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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2902

05/17/2019 Authored by Lillie, Wagenius and Hansen
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to water; establishing the Legislative-Citizen Commission on Minnesota
1.3 Waters; eliminating the Clean Water Council and Legislative Water Commission;
1.4 reassigning duties; providing appointments; amending Minnesota Statutes 2018,
1.5 sections 3.886, subdivision 6; 10A.01, subdivision 35; 97A.056, subdivision 3;
1.6 114D.35, subdivisions 2, 3; 114D.50, subdivision 4; proposing coding for new
1.7 law in Minnesota Statutes, chapter 114D; repealing Minnesota Statutes 2018,
1.8 sections 114D.15, subdivision 3; 114D.20, subdivisions 5, 6, 7; 114D.30.

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

1.10 Section 1. Minnesota Statutes 2018, section 3.886, subdivision 6, is amended to read:

1.11 Subd. 6. Expiration. This section expires July 1, 2019 2020.

1.12 Sec. 2. Minnesota Statutes 2018, section 10A.01, subdivision 35, is amended to read:

1.13 Subd. 35. Public official. "Public official" means any:

1.14 (1) member of the legislature;

1.15 (2) individual employed by the legislature as secretary of the senate, legislative auditor,
1.16 director of the Legislative Budget Office, chief clerk of the house of representatives, revisor
1.17 of statutes, or researcher, legislative analyst, fiscal analyst, or attorney in the Office of
1.18 Senate Counsel, Research and Fiscal Analysis, House Research, or the House Fiscal Analysis
1.19 Department;

1.20 (3) constitutional officer in the executive branch and the officer's chief administrative
1.21 deputy;

1.22 (4) solicitor general or deputy, assistant, or special assistant attorney general;

2.1 (5) commissioner, deputy commissioner, or assistant commissioner of any state
2.2 department or agency as listed in section 15.01 or 15.06, or the state chief information
2.3 officer;

2.4 (6) member, chief administrative officer, or deputy chief administrative officer of a state
2.5 board or commission that has either the power to adopt, amend, or repeal rules under chapter
2.6 14, or the power to adjudicate contested cases or appeals under chapter 14;

2.7 (7) individual employed in the executive branch who is authorized to adopt, amend, or
2.8 repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

2.9 (8) executive director of the State Board of Investment;

2.10 (9) deputy of any official listed in clauses (7) and (8);

2.11 (10) judge of the Workers' Compensation Court of Appeals;

2.12 (11) administrative law judge or compensation judge in the State Office of Administrative
2.13 Hearings or unemployment law judge in the Department of Employment and Economic
2.14 Development;

2.15 (12) member, regional administrator, division director, general counsel, or operations
2.16 manager of the Metropolitan Council;

2.17 (13) member or chief administrator of a metropolitan agency;

2.18 (14) director of the Division of Alcohol and Gambling Enforcement in the Department
2.19 of Public Safety;

2.20 (15) member or executive director of the Higher Education Facilities Authority;

2.21 (16) member of the board of directors or president of Enterprise Minnesota, Inc.;

2.22 (17) member of the board of directors or executive director of the Minnesota State High
2.23 School League;

2.24 (18) member of the Minnesota Ballpark Authority established in section 473.755;

2.25 (19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

2.26 (20) manager of a watershed district, or member of a watershed management organization
2.27 as defined under section 103B.205, subdivision 13;

2.28 (21) supervisor of a soil and water conservation district;

2.29 (22) director of Explore Minnesota Tourism;

3.1 (23) citizen member of the Lessard-Sams Outdoor Heritage Council established in section
3.2 97A.056;

3.3 (24) citizen member of the ~~Clean Water Council~~ Legislative-Citizen Commission on
3.4 Minnesota Waters established in section ~~114D.30~~ 114D.60;

3.5 (25) member or chief executive of the Minnesota Sports Facilities Authority established
3.6 in section 473J.07;

3.7 (26) district court judge, appeals court judge, or supreme court justice;

3.8 (27) county commissioner;

3.9 (28) member of the Greater Minnesota Regional Parks and Trails Commission; or

3.10 (29) member of the Destination Medical Center Corporation established in section
3.11 469.41.

3.12 **EFFECTIVE DATE.** This section is effective July 1, 2020.

3.13 Sec. 3. Minnesota Statutes 2018, section 97A.056, subdivision 3, is amended to read:

3.14 Subd. 3. **Council recommendations.** (a) The council shall make recommendations to
3.15 the legislature on appropriations of money from the outdoor heritage fund that are consistent
3.16 with the constitution and state law and that will achieve the outcomes of existing natural
3.17 resource plans, including, but not limited to, the Minnesota Statewide Conservation and
3.18 Preservation Plan, that directly relate to the restoration, protection, and enhancement of
3.19 wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest
3.20 fragmentation, encourage forest consolidation, and expand restored native prairie. In making
3.21 recommendations, the council shall consider a range of options that would best restore,
3.22 protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.
3.23 The council's recommendations shall be submitted no later than January 15 each year. The
3.24 council shall present its recommendations to the senate and house of representatives
3.25 committees with jurisdiction over the environment and natural resources budget by February
3.26 15 in odd-numbered years, and within the first four weeks of the legislative session in
3.27 even-numbered years. The council's budget recommendations to the legislature shall be
3.28 separate from the Department of Natural Resource's budget recommendations.

3.29 (b) To encourage and support local conservation efforts, the council shall establish a
3.30 conservation partners program. Local, regional, state, or national organizations may apply
3.31 for matching grants for restoration, protection, and enhancement of wetlands, prairies,

4.1 forests, and habitat for fish, game, and wildlife, prevention of forest fragmentation,
4.2 encouragement of forest consolidation, and expansion of restored native prairie.

4.3 (c) The council may work with the ~~Clean Water Council~~ Legislative-Citizen Commission
4.4 on Minnesota Waters to identify projects that are consistent with both the purpose of the
4.5 outdoor heritage fund and the purpose of the clean water fund.

4.6 (d) The council may make recommendations to the Legislative-Citizen Commission on
4.7 Minnesota Resources on scientific research that will assist in restoring, protecting, and
4.8 enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife, preventing
4.9 forest fragmentation, encouraging forest consolidation, and expanding restored native prairie.

4.10 (e) Recommendations of the council, including approval of recommendations for the
4.11 outdoor heritage fund, require an affirmative vote of at least nine members of the council.

4.12 (f) The council may work with the ~~Clean Water Council~~ Legislative-Citizen Commission
4.13 on Minnesota Waters, the Legislative-Citizen Commission on Minnesota Resources, the
4.14 Board of Water and Soil Resources, soil and water conservation districts, and experts from
4.15 Minnesota State Colleges and Universities and the University of Minnesota in developing
4.16 the council's recommendations.

4.17 (g) The council shall develop and implement a process that ensures that citizens and
4.18 potential recipients of funds are included throughout the process, including the development
4.19 and finalization of the council's recommendations. The process must include a fair, equitable,
4.20 and thorough process for reviewing requests for funding and a clear and easily understood
4.21 process for ranking projects.

4.22 (h) The council shall use the regions of the state based upon the ecological sections and
4.23 subsections developed by the Department of Natural Resources and establish objectives for
4.24 each region and subregion to achieve the purposes of the fund outlined in the state
4.25 constitution.

4.26 (i) The council shall develop and submit to the Legislative Coordinating Commission
4.27 plans for the first ten years of funding, and a framework for 25 years of funding, consistent
4.28 with statutory and constitutional requirements. The council may use existing plans from
4.29 other legislative, state, and federal sources, as applicable.

4.30 (j) By July 1 each year, the council shall provide counties with a list of project proposals
4.31 that include potential fee title land acquisitions in the county that is based on that year's
4.32 funding requests received by the council from nongovernmental organizations.

4.33 **EFFECTIVE DATE.** This section is effective July 1, 2020.

5.1 Sec. 4. Minnesota Statutes 2018, section 114D.35, subdivision 2, is amended to read:

5.2 Subd. 2. **Expert scientific advice.** ~~The Clean Water Council and~~ Public agencies and
5.3 private entities ~~shall~~ must make use of available public and private expertise from educational,
5.4 research, and technical organizations, including the University of Minnesota and other
5.5 higher education institutions, to provide appropriate independent expert advice on models,
5.6 methods, and approaches used in identifying degraded groundwater and impaired waters,
5.7 developing TMDLs, and implementing prevention and restoration.

5.8 Sec. 5. Minnesota Statutes 2018, section 114D.35, subdivision 3, is amended to read:

5.9 Subd. 3. **Education.** ~~The Clean Water Council shall~~ Pollution Control Agency must
5.10 develop strategies for informing, educating, and encouraging the participation of citizens,
5.11 stakeholders, and others regarding the identification of impaired waters, development of
5.12 TMDLs, development of TMDL implementation plans, implementation of restoration for
5.13 impaired waters, identification of degraded groundwater, and protection and restoration of
5.14 groundwater resources. Public agencies shall be responsible for implementing the strategies.

5.15 Sec. 6. Minnesota Statutes 2018, section 114D.50, subdivision 4, is amended to read:

5.16 Subd. 4. **Expenditures; accountability.** (a) A project receiving funding from the clean
5.17 water fund must meet or exceed the constitutional requirements to protect, enhance, and
5.18 restore water quality in lakes, rivers, and streams and to protect groundwater and drinking
5.19 water from degradation. Priority may be given to projects that meet more than one of these
5.20 requirements. A project receiving funding from the clean water fund shall include measurable
5.21 outcomes, as defined in section 3.303, subdivision 10, and a plan for measuring and
5.22 evaluating the results. A project must be consistent with current science and incorporate
5.23 state-of-the-art technology.

5.24 (b) Money from the clean water fund shall be expended to balance the benefits across
5.25 all regions and residents of the state.

5.26 (c) A state agency or other recipient of a direct appropriation from the clean water fund
5.27 must compile and submit all information for proposed and funded projects or programs,
5.28 including the proposed measurable outcomes and all other items required under section
5.29 3.303, subdivision 10, to the Legislative Coordinating Commission as soon as practicable
5.30 or by January 15 of the applicable fiscal year, whichever comes first. The Legislative
5.31 Coordinating Commission must post submitted information on the website required under
5.32 section 3.303, subdivision 10, as soon as it becomes available. Information classified as not

6.1 public under section 13D.05, subdivision 3, paragraph (d), is not required to be placed on
6.2 the website.

6.3 (d) Grants funded by the clean water fund must be implemented according to section
6.4 16B.98 and must account for all expenditures. Proposals must specify a process for any
6.5 regranting envisioned. Priority for grant proposals must be given to proposals involving
6.6 grants that will be competitively awarded.

6.7 (e) Money from the clean water fund may only be spent on projects that benefit Minnesota
6.8 waters.

6.9 (f) When practicable, a direct recipient of an appropriation from the clean water fund
6.10 shall prominently display on the recipient's website home page the legacy logo required
6.11 under Laws 2009, chapter 172, article 5, section 10, as amended by Laws 2010, chapter
6.12 361, article 3, section 5, accompanied by the phrase "Click here for more information."
6.13 When a person clicks on the legacy logo image, the website must direct the person to a web
6.14 page that includes both the contact information that a person may use to obtain additional
6.15 information, as well as a link to the Legislative Coordinating Commission website required
6.16 under section 3.303, subdivision 10.

6.17 (g) Future eligibility for money from the clean water fund is contingent upon a state
6.18 agency or other recipient satisfying all applicable requirements in this section, as well as
6.19 any additional requirements contained in applicable session law. If the Office of the
6.20 Legislative Auditor, in the course of an audit or investigation, publicly reports that a recipient
6.21 of money from the clean water fund has not complied with the laws, rules, or regulations
6.22 in this section or other laws applicable to the recipient, the recipient must be listed in an
6.23 annual report to the legislative committees with jurisdiction over the legacy funds. The list
6.24 must be publicly available. The legislative auditor shall remove a recipient from the list
6.25 upon determination that the recipient is in compliance. A recipient on the list is not eligible
6.26 for future funding from the clean water fund until the recipient demonstrates compliance
6.27 to the legislative auditor.

6.28 (h) Money from the clean water fund may be used to leverage federal funds through
6.29 execution of formal project partnership agreements with federal agencies consistent with
6.30 respective federal agency partnership agreement requirements.

6.31 (i) Any state agency or organization requesting a direct appropriation from the clean
6.32 water fund must inform the ~~Clean Water Council~~ Legislative-Citizen Commission on
6.33 Minnesota Waters and the house of representatives and senate committees having jurisdiction
6.34 over the clean water fund, at the time the request for funding is made, whether the request

7.1 is supplanting or is a substitution for any previous funding that was not from a legacy fund
7.2 and was used for the same purpose.

7.3 **Sec. 7. [114D.60] LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA**
7.4 **WATERS.**

7.5 **Subdivision 1. Establishment; membership.** (a) A Legislative-Citizen Commission on
7.6 Minnesota Waters is created in the legislative branch. The commission consists of 17
7.7 members as follows:

7.8 (1) the chair of the house of representatives committee or division with jurisdiction over
7.9 environment and natural resources finance or designee;

7.10 (2) the chair of the senate committee or division with jurisdiction over environment and
7.11 natural resources finance or designee;

7.12 (3) four members of the senate appointed by the Subcommittee on Committees of the
7.13 Committee on Rules and Administration;

7.14 (4) four members of the house of representatives appointed by the speaker of the house;

7.15 (5) five citizen members appointed by the governor;

7.16 (6) one citizen member appointed by the senate Subcommittee on Committees of the
7.17 Committee on Rules and Administration; and

7.18 (7) one citizen member appointed by the speaker of the house.

7.19 (b) At least two members from the senate and two members from the house of
7.20 representatives must be from the minority caucus.

7.21 (c) The citizen members must:

7.22 (1) have experience or expertise in the science, policy, or practice of the protection,
7.23 conservation, preservation, and enhancement of the state's water resources;

7.24 (2) have strong knowledge in the state's water issues around the state; and

7.25 (3) have demonstrated ability to work in a collaborative environment.

7.26 (d) The governor's appointments to the commission are subject to the advice and consent
7.27 of the senate.

7.28 (e) Members appointed under this subdivision must not be registered lobbyists. In making
7.29 appointments, the governor, senate Subcommittee on Committees of the Committee on

8.1 Rules and Administration, and speaker of the house must consider geographic balance,
8.2 gender, age, ethnicity, and varying expertise.

8.3 (f) The Legislative Coordinating Commission may appoint nonpartisan staff and contract
8.4 with consultants as necessary to support the functions of the commission. Up to one percent
8.5 of the money appropriated from the clean water fund may be used to pay for administrative
8.6 expenses of the commission and for compensation and expense reimbursement of commission
8.7 members.

8.8 Subd. 2. **Terms; compensation.** (a) Appointed legislative members serve at the pleasure
8.9 of the appointing authority. Compensation of legislative members is as determined by the
8.10 appointing authority.

8.11 (b) Terms, compensation, and removal of citizen members are as provided in section
8.12 15.0575. A vacancy on the commission may be filled by the appointing authority for the
8.13 remainder of the unexpired term.

8.14 Subd. 3. **Cochairs.** Members of the commission must develop procedures to elect a
8.15 chair that rotates between legislative and citizen members each meeting. A citizen member,
8.16 a senate member, and a house of representatives member must serve as chairs. The citizen
8.17 members, senate members, and house of representatives members must select their respective
8.18 chairs.

8.19 Subd. 4. **Open meetings.** (a) Meetings of the commission and other groups the
8.20 commission may establish are subject to chapter 13D. For the purposes of this subdivision,
8.21 a meeting occurs when a quorum is present and the members receive information or take
8.22 action on any matter relating to the duties of the commission.

8.23 (b) Travel to and from scheduled and publicly noticed site visits by commission members
8.24 for the purposes of receiving information is not a violation of paragraph (a). Any decision
8.25 or agreement to make a decision during the travel is a violation of paragraph (a).

8.26 (c) For legislative members of the commission, enforcement of this subdivision is
8.27 governed by section 3.055, subdivision 2. For nonlegislative members of the commission,
8.28 enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.

8.29 Subd. 5. **Conflict of interest.** (a) A commission member may not be an advocate for or
8.30 against a commission action or vote on any action that may be a conflict of interest. A
8.31 conflict of interest must be disclosed as soon as it is discovered. The commission must
8.32 follow the policies and requirements related to conflicts of interest developed by the Office
8.33 of Grants Management under section 16B.98.

9.1 (b) For the purposes of this section, a conflict of interest exists when a person has an
9.2 organizational conflict of interest or direct financial interests and those interests present the
9.3 appearance that it will be difficult for the person to impartially fulfill the person's duty. An
9.4 organizational conflict of interest exists when a person has an affiliation with an organization
9.5 that is subject to commission activities, which presents the appearance of a conflict between
9.6 organizational interests and commission member duties. An organizational conflict of
9.7 interest does not exist if the person's only affiliation with an organization is being a member
9.8 of the organization.

9.9 Subd. 6. **Clean water fund recommendations.** (a) The Legislative-Citizen Commission
9.10 on Minnesota Waters must recommend to the legislature appropriations of money from the
9.11 clean water fund for the purposes stated in the Minnesota Constitution, article XI, section
9.12 15, and section 114D.50.

9.13 (b) The commission's recommendations must:

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

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

9.18 (3) allocate adequate support and resources to identify degraded groundwater and
9.19 impaired waters, develop TMDLs, implement restoration of groundwater and impaired
9.20 waters, and provide assistance and incentives to prevent groundwater and surface waters
9.21 from becoming degraded or impaired and improve the quality of surface waters that are
9.22 listed as impaired but have no approved TMDL.

9.23 (c) The commission must recommend methods of ensuring that awards of grants, loans,
9.24 or other funds from the clean water fund specify the outcomes to be achieved as a result of
9.25 the funding and specify standards to hold the recipient accountable for achieving the desired
9.26 outcomes. Expenditures from the fund must be appropriated by law.

9.27 Subd. 7. **Additional duties.** (a) The Legislative-Citizen Commission on Minnesota
9.28 Waters must review water policy reports and recommendations of the Environmental Quality
9.29 Board, the Board of Water and Soil Resources, the Pollution Control Agency, the Department
9.30 of Natural Resources, the Metropolitan Council, and other water-related reports as may be
9.31 required by law or the legislature.

9.32 (b) The commission must make recommendations as it deems proper to assist the
9.33 legislature in formulating legislation.

10.1 (c) Data or information compiled by the Legislative-Citizen Commission on Minnesota
10.2 Waters or its subcommittees must be made available to the Legislative-Citizen Commission
10.3 on Minnesota Resources and standing and interim committees of the legislature on request
10.4 of the chair of the respective commission, council, or committee.

10.5 **EFFECTIVE DATE.** This section is effective July 1, 2020.

10.6 **Sec. 8. INITIAL APPOINTMENTS AND FIRST MEETING.**

10.7 (a) Initial appointments to the Legislative-Citizen Commission on Minnesota Waters
10.8 must be made by September 1, 2020. The first meeting of the Legislative-Citizen Commission
10.9 on Minnesota Waters must be convened by the chair or a designee of the Legislative
10.10 Coordinating Commission by October 15, 2020. The Legislative-Citizen Commission on
10.11 Minnesota Waters must select cochairs from its membership at its first meeting.

10.12 (b) Citizen members of the Legislative-Citizen Commission on Minnesota Waters must
10.13 initially be appointed according to the following schedule of terms:

10.14 (1) two members appointed by the governor for a term ending the first Monday in January
10.15 2024;

10.16 (2) one member appointed by the senate Subcommittee on Committees of the Committee
10.17 on Rules and Administration for a term ending the first Monday in January 2024;

10.18 (3) one member appointed by the speaker of the house for a term ending the first Monday
10.19 in January 2024;

10.20 (4) two members appointed by the governor for a term ending the first Monday in January
10.21 2023; and

10.22 (5) one member appointed by the governor for a term ending the first Monday in January
10.23 2022.

10.24 **EFFECTIVE DATE.** This section is effective July 1, 2020.

10.25 **Sec. 9. REPEALER.**

10.26 Minnesota Statutes 2018, sections 114D.15, subdivision 3; 114D.20, subdivisions 5, 6,
10.27 and 7; and 114D.30, are repealed.

10.28 **EFFECTIVE DATE.** This section is effective July 1, 2020.

114D.15 DEFINITIONS.

Subd. 3. **Clean Water Council or council.** "Clean Water Council" or "council" means the Clean Water Council created pursuant to section 114D.30, subdivision 1.

114D.20 IMPLEMENTATION; COORDINATION; GOALS; POLICIES; AND PRIORITIES.

Subd. 5. **Priorities for preparing TMDLs.** The Clean Water Council shall recommend priorities for scheduling and preparing TMDLs and TMDL implementation plans, taking into account the severity of the impairment, the designated uses of those waters, and other applicable federal TMDL requirements. In recommending priorities, the council shall also give consideration to waters and watersheds:

- (1) with impairments that pose the greatest potential risk to human health;
- (2) with impairments that pose the greatest potential risk to threatened or endangered species;
- (3) with impairments that pose the greatest potential risk to aquatic health;

(4) where other public agencies and participating organizations and individuals, especially local, basinwide, watershed, or regional agencies or organizations, have demonstrated readiness to assist in carrying out the responsibilities, including availability and organization of human, technical, and financial resources necessary to undertake the work; and

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

Subd. 6. **Priorities for restoring impaired waters.** In implementing restoration of impaired waters, in addition to the priority considerations in subdivision 5, the Clean Water Council shall give priority in its recommendations for restoration funding from the clean water fund to restoration projects that:

- (1) coordinate with and utilize existing local authorities and infrastructure for implementation;
- (2) can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;
- (3) most effectively leverage other sources of restoration funding, including federal, state, local, and private sources of funds;
- (4) show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means; and
- (5) show a high potential for long-term water quality and related conservation benefits.

Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities for funding actions to prevent groundwater and surface waters from becoming degraded or impaired and to improve the quality of surface waters that are listed as impaired but do not have an approved TMDL.

114D.30 CLEAN WATER COUNCIL.

Subdivision 1. **Creation; duties.** A Clean Water Council is created to advise on the administration and implementation of this chapter, and foster coordination and cooperation as described in section 114D.20, subdivision 1. The council may also advise on the development of appropriate processes for expert scientific review as described in section 114D.35, subdivision 2. The Pollution Control Agency shall provide administrative support for the council with the support of other member agencies. The members of the council shall elect a chair from the voting members of the council.

Subd. 2. **Membership; appointment.** (a) The commissioners of natural resources, agriculture, health, and the Pollution Control Agency, the executive director of the Board of Water and Soil Resources, the Board of Regents of the University of Minnesota, and the Metropolitan Council shall each appoint one person from their respective entity to serve as a nonvoting member of the council. Two members of the house of representatives, including one member from the majority party and one member from the minority party, appointed by the speaker and two senators, including one member from the majority party and one member from the minority party, appointed according

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to the rules of the senate shall serve at the pleasure of the appointing authority as nonvoting members of the council. Members appointed under this paragraph serve as nonvoting members of the council.

(b) Seventeen voting members of the council shall be appointed by the governor as follows:

- (1) two members representing statewide farm organizations;
- (2) two members representing business organizations;
- (3) two members representing environmental organizations;
- (4) one member representing soil and water conservation districts;
- (5) one member representing watershed districts;
- (6) one member representing nonprofit organizations focused on improvement of Minnesota lakes or streams;

(7) two members representing organizations of county governments, one member representing the interests of rural counties and one member representing the interests of counties in the seven-county metropolitan area;

- (8) two members representing organizations of city governments;
- (9) one member representing township officers;
- (10) one member representing the interests of tribal governments;
- (11) one member representing statewide hunting organizations; and
- (12) one member representing statewide fishing organizations.

Members appointed under this paragraph must not be registered lobbyists or legislators. In making appointments, the governor must attempt to provide for geographic balance. The members of the council appointed by the governor are subject to the advice and consent of the senate.

Subd. 3. **Conflict of interest.** A Clean Water Council member may not participate in or vote on a decision of the council relating to an organization in which the member has either a direct or indirect personal financial interest. While serving on the Clean Water Council, a member shall avoid any potential conflict of interest.

Subd. 4. **Terms; compensation; removal.** The terms of members representing the state agencies and the Metropolitan Council are four years and are coterminous with the governor. The terms of other nonlegislative members of the council shall be as provided in section 15.059, subdivision 2. Members may serve until their successors are appointed and qualify. Compensation and removal of nonlegislative council members is as provided in section 15.059, subdivisions 3 and 4. Compensation of legislative members is as determined by the appointing authority. The Pollution Control Agency may reimburse legislative members for expenses. A vacancy on the council may be filled by the appointing authority provided in subdivision 1 for the remainder of the unexpired term.

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.

Subd. 6. **Recommended appropriations.** (a) The Clean Water Council shall recommend to the governor and the legislature the manner in which money from the clean water fund should be appropriated for the purposes stated in article XI, section 15, of the Minnesota Constitution and section 114D.50.

(b) The council's recommendations must:

- (1) be to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation and ensure that at least five percent of the clean water fund is spent only to protect drinking water sources;
- (2) be consistent with the purposes, policies, goals, and priorities in this chapter; and

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

(c) The council must recommend methods of ensuring that awards of grants, loans, or other funds from the clean water fund specify the outcomes to be achieved as a result of the funding and specify standards to hold the recipient accountable for achieving the desired outcomes. Expenditures from the fund must be appropriated by law.

Subd. 7. **Biennial report to legislature.** By December 1 of each even-numbered year, the council shall submit a report to the legislature on the activities for which money has been or will be spent for the current biennium, the activities for which money is recommended to be spent in the next biennium, and the impact on economic development of the implementation of efforts to protect and restore groundwater and the impaired waters program. The report due on December 1, 2014, must include an evaluation of the progress made through June 30, 2014, in implementing this chapter and the provisions of article XI, section 15, of the Minnesota Constitution relating to clean water, the need for funding of future implementation, and recommendations for the sources of funding.