

A bill for an act

relating to environment; requiring a study on state and local water management.

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

Section 1. **WATER RULEMAKING MORATORIUM.**

(a) For purposes of this section, "agency" means the Pollution Control Agency, Department of Natural Resources, Board of Water and Soil Resources, Environmental Quality Board, Department of Agriculture, and Department of Health.

(b) Unless required by federal law or rule, no agency shall adopt rules related to water quality or water resource protection during the period beginning July 1, 2011, and ending June 30, 2012.

(c) Unless the rule is under judicial challenge, this section does not apply to:

(1) proposed rules listed in a notice of intent to adopt rules published under Minnesota Statutes, chapter 14, before July 1, 2011;

(2) rules required by law for which rulemaking was to begin by January 15, 2010;

(3) emergency rules authorized by statute;

(4) rules adopted or amended under Minnesota Statutes, section 14.386; and

(5) rules proposed under Minnesota Statutes, section 14.388, subject to approval of the Office of Administrative Hearings.

Sec. 2. **EVALUATION REQUIRED.**

(a) The commissioner of administration shall evaluate state and local water-related programs, policies, and permits to make recommendations for cost savings, increased productivity, and the elimination of duplication among public agencies.

(b) The evaluation must:

(1) identify current rules relating to surface and groundwater, including those related to storm water, residential, industrial, and agricultural use, shorelands, floodplains, wild and scenic rivers, wetlands, feedlots, and subsurface sewage treatment systems, and for each rule specify:

(i) the statutory authority;

(ii) intended outcomes;

(iii) the cost to state and local government and the private sector; and

(iv) the relationship of the rule to other local, state, and federal rules;

(2) assess the pros and cons of alternative approaches to implementing water-related programs, policies, and permits, including local, state, and regional-based approaches;

(3) identify inconsistencies and redundancy between local, state, and federal rules;

(4) identify means to coordinate rulemaking and implementation so as to achieve intended outcomes more effectively and efficiently;

(5) identify a rule assessment and evaluation process for determining whether each identified rule should be continued or repealed;

(6) rely on scientific, peer-reviewed data, including the studies of the National Academy of Sciences;

(7) evaluate current responsibilities of the Pollution Control Agency, Department of Natural Resources, Board of Water and Soil Resources, Environmental Quality Board, Department of Agriculture, and Department of Health for developing and implementing water-related programs, policies, and permits and make recommendations for reallocating responsibilities among the agencies; and

(8) assess the current role of the clean water fund in supporting water-related programs and policies and make recommendations for allocating resources among the agencies that collaborate and partner in spending the clean water fund consistent with the other recommendations of the study.

(c) The commissioner of administration must submit the study results and make recommendations to agencies listed under section 1, paragraph (a), and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2012.