

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1726

(SENATE AUTHORS: CHAMBERLAIN and Wiger)

DATE	D-PG	OFFICIAL STATUS
03/16/2015	893	Introduction and first reading Referred to Environment and Energy
03/18/2015	972	Author added Wiger
04/07/2015		Comm report: To pass as amended and re-refer to State and Local Government

1.1 A bill for an act
 1.2 relating to water; modifying Metropolitan Area Water Supply Advisory
 1.3 Committee and specifying duties; modifying water supply plan requirements;
 1.4 requiring a report; delaying implementation of groundwater management
 1.5 area plan; appropriating money; amending Minnesota Statutes 2014, sections
 1.6 103G.291, subdivision 3; 473.1565.

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

1.8 Section 1. Minnesota Statutes 2014, section 103G.291, subdivision 3, is amended to
 1.9 read:

1.10 Subd. 3. **Water supply plans; demand reduction.** (a) Every public water supplier
 1.11 serving more than 1,000 people must submit a water supply plan to the commissioner
 1.12 for approval by January 1, 1996. In accordance with guidelines developed by the
 1.13 commissioner, the plan must address projected demands, adequacy of the water supply
 1.14 system and planned improvements, existing and future water sources, natural resource
 1.15 impacts or limitations, emergency preparedness, water conservation, supply and demand
 1.16 reduction measures, and allocation priorities that are consistent with section 103G.261.
 1.17 Public water suppliers must update their plan and, upon notification, submit it to the
 1.18 commissioner for approval every ten years.

1.19 (b) The water supply plan in paragraph (a) is required for all communities in the
 1.20 metropolitan area, as defined in section 473.121, with a municipal water supply system
 1.21 and is a required element of the local comprehensive plan required under section 473.859.
 1.22 ~~Water supply plans or updates submitted after December 31, 2008, must be consistent~~
 1.23 ~~with the metropolitan area master water supply plan required under section 473.1565,~~
 1.24 ~~subdivision 1, paragraph (a), clause (2).~~

2.1 (c) Public water suppliers serving more than 1,000 people must encourage
 2.2 water conservation by employing water use demand reduction measures, as defined in
 2.3 subdivision 4, paragraph (a), before requesting approval from the commissioner of health
 2.4 under section 144.383, paragraph (a), to construct a public water supply well or requesting
 2.5 an increase in the authorized volume of appropriation. The commissioner of natural
 2.6 resources and the water supplier shall use a collaborative process to achieve demand
 2.7 reduction measures as a part of a water supply plan review process.

2.8 (d) Public water suppliers serving more than 1,000 people must submit records
 2.9 that indicate the number of connections and amount of use by customer category and
 2.10 volume of water unaccounted for with the annual report of water use required under
 2.11 section 103G.281, subdivision 3.

2.12 (e) For the purposes of this section, "public water supplier" means an entity that owns,
 2.13 manages, or operates a public water supply, as defined in section 144.382, subdivision 4.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.15 Sec. 2. Minnesota Statutes 2014, section 473.1565, is amended to read:

2.16 **473.1565 METROPOLITAN AREA WATER SUPPLY PLANNING**
 2.17 **ACTIVITIES; ADVISORY ~~COMMITTEE~~ COMMITTEES.**

2.18 Subdivision 1. **Planning activities.** (a) The Metropolitan Council must carry out
 2.19 planning activities addressing the water supply needs of the metropolitan area as defined
 2.20 in section 473.121, subdivision 2. The planning activities must include, at a minimum:

2.21 (1) development and maintenance of a base of technical information needed for
 2.22 sound water supply decisions including surface and groundwater availability analyses,
 2.23 water demand projections, water withdrawal and use impact analyses, modeling, and
 2.24 similar studies;

2.25 (2) development and periodic update of a metropolitan area master water supply
 2.26 plan, prepared in cooperation with and subject to the approval of the ~~commissioner of~~
 2.27 ~~natural resources~~ policy advisory committee established in this section, that:

2.28 (i) provides guidance for local water supply systems and future regional investments;

2.29 (ii) emphasizes conservation, interjurisdictional cooperation, and long-term
 2.30 sustainability; and

2.31 (iii) addresses the reliability, security, and cost-effectiveness of the metropolitan area
 2.32 water supply system and its local and subregional components;

2.33 (3) recommendations for clarifying the appropriate roles and responsibilities of
 2.34 local, regional, and state government in metropolitan area water supply;

3.1 (4) recommendations for streamlining and consolidating metropolitan area water
3.2 supply decision-making and approval processes; and

3.3 (5) recommendations for the ongoing and long-term funding of metropolitan area
3.4 water supply planning activities and capital investments.

3.5 (b) The council must carry out the planning activities in this subdivision in
3.6 consultation with the Metropolitan Area Water Supply Policy and Technical Advisory
3.7 Committee Committees established in ~~subdivision 2~~ this section.

3.8 Subd. 2. **Policy advisory committee.** (a) A Metropolitan Area Water Supply
3.9 Policy Advisory Committee is established to assist the council in its planning activities
3.10 in subdivision 1 and to provide advice to the Legislative Water Commission. The policy
3.11 advisory committee has the following membership:

3.12 (1) the commissioner of agriculture or the commissioner's designee;

3.13 (2) the commissioner of health or the commissioner's designee;

3.14 (3) the commissioner of natural resources or the commissioner's designee;

3.15 (4) the commissioner of the Pollution Control Agency or the commissioner's
3.16 designee;

3.17 (5) two officials of counties that are located in the metropolitan area, appointed by
3.18 the governor, in consultation with the Association of Minnesota Counties;

3.19 (6) five officials of noncounty local governmental units that are located in the
3.20 metropolitan area, appointed by the governor, in consultation with the Association of
3.21 Metropolitan Municipalities;

3.22 (7) the chair of the Metropolitan Council or the chair's designee, who is chair of the
3.23 advisory committee; ~~and~~

3.24 (8) one official each from the counties of Chisago, Isanti, Sherburne, and Wright,
3.25 appointed by the governor, in consultation with the Association of Minnesota Counties
3.26 and the League of Minnesota Cities; and

3.27 (9) a member of the Board of Water Commissioners of the Saint Paul Regional Water
3.28 Services, appointed by and serving at the pleasure of the Board of Water Commissioners,
3.29 and a representative of the Minneapolis Water Department, appointed by and serving at
3.30 the pleasure of the mayor of the city of Minneapolis.

3.31 A local government unit in each of the seven counties in the metropolitan area
3.32 and Chisago, Isanti, Sherburne, and Wright Counties must be represented in the 11
3.33 appointments made under clauses (5), (6), and (8).

3.34 (b) Members of the advisory committee appointed by the governor serve at the
3.35 pleasure of the governor. Members of the advisory committee serve without compensation

4.1 but may be reimbursed for their reasonable expenses as determined by the Metropolitan
4.2 Council. ~~The advisory committee expires December 31, 2016.~~

4.3 (c) The council must consider the work and recommendations of the policy advisory
4.4 committee when the council is preparing its regional development framework.

4.5 Subd. 2a. **Technical advisory committee.** A Metropolitan Area Water Supply
4.6 Technical Advisory Committee is established to inform the policy advisory committee's
4.7 work by providing scientific and engineering expertise necessary to provide the region an
4.8 adequate and sustainable water supply. The technical advisory committee consists of 11
4.9 members appointed by the policy advisory committee as follows:

4.10 (1) six members to represent operators of single-city and multicity public water
4.11 supply systems in the metropolitan area;

4.12 (2) a hydrologist with expertise in groundwater analysis and modeling;

4.13 (3) a hydrologist with expertise in surface water analysis and modeling;

4.14 (4) an engineer with expertise in the design and construction of water supply systems;

4.15 (5) a person with expertise in population and demographic forecasting and modeling;

4.16 and

4.17 (6) a person with expertise in water demand forecasting.

4.18 Members of the technical advisory committee serve at the pleasure of the policy advisory
4.19 committee, without compensation, but may be reimbursed for their reasonable expenses as
4.20 determined by the council.

4.21 Subd. 3. **Reports to legislature.** (a) The council must submit reports to the
4.22 legislature regarding its findings, recommendations, and continuing planning activities
4.23 under subdivision 1. These reports shall be included in the "Minnesota Water Plan"
4.24 required in section 103B.151, and five-year interim reports may be provided as necessary.

4.25 (b) By February 15, 2017, and at least every five years thereafter, the policy advisory
4.26 committee shall report to the council, the Legislative Water Commission, and the chairs
4.27 and ranking minority members of the house of representatives and senate committees and
4.28 divisions with jurisdiction over environment and natural resources with the information
4.29 required under this section. The policy advisory committee's report and recommendations
4.30 must include information provided by the technical advisory committee.

4.31 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
4.32 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
4.33 Scott, and Washington.

5.1 Sec. 3. **NORTH AND EAST METRO GROUNDWATER MANAGEMENT**
5.2 **AREA PLAN SUSPENSION.**

5.3 Until the date the first report is required to be submitted under Minnesota Statutes,
5.4 section 473.1565, subdivision 3, paragraph (b), the commissioner of natural resources
5.5 shall not:

- 5.6 (1) implement groundwater appropriation permit changes as proposed in the North
5.7 and East Metro Groundwater Management Area Plan Draft, prepared February 2, 2015; or
5.8 (2) require communities to connect to a regional surface water source.

5.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.10 Sec. 4. **APPROPRIATION.**

5.11 \$..... is appropriated for the biennium beginning July 1, 2015, from the general
5.12 fund to the Metropolitan Council for the council's and the policy and technical advisory
5.13 committees' work under Minnesota Statutes, section 473.1565.