

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 2102

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DATE
03/07/2019

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Introduction and first reading
Referred to Environment and Natural Resources Policy and Legacy Finance

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to water; creating Department of Water Resources; transferring duties
1.3 from various state agencies; abolishing Board of Water and Soil Resources and
1.4 Environmental Quality Board; proposing coding for new law in Minnesota Statutes,
1.5 chapter 103A.

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

1.7 Section 1. **103A.101] DEPARTMENT OF WATER RESOURCES.**

1.8 The Department of Water Resources is created under the direction of a commissioner.

1.9 EFFECTIVE DATE. This section is effective July 1, 2021.

1.10 Sec. 2. **TRANSFER OF DUTIES.**

1.11 (a) The following powers and duties are transferred from the commissioners and
1.12 departments currently responsible for them to the commissioner of the Department of Water
1.13 Resources:

1.14 (1) having charge and control of all waters of the state under Minnesota Statutes, chapter
1.15 84;

1.16 (2) determining questions of water policy under Minnesota Statutes, sections 103A.301
1.17 to 103A.341;

1.18 (3) maintaining the statewide water information system under Minnesota Statutes, section
1.19 103A.401;

1.20 (4) approving federal water data agreements under Minnesota Statutes, section 103A.405;

- 2.1 (5) operating the statewide training program for pumping tests and data acquisition
2.2 programs under Minnesota Statutes, section 103A.411;
- 2.3 (6) submitting water assessments and reports under Minnesota Statutes, section 103A.43;
- 2.4 (7) performing the functions and duties of the Board of Water and Soil Resources;
- 2.5 (8) performing the functions and duties of the Environmental Quality Board;
- 2.6 (9) administering Lake Improvement District Law under Minnesota Statutes, sections
2.7 103B.505 to 103B.581;
- 2.8 (10) making drainage-related determinations under Minnesota Statutes, chapter 103E;
- 2.9 (11) administering floodplain management law under Minnesota Statutes, sections
2.10 103F.101 to 103F.151;
- 2.11 (12) administering flood hazard mitigation grants under Minnesota Statutes, section
2.12 103F.161;
- 2.13 (13) administering the shoreland development procedures under Minnesota Statutes,
2.14 sections 103F.201 to 103F.221;
- 2.15 (14) administering the Wild and Scenic Rivers Act under Minnesota Statutes, sections
2.16 103F.301 to 103F.345;
- 2.17 (15) administering the Lower St. Croix Wild and Scenic River Act under Minnesota
2.18 Statutes, section 103F.351;
- 2.19 (16) maintaining buffer-protection maps and providing funding to soil and water
2.20 conservation districts under Minnesota Statutes, section 103F.48;
- 2.21 (17) administering the water bank program under Minnesota Statutes, section 103F.601;
- 2.22 (18) administering Clean Water Partnership Law under Minnesota Statutes, sections
2.23 103F.701 to 103F.755;
- 2.24 (19) performing duties related to state aid for lake improvements under Minnesota
2.25 Statutes, section 103F.805;
- 2.26 (20) developing the water resources conservation program under Minnesota Statutes,
2.27 section 103G.101;
- 2.28 (21) representing the state in any federal government matter or proceeding relating to
2.29 waters of the state or in court proceedings under Minnesota Statutes, sections 103G.111
2.30 and 103G.115;

- 3.1 (22) conducting surveys, investigations, and studies of the waters of the state under
3.2 Minnesota Statutes, section 103G.121;
- 3.3 (23) establishing a permit program for regulating discharge of dredged and fill material
3.4 into waters of the state as necessary to obtain approval from the United States Environmental
3.5 Protection Agency to administer the permit program under section 404 of the federal Clean
3.6 Water Act, United States Code, title 33, section 1344, under Minnesota Statutes, section
3.7 103G.127;
- 3.8 (24) maintaining the public waters inventory and classification of public waters, wetlands,
3.9 and public waters wetlands under Minnesota Statutes, section 103G.201;
- 3.10 (25) issuing water-related permits under Minnesota Statutes, chapter 103G;
- 3.11 (26) enforcing laws preserving and protecting groundwater quantity, wetlands, and public
3.12 waters under Minnesota Statutes, section 103G.2372;
- 3.13 (27) issuing administrative penalty orders under Minnesota Statutes, section 103G.299;
- 3.14 (28) managing the water level of public waters under Minnesota Statutes, chapter 103G;
- 3.15 (29) overseeing construction, maintenance, and funding of dam construction and repair
3.16 under Minnesota Statutes, chapter 103G;
- 3.17 (30) administering the stream maintenance program under Minnesota Statutes, section
3.18 103G.701;
- 3.19 (31) performing the duties of the Pollution Control Agency with respect to identifying
3.20 sensitive groundwater areas under Minnesota Statutes, section 103H.101;
- 3.21 (32) performing the duties of the Pollution Control Agency with respect to developing
3.22 the best management practices for preventing groundwater degradation for specific activity
3.23 categories under Minnesota Statutes, section 103H.151;
- 3.24 (33) performing the duties of the Pollution Control Agency with respect to evaluating
3.25 the detection of pollutants in groundwater of the state under Minnesota Statutes, section
3.26 103H.251;
- 3.27 (34) performing the duties of the Pollution Control Agency with respect to adopting
3.28 water source protection requirements under Minnesota Statutes, section 103H.275;
- 3.29 (35) administering Minnesota Statutes, chapter 103I;
- 3.30 (36) administering Minnesota XL permits under Minnesota Statutes, chapter 114C;
- 3.31 (37) administering the Clean Water Legacy Act under Minnesota Statutes, chapter 114D;

4.1 (38) administering Minnesota Statutes, chapter 115;

4.2 (39) issuing national pollutant discharge elimination system and state disposal system
4.3 permits under Minnesota Statutes, chapter 116;

4.4 (40) administering the Minnesota state water pollution control program under Minnesota
4.5 Statutes, sections 116.16 to 116.18;

4.6 (41) administering the financial assistance program under Minnesota Statutes, section
4.7 116.182; and

4.8 (42) administering capital grants for demonstration projects under Minnesota Statutes,
4.9 section 116.195.

4.10 (b) The staff associated with the functions listed in paragraph (a) are transferred to the
4.11 Department of Water Resources. The budgets of the affected state agencies must be adjusted
4.12 to reflect the transfer. Minnesota Statutes, section 15.039, applies to these transfers.

4.13 **EFFECTIVE DATE.** This section is effective July 1, 2021.

4.14 Sec. 3. **ABOLITION OF CERTAIN AGENCIES.**

4.15 The Board of Water and Soil Resources and the Environmental Quality Board are
4.16 abolished.

4.17 **EFFECTIVE DATE.** This section is effective July 1, 2021.

4.18 Sec. 4. **REVISOR INSTRUCTION.**

4.19 By March 1, 2021, the revisor of statutes must submit to the chairs and ranking minority
4.20 members of the legislative committees and divisions with jurisdiction over environment
4.21 and natural resources policy and finance draft legislation with the statutory changes necessary
4.22 to implement this act.