

A bill for an act
relating to environment; providing for a technical advisory group to conduct
a study of water regulation.

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

Section 1. **TECHNICAL ADVISORY GROUP; WATER REGULATION.**

(a) The Commissioner of Administration shall appoint a technical advisory group to conduct a study. The technical advisory group must include representatives of the Department of Natural Resources, Pollution Control Agency, Board of Water and Soil Resources, Environmental Quality Board, Department of Agriculture, and Department of Health and nonstate, nonfederal, technical professionals with scientific expertise in water resources management. Other members may include, but are not limited to, representatives of the United States Environmental Protection Agency, the Army Corps of Engineers, and the United States Department of Agriculture.

(b) Members of the technical advisory group serve without compensation.

(c) The study must:

(1) consider scientific data, including the studies of the National Academy of Sciences relating to watersheds, total maximum daily loads (TMDL's), storm water, and compensation for wetland loss under the Clean Water Act;

(2) identify current rules relating to water, the purpose of the rules, the statutory background of the rules, the outcomes the rules are intended to achieve, the costs of the rules to state and local government and to the private sector, and the rules' relationship to other state and federal laws, including requirements relating to training, development, public education, and record keeping;

2.1 (3) assess the pros and cons of a watershed approach to implementing statutory
2.2 water management programs and regulations compared to state agency-administered
2.3 programs and administrative rules;

2.4 (4) assess why some regulations are deemed appropriate for administration at the
2.5 local level, for example, those relating to shorelands, floodplains, wild and scenic rivers,
2.6 wetland conservation, feedlots, and subsurface sewage treatment systems, and others
2.7 are not;

2.8 (5) identify current efforts to eliminate redundancy between state and federal
2.9 regulations, including perceived and real barriers to realizing reduction or elimination
2.10 of redundancy;

2.11 (6) identify the current strategic decision making of the agencies individually and
2.12 collectively to cooperate and coordinate in rulemaking and rule implementation to achieve
2.13 more effective, efficient, and justifiable rules that result in the desired outcomes; and

2.14 (7) identify the rule assessment and evaluation process that supports the continuation
2.15 of the various rules in whole or in part, including but not limited to:

2.16 (i) nondegradation standards;

2.17 (ii) consistent buffer requirements;

2.18 (iii) zoning setback requirements; and

2.19 (iv) water quality requirements.

2.20 (d) The technical advisory group must submit the study results and make
2.21 recommendations on water improvement to all state agencies with representatives on the
2.22 technical advisory group and to the chairs of the legislative committees having primary
2.23 jurisdiction over environment and natural resources policy no later than January 15, 2011.