APA MN District Director Report Form
Please send to tgoodroad@cityofdaytonmn.com 10 days prior to each Board meeting.

Date Submitted: May 12, 2017
Name of District Director and District which you represent: Metro District

**Information Items**
1. Use the table below to list:
   a. Certification Maintenance activities in your district since your last report;
   b. Upcoming membership activities in your district; and
   c. Important activities that have occurred in your district since your last report that may be of general interest to the Chapter Board members.

<table>
<thead>
<tr>
<th>CM Activity since last report</th>
<th>Date/Location</th>
<th>Number Attending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring Seminar</td>
<td>April 20, 2017 St. Paul</td>
<td>24</td>
</tr>
<tr>
<td>Successful mobile workshop held with four credits.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downtown St. Paul walking and transit tour of three sites in Lowertown and one along the Green Line. Used headsets for communication which worked out well and very well received. Patrick Boylan worked closely with APA member Leila Bunge. \nComments and survey scores on next page</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Upcoming Membership Activity**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Date/Location</th>
</tr>
</thead>
</table>

**Other Important Non-membership Activities**
Average score (1 to 5 scoring):
4.7 Overall the event met or exceeded my expectations
4.6 Event Presenters were knowledgeable about the subject
4.7 The presenters delivered the material well

1. hard to fit all the LRT projects w/out stopping at stations
2. good tour of redevelopment of opps in St. Paul
3. pace was a bit slow for me but overall I really enjoyed it. Thanks!
4. Great to get out and about! :)
   Earpieces and headsets were a great touch. Good info throughout. Would have
   been curious to hear more detail
   about the financing to make redevelopment work at some of the sites
   provided a good opportunity for some of us from other communities to see some
   of the exciting development activities taking place in St. Paul

5. Ear phone was great - new best practice for walking tours
   soliciting questions ahead of event might help with planning
   [scored all 5s in other questions]
   This was a fantastic event! The mobile tour ran smoothly and to use some really
   interesting sites

6. the portion on the train was interesting but it went fast, so there wasn't time to
   discuss or see many of the sites that were mentioned. I thought we could have
   stopped at a couple of more places along the line to discuss completed &
   planned projects (ie. Snelling and university soccer stadium)

7. more mobile tours in the future. Well organized

8. Lucy & Josh are great. Good spots. We ran out of time for more explanation of
   project between downtown and Vandalia. Loved the audio equipment
   [their underline]
   a follow up meeting regarding LRT planning would be nice to include city staff

9. encourage more students to attend! Provide hot cocoa.

10. I [heart] Patrick :)  
    [no I did not write this one]

11. great opportunity to learn about some projects in St. Paul!

12. Great event. More tours like this please. Lucy was great and I appreciate the
    planning that went into the entire session. Thanks!

13. Ear pieces were very helpful!
APA MN Committee Chair Report Form (including Networking, Legislative Committee, Awards Committee, Law & Planning, Program Committee, Technology Committee, and Conference Committee)
Please send to tgoodroad@cityofdaytonmn.com 10 days prior to each Board meeting.

Date Submitted: May 2, 2017
Name of Committee Chair reporting: Young Planners Group – Breanne Rothstein and Emily Goellner

Information Only Items
1. Briefly describe committee activities since your last report.

Co-chairs have discussed the following ideas for 2017 and would like to check-in with the Board.

Items for which you are requesting action by the Chapter Board
Please describe the type of action you are requesting (letter of support, approval of a budget line item, approval of workplan, etc.) Please provide background information for each item on which you are requesting Board action.

1. Action you are requesting of the Chapter Board (should be one sentence): Does the Board agree that our plan of hosting 3 networking/brown bag events, organizing a one-on-one mentor program, and hosting small group peer exchanges sounds like a good way to reactivate the Young Planners Group?
   a. Background information for your request:
   
   APA MN Young Planners Group
   Objective: Support entry and mid-level planners as well as students in their planning careers by providing opportunities for career exploration, professional development, and networking

   Ideas for 2017
   Priority #1 Host up to 3 events throughout the next calendar year that may include AICP credits
   - Potential Topics:
     - Making a Career Move, Career Options, Public and Private Sector Differences
     - Utilizing the APA Salary Survey, Negotiating Salary, Discovering Career Potential
     - Speed Networking
   - Event Format (do one of each):
     1. Breakfast Event
     2. Brown Bag Lunch Event (could be hosted at WSB in Golden Valley)
     3. Happy Hour Event

   Priority #2 Organize a one-on-one mentor program
Could be ongoing or set for a certain number of months
- Match people based on their interests – we can recruit people to meet a mentor/mentee needs
- Would only cost money if there was a kick-off event (if there was a kick-off event, it would be one of the three events that YPG would host in 2017)
- If there’s a kick-off event, it could be speed networking or an informal meet-up over breakfast/lunch
- Little structure would be provided by APA for the first year of this program, but YPG could develop handouts and guidance for mentors and mentees (what to talk about and do together, how often to meet, how to get the most out of a mentorship)

**Priority #3 Host small group peer exchanges for young planners**
- Provides a place of trust for meaningful discussion with a group of 5 or less on career development and various topics within the Planning field
- Brown bag lunch or happy hour – no cost to APA or registration fee needed
- Topic ideas:
  - Moving from entry-level position to mid-level position
  - Life after College – reflections on what we learned in school and what we are learning on the job

2. Action you are requesting of the Chapter Board (should be one sentence): The Young Planners Group would like to write an article (or several) in the APA newsletter, update the APA-MN webpage, and publicize our events/mentorship program at the Fall Conference in Mankato in order to get members interested.

   a. Background information for your request:

   Utilize the Fall Conference in Mankato and the APA Newsletters to make an announcements about YPG’s activities. Updating the APA-MN website would also be helpful.
APA MN Professional Development Officer Report Form
Please send to tgoodroad@cityofdaytonmn.com 10 days prior to each Board meeting.

Date Submitted: May 4, 2017
Name: Elise, Durbin, Jane Kansier, and Melissa Poehlman

Information Items
1. Certification Maintenance activities since your last report that may be of general interest to the Chapter Board members (do not include activities of District Reps since they will report separately):

<table>
<thead>
<tr>
<th>CM Activity since last report</th>
<th>Date/Location</th>
<th>Number Attending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethical Decision Making for Comprehensive Plans – Prof. David Schultz</td>
<td>4/18/17 – WSB University</td>
<td>38</td>
</tr>
<tr>
<td>Planners’ Day at the Capitol</td>
<td>3/29/17 – St. Paul</td>
<td>21</td>
</tr>
<tr>
<td>Spring Seminar</td>
<td>4/20/17 – St. Paul</td>
<td>26</td>
</tr>
</tbody>
</table>

Upcoming CM Activity

<table>
<thead>
<tr>
<th>Topic</th>
<th>Date/Location</th>
</tr>
</thead>
</table>

Information from National APA regarding CM that may be of general interest

Report on PDO Exchange at APA National Conference

Items for which you are requesting action by the Chapter Board
Please describe the type of action you are requesting (letter of support, approval of a budget line item, approval of workplan, etc.) Please provide background information for each item on which you are requesting Board action.

1. Action you are requesting of the Chapter Board (should be one sentence):
   a. Background information for your request:

2. Action you are requesting of the Chapter Board (should be one sentence):
   a. Background information for your request:
Recent Activities and Overview

Minnesota Legislature Conference Committee Activities

As of April 28th, 16 bills have established conference committees. Two bills were passed into law. Conference committees have begun to actively work on:

- HF0861/SF1060, the Omnibus Transportation Finance bill
- SF1937/HF2209, the Jobs and Energy Omnibus Bill
- HF0888/SF0723, the Omnibus Environment and Natural Resources bill
- HF0888/SF0723, the Omnibus Environment and Natural Resources bill
- HF707/SF566, the Omnibus Legacy Finance bill
- SF0800/HF0945, the Omnibus health and human services bill

Session Laws Update

As of May 1st, a total of 21 laws have been passed, including HF792 (Chapter 20), which requires the Department of Labor and Industry to amend the state building code rules so that new two-unit townhouses are not required to install automatic fire sprinkler systems. So far, one bill was vetoed. One bill was allowed to become law without the governor's signature. The status of Chapters 20 and 21 with the governor were not available when this update was published. A list of Session Laws are published on page 4.

Winona County Silica Mining Litigation

Minnesota Sands, LLC is challenging a Winona County ordinance in the Third Judicial District in Winona County Court. The ordinance bans industrial mining of all silica sand under leases with Winona County. As result, the company is claiming that it has no economically viable use for any of its leases.

Salt Concentrations Threaten Thresholds for Sustaining Aquatic Life

Josephine Marcotty’s April 11, 2017 StarTribune article describes a recent Global Lake Ecological Observatory Network’s study (Salting our freshwater lakes) which analyzed trends in lake salinization were identified using a dataset of long-term chloride concentrations from 371 North American lakes. The study “predicts that many lakes will exceed the aquatic life threshold criterion for chronic chloride exposure (230 mg L⁻¹), stipulated by the US Environmental Protection Agency (EPA), in the next 50 years if current trends continue.” Road salts are considered a primary contributor to salinization.

Make America Great Again Blueprint Proposes to Eliminate a Wide Array of Domestic Programs

Although a Fiscal Year 2018 budget is not expected to be submitted to the Congress in May, the Office of Management and Budget (OMB) released its FY 2018 Budget Blueprint in March. The Trump Administration proposes to eliminate 19 agencies, including the Legal Services Corporation, the Neighborhood Reinvestment Corporation, and the United States Interagency Council on Homelessness. A list of domestic programs proposed for elimination and highlights for key agencies of interest identified for changes are provided in this update.

The American Planning Association has published its “APA Statement on FY 2018 Federal Budget Proposal.”
S&P CoreLogic Case-Shiller Reports Home Prices Continue to Rise
The latest S&P CoreLogic Case-Shiller Home Price Indices were released on April 25th and include data for the Minneapolis area. The latest news release asserts the data show “a 5.8% annual gain in February, up from 5.6% last month and setting a 32-month high. The 10-City Composite posted a 5.2% annual increase, up from 5.0% the previous month. The 20-City Composite reported a year-over-year gain of 5.9%, up from 5.7% in January.”

March National New Residential Sales Statistics
On April 25th, the U.S. Department of Housing and Urban Development (HUD) and the U.S. Census Bureau jointly announced new residential sales statistics for March 2017. The Bureau reported “Sales of new single-family houses in March 2017 were reported to be at a seasonally adjusted annual rate of 621,000, 5.8 percent above the revised February rate of 587,000 and 15.6 percent above the March 2016 estimate of 537,000. The median sales price of new houses sold in March 2017 was reported as $315,100. The average sales price was $388,200. The seasonally-adjusted estimate of new houses for sale at the end of March was 268,000. This represents a supply of 5.2 months at the current sales rate.” New Residential Sales data for April 2017 will be released on May 23, 2017.

Q1 2017 National Residential Vacancy Rates Released
On April 27th, the U.S. Census Bureau reported that “national vacancy rates in the first quarter 2017 were 7.0 percent for rental housing and 1.7 percent for homeowner housing. The homeowner vacancy rate of 1.7 percent was virtually unchanged from the rate in the first quarter 2016 (1.7 percent) and lower than the rate in the fourth quarter 2016 (1.8 percent)

U.S. Capacity Utilization Data Update for February 2017
On April 18th, the Federal Reserve Bank released its March Industrial Production and Capacity Utilization (G.17) data. Nationwide capacity utilization increased from 75.70 percent in February to 76.10 percent in March.

The Federal Reserve indicated that “Capacity utilization for the industrial sector increased 0.4 percentage point in March to 76.1 percent, a rate that is 3.8 percentage points below its long-run (1972–2016) average.”
Minnesota Legislature

Committee Deadlines
The 2017 committee deadlines have past. The third deadline was reached at midnight of March 31st.

"The deadlines do not apply to the House committees on Capital Investment, Ways and Means, Finance, Taxes, or Rules and Legislative Administration, nor to the Senate committees on Capital Investment, Finance, Taxes, or Rules and Administration."

Upcoming Meetings
As the regular session moves into the final month and facing a May 22nd deadline, meetings and floor sessions can be expected to occur on short notice. Check the Combined Legislative Meeting Calendar web page for the latest information on all scheduled upcoming meetings for the remainder of the session.

Conference Committee Activity (As of April 26, 2017)
For the latest posted information, check the Legislature’s Conference Committee Activity web page.

All Conference Committee Bills (As of April 27, 2016)

- **HF0003/SF0166**: REAL ID Act
- **HF0004/SF2255**: Omnibus tax bill
- **HF0005/SF0720**: Minnesota premium security plan (CHAPTER 13)
- **HF0140/SF0004**: Teacher licensing system restructured
- **HF0600/SF0580**: Employment mandates on private employers uniformity provided
- **HF0707/SF0566**: Omnibus legacy bill
- **HF0861/SF1060**: Omnibus transportation finance bill
- **HF0888/SF0723**: Omnibus environment and natural resources finance bill
- **HF0890/SF0718**: Omnibus education finance bill
- **SF0001/HF0001**: Health insurance premium assistance temporary payment program (CHAPTER 2)
- **SF0605/HF0691**: Omnibus state government appropriations bill
- **SF0780/HF0895**: Omnibus agriculture and housing appropriations bill
- **SF0800/HF0945**: Omnibus health human services bill
- **SF0803/HF0896**: Omnibus judiciary and public safety appropriations bill
- **SF1937/HF2209**: Omnibus jobs, commerce, energy, labor and industry, and employment and economic development appropriations bill
- **SF2214/HF2477**: Omnibus higher education appropriations and policy bill
### Minnesota 2017 Regular Session Laws (As of May 1, 2017)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Bill</th>
<th>Description</th>
<th>Presentment Date</th>
<th>Veto</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1</td>
<td>HF2</td>
<td>Income, corporate franchise, and estate taxes conformed to federal changes.</td>
<td>12-Jan-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 2</td>
<td>SF1</td>
<td>Health insurance premium temporary payment program...</td>
<td>26-Jan-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 3</td>
<td>HF244</td>
<td>Local board of appeals and equalization training waiver provided.</td>
<td>9-Feb-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 4</td>
<td>HF14</td>
<td>Rural Finance Authority funding provided, bonds issued, and money appropriated.</td>
<td>16-Feb-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 5</td>
<td>HF113</td>
<td>Natural gas combined cycle electric generation plant construction and operation authorized.</td>
<td>27-Feb-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 6</td>
<td>HF30</td>
<td>Off-sale intoxicating liquor sales on Sunday permitted, and deliveries of alcohol by wholesaler prohibited on Sunday.</td>
<td>3-Mar-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 7</td>
<td>HF434</td>
<td>Wetland replacement for local government roads temporary conditions allowed, money appropriated for wetland replacement credits for local government roads, and money appropriated for the city of Madelia and to Watonwan County for fire remediation grants.</td>
<td>7-Mar-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 8</td>
<td>HF234</td>
<td>Public Utilities Commission regulation of municipal electric utilities and rural electric cooperatives amended.</td>
<td>20-Mar-17</td>
<td>FULL</td>
</tr>
<tr>
<td>Chapter 9</td>
<td>HF375</td>
<td>County board allowed to appropriate money for a veterans memorial anywhere in the county.</td>
<td>21-Mar-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 10</td>
<td>HF444</td>
<td>MInvest registration exemption modified.</td>
<td>21-Mar-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 11</td>
<td>SF662</td>
<td>Practice of dentistry exemption created for dental students.</td>
<td>30-Mar-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 12</td>
<td>SF151</td>
<td>Vehicle forfeiture provisions modified to include more than one owner of a vehicle.</td>
<td>30-Mar-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 13</td>
<td>HF5</td>
<td>Premium subsidy program data practices regulated, state-operated reinsurance program created, and money appropriated.</td>
<td>30-Mar-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 14</td>
<td>HF837</td>
<td>State road construction appropriation modified.</td>
<td>3-Apr-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 15</td>
<td>SF218</td>
<td>Mowing authority and management practices in road rights-of-way governed, and road authorities prohibited from establishing requirements and permits that govern mowing and haying.</td>
<td>6-Apr-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 16</td>
<td>HF46</td>
<td>Certificate of value, recording, registration, and other provisions affecting real estate filing changes made.</td>
<td>19-Apr-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 17</td>
<td>HF13</td>
<td>Incorporator and director powers and duties modified, mergers and conversions regulated, and definitions modified.</td>
<td>19-Apr-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 18</td>
<td>SF341</td>
<td>Public hospitals investment bill; Cook and Orr ambulance services hospital district tax use modification</td>
<td>25-Apr-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 19</td>
<td>SF562</td>
<td>Autism early intensive intervention benefit provisions modifications</td>
<td>25-Apr-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 20</td>
<td>HF792</td>
<td>Fire sprinkler rules required to be amended by labor commissioner.</td>
<td>1-May-17</td>
<td></td>
</tr>
<tr>
<td>Chapter 21</td>
<td>HF400</td>
<td>State contracts; vendor discrimination against Israel prohibited.</td>
<td>1-May-17</td>
<td></td>
</tr>
</tbody>
</table>
House and Senate Omnibus Transportation Bills and Omnibus Environment and Natural Resources Finance Bills Conference Committees Meeting Updates

House and Senate Omnibus Transportation Bills Advance to Conference Committee (SF 1060/HF 861)

Disagreements continue about the use and amount of funding sources and general concerns continue about cuts to support for transit, transit operations, and changes to the governance of existing transit planning, programming, and also for funding decisions, including a request by 84 Minnesota Senate and House Republicans to the U.S. Secretary of Transportation to reject funding for the Southwest Light Rail line.

SF 1060
Link to Senate Counsel, Research and Fiscal Analysis Office Bill Summary (April 3, 2017)
SF 1060 - Transportation Omnibus Bill (5th Engrossment) Bill Summary

Link to Senate Counsel, Research and Fiscal Analysis Office Tracking Spreadsheet (March 31, 2017)
Transportation Omnibus Budget, as passed Senate

HF 861
HF 861 - Transportation Finance Omnibus (5th Engrossment) Bill Summary

Link to Minnesota House Fiscal Analysis Department tracking sheet (April 4, 2017)
Transportation Finance - HF 861, 5th Engrossment, as passed House Floor

HF0861/SF1060, the Omnibus Transportation Finance bill
(4/18/2017) HF861 side by side transportation appropriation.pdf
(4/18/2017) HF861side by side transportation bonding.pdf
(4/18/2017) HF861 side by side Transportation policy.pdf
(4/18/2017) HF861 side by side transportation taxation.pdf
(4/19/2017) HF861 Transpo Budget 18-19 for Conference.pdf
(4/19/2017) HF 861 CC Comparison Summary.pdf

Motion for Conference Committee:
House: 04/18/2017
Senate: 04/18/2017
Conferees
House: Torkelson; Runbeck; Petersburg; Koznick; Howe
Senate: Newman; Jasinski; Kiffmeyer; Osmek; Sparks
Side By Side Documents (As of April 28, 2017)

<table>
<thead>
<tr>
<th>Document</th>
<th>Left Document</th>
<th>Right Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation Appropriations</td>
<td>HF0861-5</td>
<td>SF1060-5</td>
</tr>
<tr>
<td>Transportation Bonding</td>
<td>HF0861-5</td>
<td>SF1060-5</td>
</tr>
<tr>
<td>Transportation Policy</td>
<td>HF0861-5</td>
<td>SF1060-5</td>
</tr>
<tr>
<td>Transportation Taxation</td>
<td>HF0004-3</td>
<td>SF1060-5</td>
</tr>
</tbody>
</table>

Omnibus Transportation Finance Bill Conference Committee Meetings
April 27, 2017

**Link to House Video**

HF861 (Torkelson/Newman) Omnibus Transportation Finance bill.
The conference committee will continue with going through House only and Senate only policy provisions from the side-by-side documents.
Runs 16 minutes.

April 25, 2017

HF861 (Torkelson/Newman) Omnibus Transportation Finance bill.
Adoption of same and similar provisions. Runs 45 minutes.
**Link to House Video**

April 20, 2017

HF861 (Torkelson/Newman) Omnibus Transportation Finance bill.
Testimony:
03:49 - Department of Transportation.
18:18 - Department of Public Safety.
29:14 - Pollution Control Agency.
34:57 - Public testimony.
Runs 2 hours, 16 minutes.
**Link to House Video**

April 19, 2017

HF861 (Torkelson/Newman) Omnibus Transportation Finance bill.
Introductions.
02:41 - Walk-through of the spreadsheet.
38:43 - Walk-through of the side-by-sides.
Runs 1 hour, 35 minutes
**Link to House Video**
House and Senate Omnibus Environment and Natural Resources Finance Bills Advance to Conference Committee (HF0888/SF0723)

Omnibus environment and natural resources finance bill.
Motion for Conference Committee
House: 04/18/2017
Senate: 04/18/2017

Conferees
House: Fabian; Heintzeman; Swedzinski; Uglen; Ecklund
Senate: Ingebrigtsen; Ruud; Westrom; Mathews; Tomassoni

Side By Side Documents (As of April 28, 2017)

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Article 1 - Environment, Natural Resources, and To</td>
<td>HF0888-3</td>
<td>SF0723-3</td>
</tr>
<tr>
<td>Article 2 - Environment, Natural Resources, and To</td>
<td>HF0888-3</td>
<td>SF0723-3</td>
</tr>
</tbody>
</table>

May 1, 2017
Link to House Video
HF888 (Fabian/Ingebrigtsen) Omnibus Environment and Natural Resources Finance bill.
Agenda to be announced

April 27, 2017
HF888 (Fabian/Ingebrigtsen) Omnibus Environment and Natural Resources Finance bill.
Adopting provisions.
The conference committee recessed.
Video coverage of the reconvening is not available.
Runs 40 minutes.
Link to House Video

April 25, 2017
HF888 (Fabian/Ingebrigtsen) Omnibus Environment and Natural Resources Finance bill.
Adoption of non-controversial same and similar provisions.
Runs 44 minutes.
Link to House Video

April 20, 2017
HF888 (Fabian/Ingebrigtsen) Omnibus Environment and Natural Resources Finance bill.
Testimony:
01:20 - Department of Natural Resources.
13:30 - Pollution Control Agency.
23:46 - Board of Water and Soil Resources.
Challenges to Local Control

The League of Minnesota Cities published a list of bills that have been introduced and identified as imposing limits on local control.

One Example of a Challenge to Local Control: Prohibiting Using Fees to Review or Investigate If a Permitted Use Is In Compliance With the Zoning Code

HF 957 prohibits local governments from using fees to review or investigate a permitted use to see if it is in compliance with any official control (zoning). A “permitted use” is one allowed without conditions by the local zoning ordinance. A fee to review or investigate a permitted use to see if it is in compliance with any official control (zoning). A “permitted use” is one allowed without conditions by the local zoning ordinance. The bill was heard in the House Property Tax and Local Government Finance Division of the Tax Committee on March 8th and was laid over. There is no companion in the Senate.

Interim Ordinance (Moratorium) Bill Moves to Omnibus Bill

HF330 and SF201 changes procedures for establishing an interim ordinance to study proposals that involve “activities relating to housing.” HF 330, now as amended by H0330A1, will require a two-thirds vote of all members of the governing body in order to adopt the ordinance. Before adopting the ordinance, the city must hold a public hearing following a ten-day notice. As written to date, these changes would be effective for interim ordinances proposed on or after August 1, 2017.

This is similar to proposals that have been made in previous sessions. This bill reflects one of the Builders Association of the Twin Cities (BATC) legislative priority positions for 2017. The League of Minnesota Cities has additional information about the bill. The Update contains links that can be used to obtain further information.

A version of this bill has been included in SF1937/HF2209, the omnibus jobs, commerce, energy, labor and industry, and employment and economic development appropriations bill. See the League of Minnesota’s updates for this bill.

Permits for Using “Urban Bicycle Lanes” Bill Introduced But No Action Taken
In the February 20th edition of the *House Session Daily*, Representative Duane Quam, the chief author of HF 499 (urban bicycle lane use permit and bicycle safety education program) is profiled for his perspective on the need for the legislation. You can also view a short video profile of the bill and an interview with Representative Quam that was published by the Minnesota House Public Information’s program, “Starting Line.” The bill has been referred to the House Transportation and Regional Governance Policy Committee. No hearing occurred prior to the committee deadlines. A Senate companion has not yet introduced. The Bicycle Alliance of Minnesota published its reasons for opposing the bill.

Links to bills by Revisors’ Topics or Exact Phrase Search

Bills of interest not highlighted may be found by using the following topical search links in the table below.

<table>
<thead>
<tr>
<th>Committee Platform Related Topic or Interest Area</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation and Bicycle and Pedestrian Topics</td>
<td>&quot;Bicycles and Bikeways, Transportation and Transportation Department&quot;</td>
<td>&quot;Bicycles and Bikeways, Transportation and Transportation Department (DOT)&quot;</td>
</tr>
<tr>
<td>Transportation: Airports and Aircraft</td>
<td>&quot;Airports and Aircraft&quot;</td>
<td>&quot;Airports and Aircraft&quot;</td>
</tr>
<tr>
<td>Transportation: Railroads</td>
<td>&quot;Railroads&quot;</td>
<td>&quot;Railroads, Rail Lines, and LRT&quot;</td>
</tr>
<tr>
<td>Housing and Housing Finance</td>
<td>&quot;Housing and Housing Finance Agency&quot;</td>
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Federal Executive Branch Update

Executive Branch FY 2018 Budget Blueprint

Key Programs Proposed for Elimination

- **Advanced Research Projects Agency Energy** (U.S. Department of Energy)
- **Capacity Building for Community Development and Affordable Housing** (U.S. Department of Housing and Urban Development)
- **CLARREO Pathfinder Mission** (National Aeronautics and Space Administration)
- **Clean Power Plan** (U.S. Environmental Protection Agency)
- **Community Development Block Grant Programs** (U.S. Department of Housing and Urban Development)
- **Community Development Financial Institutions Grants** (U.S. Department of the Treasury)
- **Community Services Block Grant Program** (U.S. Department of Health and Human Services)
- **DSCOVR** National Oceanic and Atmospheric Administration Mission (U.S. Department of Commerce)
- **Economic Development Administration** (U.S. Department of Commerce)
- **Essential Air Service (EAS) Program** (U.S. Department of Transportation)
- **Green Climate Fund, Climate Investment Funds** (U.S. Agency for International Development)
- **Growth Accelerators** (U.S. Small Business Administration)
- **HOME Investment Partnerships Program** (U.S. Department of Housing and Urban Development)
- **Low Income Home Energy Assistance Program** (U.S. Department of Health and Human Services)
- **McGovern-Dole International Food for Education and Child Nutrition Program** (U.S. Department of Agriculture)
- **Minority Business Development Agency** (U.S. Department of Commerce)
- **National Endowment for the Arts** (Independent Agency)
- **OCO-3 Mission** (National Aeronautics and Space Administration)
- **PACE Mission** (National Aeronautics and Space Administration)
- **Pre-Disaster Mitigation Grant Program** (U.S. Department of Homeland Security)
- **PRIME Technical Assistance Grants** (U.S. Small Business Administration)
- **Regional Innovation Clusters** (U.S. Small Business Administration)
- **Rural Business and Cooperative Service** (U.S. Department of Agriculture)
- **State Criminal Alien Assistance Grants** (U.S. Department of Justice)
- **Transit New Starts**: Limits funding for the Federal Transit Administration’s Capital Investment Program (New Starts) to projects with existing full funding grant agreements only. (U.S. Department of Transportation)
- **Transportation Investment Generating Economic Recovery (TIGER) Grant Program** (U.S. Department of Transportation)
- **Water and Waste Disposal Loan and Grant Program** (U.S. Department of Agriculture)
- **Weatherization Assistance Program** (U.S. Department of Energy)
Budget Blueprint Proposed Changes: “Highlights” for Selected Agencies

U.S. Department of Agriculture (USDA)
The Blueprint reduces the Department’s FY2017 budget from $22.6 billion to the Blueprint’s request of $17.9 billion for FY2018. The Congressional Research Service issued a summary of the Administration’s Blueprint proposals for USDA.

- **McGovern–Dole International Food for Education and Child Nutrition Program**: The program donates U.S. agricultural products and assistance for school, maternal, and child nutrition projects in developing countries. The elimination of the program cuts over $200 million from the Department’s budget.
- **Rural Business and Cooperative Service**: The programs provide loans and grants to rural areas. The elimination of the program reduces the Department’s budget by $95 million.
- **Water and Waste Disposal Loan and Grant Program**: The Congressional Research Service notes that the program constitutes “about 85% of the Rural Utilities Service budget and one-sixth of all rural development funding.” The elimination of the program cuts about $498 million from the Department’s budget.

The Blueprint also calls for a 2 percent budget reduction from Fiscal Year 2017 in the Women, Infants, and Children program.

Link to the [USDA Rural Development Minnesota Office](#).

U.S. Environmental Protection Agency (EPA)
The Blueprint calls for a 31.4 percent decrease for the EPA. The agency’s current funding level would be reduced from $8.2 billion to $5.7 billion. This funding reduction is the largest cut for any federal President Trump has requested for any agency and would leave EPA with almost half the budget it had in 2012. The budget also calls for the elimination of the Clean Power Plan, international climate change programs and climate change research at the agency.

U.S. Department of Housing and Urban Development (HUD)

Proposed Cuts for Housing and Services
According to HUD’s news release, “The blueprint reflects the President’s commitment to support HUD’s critical functions that provide rental assistance to low-income and vulnerable households and to help work-eligible families achieve self-sufficiency. It also recognizes a greater role for State and local governments, and the private sector to address community and economic development needs. Moreover, the spending plan supports the longstanding homeownership mission of the Federal Housing Administration (FHA) to provide mortgage insurance to credit qualified households. A more detailed program-by-program budget proposal will be announced in May.” [Read more about HUD’s budget blueprint](#).
The Department of Housing and Urban Development (HUD) promotes decent, safe, and affordable housing for Americans and provides access to homeownership opportunities. This Budget reflects the President’s commitment to fiscal responsibility while supporting critical functions that provide rental assistance to low-income and vulnerable households and help work-eligible families achieve self-sufficiency. The Budget also recognizes a greater role for State and local governments and the private sector to address community and economic development needs. The President’s 2018 Budget requests $40.7 billion in gross discretionary funding for HUD, a $6.2 billion or 13.2 percent decrease from the 2017 annualized CR level.

Statement from Diane Yentel, President and CEO of the National Low Income Housing Coalition, on President Trump’s Nomination of Pam Patenaude to Be HUD Deputy Secretary

For Further Reading

Congressional Research Service


See https://fas.org/sgp/crs/misc/R44304.pdf and also posted at https://www.everycrsreport.com/reports/R44304.html


Executive Orders/Rulemaking

Review and Then Rescind or Revise the 2015 Clean Water Rule: Definition of “Waters Of The United States.”

Executive Order 13778 directs the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers to review and then rescind or revise the 2015 Clean Water Rule: Definition of “Waters of the United States.”

Notice of Intention to Review and Rescind or Revise the Clean Water Rule: Federal Register, Vol. 82, No. 42 (March 6, 2017)

Regulatory Reform (EPA)
The U.S. Environmental Protection Agency (EPA) has is taking comments on regulations that could be repealed, replaced or modified as directed by Executive Order 13777. Written comments on regulatory reforms on all regulatory reforms, including OW and OPP issues, will also be accepted in docket EPA-HQ-OA-2017-0190, Evaluation of Existing Regulations, currently open through May 15, 2017.
U.S. Congress

Local Zoning Decisions Protection Act of 2017
H.R.482 / S.103

The bill The Local Zoning Decisions Protections Act would restrict any federal funding from being used to implement, administer, or enforce HUD’s "Affirmatively Furthering Fair Housing" rule and any successor rule substantially similar to it, and the notice relating to the Affirmatively Furthering Fair Housing Assessment Tool and any successor notice or rule substantially similar to it.

The bill also prohibits the use of federal funds to design, build, maintain, utilize, or provide access to a federal database of geospatial information on community racial disparities or disparities in access to affordable housing.

The bill also requires HUD to: (1) consult with state, local government, and public housing agency officials to develop recommendations, consistent with applicable rulings of the U.S. Supreme Court, to further the Fair Housing Act's purposes and policies; and (2) make a final report publicly available online within 12 months after enactment of this bill.

Metropolitan Planning Organization Coordination and Planning Area Reform (Rule Repeal)

S.496/H.R.1346: A bill to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform."

Summary (Congressional Research Service): The rule exceeds what is required in law, is contrary to congressional intent, and increases burdens on MPOs and states. By repealing this rule, the bill maintains MPO and state flexibility in planning and making transportation investments. H.R.1346 was introduced by U.S. Representative. Daniel Lipinski (D-IL). S.496 was introduced by Senator Tammy Duckworth (D-IL).

S.496: March 8, 2017: passed in the Senate without amendment by Unanimous Consent. (See the Congressional Record, page S1695). March 9, 2017: Received in the House and referred to the House Committee on Transportation and Infrastructure.

H.R.1346: Full Committee Mark Up on March 29, 2017(See the Video replay coverage of the bill which begins at 6:48.)

FAST Act Hearing

On April 5th, the House Subcommittee on Highways and Transit held a hearing, entitled “FAST Act Implementation: State and Local Perspectives.”

The Honest and Open New EPA Science Treatment Act of 2017 (“HONEST Act”)

H.R. 1430 “amends the Environmental Research, Development, and Demonstration Authorization Act of 1978 to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating a covered action unless all scientific and technical information relied on to support such action is the best
available science, specifically identified, and publicly available in a manner sufficient for independent analysis and substantial reproduction of research results. A covered action includes a risk, exposure, or hazard assessment, criteria document, standard, limitation, regulation, regulatory impact analysis, or guidance. Personally identifiable information, trade secrets, or commercial or financial information obtained from a person and privileged or confidential must be redacted prior to public availability.


The EPA Science Advisory Board Reform Act of 2017

H.R. 1431 amends Section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (ERDDAA) to revise the process of selecting members of the Science Advisory Board, guidelines for participation in board advisory activities, and terms of office. The board provides scientific advice to the Environmental Protection Agency (EPA). This bill requires the board to independently provide that advice.

The EPA must make public a list of nominees to the board and accept public comments on the nominees. Reports filed upon the provisional nomination of a member disclosing financial relationships and interests must also be made public.

The EPA must provide draft risk or hazard assessments in its regulatory proposals and documents to the board. The board's advice and comments must be included in the record regarding any such proposal and published in the Federal Register.

The board's member committees and investigative panels must operate in accordance with the membership, participation, and policy requirements contained in this bill, including new requirements for public participation in advisory activities of the board. The member committees and investigative panels do not have the authority to make decisions on behalf of the board and may not report directly to the EPA.


March 30, 2017: Passed House without amendment.

See also: https://fas.org/sgp/crs/misc/IN10674.pdf
Minnesota Courts

District Court

*Minnesota Sands, LLC v. County of Winona*

*Third Judicial District*

*Winona County*


The company is challenging a Winona County ordinance which bans industrial mining of all silica sand under leases with Winona County. As result, the company is claiming that it has no economically viable use for any of its leases with the county in violation of:

- 14th Amendment of the Unites States Constitution (Due Process, Equal Protection)
- Article 1, Section 7 of the [Minnesota Constitution](http://www.courthousenews.com/wp-content/uploads/2017/04/FracSand.pdf) (Due Process)
- Article 1, Section 8 of the [United States Constitution](http://www.courthousenews.com/wp-content/uploads/2017/04/FracSand.pdf) (Interstate Commerce)

Case Law Cited By the Petitioner:


Related Articles


[“Ban on Sand for Oil and Gas Development Prompts Lawsuit in Minnesota”](https://www.oilandgas360.com/a-new-oil-gas-battleground-ban-on-frac-sand-mining-goes-to-court/) April 21, 2017,

[Martin N Harstad, Harstad Hils Inc., Creative Capital Holdings LP vs City of Woodbury](http://pa.courts.state.mn.us/CaseDetail.aspx?CaseID=1619573054)

District Court Case Number: Case Number: 82-CV-16-115

The City of Woodbury’s “major roadway assessment fee” was struck down by Judge Richard Ilka as unlawful and unenforceable because no specific statutory authorizes the imposition of the fee.
Minnesota Court of Appeals

*Harstad, et al. v. City of Woodbury*

Appellate Case Number: A-16-1937

Amicus Briefs Granted

Oral Arguments Scheduled for June 21, 2017 at 9:30 a.m.

Subject to substitution, the judges assigned to hear the case are:
- Judge Diane B. Bratvold
- Judge John R. Rodenberg
- Judge Lucinda E. Jesson

The League of Minnesota Cities and the Builders Association of the Twin Cities (BATC) were granted Amicus on January 3rd. In its filing with the Court of Appeals, BATC indicated that the National Association of Home Builders may file an amicus.

The City of Woodbury’s “major roadway assessment fee” was struck down by Judge Richard Ilka as unlawful and unenforceable because no specific statutory authorizes the imposition of the fee. On December 7th, the City filed an appeal to the judge’s decision.

The City’s appeal listed the two specific issues that are proposed to be raised.
- Whether Section 462.358 authorizes the City to condition approval of a subdivision application on the construction of or adequate funding for the installation of streets and other infrastructure improvements.
- Whether a municipality has the authority to negotiate with subdivision applicants to finance streets and other infrastructure improvements.

In response to the appeal, counsel for Martin M. Harstad, et al. listed the following specific issues proposed to be raised on appeal:
- **Section 462.358** (Respondent contends that District Court I right and even the City’s Comprehensive Plan essentially admitted as much by stating that development impact fees are unauthorized under Minnesota law and that “new state legislation is necessary before this funding mechanism can be used in Minnesota.”)

Respondent also renews the following claims that were dismissed by the District Court:
- **Section 15.99** (Failure to approve or deny under the “60-day Rule”)
- **Section 462.358**, (Failure to approve or deny under subdivision 3b (“120-day Rule”)
- **Section117.045** (Inverse Condemnation-Temporary Taking based on conditioning of development review and approval on collection of the road impact fee, which was declared by the District Court to be moot.)
Case Name: In re Application for an Administrative Search Warrant, City of Golden Valley  
Case Number: A15-1795  
Date of Oral Argument: January 4, 2017  
Opinion: Not Available

The city challenged the district court's denial of its application for an administrative search warrant to conduct a rental-housing inspection, arguing that the district court erred in determining that individualized suspicion of a code violation is required.

On June 13, 2016, the Court of Appeals held “Because we are not left with a ‘clear and strong conviction’ that there is a principled basis for interpreting article I, section 10, of the Minnesota Constitution to provide greater protection than the Fourth Amendment to the United States Constitution in this context, we reverse and remand.”

On January 4, 2017, The Minnesota Supreme Court agreed to hear an appeal of the reversal by the Court of Appeals.

For further reading

U.S. Courts

U.S. Court of Appeals
District of Columbia Circuit
Waterkeeper Alliance v. EPA
Concentrated animal feeding operations (CAFOs) are large-scale livestock facilities that confine large numbers of animals in relatively small spaces. A large CAFO may contain upward of 1,000 cattle, 2,500 hogs or 125,000 chickens. Such facilities generate a massive amount of urine and feces, which is commonly liquefied and either stored under the facility or nearby in open-air lagoons. This waste is known to release high levels of toxic pollutants like ammonia and hydrogen sulfide into the environment.

This case were argued on Monday, March 20.

Issue: Whether, in a regulatory taking case, the “parcel as a whole” concept as described in Penn Central Transportation Company v. City of New York, establishes a rule that two legally distinct but commonly owned contiguous parcels must be combined for takings analysis purposes.
**Murr v. Wisconsin Further Reading**

**Oral Argument Analyses**


**Amicus Briefs**

*Brief amici curiae of American Planning Association, and Wisconsin Chapter of the American Planning Association* (June 16, 2016)


**Murr v. Wisconsin: oral arguments link**

**Supreme Court**

**Docket Number: 15-1111: Bank of America Corp. v. City of Miami**

**Docket Number: 15-1112: Wells Fargo & Co. v. City of Miami**

CASES WERE COMBINED

LOWER COURT CASE NUMBER: 14-14543

**QUESTION PRESENTED:**

This case concerns who may sue under the Fair Housing Act ("FHA"), and for what types of injury. The FHA, like Title VII, requires that a plaintiff be an "aggrieved" person. A plaintiff is "aggrieved" under Title VII only if the person falls within Title VII's "zone of interests." Thompson v. North American Stainless, LP, 131 S. Ct. 863 (2011). But here, although the FHA's language is "nearly identical," the Eleventh Circuit held that the FHA must be interpreted differently—to allow any plaintiff with constitutional standing to bring an FHA suit, even if that person's claim is far outside the zone of interests Congress sought to protect through the FHA. The Eleventh Circuit also held that an FHA plaintiff can adequately allege proximate cause even when the alleged injury is entirely indirect.

These holdings allowed the City of Miami to pursue a remarkably attenuated theory of recovery under the FHA: the City seeks to recover money damages from petitioners, residential mortgage lenders, on the theory that petitioners engaged in discriminatory loan practices, some of those loans fell into default, some defaults led to foreclosures, some foreclosures caused neighborhood blight, the neighbors'
decreased property values led to decreased tax revenue, and blight increased the cost of services such as police.

The questions presented are as follows:
1. By limiting suit to “aggrieved person[s],” did Congress require that an FHA plaintiff plead more than just Article III injury-in-fact?
2. The FHA requires plaintiffs to plead proximate cause. Does proximate cause require more than just the possibility that a defendant could have foreseen that the remote plaintiff might ultimately lose money through some theoretical chain of contingencies?

**Holding:** (1) The city of Miami is an "aggrieved person" authorized to bring suit under the Fair Housing Act; and (2) the U.S. Court of Appeals for the 11th Circuit erred in concluding that the city's complaints, charging that the banks engaged in discriminatory conduct that led to a disproportionate number of foreclosures and vacancies in majority-minority neighborhoods, which diminished the city's property-tax revenue and increased the demand for police, fire, and other municipal services, met the FHA's proximate-cause requirement based solely on the finding that the city's alleged financial injuries were foreseeable results of the banks' misconduct; proximate cause under the FHA requires “some direct relation between the injury asserted and the injurious conduct alleged”; the lower courts should define, in the first instance, the contours of proximate cause under the FHA and decide how that standard applies to the city's claims for lost property-tax revenue and increased municipal expenses.

**Judgment:** Vacated and remanded, 5-3, in an opinion by Justice Breyer on May 1, 2017. Justice Thomas filed an opinion concurring in part and dissenting in part, in which Justices Kennedy and Alito joined. Justice Gorsuch took no part in the consideration or decision of the cases.

**Bank of America Corp. v. City of Miami and Wells Fargo & Co. v. City of Miami**

Further Reading

http://www.scotusblog.com/2017/05/opinion-analysis-five-justices-keep-citys-discriminatory-lending-lawsuit-alive/#more-255476

Amy Howe, “Opinion analysis: Justices raise bar for claims under FISA’s expropriation exception,” SCOTUSblog, May 1, 2017
http://www.scotusblog.com/2017/05/opinion-analysis-justices-raise-bar-claims-fisas-expropriation-exception/#more-255474