusions:

- a. Subd. 4b "Living Shallow Lakes and Wetlands Initiative – Phase V" was correctively relabeled as "Shallow Lakes and Wetland Program – Phase IV"
- b. Subd. 4d "Accelerated Shallow Lakes and Wetlands Enhancement – Phase VII" received the original Council recommendation of \$2,130,000 funding. (The House bill had added the White Earth project – 3A)
- c. Subd. 6d "Land Acquisition Report" was included directing LSOHC staff, in consultation with DNR, to prepare a report of OHF acquisitions as of June 30, 2015. The report is to include, by county, multiple criteria detailing acres, price paid, past taxes, type of land, categories of sellers, projected future acquisitions/acres/PILT/etc. by county through 2034 (life of amendment). The report is due January 15, 2016.
- d. Subd. 10 "Disability Access" was included directing, where appropriate, grant recipients of OHF "...should make progress toward providing greater access to programs, print publications, and digital media for people with disabilities."
- e. Subd. 11 "Monarch Butterfly Habitat" was included, "Where feasible, a recipient of funds...is encouraged to use conservation practices that promote monarch butterfly habitat, including planting and maintaining vegetation beneficial to monarchs and minimizing the use of pesticides."
- f. An amendment to 84.974 was attached "Sec. 3. Milkweed. When feasible, the commissioner of natural resources is encouraged to plant milkweed."
- g. An amendment to ML2013, Ch. 137, Art. 1, Sec. 1, Subd. 10 extended the availability of the appropriation from July, 1, 2015 to September 1, 2015. This was requested by Washington County due to additional time needed to finalize an acquisition in fee.
- h. Sec. 10 "Payment-In-Lieu of Tax Alternatives: recommendations." Amendment was included directing MMB, in consultation with DNR & Dept. of Revenue, to examine alternatives to PILT, including a trust fund approach, that would apply to land acquired with OHF or other dedicated funds. MMB is to submit recommendations to House and Senate leadership by January 15, 2016.

2. Exclusions:

- a. The Council's recommended \$15,000 appropriation to LCC for the website was excluded as LCC stated that they did not need the money for this biennium.
- b. Project 3a "Protecting Forest Wildlife Habitat in the Wild Rice River Watershed" (the White Earth Band proposal) was excluded in the Conference Committee compromise.

Special Session:

1. On Friday, June 12, 2015, the MN Legislature met in special session for a one day session.
 - a. The Omnibus Legacy Bill was presented in the same format as it was passed by the House in the regular session. With the inclusion of just a few minor technical corrections to the non-OHF portion of the bill, this bill passed 116-6 in the House and 54-10 in the Senate. It was subsequently signed into law by the Governor.

Other legislation of interest:

ML2015, First Special Session, Chapter 4, Sect 140 - Water Retention Projects.

"By August 1, 2015, the commissioner of natural resources, in cooperation with the commissioners of agriculture and the Pollution Control Agency, the Board of Water and Soil Resources, and other interested parties, shall develop proposals for significant large-scale projects that provide flood water retention, water quality improvements, nutrient and sediment reduction, and wildlife habitat for submission to the **Lessard-Sams Outdoor Heritage Council**, Clean Water Council, and the Legislative-Citizen Commission on Minnesota Resources for funding in fiscal year 2017. Any deadlines established by the **Lessard-Sams Outdoor Heritage Council**, Clean Water Council, or the Legislative-Citizen Commission on Minnesota Resources are waived for purposes of the submissions."

ML2015, First Special Session, Chapter 4, Section 5 (MS84.69), authorized DNR Easement Stewardship account.

ML2015, First Special Session, Chapter 4, Section 74 (MS103B.103), authorized BWSR Easement Stewardship account.

ML2015, First Special Session, Chapter 4, Section 79 (MS103F.48) Riparian Protection and Water Quality Practices, provides definitions, purpose, etc. related to buffers.

ML2015, First Special Session, Chapter 2, Article 2, Sec. 7(p), (BWSR section of Legacy Bill), appropriated \$520,000 for a grant to Washington County for a water quality improvement project that will improve water quality and restore an essential backwater aquatic area by reconnecting Grey Cloud Slough to the main channel of the Mississippi River Area.

Payment in Lieu of Taxes (PILT) from Outdoor Heritage Funds - A provision directing PILT for OHF funded properties to be paid out of OHF was in the Tax Bill that passed the House but did not become law. As such, this provision is still potentially in play for next legislative session. Reportedly, such a provision would be challenged by interest groups as unconstitutional use of dedicated funds if it were to become law. We will watch its progress next session.

Suggested Procedure: Discussion.