

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1872

03/04/2021

Authored by Hassan and Gomez

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; limiting amount of bond required by plaintiffs upon certain  
1.3 court findings; amending Minnesota Statutes 2020, sections 116B.07; 116D.04,  
1.4 subdivision 10.

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

1.6 Section 1. Minnesota Statutes 2020, section 116B.07, is amended to read:

1.7 **116B.07 RELIEF.**

1.8 The court may grant declaratory relief, temporary and permanent equitable relief, or  
1.9 may impose such conditions upon a party as are necessary or appropriate to protect the air,  
1.10 water, land or other natural resources located within the state from pollution, impairment,  
1.11 or destruction. When the court grants temporary equitable relief, it may require the plaintiff  
1.12 to post a bond sufficient to indemnify the defendant for damages suffered because of the  
1.13 temporary relief, if permanent relief is not granted. A bond required under this section must  
1.14 not exceed \$10,000 if the court finds that:

1.15 (1) the plaintiff has limited financial resources to file a bond and that review of the  
1.16 decision furthers the policy set forth in section 116B.01; or

1.17 (2) the plaintiff represents a community in Hennepin County that meets the requirements  
1.18 described in section 116.07, subdivision 4a, paragraph (c), clauses (1) to (5).

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

2.1 Sec. 2. Minnesota Statutes 2020, section 116D.04, subdivision 10, is amended to read:

2.2 Subd. 10. **Review.** (a) A person aggrieved by a final decision on the need for an  
 2.3 environmental assessment worksheet, the need for an environmental impact statement, or  
 2.4 the adequacy of an environmental impact statement is entitled to judicial review of the  
 2.5 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved  
 2.6 person for judicial review under sections 14.63 to 14.68 must be filed with the court of  
 2.7 appeals and served on the responsible governmental unit not more than 30 days after the  
 2.8 responsible governmental unit provides notice of the final decision in the EQB Monitor.  
 2.9 Proceedings for review under this section must be instituted by serving a petition for a writ  
 2.10 of certiorari personally or by certified mail upon the responsible governmental unit and by  
 2.11 promptly filing the proof of service in the Office of the Clerk of the Appellate Courts and  
 2.12 the matter will proceed in the manner provided by the Rules of Civil Appellate Procedure.  
 2.13 A copy of the petition must be provided to the attorney general at the time of service. Copies  
 2.14 of the writ must be served, personally or by certified mail, upon the responsible governmental  
 2.15 unit and the project proposer. The filing of the writ of certiorari does not stay the enforcement  
 2.16 of any other governmental action, provided that the responsible governmental unit may stay  
 2.17 enforcement or the court of appeals may order a stay upon terms it deems proper. ~~A bond~~  
 2.18 ~~may be required under section 562.02 unless at the time of hearing on the application for~~  
 2.19 ~~the bond the petitioner-relator has shown that the claim is likely to succeed on the merits.~~  
 2.20 The board may initiate judicial review of decisions referred to herein and the board or a  
 2.21 project proposer may intervene as of right in any proceeding brought under this subdivision.

2.22 (b) A bond may be required under section 562.02 unless at the time of hearing on the  
 2.23 application for the bond the petitioner-relator has shown that the claim is likely to succeed  
 2.24 on the merits. A bond required under section 562.02 must not exceed \$10,000 if the court  
 2.25 finds:

2.26 (1) the petitioner-relator has limited financial resources to file a bond under section  
 2.27 562.02 and that review of the decision furthers the policy set forth in section 116D.02,  
 2.28 subdivision 1; or

2.29 (2) the petitioner-relator represents a community in Hennepin County that meets the  
 2.30 requirements described in section 116.07, subdivision 4a, paragraph (c), clauses (1) to (5).

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