



STATE OF MINNESOTA

OFFICE OF GOVERNOR JESSE VENTURA

130 State Capitol ♦ 75 Constitution Avenue ♦ Saint Paul, MN 55155

May 25, 1999

The Honorable Steven Sviggum
Speaker of the House of Representatives
463 State Office Building
Saint Paul, Minnesota 55155

(Feedlots)
vetoed
in entirety

Dear Speaker Sviggum:

After lengthy consultation with the commissioners of Agriculture and Pollution Control Agency, the Environmental Quality Board, farmers, and legislators in the House and Senate, which have given me all sides of the issue, I have vetoed and am returning to you Chapter 204, House File 1235, a bill relating to regulatory requirements for feedlots.

The administration supported the original purpose of this bill to provide farmers with a limited exemption from hydrogen sulfide standards while they cleaned out their manure facilities during a certain number of days per year. This type of flexibility is both crucial and realistic, and I appreciate the work of this bill's authors on behalf of Minnesota farmers. Until the final feedlot rules are adopted by the Minnesota Pollution Control Agency, I am directing the Commissioner of the MPCA to use discretionary authority when appropriate and reasonable with regard to hydrogen sulfide enforcement during the agitation and pump out of manure storage facilities. I am recommending that farmers be allowed a period not less than 14 days per year, as was allowed in the House version of this bill, and not more than 21 days per year, as was allowed in the Senate version of this bill. This authority is found in Minnesota Statutes Chapters 115 and 116.

Most significantly, I am insisting that the Minnesota Pollution Control Agency work with the Department of Agriculture and Environmental Quality Board (EQB) to end an era of divisiveness and disagreement over regulation of farms. It is my job, as the chief executive of the State, to ensure that these agencies find common ground in the best interests of the people they regulate and the general public who shares an interest in a strong agricultural economy and wise conservation of natural resources. It is clear that the Legislature also shares this concern.

In all cases, it is important that we involve the citizenry and respect their right to have a voice in rule-making and legislation. Because I believe it is important to respect the year-long process to involve citizens in establishing rules for feedlots, this veto is necessary to avoid a full repeal of those efforts. I am advised that the final version of this bill makes significant changes to state law that were not discussed or debated in environment committees of either legislative body. Open debate is healthy and necessary as we move forward to reform the way state government enforces rules such as these.

Rest assured that I recognize the burdens of rules on the people and on businesses, including farms. However, without any rules to guide enforcement, farmers are vulnerable to the arbitrary judgments of state regulators instead of a known set of criteria. In vetoing this bill, I am directing the aforementioned regulatory agencies, working in cooperation with the Department of Agriculture and my office, to take additional, specific actions to clarify those criteria:

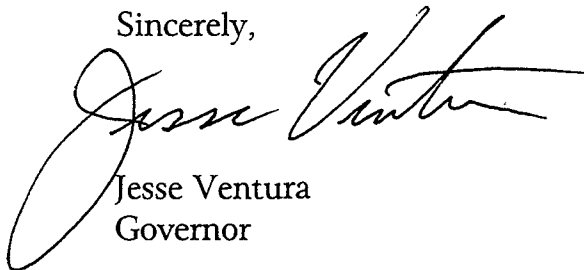
1. The Minnesota Pollution Control Agency should review its guidelines for determining when to require air quality modeling in association with the preparation of Environmental Assessment Worksheets so that the process makes sense and isn't overly costly to farmers.
2. I have asked the EQB to review its proposed rule to determine if the 300 animal unit threshold applied in sensitive areas should be raised.
3. The Environmental Quality Board Chair, working with the representatives of the Minnesota Pollution Control Agency and the Department of Agriculture, shall develop an alternative Environmental Assessment Worksheet (EAW) that would be used when preparing an EAW on new or expanded feedlot projects. This alternative worksheet shall be designed to expedite the preparation time and minimize the costs associated with preparing the EAW. This alternative worksheet shall not, however, reduce the amount and quality of information necessary to accurately determine if a project has the potential for significant environmental effects.

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In summary, the best outcome will be achieved by these agencies working together, becoming more aware of the needs of the agricultural industry they regulate, and pledging better communication during the remainder of the rule-making process with interested legislative leaders in both agriculture and the environment.

Thanks to legislative action this past session, I am also afforded veto authority over final rules or severable parts of rules. Should this process fail to deliver a constructive outcome that helps us achieve the results we seek for farmers and those concerned about the environment, I will not hesitate to exercise this check and balance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Ventura". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Jesse Ventura
Governor

C: Senator Allan Spear, President of the Senate
Senator Roger Moe, Majority Leader
Senator Dick Day, Minority Leader
Representative Tom Pugh, Minority Leader
Chief Senate Author(s)
Chief House Author(s)
Mr. Patrick E. Flahaven, Secretary of the Senate
Mr. Edward A. Burdick, Chief Clerk of the House
Ms. Mary Kiffmeyer, Secretary of State