

## 2011 Laundry List of Bad Bills

Updated 5.9.11

### CLEAN ENERGY

#### COAL

- **House File 72, Carbon dioxide emissions by utilities ban removed**  
Chief Author: Rep. Mike Beard (R-Burnsville)  
Status: Waiting for action on House Floor
- **Senate File 86, Carbon dioxide emissions by utilities ban removed**  
Chief Author: Sen. Julie Rosen (R-Fairmont)  
Passed Floor Vote: 42-18

#### RENEWABLE ENERGY

- **Senate File 113, Renewable energy standard obligation calculation modification**  
Chief Author: Sen. John Carlson (R-Bemidji)  
Status: Passed Committee, Given Second Reading on Floor.
- **House File 220, Renewable energy standard obligation calculation modification**  
Chief Author: Rep. David Hancock (R-Bemidji)  
Status: Included in HF1025, House Energy Policy Omnibus Bill (Article 3, Section 3)
- **Senate File 1191, Hydroelectric facility (Crown Hydro) municipal approval requirement exemption, federal regulation compliance, and Minneapolis park and recreation board approval**  
Chief Author: Sen. Gen Olson (R-Minnetrista)  
Status: Laid on Table in State and Local Government committee.
- **House File 1440, Hydroelectric facility (Crown Hydro) municipal approval requirement exemption, federal regulation compliance, and Minneapolis park and recreation board approval**  
Chief Author: Rep. Mike Beard (R-Shakopee)  
Status: Given second reading.
- **Senate File 1069, Wind project setbacks established (1/2 mile)**  
Chief Author: Sen. John Howe (R-Red Wing)  
Status: Given Informational Hearing in energy committee.
- **House File 1513, Wholesale energy rate payment provided for qualifying facility**  
Chief Author: Rep. Paul Torkelson (R-Nelson Township)  
Status: Included in HF1025, House Energy Policy Omnibus Bill

#### ENERGY EFFICIENCY

- **House File 1189, Conservation improvement program exemption provisions modified**  
Chief Author: Rep. Mike Beard (R-Shakopee)  
Status: Included in HF1025, House Energy Policy Omnibus bill (Article 2, Sections 1-3)
- **Senate File 1223, Public utilities energy conservation improvement programs modifications**  
Chief Author: Sen. Michelle Benson (R-Ham Lake)  
Status: Informational hearing in energy committee.
- **House File 1193, Municipalities and electric cooperative associations regulations amended with respect to energy conservation programs.**  
Chief Author: Rep. Mike Beard (R-Shakopee)  
Status: Included in HF1025, House Energy Policy Omnibus Bill (Article 2, Sections 4-6).

#### COAL GASIFICATION

- **House File 618, Innovative energy project provisions modified and clarified**  
Chief Author: Rep. Michael Beard (R-Shakopee)  
Status: Included in HF 1025, House Energy Policy Omnibus Bill (Article 3, Section 4)
- **Senate File 417, Innovative energy projects provisions modification and clarification**  
Chief Author: Sen. Dave Tomassoni (D-Chisholm)  
Status: Given informational hearing in Senate Energy committee

### NUCLEAR POWER PLANT MORATORIUM

- **House File 9, Nuclear power plant certificate of need issuance prohibition elimination**  
Chief Author: Rep. Joyce Peppin (R-Rogers)  
Passed Floor Vote: 81-50 as SF 4  
In conference committee-Conferrees: Koch, Rosen, Scheid, Hoppe, Peppin, Mahoney
- **Senate File 4, Nuclear power plant certificate of need issuance prohibition elimination**  
Chief Author: Sen. Amy Koch (R-Buffalo)  
Passed Floor Vote: 50-14  
In conference committee-Conferrees: Koch, Rosen, Scheid, Hoppe, Peppin, Mahoney

## CLEAN WATER

### GENERAL WATER PROTECTIONS

- **House File 182, State and local water management study required**  
Chief Author: Rep. Mike Beard (R-Shakopee)
- **Senate File 196, Water rulemaking moratorium and study requirements**  
Chief Author: Sen. John Pederson (R-St. Cloud)
- **House File 1097, Omnibus environment policy bill**  
Chief Author: Rep. Denny McNamara (R-Hastings)
- **Senate File 1244, Omnibus environment policy bill**  
Chief Author: Sen. Gary Dahms (R—Redwood Falls)
- **House File 1010, Omnibus environment finance bill**  
Chief Author: Sen. Denny McNamara (R—Hastings)
- **Senate File 1029, Omnibus environment finance bill**  
Chief Author: Sen. Bill Ingebrigtsen (R—Alexandria)

### WILD RICE WATER QUALITY STANDARD — also in HF1010 now in conference committee

- **House File 1002, Sulfates water quality standard in Class 4A waters rule establishment preempted, and money appropriated**  
Chief Author: Rep. Tom Rukavina (D-Virginia)
- **Senate File 732, Sulfates water quality standard rules preemption for certain waters and appropriation**  
Chief Author: Sen. Tom Bakk (D-Cook)

### WETLANDS — also in SF 1244 and HF 1097, omnibus policy bills

- **House File 901, Wetland replacement requirements modified for mining operations**  
Chief Author: Rep. David Dill (D-Crane Lake)
- **House File 908, Wetland Conservation Act modifications**  
Chief Author: Rep. Paul Torkelson (R-Nelson Township)
- **Senate File 444, Wetland replacement ratio requirements within the Great Lakes and Rainy River watershed basins modification**  
Chief Author: Sen. Tom Saxhaug (D-Grand Rapids)

### MISSISSIPPI RIVER & LAKE PEPIN — also in HF1010 budget bill, now in conference

- **Senate File 39, Mississippi River Corridor Critical Area Repeal**  
Chief Author: Sen. Benjamin Kruse (R-Brooklyn Park)
- **House File 95, Mississippi River critical area eliminated**  
Chief Author: Rep. Melissa Hortman (D-Brooklyn Park)
- **Senate File 161, Lake Pepin phosphorus standard establishment**  
Chief Author: Sen. John Pederson (R-St. Cloud)
- **House File 368, Lake Pepin; coordination with Wisconsin required in phosphorous standard establishment.**  
Chief Author: Rep. King Banaian (R-St. Cloud)

**PESTICIDES — now in HF1097**

- **Senate File 776, Terrestrial pesticide applications regulation clarification**  
*Chief Author: Sen. Julie Rosen (R-Fairmont)*

**ENVIRONMENTAL REVIEW & COMMUNITY RIGHTS****ENVIRONMENTAL REVIEW AND PERMITTING**

- **House File 716, Mandatory environmental assessment worksheet category rulemaking exempting ethanol projects**  
*Chief Author: Rep. Bob Gunther (R-Fairmont)*

**LOCAL CONTROL**

- **House File 389, Interim planning ordinances provided, and municipal development contracts provided**  
*Chief Author: Rep. Mike Beard (R-Shakopee)*
- **Senate File 270, Local government interim zoning planning ordinances and municipal development contracts provisions**  
*Chief Author: Sen. Warren Limmer (R-Maple Grove)*

**GREAT OUTDOORS****AGRICULTURE**

- **House File 1369, Agricultural offense penalties and remedies imposed**  
*Chief Author: Rep. Rod Hamilton (R-Mountain Lake)*
- **Senate File 1118, Agricultural offenses penalties and remedies imposition**  
*Chief Author: Sen. Doug Magnus (R-Slayton)*

**LEGISLATIVE APPROVAL OF AGENCY RULES**

- **House File 203, Legislative approval required for certain rules to take effect**  
*Chief Author: Rep. Torrey Westrom (R-Elbow Lake)*  
House Floor vote: 77-54
- **Senate File 261, Regulatory reform; legislative approval required prior to certain rules taking effect**  
*Chief Author: Sen. David Senjem (R-Rochester)*

**FORESTRY — also in HF1010 conference committee**

- **Senate File 364, State tree nursery operations closure and nursery tree land sale requirement**  
*Chief Author: Sen. John Pederson (R-St. Cloud)*

**OMNIBUS ENVIRONMENT POLICY BILLS****House File 1097 - (3rd Engrossment) Environment Omnibus Policy***Chief Author: Rep. Denny McNamara (R-Hastings)*

This bill weakens protections for a variety of policies that protect our water and our Great Outdoors. The following sections are of concern:

- Sections 2 and 77: Weakens the regulation of pesticides. These provisions prohibit the MN Pollution Control Agency (MPCA) from taking a regulatory role in oversight and permitting of pesticide applications to land and prohibit creating regulations more stringent than federal law. The Department of Agriculture's authority over terrestrial application was clarified by a bill signed into law earlier this session. The MPCA has clear authority to regulate discharges to water. However using the term "waters of the U.S." complicates the agency's ability to protect our water. This definition is currently under review at the Federal level.
- Sections 3 and 85: Eliminates the mandatory EAW for expansions at ethanol and biobutanol plants. It is unwise to eliminate the mandatory EAW for these projects, because of the certainty that these facilities will have significant environmental effects. Ethanol projects have a history of violating pollution permits.

- Section 64: Weakens wetland replacement. This section makes it easier for the mining industry to destroy wetlands by allowing a more favorable ratio for wetland replacement. Specific industries should not be given special treatment when it comes to meeting their obligations to mitigate or prevent damage to Minnesota's environment.
- Section 97: Delays deadline to adopt ordinances related to failing septic systems. Counties should not get a second extension of the deadline in state law to adopt ordinances to address failing septic systems that discharge untreated sewage into lakes, rivers, and streams.
- Section 85: Increases the number of individuals needed to petition for an EAW, from 25 to 100 residents or property owners in the county where the project is located, or an adjoining county. No reason has been given for requiring additional petitioners for an EAW, a process that is used infrequently to bring community concerns to the attention of policymakers. The geographic restriction ignores that environmental effects do not respect county boundaries, and would exclude those with a legitimate interest in a project, such as a family residing in another county whose child is in daycare near the proposed facility. Regardless of how long you've visited a lake for fishing opener, a family camping weekend, or a hunting expedition, unless you own property in the project area, you would have no ability to petition for an EAW.

### **Senate File 1244, Omnibus environment policy bill**

*Chief Author: Sen. Gary Dahms (R-Redwood Falls)*

- Section 16: Removes analysis of "economic, employment, and sociological effects" in an environmental impact statement (EIS), which will greatly inhibit the discussion of a proposed projects impacts on the community, water, and natural resources.
- Section 16: Increases the number of individuals needed to petition for an EAW, from 25 to 100 residents or property owners in the county where the project is located, or an adjoining county. No reason has been given for requiring additional petitioners for an EAW, a process that is used infrequently to bring community concerns to the attention of policymakers. The geographic restriction ignores that environmental effects do not respect county boundaries, and would exclude those with a legitimate interest in a project, such as a family residing in another county whose child is in daycare near the proposed facility. Regardless of how long you've visited a lake for fishing opener, a family camping weekend, or a hunting expedition, unless you own property in the project area, you would have no ability to petition for an EAW.
- Section 18: Approves the Lutsen Area Ski Resort permit to use more than 200,000,000 gallons /day of surface water to make snow and supply potable water to its patrons. This withdrawal will seriously harm the trout habitat in the Poplar River. The DNR should decide when it makes sense to issue a permit to consume enormous quantities of water.
- Section 19: Directs the Environmental Quality Board (EQB) to develop categorical exemptions from the environmental review process for the next five years. No standards are provided for this rulemaking, which will be exempt from the usual public rulemaking process.

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