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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **877**

02/08/2021

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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; eliminating rulemaking authority of Pollution Control
1.3 Agency and Department of Natural Resources; providing for sunset or enactment
1.4 of existing rules.

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

1.6 Section 1. **RULEMAKING AUTHORITY ELIMINATED; POLLUTION CONTROL**
1.7 **AGENCY AND DEPARTMENT OF NATURAL RESOURCES.**

1.8 (a) Except as provided under paragraph (b) and notwithstanding any other provision of
1.9 law to the contrary, the rulemaking authority of the Pollution Control Agency and the
1.10 Department of Natural Resources is eliminated. The commissioners of the Pollution Control
1.11 Agency and natural resources may not adopt, amend, or repeal rules after the effective date
1.12 of this section.

1.13 (b) This section does not apply to the expedited emergency rulemaking authority granted
1.14 to the commissioner of natural resources under Minnesota Statutes, section 84.027,
1.15 subdivision 13, paragraph (b), as limited under Minnesota Statutes, section 84.027,
1.16 subdivision 13, paragraph (a).

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

1.18 Sec. 2. **EXISTING RULES; SUNSET OR ENACTMENT AFTER LEGISLATIVE**
1.19 **REVIEW.**

1.20 (a) Minnesota Rules, chapters 6100 to 6290, 7000 to 7190, and 9210, expire July 1,
1.21 2026, unless an earlier date is specified under paragraph (b).

2.1 (b) Beginning with the 2022 regular session, the house of representatives and senate
2.2 committees having jurisdiction over environment and natural resources must review each
2.3 rule chapter cited under paragraph (a). The committees must recommend to the full legislature
2.4 enactment of all or any part of the rules, together with any recommended amendments to
2.5 the rules. Rules cited under paragraph (a) that are not reviewed under this paragraph expire
2.6 according to paragraph (a). Rules cited under paragraph (a) that are reviewed but not
2.7 recommended for enactment expire the day after the last day of the regular session in which
2.8 the rules were reviewed. Rules that are reviewed and recommended for enactment but are
2.9 not enacted expire the day after the last day of the regular session following the session in
2.10 which the rules were recommended.

2.11 Sec. 3. **REVISOR INSTRUCTION.**

2.12 By January 2, 2022, the revisor of statutes must submit recommended legislation to the
2.13 chairs of the house of representatives and senate committees having jurisdiction over
2.14 environment and natural resources. The recommended legislation must repeal statutory
2.15 rulemaking authority of the Pollution Control Agency and the Department of Natural
2.16 Resources and make necessary changes to conform with section 1.