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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2368

03/22/2021 Authored by Fischer and Poston

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act

1.2 relating to water; reestablishing Legislative Water Commission; requiring statewide

1.3 drinking water plan; establishing soil and water conservation district grant program;

1.4 reestablishing Advisory Council on Water Supply Systems and Wastewater

1.5 Treatment Facilities; providing for appointments; requiring report; appropriating

1.6 money; amending Minnesota Statutes 2020, section 103B.151, subdivision 1;

1.7 proposing coding for new law in Minnesota Statutes, chapters 3; 103C; 115.

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

1.9 Section 1. **[3.8865] LEGISLATIVE WATER COMMISSION.**

1.10 Subdivision 1. Establishment. A Legislative Water Commission is established.

1.11 Subd. 2. Membership. (a) The Legislative Water Commission consists of 12 members  
1.12 appointed as follows:

1.13 (1) six members of the senate, including three majority party members appointed by the  
1.14 majority leader and three minority party members appointed by the minority leader; and

1.15 (2) six members of the house of representatives, including three majority party members  
1.16 appointed by the speaker of the house and three minority party members appointed by the  
1.17 minority leader.

1.18 (b) Members serve at the pleasure of the appointing authority and continue to serve until  
1.19 their successors are appointed or until a member is no longer a member of the legislative  
1.20 body that appointed the member to the commission. Vacancies must be filled in the same  
1.21 manner as the original positions. Vacancies occurring on the commission do not affect the  
1.22 authority of the remaining members of the Legislative Water Commission to carry out the  
1.23 functions of the commission.

2.1 (c) Members must elect a chair, vice-chair, and other officers as determined by the  
 2.2 commission. The chair may convene meetings as necessary to conduct the duties prescribed  
 2.3 by this section.

2.4 Subd. 3. **Commission staffing.** The Legislative Coordinating Commission must employ  
 2.5 staff and contract with consultants as necessary to enable the Legislative Water Commission  
 2.6 to carry out its duties and functions.

2.7 Subd. 4. **Powers and duties.** (a) The Legislative Water Commission must review water  
 2.8 policy reports and recommendations of the Environmental Quality Board, the Board of  
 2.9 Water and Soil Resources, the Pollution Control Agency, the Department of Natural  
 2.10 Resources, the Metropolitan Council, and other water-related reports as may be required  
 2.11 by law or the legislature.

2.12 (b) The commission may conduct public hearings and otherwise secure data and  
 2.13 comments.

2.14 (c) The commission must make recommendations as it deems proper to assist the  
 2.15 legislature in formulating legislation.

2.16 (d) Data or information compiled by the Legislative Water Commission or its  
 2.17 subcommittees must be made available to the Legislative-Citizen Commission on Minnesota  
 2.18 Resources, the Clean Water Council, and standing and interim committees of the legislature  
 2.19 upon request of the chair of the respective commission, council, or committee.

2.20 (e) The commission must coordinate with the Clean Water Council.

2.21 Subd. 5. **Compensation.** Members of the commission may receive per diem and expense  
 2.22 reimbursement incurred doing the work of the commission in the manner and amount  
 2.23 prescribed for per diem and expense payments by the senate Committee on Rules and  
 2.24 Administration and the house of representatives Committee on Rules and Legislative  
 2.25 Administration.

2.26 Subd. 6. **Expiration.** This section expires July 1, 2026.

2.27 Sec. 2. Minnesota Statutes 2020, section 103B.151, subdivision 1, is amended to read:

2.28 Subdivision 1. **Water planning.** The Environmental Quality Board shall:

2.29 (1) coordinate public water resource management and regulation activities among the  
 2.30 state agencies having jurisdiction in the area;

3.1 (2) coordinate comprehensive long-range water resources planning in furtherance of the  
 3.2 Environmental Quality Board's "Minnesota Water Plan," published in January 1991, by  
 3.3 September 15, 2000, and each ten-year interval afterwards;

3.4 (3) coordinate water planning activities of local, regional, and federal bodies with state  
 3.5 water planning and integrate these plans with state strategies;

3.6 (4) coordinate development of state water policy recommendations and priorities, and  
 3.7 a recommended program for funding identified needs, including priorities for implementing  
 3.8 the state water resources monitoring plan;

3.9 (5) administer federal water resources planning with multiagency interests;

3.10 (6) ensure that groundwater quality monitoring and related data is provided and integrated  
 3.11 into the Minnesota land management information system according to published data  
 3.12 compatibility guidelines. Costs of integrating the data in accordance with data compatibility  
 3.13 standards must be borne by the agency generating the data;

3.14 (7) coordinate the development and evaluation of water information and education  
 3.15 materials and resources; ~~and~~

3.16 (8) coordinate the dissemination of water information and education through existing  
 3.17 delivery systems; and

3.18 (9) coordinate the development and maintenance of a statewide plan to address threats  
 3.19 to drinking water and other drinking water policy issues and submit the plan to the house  
 3.20 of representatives and senate committees and divisions with jurisdiction over environment  
 3.21 and natural resources and health by January 15 each year.

3.22 **Sec. 3. [103C.333] SOIL AND WATER CONSERVATION DISTRICT GRANTS.**

3.23 Subdivision 1. **Creation.** The Board of Water and Soil Resources must establish a soil  
 3.24 and water conservation district grant program to provide support to soil and water  
 3.25 conservation districts.

3.26 Subd. 2. **Distribution of grants.** Money appropriated for grants to soil and water  
 3.27 conservation districts under this section must be distributed as follows:

3.28 (1) one-third must be distributed equally as a base grant to each soil and water  
 3.29 conservation district;

3.30 (2) one-third must be distributed equally to soil and water conservation districts with a  
 3.31 total estimated market value of taxable property in the bottom ... percent of the state; and

4.1 (3) one-third must be distributed as competitive grants based on soil and water  
 4.2 conservation district performance and the merits of a project's environmental outcomes.

4.3 Sec. 4. **[115.742] ADVISORY COUNCIL ON WATER SUPPLY SYSTEMS AND**  
 4.4 **WASTEWATER TREATMENT FACILITIES.**

4.5 Subdivision 1. **Purpose; membership.** The Advisory Council on Water Supply Systems  
 4.6 and Wastewater Treatment Facilities advises the commissioners of health and the Pollution  
 4.7 Control Agency regarding classification of water supply systems and wastewater treatment  
 4.8 facilities; qualifications and competency evaluation of water supply system operators and  
 4.9 wastewater treatment facility operators; and additional laws, rules, and procedures that may  
 4.10 be desirable for regulating the operation of water supply systems and wastewater treatment  
 4.11 facilities. The advisory council is composed of 11 voting members, of whom:

4.12 (1) one member must be from the Department of Health, Division of Environmental  
 4.13 Health, appointed by the commissioner of health;

4.14 (2) one member must be from the Pollution Control Agency, appointed by the  
 4.15 commissioner of the Pollution Control Agency;

4.16 (3) three members must be certified water supply system operators, appointed by the  
 4.17 commissioner of health, one of whom must represent a nonmunicipal community water  
 4.18 system or a nontransient noncommunity water system;

4.19 (4) three members must be certified wastewater treatment facility operators, appointed  
 4.20 by the commissioner of the Pollution Control Agency;

4.21 (5) one member must be a representative from an organization representing municipalities,  
 4.22 appointed by the commissioner of health with the concurrence of the commissioner of the  
 4.23 Pollution Control Agency; and

4.24 (6) two members must be members of the public who are not associated with water  
 4.25 supply systems or wastewater treatment facilities, one appointed by the commissioner of  
 4.26 health and one appointed by the commissioner of the Pollution Control Agency.

4.27 Consideration should be given to one of these members being a representative of academia  
 4.28 knowledgeable in water or wastewater matters.

4.29 Subd. 2. **Members; geographic representation.** At least one of the water supply system  
 4.30 operators and at least one of the wastewater treatment facility operators must be from outside  
 4.31 the seven-county metropolitan area and one wastewater operator must come from the  
 4.32 Metropolitan Council.

5.1 Subd. 3. **Terms; compensation.** The terms of the appointed members and the  
 5.2 compensation and removal of all members are governed by section 15.059.

5.3 Subd. 4. **Officers.** When new members are appointed to the council, a chair must be  
 5.4 elected at the next council meeting. The Department of Health representative serves as  
 5.5 secretary of the council.

5.6 Sec. 5. **CLEAN WATER COUNCIL RECOMMENDATIONS; SOIL AND WATER**  
 5.7 **CONSERVATION DISTRICTS.**

5.8 The Clean Water Council must include in its recommendations to the governor and  
 5.9 legislature required under Minnesota Statutes, section 114D.30, subdivision 6, a  
 5.10 recommendation for base grants and other support to supplement general fund appropriations  
 5.11 for soil and water conservation districts of at least \$3,000,000 in fiscal year 2024.

5.12 Sec. 6. **SOIL AND WATER CONSERVATION DISTRICTS; APPROPRIATIONS.**

5.13 (a) \$4,500,000 in fiscal year 2022 and \$9,000,000 in fiscal year 2023 are appropriated  
 5.14 from the general fund to the Board of Water and Soil Resources for grants to soil and water  
 5.15 conservation districts under Minnesota Statutes, section 103C.333. The base for this  
 5.16 appropriation is \$15,000,000 in fiscal year 2024 and \$18,000,000 in fiscal year 2025 and  
 5.17 thereafter.

5.18 (b) \$9,000,000 in fiscal year 2022 and \$6,000,000 in fiscal year 2023 are appropriated  
 5.19 from the clean water fund to the Board of Water and Soil Resources for grants to soil and  
 5.20 water conservation districts under Minnesota Statutes, section 103C.333. This is a onetime  
 5.21 appropriation.

5.22 Sec. 7. **DRINKING WATER INFRASTRUCTURE; APPROPRIATIONS.**

5.23 (a) \$..... in fiscal year 2022 is appropriated from the general fund to the commissioner  
 5.24 of health, in cooperation with the Minnesota Rural Water Association and the Minnesota  
 5.25 technical assistance program at the University of Minnesota, to accelerate and enhance  
 5.26 cost-effectiveness plan reviews for drinking water facilities.

5.27 (b) \$..... in fiscal year 2022 is appropriated from the general fund to the commissioner  
 5.28 of health for grants to the Minnesota Rural Water Association and to the Minnesota technical  
 5.29 assistance program at the University of Minnesota to provide assistance, training, tool  
 5.30 development, and technical assistance to facilitate adopting innovative best management  
 5.31 practices at drinking water facilities. Of this amount, \$..... is for a grant to the Minnesota

6.1 Rural Water Association and \$..... is for a grant to the Minnesota technical assistance  
6.2 program at the University of Minnesota.

6.3 (c) \$..... in fiscal year 2022 is appropriated from the general fund to the commissioner  
6.4 of health to provide grants to cities and other political subdivisions to develop and maintain  
6.5 asset management plans for drinking water facilities.

6.6 (d) \$..... in fiscal year 2022 is appropriated from the general fund to the commissioner  
6.7 of health to address public health risks related to public drinking water supplies by providing  
6.8 a plan to assess, inventory, and provide a database of lead service lines and to provide grants  
6.9 to public water suppliers to replace lead service lines.

6.10 (e) \$..... in fiscal year 2022 is appropriated from the general fund to the commissioner  
6.11 of the Pollution Control Agency, in consultation with the commissioner of health, to identify  
6.12 areas of the state where subsurface sewage treatment systems pose the most serious risk to  
6.13 drinking water supplies and to address those risks by providing technical assistance, grants,  
6.14 and other financial assistance to incentivize upgrades, replacements, and alternatives to  
6.15 improve water quality.

6.16 **Sec. 8. WATER QUALITY; EVALUATING MODELS FOR ASSESSING BEST**  
6.17 **MANAGEMENT PRACTICES; APPROPRIATION.**

6.18 \$..... in fiscal year 2022 is appropriated from the general fund to the Board of Water  
6.19 and Soil Resources to review water quality models, tools, and estimators used to assess the  
6.20 outcomes of best management practices and to develop recommendations on how to select  
6.21 the best models, tools, and estimators to improve outcomes and consistency. The board  
6.22 must submit a report with the recommendations to the chairs and ranking minority members  
6.23 of the house of representatives and senate committees and divisions with jurisdiction over  
6.24 environment and natural resources by January 15, 2022. This is a onetime appropriation.