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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5482

1.1 A bill for an act

1.2 relating to environment; modifying the membership and structure of the Clean

1.3 Water Council; modifying duties; amending Minnesota Statutes 2022, sections

1.4 114D.20, subdivision 5; 114D.30, subdivisions 1, 2; Minnesota Statutes 2023

1.5 Supplement, section 114D.30, subdivisions 4, 6, 7; repealing Minnesota Statutes

1.6 2022, sections 114D.30, subdivision 5; 114D.35, subdivision 3.

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

1.8 Section 1. Minnesota Statutes 2022, section 114D.20, subdivision 5, is amended to read:

1.9 Subd. 5. **Priorities for scheduling and preparing WRAPSs and TMDLs.** The

1.10 commissioner of the Pollution Control Agency must seek recommendations from the ~~Clean~~

1.11 ~~Water Council;~~ the commissioners of natural resources, health, and agriculture; and the

1.12 Board of Water and Soil Resources regarding priorities for scheduling and preparing

1.13 WRAPSs and TMDLs. Recommendations must consider the causes of impairments, the

1.14 designated uses of the waters, applicable federal TMDL requirements, surface water and

1.15 groundwater interactions, protection of high-quality waters, waters and watersheds with

1.16 declining water quality trends, and waters used as drinking water sources. Furthermore,

1.17 consideration must be given to waters and watersheds:

- 1.18 (1) that have the greatest potential risk to human health;
- 1.19 (2) that have the greatest potential risk to threatened or endangered species;
- 1.20 (3) that have the greatest potential risk to aquatic health;
- 1.21 (4) where other public agencies and participating organizations and individuals, especially
- 1.22 local, basin-wide, watershed, or regional agencies or organizations, have demonstrated

2.1 readiness to assist in carrying out the responsibilities, including availability and organization
 2.2 of human, technical, and financial resources necessary to undertake the work; and

2.3 (5) where there is demonstrated coordination and cooperation among cities, counties,
 2.4 watershed districts, and soil and water conservation districts in planning and implementation
 2.5 of activities that will assist in carrying out the responsibilities.

2.6 Sec. 2. Minnesota Statutes 2022, section 114D.30, subdivision 1, is amended to read:

2.7 Subdivision 1. **Creation; duties.** A Clean Water Council is created to ~~advise on the~~
 2.8 ~~administration and implementation of this chapter, and foster coordination and cooperation~~
 2.9 ~~as described in section 114D.20, subdivision 1. The council may also advise on the~~
 2.10 ~~development of appropriate processes for expert scientific review as described in section~~
 2.11 ~~114D.35, subdivision 2. The Pollution Control Agency shall provide administrative support~~
 2.12 ~~for the council with the support of other member agencies. The members of the council~~
 2.13 ~~shall elect a chair from the voting members of the council.~~ make recommendations to the
 2.14 legislature on appropriations of money from the clean water fund that are consistent with
 2.15 the constitution and state law. The Legislative Coordinating Commission may appoint
 2.16 nonpartisan staff and contract with consultants as necessary to support the functions of the
 2.17 council.

2.18 Sec. 3. Minnesota Statutes 2022, section 114D.30, subdivision 2, is amended to read:

2.19 Subd. 2. **Membership; appointment.** ~~(a) The commissioners of natural resources,~~
 2.20 ~~agriculture, health, and the Pollution Control Agency, the executive director of the Board~~
 2.21 ~~of Water and Soil Resources, the Board of Regents of the University of Minnesota, and the~~
 2.22 ~~Metropolitan Council shall each appoint one person from their respective entity to serve as~~
 2.23 ~~a nonvoting member of the council. Two members of the house of representatives, including~~
 2.24 ~~one member from the majority party and one member from the minority party, appointed~~
 2.25 ~~by the speaker and two senators, including one member from the majority party and one~~
 2.26 ~~member from the minority party, appointed according to the rules of the senate shall serve~~
 2.27 ~~at the pleasure of the appointing authority as nonvoting members of the council. Members~~
 2.28 ~~appointed under this paragraph serve as nonvoting members of the council.~~

2.29 ~~(b) Seventeen voting~~ (a) The Clean Water Council consists of members of the council
 2.30 shall be appointed by the governor as follows:

2.31 (1) two members representing statewide farm organizations one member from each
 2.32 congressional district; and

- 3.1 (2) two at-large members representing business organizations;
 3.2 ~~(3) two members representing environmental organizations;~~
 3.3 ~~(4) one member representing soil and water conservation districts;~~
 3.4 ~~(5) one member representing watershed districts;~~
 3.5 ~~(6) one member representing nonprofit organizations focused on improvement of~~
 3.6 ~~Minnesota lakes or streams;~~
 3.7 ~~(7) two members representing organizations of county governments, one member~~
 3.8 ~~representing the interests of rural counties and one member representing the interests of~~
 3.9 ~~counties in the seven-county metropolitan area;~~
 3.10 ~~(8) two members representing organizations of city governments;~~
 3.11 ~~(9) one member representing township officers;~~
 3.12 ~~(10) one member representing the interests of tribal governments;~~
 3.13 ~~(11) one member representing statewide hunting organizations; and~~
 3.14 ~~(12) one member representing statewide fishing organizations.~~

3.15 (b) Members appointed under this section must have expertise in science, water quality,
 3.16 hydrology, or a related field. Members appointed under this paragraph must not be registered
 3.17 lobbyists or legislators. In making appointments, the governor must attempt to provide for
 3.18 geographic balance. The members of the council appointed by the governor are subject to
 3.19 the advice and consent of the senate. The members of the council must elect a chair,
 3.20 vice-chair, and other officers from among the council's membership.

3.21 Sec. 4. Minnesota Statutes 2023 Supplement, section 114D.30, subdivision 4, is amended
 3.22 to read:

3.23 Subd. 4. **Terms; compensation; removal.** ~~The terms of members representing the state~~
 3.24 ~~agencies and the Metropolitan Council are four years and are coterminous with the governor.~~
 3.25 ~~The terms of other nonlegislative members of the council shall be~~ are as provided in section
 3.26 15.059, subdivision 2. Members may serve until their successors are appointed and qualify.
 3.27 ~~Compensation and removal of nonlegislative council members is~~ are as provided in section
 3.28 15.059, subdivisions 3 and 4, except that a ~~nonlegislative~~ member may be compensated at
 3.29 the rate of up to \$125 a day. ~~Compensation of legislative members is as determined by the~~
 3.30 ~~appointing authority. The Pollution Control Agency may reimburse legislative members~~

4.1 ~~for expenses.~~ A vacancy on the council may be filled by the ~~appointing authority provided~~
4.2 ~~in subdivision 1~~ governor for the remainder of the unexpired term.

4.3 Sec. 5. Minnesota Statutes 2023 Supplement, section 114D.30, subdivision 6, is amended
4.4 to read:

4.5 Subd. 6. **Recommended appropriations.** (a) The Clean Water Council must submit
4.6 recommendations to the governor and the legislature on how money from the clean water
4.7 fund should be appropriated for the purposes stated in article XI, section 15, of the Minnesota
4.8 Constitution and section 114D.50.

4.9 (b) The council's recommendations must:

4.10 (1) be to protect, enhance, and restore water quality in lakes, rivers, and streams and to
4.11 protect groundwater from degradation and ensure that at least five percent of the clean water
4.12 fund is spent only to protect drinking water sources;

4.13 (2) be consistent with the purposes, policies, goals, and priorities in this chapter; and

4.14 (3) allocate adequate support and resources to identify degraded groundwater and
4.15 impaired waters, develop TMDLs, implement restoration of groundwater and impaired
4.16 waters, and provide assistance and incentives to prevent groundwater and surface waters
4.17 from becoming degraded or impaired and improve the quality of surface waters which are
4.18 listed as impaired but have no approved TMDL.

4.19 (c) The council must recommend methods of ensuring that awards of grants, loans, or
4.20 other funds from the clean water fund specify the outcomes to be achieved as a result of the
4.21 funding and specify standards to hold the recipient accountable for achieving the desired
4.22 outcomes. The council may recommend that a portion of its administrative budget be spent
4.23 to evaluate the effectiveness of past appropriations from the clean water fund on achieving
4.24 their intended goals. Expenditures from the fund must be appropriated by law.

4.25 Sec. 6. Minnesota Statutes 2023 Supplement, section 114D.30, subdivision 7, is amended
4.26 to read:

4.27 Subd. 7. **Reports to legislature.** By January 15 each odd-numbered year, the council
4.28 must submit a report to the legislature that includes:

4.29 (1) a summary of the activities for which money has been or will be spent in the current
4.30 biennium;

5.1 (2) the recommendations required under subdivision 6 for how money in the clean water
5.2 fund should be spent in the next biennium, including recommended legislative bill language;
5.3 and

5.4 (3) ~~the impact on economic development of the implementation of efforts to protect and~~
5.5 ~~restore groundwater and the impaired waters program~~ the effectiveness of past appropriations
5.6 from the clean water fund on achieving their intended goals.

5.7 Sec. 7. **REPEALER.**

5.8 Minnesota Statutes 2022, sections 114D.30, subdivision 5; and 114D.35, subdivision 3,
5.9 are repealed.

114D.30 CLEAN WATER COUNCIL.

Subd. 5. **Implementation plan.** The Clean Water Council shall recommend a plan for implementation of this chapter and the provisions of article XI, section 15, of the Minnesota Constitution relating to clean water. The recommended plan shall address general procedures and time frames for implementing this chapter, and shall include a more specific implementation work plan for the next fiscal biennium and a framework for setting priorities to address impaired waters consistent with section 114D.20, subdivisions 2 to 7. The council shall issue a revised plan by December 1 of each even-numbered year.

114D.35 PUBLIC AND STAKEHOLDER PARTICIPATION; SCIENTIFIC REVIEW; EDUCATION.

Subd. 3. **Education.** The Clean Water Council must develop strategies for informing, educating, and encouraging the participation of citizens, stakeholders, and others regarding this chapter. Public agencies are responsible for implementing the strategies.