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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1663

March 5, 2007

Authored by Moe, Eken, Sailer, Hansen, Wagenius and others The bill was read for the first time and referred to the Committee on Environment and Natural Resources

March 19, 2007

Committee Recommendation and Adoption of Report: To Pass as Amended and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

March 27, 2007

Committee Recommendation and Adoption of Report: To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to environment; modifying provisions for regulating genetically
1.3 engineered organisms; requiring a wild rice study; amending Minnesota Statutes
1.4 2006, sections 116C.92; 116C.94, subdivision 1; 116C.97, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2006, section 116C.92, is amended to read:

1.7 116C.92 COORDINATION OF ACTIVITIES.

1.8 Subdivision 1. State coordinating organization. The Environmental Quality Board
1.9 is designated the state coordinating organization for state and federal regulatory activities
1.10 relating to genetically engineered organisms.

1.11 Subd. 2. Notice of nationwide action. The board shall notify interested parties if a
1.12 permit to release genetically engineered wild rice is issued anywhere in the United States.

1.13 For purposes of this subdivision, "interested parties" means:

- 1.14 (1) the state's wild rice industry;
1.15 (2) the legislature;
1.16 (3) federally recognized tribes within Minnesota; and
1.17 (4) individuals who request to be notified.

1.18 Sec. 2. Minnesota Statutes 2006, section 116C.94, subdivision 1, is amended to read:

1.19 Subdivision 1. General authority. (a) Except as provided in paragraph (b), the
1.20 board shall adopt rules consistent with sections 116C.91 to 116C.96 that require an
1.21 environmental assessment worksheet and otherwise comply with chapter 116D and rules
1.22 adopted under it for a proposed release and a permit for a release. The board may place
1.23 conditions on a permit and may deny, modify, suspend, or revoke a permit.

2.1 (b) The board shall adopt rules that require an environmental impact statement and
2.2 otherwise comply with chapter 116D and rules adopted under it for a proposed release and
2.3 a permit for a release of genetically engineered wild rice. The board may place conditions
2.4 on the permit and may deny, modify, suspend, or revoke the permit.

2.5 Sec. 3. Minnesota Statutes 2006, section 116C.97, subdivision 2, is amended to read:

2.6 Subd. 2. **Federal oversight.** (a) If the board determines, upon its own volition or at
2.7 the request of any person, that a federal program exists for regulating the release of certain
2.8 genetically engineered organisms and the federal oversight under the program is adequate
2.9 to protect human health or the environment, then any person may release such genetically
2.10 engineered organisms after obtaining the necessary federal approval and without obtaining
2.11 a state release permit or a significant environmental permit or complying with the other
2.12 requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant
2.13 to section 116C.94.

2.14 (b) If the board determines the federal program is adequate to meet only certain
2.15 requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant
2.16 to section 116C.94, the board may exempt such releases from those requirements.

2.17 (c) A person proposing a release for which a federal authorization is required may
2.18 apply to the board for an exemption from the board's permit or to a state agency with a
2.19 significant environmental permit for the proposed release for an exemption from the
2.20 agency's permit. The proposer must file with the board or state agency a written request
2.21 for exemption with a copy of the federal application and the information necessary to
2.22 determine if there is a potential for significant environmental effects under chapter 116D
2.23 and rules adopted under it. The board or state agency shall give public notice of the request
2.24 in the first available issue of the EQB Monitor and shall provide an opportunity for public
2.25 comment on the environmental review process consistent with chapter 116D and rules
2.26 adopted under it. The board or state agency may grant the exemption if the board or state
2.27 agency finds that the federal authorization issued is adequate to meet the requirements of
2.28 chapter 116D and rules adopted under it and any other requirement of the board's or state
2.29 agency's authority regarding the release of genetically engineered organisms. The board
2.30 or state agency must grant or deny the exemption within 45 days after the receipt of the
2.31 written request and the information required by the board or state agency.

2.32 (d) This subdivision does not apply to genetically engineered organisms for which
2.33 an environmental impact statement is required under sections 116C.91 to 116C.96.

2.34 Sec. 4. **WILD RICE STUDY.**

3.1 By February 15, 2008, the commissioner of natural resources must prepare a study
3.2 for natural wild rice that includes:

3.3 (1) the current location and estimated acreage and area of natural stands;

3.4 (2) identified threats to natural stands, including, but not limited to, development
3.5 pressure, water levels, pollution, invasive species, and genetic strains; and

3.6 (3) recommendations to the house and senate committees with jurisdiction over
3.7 natural resources on protecting and increasing natural wild rice stands in the state.

3.8 In developing the study, the commissioner must contact and ask for comments
3.9 from the state's wild rice industry, the commissioner of agriculture, local officials with
3.10 significant areas of wild rice within their jurisdictions, tribal leaders within affected
3.11 federally recognized tribes, and interested citizens.

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

3.13 Sec. 5. **CONSTRUCTION.**

3.14 Nothing in this act affects, alters, or modifies the authorities, responsibilities,
3.15 obligations, or powers of the state or any political subdivision thereof or any federally
3.16 recognized tribe.