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Legislative Session 2024

Trifecta: Triumph or Trauma?

# FLASHBACK – 2024 preview

## 2023 Session Review



Overwhelming, but  
progress made

## Legislative Preview of 2024 Session



Low key, chill session as parties prepare  
for election

# FLASHBACK – 2024 preview

## Likely

- Infrastructure funding
- PFAS
- Clean Water or other supplemental spending
- Resiliency funding

## Wildcard

- Flushable Wipes
- Agency funding



The other big question – will they finally confirm Katrina Kessler as MPCA Commissioner?

# 2024 Session Dynamics

- Sluggish start
- Filibusters + a "filiburger"
- Procedural tactics used to force through final bill over vocal objections
- No bonding bill



# HOW DID WE GET HERE?

## Interparty issues:

- Deepening partisanship
- Increased caucus adherence

## Intraparty issues:

- Several metropolitan legislators opposed to Greater MN funding
- Even more do not understand the different challenges Greater MN face

Legislators less willing to meet and listen

Hot button issues dominated closing weeks/days



# Water Infrastructure Funding: **Goals vs Results**

## GOALS

- \$299 million for PFA
  - \$39 M fed match
  - \$130 M each PSIG & WIF
- Increase PSIG & WIF caps
  - \$12 M PSIG
  - \$5 M WIF

## RESULTS

- No bonding bill = No money for water infrastructure
- Cap increases pulled out of Jobs bill
- Cap increases made it into final version of cash bill, but failed at finish line

# Water Infrastructure Funding: Long struggle, disappointing results

- Record setting requests from agencies and local governments
- Enthusiasm for bonding bill never high
  - Last year's record setting bonding bill, including \$501,491 million for Public Facilities Authority, still in forefront of memory
  - Potential deficit next biennium dampened enthusiasm and potential size
  - Supermajority required to pass heightens the challenge
- Governor unveiled modest bill with \$109 M for PFA
  - Fed Match, WIF, PSIG, Emerging Contaminants, Lead Lines
- Initial legislative bill underfunded WIF and did not fund PSIG
  - Key House legislators think greater MN receives too much money

# Water Infrastructure Funding: Long struggle, disappointing results

- As session end drew closer, hopes dimmed
- GOP Senate demanded Sen. Mitchell be expelled before bonding discussions could happen
- No GO bonding bill made it to either floor
- Small cash only bill passes House, but Senate could not process it by midnight deadline



# WIF/PSIG Caps: Long struggle, exasperating results

- Cap increases included initial versions of both Omnibus Jobs bills
- Senate passes bill with cap increase off floor and brings to conference committee
- House Jobs Chair strips provision out, claiming another member objected
- Despite pressure from multiple sides, House refuses to budge
- Hail Mary puts it in final cash bill, but that fails



# Water Funding Failures - Other

- Lead Pipe funding
  - Coalition sought \$180 million
  - Governor recommended \$10 million
  - No hearings, no funding
- Emerging Contaminants (PFAS & Manganese in water)
  - Governor recommended \$18.527 million
  - Fell out during bonding debacle
- MPCA Permanent Water Quality
  - Initially looked at requesting permanent increase
  - Did not pursue due to projected deficits

# PFAS



## Biosolids Testing

- House introduced bill that would have required all biosolids prepared for land application to be tested for PFAS by December 31, 2024
- Bill narrowed as it progressed forward. End result close to policy that MPCA was pursuing already
- Funding included to pay for report and testing



## CGMC proposed additional funding for municipal testing

- Senate specified in Legacy bill
- More generic pot of money made final bill
- Thanks WLSSD/Marianne Bohren for testifying!



## PFAS Removal Report

- 2023 Omnibus required report on imposing a fee on PFAS manufacturers
- CGMC & LMC participated.
- Vague legislative goals led to vague recommendations
- 2024 Omnibus specifying that report should identify fees to help pay for PFAS related wastewater and drinking water infrastructure



## Liability limitation proposed

- Complexity and other competing priorities meant little interest in moving forward.
- Clean water groups objected because they believe must be someone that is held responsible

# Other Contaminants

- Chloride
  - Supplemental Legacy bill funds \$1 million for chloride reduction programs
- Nitrogen (addressing SE Minnesota issue)
  - Attempts made at imposing fee on fertilizer to pay for home water treatment
  - End result was Legacy and General Fund money for home water treatment and testing
  - \$ 2 million for nitrate monitoring (Legacy bill)

# Enforcement

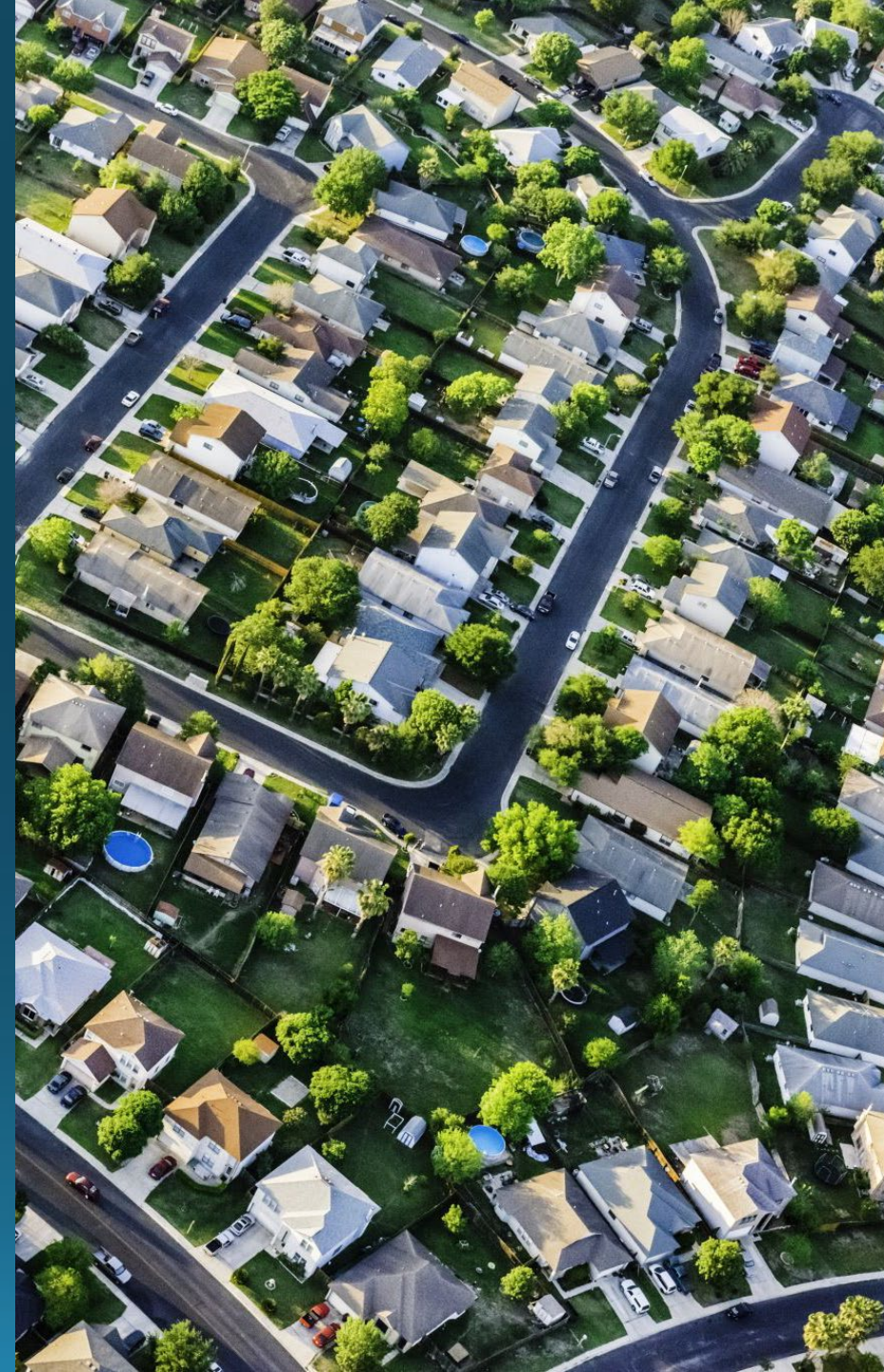
- MPCA sought to amend statutory enforcement powers to go after polluters more quickly and to recover enforcement costs from polluters when costs exceed \$50,000
  - Language aimed at bad actors
  - Initial version would not have impacted most, if any, MESERB members
- House monkeyed around with language
  - Private right of action to enforce violations of state laws and permits
  - Significantly increased fines for repeat violations regardless of intent
- Final version scaled back changes
  - No private right of action
  - MPCA can seek to recover oversight costs in settlement if costs exceed \$25K
  - Max fine increased to \$15K per day for violation (\$30K for hazardous waste)

# Waste Heat Language

- St. Paul District Energy sought language change to encourage recovery of wastewater treatment.
  - Aiming at Met Council Operations
- MPCA reached out to CGMC regarding initial versions of language
  - Input from MESERB exec committee helped us respond
  - Initial concerns including impact to funding and potential mandates
- Final version just includes language that the MPCA should *"encourage practices that enable the recovery and use of waste heat from wastewater treatment operations."*

# Housing Legislation – Infrastructure Impacts

- Legislature sought to address housing crisis and climate change in a single bill by upzoning
- Initial versions would have allowed up to 8 residential dwelling units on a single-family lot regardless of whether infrastructure would support the increased density
- Density requirements watered down and infrastructure concerns addressed as bill moved forward
- Bill ultimately failed, but will be back next session in some form



# What (and who) missed the cut?

- Flushable Wipes – old version of bill introduced
- Citizen's board – No movement
- Katrina Kessler still around – but still not confirmed
  - Allegedly a single DFL Senator held up all confirmations





# Questions?



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