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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 683

02/18/2013 Authored by Fischer; Ward, J.A.; Isaacson; Yarusso and Hansen

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

04/15/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Rules and Legislative Administration

04/23/2013 Adoption of Report: Pass and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to water; creating Legislative Water Commission; modifying water use
1.3 requirements; requiring a report on groundwater sustainability recommendations;
1.4 amending Minnesota Statutes 2012, sections 103G.271, subdivisions 1, 4;
1.5 103G.287, subdivision 4; proposing coding for new law in Minnesota Statutes,
1.6 chapter 3.

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

1.8 Section 1. **[3.886] LEGISLATIVE WATER COMMISSION.**

1.9 Subdivision 1. **Establishment.** A Legislative Water Commission is established.

1.10 Subd. 2. **Membership.** (a) The Legislative Water Commission consists of ten
1.11 members appointed as follows:

1.12 (1) five members of the senate with minority representation proportionate to
1.13 minority membership in the senate, to be appointed by the Subcommittee on Committees
1.14 of the Committee on Rules and Administration and to serve until their successors are
1.15 appointed; and

1.16 (2) five members of the house of representatives with minority representation
1.17 proportionate to minority membership in the house, to be appointed by the speaker of the
1.18 house and to serve until their successors are appointed.

1.19 (b) Vacancies shall be filled in the same manner as the original positions.

1.20 (c) Vacancies occurring on the commission do not affect the authority of the remaining
1.21 members of the Legislative Water Commission to carry out the function of the commission.

1.22 Subd. 3. **Staff.** The Legislative Water Commission may appoint and fix the
1.23 compensation of personnel and consultants necessary to enable the commission to carry
1.24 out its functions, or to contract for services to supply necessary data subject to the approval
1.25 of the Legislative Coordinating Commission under section 3.305. State employees subject

2.1 to civil service laws and rules who may be assigned to the commission retain civil service
2.2 status without interruption or loss of status or privilege.

2.3 Subd. 4. **Powers and duties.** (a) The Legislative Water Commission shall review
2.4 water policy reports and recommendations of the Environmental Quality Board, the Board
2.5 of Water and Soil Resources, the Pollution Control Agency, the Department of Natural
2.6 Resources, and other water-related reports as may be required by law or the legislature.

2.7 (b) The commission may conduct public hearings and otherwise secure data and
2.8 comments.

2.9 (c) The commission shall make recommendations as it deems proper to assist the
2.10 legislature in formulating legislation.

2.11 (d) Data or information compiled by the Legislative Water Commission or its
2.12 subcommittees shall be made available to the Legislative-Citizen Commission on
2.13 Minnesota Resources and standing and interim committees of the legislature on request
2.14 of the chair of the respective commission or committee.

2.15 Subd. 5. **Expiration.** This section expires July 1, 2018.

2.16 Sec. 2. Minnesota Statutes 2012, section 103G.271, subdivision 1, is amended to read:

2.17 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state,
2.18 a person, partnership, or association, private or public corporation, county, municipality,
2.19 or other political subdivision of the state may not appropriate or use waters of the state
2.20 without a water use permit from the commissioner.

2.21 (b) This section does not apply to use for a water supply by less than 25 persons
2.22 for domestic purposes, except as required by the commissioner under section 103G.287,
2.23 subdivision 4, paragraph (b).

2.24 (c) The commissioner may issue a state general permit for appropriation of water to a
2.25 governmental subdivision or to the general public. The general permit may authorize more
2.26 than one project and the appropriation or use of more than one source of water. Water use
2.27 permit processing fees and reports required under subdivision 6 and section 103G.281,
2.28 subdivision 3, are required for each project or water source that is included under a general
2.29 permit, except that no fee is required for uses totaling less than 15,000,000 gallons annually.

2.30 Sec. 3. Minnesota Statutes 2012, section 103G.271, subdivision 4, is amended to read:

2.31 Subd. 4. **Minimum use exemption and local approval of low use permits.** (a)
2.32 Except for local permits under section 103B.211, subdivision 4, a water use permit is not
2.33 required for the appropriation and use of less than a ~~minimum amount prescribed by the~~
2.34 ~~commissioner by rule~~ 10,000 gallons per day and totaling no more than 1,000,000 gallons

3.1 per year, except as required by the commissioner under section 103G.287, subdivision 4,
3.2 paragraph (b).

3.3 (b) Water use permits for more than the minimum amount but less than an
3.4 intermediate amount prescribed by rule must be processed and approved at the municipal,
3.5 county, or regional level based on rules adopted by the commissioner.

3.6 (c) The rules must include provisions for reporting to the commissioner the amounts
3.7 of water appropriated under local permits.

3.8 Sec. 4. Minnesota Statutes 2012, section 103G.287, subdivision 4, is amended to read:

3.9 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate
3.10 groundwater management areas and limit total annual water appropriations and uses within
3.11 a designated area to ensure sustainable use of groundwater that protects ecosystems, water
3.12 quality, and the ability of future generations to meet their own needs. Water appropriations
3.13 and uses within a designated management area must be consistent with a plan approved by
3.14 the commissioner that addresses water conservation requirements and water allocation
3.15 priorities established in section 103G.261.

3.16 (b) Within designated groundwater management areas, the commissioner may
3.17 require permits as specified in section 103G.271 for all water users, including those using
3.18 less than 10,000 gallons per day or 1,000,000 gallons per year and water supplies serving
3.19 less than 25 persons for domestic purposes.

3.20 Sec. 5. **GROUNDWATER SUSTAINABILITY RECOMMENDATIONS.**

3.21 The commissioner of natural resources shall develop recommendations on
3.22 additional tools needed to fully implement the groundwater sustainability requirements
3.23 of Minnesota Statutes, section 103G.287, subdivisions 3 and 5. The recommendations
3.24 shall be submitted to the chairs of the environment and natural resources policy and
3.25 finance committees by January 15, 2014, and shall include draft legislative language to
3.26 implement the recommendations.