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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4598

03/24/2022 Authored by Heintzeman and Torkelson
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to environment; allowing petition for rulemaking in order to make changes
1.3 to environmental assessment worksheet forms; allowing for optional participation
1.4 in pilot program; requiring cost reimbursement; amending Minnesota Statutes
1.5 2020, section 116D.04, subdivision 5a.

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

1.7 Section 1. Minnesota Statutes 2020, section 116D.04, subdivision 5a, is amended to read:

1.8 Subd. 5a. Rules. (a) The board shall, by January 1, 1981, may promulgate rules in
1.9 conformity with this chapter and the provisions of chapter 15, establishing:

1.10 (1) the governmental unit which shall be responsible for environmental review of a
1.11 proposed action;

1.12 (2) the form and content of environmental assessment worksheets;

1.13 (3) a scoping process in conformance with subdivision 2a, paragraph (g);

1.14 (4) a procedure for identifying during the scoping process the permits necessary for a
1.15 proposed action and a process for coordinating review of appropriate permits with the
1.16 preparation of the environmental impact statement;

1.17 (5) a standard format for environmental impact statements;

1.18 (6) standards for determining the alternatives to be discussed in an environmental impact
1.19 statement;

1.20 (7) alternative forms of environmental review which are acceptable pursuant to
1.21 subdivision 4a;

2.1 (8) a model ordinance which may be adopted and implemented by local governmental
2.2 units in lieu of the environmental impact statement process required by this section, providing
2.3 for an alternative form of environmental review where an action does not require a state
2.4 agency permit and is consistent with an applicable comprehensive plan. The model ordinance
2.5 shall provide for adequate consideration of appropriate alternatives, and shall ensure that
2.6 decisions are made in accordance with the policies and purposes of Laws 1980, chapter
2.7 447;

2.8 (9) procedures to reduce paperwork and delay through intergovernmental cooperation
2.9 and the elimination of unnecessary duplication of environmental reviews;

2.10 (10) procedures for expediting the selection of consultants by the governmental unit
2.11 responsible for the preparation of an environmental impact statement; and

2.12 (11) any additional rules which are reasonably necessary to carry out the requirements
2.13 of this section.

2.14 (b) Notwithstanding paragraph (a), clause (1), or rules adopted under this section, the
2.15 board may not modify the content of an environmental assessment worksheet without going
2.16 through rulemaking under chapter 14 if the board receives a petition requesting that the
2.17 modifications go through the rulemaking process. The petition must:

2.18 (1) contain a description of the modifications that are requested to go through the
2.19 rulemaking process;

2.20 (2) be signed by at least 100 people residing in this state; and

2.21 (3) be submitted to the board no later than 45 days after public notice of the modification
2.22 is given.

2.23 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.24 applies to modifications proposed on or after that date.

2.25 **Sec. 2. EAW PILOT PROGRAM OPTIONAL FOR PROPOSERS.**

2.26 A responsible governmental unit may not require a project proposer to use a revised
2.27 environmental assessment worksheet form developed as part of the Environmental Quality
2.28 Board's 2022 pilot program to test and evaluate the inclusion of climate change information
2.29 in the environmental review process. A project proposer that participates in the pilot program
2.30 may request reimbursement from the Environmental Quality Board for extra costs incurred
2.31 by the project proposer for activities only required to complete the pilot program's revised
2.32 environmental assessment worksheet.

3.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.