

STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

April 16, 2018

Representative Rod Hamilton
Chair, House Agriculture Finance Committee
443 State Office Building
Saint Paul, MN 55155

Representative Paul Anderson
Chair, House Agriculture Policy Committee
369 State Office Building
Saint Paul, MN 55155

Dear Chairman Hamilton and Chairman Anderson:

I am in receipt of your April 12, 2018 letter regarding the Minnesota Department of Agriculture's proposed Groundwater Protection Rule. I am troubled by your accusations. I believe the record shows that the Department has employed an open and transparent process to craft the proposed Groundwater Protection Rule.

In its proactive efforts to engage farmers in conversations about this proposed public health standard, the Department held 17 public listening sessions across Minnesota over the course of three months. Those public meetings engaged over 1,000 farmers and landowners in conversations about how modified fertilizer application standards can improve the quality of drinking water we all depend upon. These listening sessions were held in Marshall (2), Chatfield, Farmington, St. Cloud (2), Wadena, McIntosh, St. Paul, Fairmount, Roseau, Warren, Hawley, Mankato, Bemidji, Crookston, and Rochester.

In addition to these well-attended public meetings, the Department solicited over 820 written comments from Minnesotans. These efforts – undertaken even before the Groundwater Protection Rule was proposed – were unprecedented. As you know, the informal draft and public comment period is not required as part of the Executive Branch's rulemaking process. Still, in the interest of public engagement and transparency, it was the right thing to do. The input received through that process have already produced major changes to the proposed rule, and resulted in a better proposed standard.

Your attempts to undermine the Department's efforts to continue engaging the public in this process would usurp the authority and responsibilities of the Executive Branch. Most importantly, they would deny Minnesotans their opportunities to make this rule even better, and ultimately improve drinking water quality and public health in our state.

I want to be clear: for these reasons, I will veto your bill if it reaches my desk. I will not support any legislation that prohibits the implementation of the Groundwater Protection Rule or repeals the Executive Branch's rulemaking authority.

Clean and safe drinking water is the right of every Minnesotan. However, increasing numbers of Minnesotans are being denied that basic right. We can, and must, work together to make the changes necessary to reduce nitrate contamination in our waters, and to assure every Minnesota family – no matter where they live – that the water they drink is clean and safe. Promulgating a Groundwater Protection Rule that works for farmers, and protects the public's health, is an essential part of achieving that important goal.

Representative Rod Hamilton
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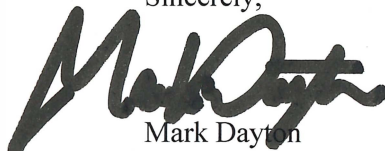
The Legislature gave the Department the authority and the responsibility to prevent nitrate contamination in Minnesota's drinking water under the Groundwater Protection Act, passed in 1989. Thirty years after the passage of the Groundwater Protection Act, the State is finally taking action in the form of the proposed rule.

We are taking swift action to meet the timetable you requested. On the afternoon of Friday, April 13th, I received a copy of the proposed Groundwater Protection Rule, and the Statement of Need and Reasonableness (SONAR) as is required by Stat. 14.131. I am approving the rule and the SONAR without delay. Be assured, the Legislature will receive a copy of the Rule and the SONAR at the same time it is sent to the State Register.

As you have stated, with precious little time remaining in this Legislative Session, and at a time of low market prices, declining farm income, and a volatile trade market, I encourage you to focus on passing legislation that would greatly benefit farmers and rural Minnesota. We need to fund the Rural Finance Authority at \$35 million, provide additional funding for rural mental health support, and give farmers the choice to purchase more affordable health insurance with a MinnesotaCare Buy-In – all of which I have offered, and have strongly advocated. Additionally, I urge you to pass a federal tax conformity bill, including Section 179 expensing, which would allow farmers to save money on their equipment purchases.

In the remaining five weeks of this Legislative Session, I look forward to working with you on issues of great importance to farmers and rural communities. There is much we can agree upon, and a great deal that we can do together, to improve the lives of Minnesota's farm families. They should expect, and deserve, nothing less.

Sincerely,



Mark Dayton
Governor

cc: The Honorable Kurt Daudt, Speaker of the House
The Honorable Melissa Hortman, House Minority Leader
House Republican Legislators
Representative Jeanne Poppe
Representative David Bly