

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment and natural  
1.3 resources; appropriating money for energy and commerce; modifying environment  
1.4 and natural resources provisions; modifying hunting provisions; modifying  
1.5 commissioner's duties; modifying provisions for water and soil conservation;  
1.6 prohibiting lead and cadmium in certain consumer products; modifying farmed  
1.7 Cervidae provisions; establishing and modifying energy, renewable energy, and  
1.8 utility provisions; establishing a strengthen Minnesota homes program; modifying  
1.9 report requirements; requiring reports; requiring rulemaking; amending Minnesota  
1.10 Statutes 2022, sections 16B.325, subdivision 2; 16B.58, by adding a subdivision;  
1.11 16C.135, subdivision 3; 16C.137, subdivision 1; 35.155, subdivisions 1, 4, 10, 11,  
1.12 12, by adding subdivisions; 35.156, by adding subdivisions; 84.415, subdivision  
1.13 3; 84.66, subdivision 7; 86B.313, subdivision 4; 93.001; 97A.045, subdivision 5;  
1.14 97A.405, subdivision 2; 97A.420, subdivision 1; 97A.465, subdivisions 3, 8;  
1.15 97A.475, subdivision 41; 97B.318, subdivision 1; 97C.605, subdivisions 1, 2c, 3;  
1.16 97C.611; 103B.101, subdivisions 9, 16, by adding a subdivision; 103B.103;  
1.17 103C.501, subdivisions 1, 4, 5, 6; 103D.605, subdivision 5; 103F.505; 103F.511,  
1.18 by adding a subdivision; 115.01, by adding subdivisions; 115.03, subdivision 1;  
1.19 115A.1415; 115A.49; 115A.51; 115A.54, subdivisions 1, 2, 2a; 115A.565,  
1.20 subdivisions 1, 3; 116.07, subdivision 6; 116C.779, subdivision 1; 116C.7792;  
1.21 168.27, by adding a subdivision; 171.07, by adding a subdivision; 216B.16,  
1.22 subdivision 10; 216B.1641; 216B.1645, subdivision 4; 216B.1691, subdivisions  
1.23 1, as amended, 2b, as amended, 2e, as amended, by adding a subdivision; 216B.17,  
1.24 subdivision 1; 216B.2422, subdivision 2; 216B.62, subdivision 3b; 216C.02,  
1.25 subdivision 1; 216C.264, subdivision 5, by adding subdivisions; 216C.375,  
1.26 subdivisions 1, 3, 10, 11; 297A.94; 325F.072, subdivisions 1, 3, by adding a  
1.27 subdivision; Laws 2023, chapter 7, section 10; Laws 2023, chapter 9, section 19;  
1.28 Laws 2023, chapter 24, section 3; proposing coding for new law in Minnesota  
1.29 Statutes, chapters 16B; 65A; 86B; 103B; 103F; 103G; 116; 116C; 123B; 216B;  
1.30 216C; 325E; repealing Minnesota Statutes 2022, sections 16B.24, subdivision 13;  
1.31 35.155, subdivision 14; 86B.101; 86B.305; 86B.313, subdivisions 2, 3; 97C.605,  
1.32 subdivisions 2, 2a, 2b, 5; 103C.501, subdivisions 2, 3; 115.44, subdivision 9;  
1.33 116.011; 325E.389; 325E.3891; Minnesota Rules, parts 6256.0500, subparts 2,  
1.34 2a, 2b, 4, 5, 6, 7, 8; 8400.0500; 8400.0550; 8400.0600, subparts 4, 5; 8400.0900,  
1.35 subparts 1, 2, 4, 5; 8400.1650; 8400.1700; 8400.1750; 8400.1800; 8400.1900.

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

2.2 **ARTICLE 1**

2.3 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

2.4 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.5 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
2.6 and for the purposes specified in this article. The appropriations are from the general fund,  
2.7 or another named fund, and are available for the fiscal years indicated for each purpose.

2.8 The figures "2024" and "2025" used in this article mean that the appropriations listed under  
2.9 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.

2.10 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"  
2.11 is fiscal years 2024 and 2025.

2.12 **APPROPRIATIONS**

2.13 **Available for the Year**

2.14 **Ending June 30**

2.15 **2024**

**2025**

2.16 Sec. 2. **POLLUTION CONTROL AGENCY**

2.17 Subdivision 1. **Total Appropriation** **\$ 310,237,000 \$ 258,986,000**

2.18 Appropriations by Fund

2.19 2024

2025

2.20 General 185,420,000 130,816,000

2.21 State Government

2.22 Special Revenue 85,000 90,000

2.23 Environmental 105,187,000 107,833,000

2.24 Remediation 19,545,000 20,247,000

2.25 The amounts that may be spent for each  
2.26 purpose are specified in the following  
2.27 subdivisions.

2.28 The commissioner must present the agency's  
2.29 biennial budget for fiscal years 2026 and 2027  
2.30 to the legislature in a transparent way by  
2.31 agency division, including the proposed  
2.32 budget bill and presentations of the budget to  
2.33 committees and divisions with jurisdiction  
2.34 over the agency's budget.

3.1	<b><u>Subd. 2. Environmental Analysis and Outcomes</u></b>	<b><u>108,726,000</u></b>	<b><u>106,910,000</u></b>
3.2	<u>Appropriations by Fund</u>		
3.3		<u>2024</u>	<u>2025</u>
3.4	<u>General</u>	<u>89,353,000</u>	<u>87,472,000</u>
3.5	<u>Environmental</u>	<u>19,174,000</u>	<u>19,233,000</u>
3.6	<u>Remediation</u>	<u>199,000</u>	<u>205,000</u>
3.7	<u>(a) \$122,000 the first year and \$125,000 the</u>		
3.8	<u>second year are from the general fund for:</u>		
3.9	<u>(1) a municipal liaison to assist municipalities</u>		
3.10	<u>in implementing and participating in the</u>		
3.11	<u>rulemaking process for water quality standards</u>		
3.12	<u>and navigating the NPDES/SDS permitting</u>		
3.13	<u>process;</u>		
3.14	<u>(2) enhanced economic analysis in the</u>		
3.15	<u>rulemaking process for water quality</u>		
3.16	<u>standards, including more-specific analysis</u>		
3.17	<u>and identification of cost-effective permitting;</u>		
3.18	<u>(3) developing statewide economic analyses</u>		
3.19	<u>and templates to reduce the amount of</u>		
3.20	<u>information and time required for</u>		
3.21	<u>municipalities to apply for variances from</u>		
3.22	<u>water quality standards; and</u>		
3.23	<u>(4) coordinating with the Public Facilities</u>		
3.24	<u>Authority to identify and advocate for the</u>		
3.25	<u>resources needed for municipalities to achieve</u>		
3.26	<u>permit requirements.</u>		
3.27	<u>(b) \$216,000 the first year and \$219,000 the</u>		
3.28	<u>second year are from the environmental fund</u>		
3.29	<u>for a monitoring program under Minnesota</u>		
3.30	<u>Statutes, section 116.454.</u>		
3.31	<u>(c) \$132,000 the first year and \$137,000 the</u>		
3.32	<u>second year are for monitoring water quality</u>		
3.33	<u>and operating assistance programs.</u>		

4.1 (d) \$390,000 the first year and \$399,000 the  
4.2 second year are from the environmental fund  
4.3 for monitoring ambient air for hazardous  
4.4 pollutants.

4.5 (e) \$106,000 the first year and \$109,000 the  
4.6 second year are from the environmental fund  
4.7 for duties related to harmful chemicals in  
4.8 children's products under Minnesota Statutes,  
4.9 sections 116.9401 to 116.9407. Of this  
4.10 amount, \$68,000 the first year and \$70,000  
4.11 the second year are transferred to the  
4.12 commissioner of health.

4.13 (f) \$128,000 the first year and \$132,000 the  
4.14 second year are from the environmental fund  
4.15 for registering wastewater laboratories.

4.16 (g) \$1,492,000 the first year and \$1,519,000  
4.17 the second year are from the environmental  
4.18 fund to continue perfluorochemical  
4.19 biomonitoring in eastern metropolitan  
4.20 communities, as recommended by the  
4.21 Environmental Health Tracking and  
4.22 Biomonitoring Advisory Panel, and to address  
4.23 other environmental health risks, including air  
4.24 quality. The communities must include Hmong  
4.25 and other immigrant farming communities.  
4.26 Of this amount, up to \$1,226,000 the first year  
4.27 and \$1,248,000 the second year are for transfer  
4.28 to the commissioner of health.

4.29 (h) \$61,000 the first year and \$62,000 the  
4.30 second year are from the environmental fund  
4.31 for the listing procedures for impaired waters  
4.32 required under this act.

4.33 (i) \$72,000 the first year and \$74,000 the  
4.34 second year are from the remediation fund for

5.1 the leaking underground storage tank program  
5.2 to investigate, clean up, and prevent future  
5.3 releases from underground petroleum storage  
5.4 tanks and for the petroleum remediation  
5.5 program for vapor assessment and  
5.6 remediation. These same annual amounts are  
5.7 transferred from the petroleum tank fund to  
5.8 the remediation fund.

5.9 (j) \$500,000 the first year is to facilitate the  
5.10 collaboration and modeling of greenhouse gas  
5.11 impacts, costs, and benefits of strategies to  
5.12 reduce statewide greenhouse gas emissions.  
5.13 This is a onetime appropriation.

5.14 (k) \$87,206,000 the first year and \$87,210,000  
5.15 the second year are to establish and implement  
5.16 a local government water infrastructure grant  
5.17 program for local governmental units and  
5.18 Tribal governments. Of this amount,  
5.19 \$81,305,000 the first year and \$86,380,000  
5.20 the second year are for grants to support  
5.21 communities in planning and implementing  
5.22 projects that will allow for adaptation for a  
5.23 changing climate; \$5,000,000 the first year is  
5.24 for a grant to St. Louis County to plan, design,  
5.25 and construct one or more facilities, structures,  
5.26 or other solutions to protect Lake Superior and  
5.27 other waters in the Great Lakes watershed  
5.28 from PFAS contamination from landfill  
5.29 runoff; and \$75,000 the first year is for a grant  
5.30 to the city of Fergus Falls for a two-year water  
5.31 improvement pilot project to address water  
5.32 quality concerns at Lake Alice. The grant may  
5.33 be used to contract for water quality  
5.34 improvement services, testing, necessary  
5.35 infrastructure, training, and maintenance. This

- 6.1 appropriation is available until June 30, 2027.
- 6.2 The base amount for fiscal year 2026 and later
- 6.3 is \$270,000.
- 6.4 (l) \$715,000 the first year and \$200,000 the
- 6.5 second year are from the environmental fund
- 6.6 to implement Minnesota Statutes, section
- 6.7 116.065, relating to cumulative impacts. The
- 6.8 base is \$200,000 in fiscal year 2026 and
- 6.9 beyond.
- 6.10 (m) \$907,000 the first year and \$955,000 the
- 6.11 second year are from the environmental fund
- 6.12 to develop and implement a program related
- 6.13 to emerging issues, including *Minnesota's*
- 6.14 *PFAS Blueprint*.
- 6.15 (n) \$1,320,000 the first year and \$1,320,000
- 6.16 the second year are from the environmental
- 6.17 fund to support improved management of data
- 6.18 collected by the agency and its partners and
- 6.19 regulated parties.
- 6.20 (o) \$393,000 the first year is from the general
- 6.21 fund to develop and implement the protocol
- 6.22 for the state response to fish kills under
- 6.23 Minnesota Statutes, section 103G.2165. The
- 6.24 commissioner may transfer money under this
- 6.25 paragraph to other agencies participating in
- 6.26 developing the protocol. This is a onetime
- 6.27 appropriation.
- 6.28 (p) \$500,000 the first year is from the general
- 6.29 fund for a report on requirements and options
- 6.30 for eliminating or reducing PFAS in firefighter
- 6.31 turnout gear. The report must include
- 6.32 recommendations for future disposal of turnout
- 6.33 gear and protocols for PFAS biomonitoring
- 6.34 in firefighters. This is a onetime appropriation.

7.1 (q) \$500,000 the first year is from the general  
 7.2 fund to develop protocols to be used by  
 7.3 agencies and departments for sampling and  
 7.4 testing groundwater, surface water, public  
 7.5 drinking water, and private wells for  
 7.6 microplastics and nanoplastics and to begin  
 7.7 implementation. The commissioner of the  
 7.8 Pollution Control Agency may transfer money  
 7.9 appropriated under this paragraph to the  
 7.10 commissioners of agriculture, natural  
 7.11 resources, and health to implement the  
 7.12 protocols developed under this paragraph. This  
 7.13 is a onetime appropriation and is available  
 7.14 until June 30, 2025.

7.15 (r) \$1,163,000 the first year and \$1,115,000  
 7.16 the second year are from the environmental  
 7.17 fund for implementing Minnesota Statutes,  
 7.18 section 116.943, relating to products  
 7.19 containing PFAS.

7.20 Subd. 3. **Industrial** 41,953,000 22,908,000

7.21	<u>Appropriations by Fund</u>	
7.22	<u>2024</u>	<u>2025</u>
7.23 <u>General</u>	<u>23,664,000</u>	<u>3,964,000</u>
7.24 <u>Environmental</u>	<u>16,568,000</u>	<u>17,171,000</u>
7.25 <u>Remediation</u>	<u>1,721,000</u>	<u>1,773,000</u>

7.26 (a) \$1,621,000 the first year and \$1,670,000  
 7.27 the second year are from the remediation fund  
 7.28 for the leaking underground storage tank  
 7.29 program to investigate, clean up, and prevent  
 7.30 future releases from underground petroleum  
 7.31 storage tanks and for the petroleum  
 7.32 remediation program for vapor assessment  
 7.33 and remediation. These same annual amounts  
 7.34 are transferred from the petroleum tank fund  
 7.35 to the remediation fund.

8.1 (b) \$448,000 the first year and \$457,000 the  
8.2 second year are from the environmental fund  
8.3 to further evaluate the use and reduction of  
8.4 trichloroethylene around Minnesota and  
8.5 identify its potential health effects on  
8.6 communities. Of this amount, \$145,000 the  
8.7 first year and \$149,000 the second year are  
8.8 transferred to the commissioner of health.

8.9 (c) \$4,000 the first year and \$4,000 the second  
8.10 year are from the environmental fund to  
8.11 purchase air emissions monitoring equipment  
8.12 to support compliance and enforcement  
8.13 activities.

8.14 (d) \$3,200,000 the first year and \$3,200,000  
8.15 the second year are to provide air emission  
8.16 reduction grants. Of this amount, \$2,800,000  
8.17 each year is for grants to reduce air pollution  
8.18 at regulated facilities within environmental  
8.19 justice areas. This appropriation is available  
8.20 until June 30, 2027, and is a onetime  
8.21 appropriation.

8.22 (e) \$40,000 the first year and \$40,000 the  
8.23 second year are for air compliance equipment  
8.24 maintenance. This is a onetime appropriation.

8.25 (f) \$19,100,000 the first year and \$300,000  
8.26 the second year are to support research on  
8.27 innovative technologies to treat  
8.28 difficult-to-manage pollutants and for  
8.29 implementation grants based on this research  
8.30 at taconite facilities. Of this amount the first  
8.31 year, \$2,100,000 is for research and  
8.32 \$16,700,000 is for grants. This appropriation  
8.33 is available until June 30, 2027. This is a  
8.34 onetime appropriation.



9.1 (g) \$900,000 the first year is from the general  
 9.2 fund for a grant to the Board of Regents of the  
 9.3 University of Minnesota for academic and  
 9.4 applied research through the MnDRIVE  
 9.5 program at the Natural Resources Research  
 9.6 Institute to develop and demonstrate  
 9.7 technologies that enhance the long-term health  
 9.8 and management of Minnesota's water and  
 9.9 mineral resources. This appropriation is for  
 9.10 continued characterization of Minnesota's iron  
 9.11 resources and development of next-generation  
 9.12 process technologies for iron products and  
 9.13 reduced effluent. This research must be  
 9.14 conducted in consultation with the Mineral  
 9.15 Coordinating Committee established under  
 9.16 Minnesota Statutes, section 93.0015. This is  
 9.17 a onetime appropriation.

9.18 (h) The total general fund base budget for the  
 9.19 industrial division for fiscal year 2026 and  
 9.20 later is \$0.

9.21 **Subd. 4. Municipal** 10,555,000 11,203,000

	<u>Appropriations by Fund</u>	
	<u>2024</u>	<u>2025</u>
9.22		
9.23		
9.24	<u>641,000</u>	<u>647,000</u>
9.25		
9.26	<u>85,000</u>	<u>90,000</u>
9.27	<u>9,829,000</u>	<u>10,466,000</u>

9.28 (a) \$217,000 the first year and \$223,000 the  
 9.29 second year are for:

9.30 (1) a municipal liaison to assist municipalities  
 9.31 in implementing and participating in the  
 9.32 rulemaking process for water quality standards  
 9.33 and navigating the NPDES/SDS permitting  
 9.34 process;

- 10.1 (2) enhanced economic analysis in the  
10.2 rulemaking process for water quality  
10.3 standards, including more-specific analysis  
10.4 and identification of cost-effective permitting;
- 10.5 (3) developing statewide economic analyses  
10.6 and templates to reduce the amount of  
10.7 information and time required for  
10.8 municipalities to apply for variances from  
10.9 water quality standards; and
- 10.10 (4) coordinating with the Public Facilities  
10.11 Authority to identify and advocate for the  
10.12 resources needed for municipalities to achieve  
10.13 permit requirements.
- 10.14 (b) \$50,000 the first year and \$50,000 the  
10.15 second year are from the environmental fund  
10.16 for transfer to the Office of Administrative  
10.17 Hearings to establish sanitary districts.
- 10.18 (c) \$1,240,000 the first year and \$1,338,000  
10.19 the second year are from the environmental  
10.20 fund for subsurface sewage treatment system  
10.21 (SSTS) program administration and  
10.22 community technical assistance and education,  
10.23 including grants and technical assistance to  
10.24 communities for water-quality protection. Of  
10.25 this amount, \$350,000 each year is for  
10.26 assistance to counties through grants for SSTS  
10.27 program administration. A county receiving  
10.28 a grant from this appropriation must submit  
10.29 the results achieved with the grant to the  
10.30 commissioner as part of its annual SSTS  
10.31 report. Any unexpended balance in the first  
10.32 year does not cancel but is available in the  
10.33 second year.

11.1 (d) \$944,000 the first year and \$1,044,000 the  
 11.2 second year are from the environmental fund  
 11.3 to address the need for continued increased  
 11.4 activity in new technology review, technical  
 11.5 assistance for local governments, and  
 11.6 enforcement under Minnesota Statutes,  
 11.7 sections 115.55 to 115.58, and to complete the  
 11.8 requirements of Laws 2003, chapter 128,  
 11.9 article 1, section 165.

11.10 (e) Notwithstanding Minnesota Statutes,  
 11.11 section 16A.28, the appropriations  
 11.12 encumbered on or before June 30, 2025, as  
 11.13 grants or contracts for subsurface sewage  
 11.14 treatment systems, surface water and  
 11.15 groundwater assessments, storm water, and  
 11.16 water-quality protection in this subdivision  
 11.17 are available until June 30, 2028.

11.18 (f) The total general fund base budget for the  
 11.19 municipal division for fiscal year 2026 and  
 11.20 later is \$223,000.

11.21 Subd. 5. Operations 31,218,000 29,923,000

	<u>Appropriations by Fund</u>	
	<u>2024</u>	<u>2025</u>
11.22		
11.23		
11.24	<u>20,750,000</u>	<u>19,359,000</u>
11.25	<u>7,851,000</u>	<u>8,073,000</u>
11.26	<u>2,617,000</u>	<u>2,491,000</u>

11.27 (a) \$1,154,000 the first year and \$1,124,000  
 11.28 the second year are from the remediation fund  
 11.29 for the leaking underground storage tank  
 11.30 program to investigate, clean up, and prevent  
 11.31 future releases from underground petroleum  
 11.32 storage tanks and for the petroleum  
 11.33 remediation program for vapor assessment  
 11.34 and remediation. These same annual amounts

12.1 are transferred from the petroleum tank fund  
 12.2 to the remediation fund.

12.3 (b) \$3,000,000 the first year and \$3,109,000  
 12.4 the second year are to support agency  
 12.5 information technology services provided at  
 12.6 the enterprise and agency level.

12.7 (c) \$906,000 the first year and \$919,000 the  
 12.8 second year are from the environmental fund  
 12.9 to develop and maintain systems to support  
 12.10 permitting and regulatory business processes  
 12.11 and agency data.

12.12 (d) \$2,000,000 the first year and \$2,000,000  
 12.13 the second year are to provide technical  
 12.14 assistance to Tribal governments. This is a  
 12.15 onetime appropriation.

12.16 (e) \$15,750,000 the first year and \$14,250,000  
 12.17 the second year are to support modernizing  
 12.18 and automating agency environmental  
 12.19 programs and data systems and how the  
 12.20 agency provides services to regulated parties,  
 12.21 partners, and the public. This appropriation is  
 12.22 available until June 30, 2027. This is a onetime  
 12.23 appropriation.

12.24 (f) \$1,100,000 the first year and \$1,100,000  
 12.25 the second year are from the environmental  
 12.26 fund for workforce innovation. Of this amount,  
 12.27 \$270,000 each year is for environmental career  
 12.28 pathways for students.

12.29 Subd. 6. Remediation 40,242,000 16,022,000

12.30	<u>Appropriations by Fund</u>	
12.31	<u>2024</u>	<u>2025</u>
12.32 <u>General</u>	<u>25,000,000</u>	<u>-0-</u>
12.33 <u>Environmental</u>	<u>607,000</u>	<u>628,000</u>
12.34 <u>Remediation</u>	<u>14,635,000</u>	<u>15,394,000</u>

13.1 (a) All money for environmental response,  
13.2 compensation, and compliance in the  
13.3 remediation fund not otherwise appropriated  
13.4 is appropriated to the commissioners of the  
13.5 Pollution Control Agency and agriculture for  
13.6 purposes of Minnesota Statutes, section  
13.7 115B.20, subdivision 2, clauses (1), (2), (3),  
13.8 (6), and (7). At the beginning of each fiscal  
13.9 year, the two commissioners must jointly  
13.10 submit to the commissioner of management  
13.11 and budget an annual spending plan that  
13.12 maximizes resource use and appropriately  
13.13 allocates the money between the two  
13.14 departments. This appropriation is available  
13.15 until June 30, 2025.

13.16 (b) \$415,000 the first year and \$426,000 the  
13.17 second year are from the environmental fund  
13.18 to manage contaminated sediment projects at  
13.19 multiple sites identified in the St. Louis River  
13.20 remedial action plan to restore water quality  
13.21 in the St. Louis River Area of Concern.

13.22 (c) \$4,476,000 the first year and \$4,622,000  
13.23 the second year are from the remediation fund  
13.24 for the leaking underground storage tank  
13.25 program to investigate, clean up, and prevent  
13.26 future releases from underground petroleum  
13.27 storage tanks and for the petroleum  
13.28 remediation program for vapor assessment  
13.29 and remediation. These same annual amounts  
13.30 are transferred from the petroleum tank fund  
13.31 to the remediation fund.

13.32 (d) \$308,000 the first year and \$316,000 the  
13.33 second year are from the remediation fund for  
13.34 transfer to the commissioner of health for  
13.35 private water-supply monitoring and health

14.1 assessment costs in areas contaminated by  
 14.2 unpermitted mixed municipal solid waste  
 14.3 disposal facilities and drinking water  
 14.4 advisories and public information activities  
 14.5 for areas contaminated by hazardous releases.  
 14.6 (e) \$25,000,000 the first year is for grants to  
 14.7 support planning, designing, and preparing for  
 14.8 solutions for public water treatment systems  
 14.9 contaminated with PFAS. The grants are to  
 14.10 reimburse local public water supply operators  
 14.11 for source investigations, sampling and  
 14.12 treating private drinking water wells, and  
 14.13 evaluating solutions for treating private  
 14.14 drinking water wells. This appropriation is  
 14.15 available until June 30, 2027, and is a onetime  
 14.16 appropriation.

14.17 **Subd. 7. Resource Management and Assistance** 64,500,000 58,904,000

14.18	<u>Appropriations by Fund</u>	
14.19	<u>2024</u>	<u>2025</u>
14.20	<u>General</u>	<u>21,047,000</u> <u>14,850,000</u>
14.21	<u>Environmental</u>	<u>43,453,000</u> <u>44,054,000</u>

14.22 (a) Up to \$150,000 the first year and \$150,000  
 14.23 the second year may be transferred from the  
 14.24 environmental fund to the small business  
 14.25 environmental improvement loan account  
 14.26 under Minnesota Statutes, section 116.993.

14.27 (b) \$1,000,000 the first year and \$1,000,000  
 14.28 the second year are for competitive recycling  
 14.29 grants under Minnesota Statutes, section  
 14.30 115A.565. Of this amount, \$300,000 the first  
 14.31 year and \$300,000 the second year are from  
 14.32 the general fund, and \$700,000 the first year  
 14.33 and \$700,000 the second year are from the  
 14.34 environmental fund. This appropriation is  
 14.35 available until June 30, 2027.

- 15.1 (c) \$694,000 the first year and \$694,000 the  
15.2 second year are from the environmental fund  
15.3 for emission-reduction activities and grants to  
15.4 small businesses and other  
15.5 nonpoint-emission-reduction efforts. Of this  
15.6 amount, \$100,000 the first year and \$100,000  
15.7 the second year are to continue work with  
15.8 Clean Air Minnesota, and the commissioner  
15.9 may enter into an agreement with  
15.10 Environmental Initiative to support this effort.
- 15.11 (d) \$20,450,000 the first year and \$20,450,000  
15.12 the second year are from the environmental  
15.13 fund for SCORE block grants to counties.
- 15.14 (e) \$119,000 the first year and \$119,000 the  
15.15 second year are from the environmental fund  
15.16 for environmental assistance grants or loans  
15.17 under Minnesota Statutes, section 115A.0716.
- 15.18 (f) \$400,000 the first year and \$400,000 the  
15.19 second year are from the environmental fund  
15.20 for grants to develop and expand recycling  
15.21 markets for Minnesota businesses.
- 15.22 (g) \$767,000 the first year and \$770,000 the  
15.23 second year are from the environmental fund  
15.24 for reducing and diverting food waste,  
15.25 redirecting edible food for consumption, and  
15.26 removing barriers to collecting and recovering  
15.27 organic waste. Of this amount, \$500,000 each  
15.28 year is for grants to increase food rescue and  
15.29 waste prevention. This appropriation is  
15.30 available until June 30, 2027.
- 15.31 (h) \$2,797,000 the first year and \$2,811,000  
15.32 the second year are from the environmental  
15.33 fund for the purposes of Minnesota Statutes,  
15.34 section 473.844.

- 16.1 (i) \$318,000 the first year and \$324,000 the  
16.2 second year are from the environmental fund  
16.3 to address chemicals in products, including to  
16.4 implement and enforce flame retardant  
16.5 provisions under Minnesota Statutes, section  
16.6 325F.071, and perfluoroalkyl and  
16.7 polyfluoroalkyl substances in food packaging  
16.8 provisions under Minnesota Statutes, section  
16.9 325F.075. Of this amount, \$78,000 the first  
16.10 year and \$80,000 the second year are  
16.11 transferred to the commissioner of health.
- 16.12 (j) \$180,000 the first year and \$140,000 the  
16.13 second year are for quantifying climate-related  
16.14 impacts from projects for environmental  
16.15 review. This is a onetime appropriation.
- 16.16 (k) \$1,790,000 the first year and \$70,000 the  
16.17 second year are for accelerating pollution  
16.18 prevention at small businesses. Of this amount,  
16.19 \$1,720,000 the first year is for zero-interest  
16.20 loans to phase out high-polluting equipment,  
16.21 products, and processes and replace with new  
16.22 options. This appropriation is available until  
16.23 June 30, 2027. This is a onetime appropriation.
- 16.24 (l) \$190,000 the first year and \$190,000 the  
16.25 second year are to support the Greenstep Cities  
16.26 program. This is a onetime appropriation.
- 16.27 (m) \$420,000 the first year is to complete a  
16.28 study on the viability of recycling solar energy  
16.29 equipment. This is a onetime appropriation.
- 16.30 (n) \$17,000 the first year is for rulemaking for  
16.31 the capital assistance program. This is a  
16.32 onetime appropriation.



- 17.1 (o) \$650,000 the first year and \$650,000 the  
17.2 second year are from the environmental fund  
17.3 for Minnesota GreenCorps investment.
- 17.4 (p) \$4,210,000 the first year and \$210,000 the  
17.5 second year are for PFAS reduction grants.  
17.6 Of this amount, \$4,000,000 the first year is  
17.7 for grants to industry and public entities to  
17.8 identify sources of PFAS entering facilities  
17.9 and to develop pollution prevention and  
17.10 reduction initiatives to reduce PFAS entering  
17.11 facilities, prevent releases, and monitor the  
17.12 effectiveness of these projects. This is a  
17.13 ontetime appropriation and is available until  
17.14 June 30, 2027.
- 17.15 (q) \$13,940,000 the first year and \$13,940,000  
17.16 the second year are for a waste prevention and  
17.17 reduction grants and loans program under  
17.18 Minnesota Statutes, section 115A.0716 and  
17.19 sections 115A.49 to 115A.51. This is a  
17.20 onetime appropriation and is available until  
17.21 June 30, 2027.
- 17.22 (r) Any unencumbered grant and loan balances  
17.23 in the first year do not cancel but are available  
17.24 for grants and loans in the second year.  
17.25 Notwithstanding Minnesota Statutes, section  
17.26 16A.28, the appropriations encumbered on or  
17.27 before June 30, 2025, as contracts or grants  
17.28 for environmental assistance awarded under  
17.29 Minnesota Statutes, section 115A.0716;  
17.30 technical and research assistance under  
17.31 Minnesota Statutes, section 115A.152;  
17.32 technical assistance under Minnesota Statutes,  
17.33 section 115A.52; and pollution prevention  
17.34 assistance under Minnesota Statutes, section  
17.35 115D.04, are available until June 30, 2027.

18.1 (s) \$150,000 the second year is from the  
 18.2 environmental fund for the lead and cadmium  
 18.3 in consumer products prohibition under  
 18.4 Minnesota Statutes, section 325E.3892.

18.5 **Subd. 8. Watershed** 10,968,000 11,477,000

18.6	<u>Appropriations by Fund</u>	
18.7	<u>2024</u>	<u>2025</u>
18.8 <u>General</u>	<u>3,111,000</u>	<u>3,111,000</u>
18.9 <u>Environmental</u>	<u>7,484,000</u>	<u>7,982,000</u>
18.10 <u>Remediation</u>	<u>373,000</u>	<u>384,000</u>

18.11 (a) \$2,959,000 the first year and \$2,959,000  
 18.12 the second year are for grants to delegated  
 18.13 counties to administer the county feedlot  
 18.14 program under Minnesota Statutes, section  
 18.15 116.0711, subdivisions 2 and 3. Money  
 18.16 remaining after the first year is available for  
 18.17 the second year.

18.18 (b) \$236,000 the first year and \$241,000 the  
 18.19 second year are from the environmental fund  
 18.20 for the costs of implementing general  
 18.21 operating permits for feedlots over 1,000  
 18.22 animal units.

18.23 (c) \$125,000 the first year and \$129,000 the  
 18.24 second year are from the remediation fund for  
 18.25 the leaking underground storage tank program  
 18.26 to investigate, clean up, and prevent future  
 18.27 releases from underground petroleum storage  
 18.28 tanks and for the petroleum remediation  
 18.29 program for vapor assessment and  
 18.30 remediation. These same annual amounts are  
 18.31 transferred from the petroleum tank fund to  
 18.32 the remediation fund.

19.1 (d) The total general fund base budget for the  
19.2 watershed division for fiscal year 2026 and  
19.3 later is \$1,959,000.

19.4 **Subd. 9. Environmental Quality Board** 2,075,000 1,639,000

	<u>Appropriations by Fund</u>	
	<u>2024</u>	<u>2025</u>
19.5		
19.6		
19.7	<u>1,854,000</u>	<u>1,413,000</u>
19.8	<u>221,000</u>	<u>226,000</u>

19.9 \$620,000 the first year and \$140,000 the  
19.10 second year are to develop a Minnesota-based  
19.11 greenhouse gas sector and source-specific  
19.12 guidance, including climate information, a  
19.13 greenhouse gas calculator, and technical  
19.14 assistance for users. This is a onetime  
19.15 appropriation.

19.16 **Subd. 10. Transfers**

19.17 (a) The commissioner must transfer up to  
19.18 \$24,000,000 the first year and each fiscal year  
19.19 thereafter from the environmental fund to the  
19.20 remediation fund for purposes of the  
19.21 remediation fund under Minnesota Statutes,  
19.22 section 116.155, subdivision 2.

19.23 (b) By June 30, 2024, the commissioner of  
19.24 management and budget must transfer  
19.25 \$12,000,000 from the general fund to the  
19.26 metropolitan landfill contingency action trust  
19.27 account in the remediation fund.

19.28 **Sec. 3. NATURAL RESOURCES**

19.29 **Subdivision 1. Total Appropriation** **\$ 517,592,000** **\$ 389,535,000**

	<u>Appropriations by Fund</u>	
	<u>2024</u>	<u>2025</u>
19.30		
19.31		
19.32	<u>274,789,000</u>	<u>149,796,000</u>
19.33	<u>115,396,000</u>	<u>114,516,000</u>
19.34	<u>126,499,000</u>	<u>124,404,000</u>

20.1	<u>Remediation</u>	<u>117,000</u>	<u>117,000</u>
20.2	<u>Permanent School</u>	<u>791,000</u>	<u>702,000</u>

20.3 The amounts that may be spent for each  
 20.4 purpose are specified in the following  
 20.5 subdivisions.

20.6 **Subd. 2. Land and Mineral Resources**  
 20.7 **Management**

14,983,000

9,328,000

20.8 Appropriations by Fund

	<u>2024</u>	<u>2025</u>
20.9		
20.10	<u>10,083,000</u>	<u>4,428,000</u>
20.11	<u>4,338,000</u>	<u>4,338,000</u>
20.12	<u>344,000</u>	<u>344,000</u>
20.13	<u>218,000</u>	<u>218,000</u>

20.14 (a) \$319,000 the first year and \$319,000 the  
 20.15 second year are for environmental research  
 20.16 relating to mine permitting, of which \$200,000  
 20.17 each year is from the minerals management  
 20.18 account in the natural resources fund and  
 20.19 \$119,000 each year is from the general fund.

20.20 (b) \$3,383,000 the first year and \$3,383,000  
 20.21 the second year are from the minerals  
 20.22 management account in the natural resources  
 20.23 fund for use as provided under Minnesota  
 20.24 Statutes, section 93.2236, paragraph (c), for  
 20.25 mineral resource management, projects to  
 20.26 enhance future mineral income, and projects  
 20.27 to promote new mineral-resource  
 20.28 opportunities.

20.29 (c) \$218,000 the first year and \$218,000 the  
 20.30 second year are transferred from the forest  
 20.31 suspense account to the permanent school fund  
 20.32 and are appropriated from the permanent  
 20.33 school fund to secure maximum long-term  
 20.34 economic return from the school trust lands  
 20.35 consistent with fiduciary responsibilities and

21.1 sound natural resources conservation and  
 21.2 management principles.

21.3 (d) \$338,000 the first year and \$338,000 the  
 21.4 second year are from the water management  
 21.5 account in the natural resources fund for  
 21.6 mining hydrology.

21.7 (e) \$1,052,000 the first year and \$242,000 the  
 21.8 second year are for modernizing utility  
 21.9 licensing for state lands and public waters.

21.10 The first year appropriation is available  
 21.11 through fiscal year 2026. This is a onetime  
 21.12 appropriation.

21.13 (f) \$5,388,000 the first year is for costs,  
 21.14 including land acquisition, associated with the  
 21.15 transfer of state-owned land within the  
 21.16 boundaries of Upper Sioux Agency State Park  
 21.17 to the Upper Sioux Community. This is a  
 21.18 onetime appropriation and is available until  
 21.19 June 30, 2027.

21.20 (g) \$1,000,000 in fiscal year 2023 is from the  
 21.21 general fund to address safety concerns at the  
 21.22 drill core library. This is a onetime  
 21.23 appropriation and is available until June 30,  
 21.24 2026.

21.25 (h) The total general fund base budget for the  
 21.26 land and mineral resources management  
 21.27 division for fiscal year 2026 and later is  
 21.28 \$3,342,000.

21.29 **Subd. 3. Ecological and Water Resources** 45,315,000 44,413,000

21.30	<u>Appropriations by Fund</u>	
21.31	<u>2024</u>	<u>2025</u>
21.32 <u>General</u>	<u>25,949,000</u>	<u>26,258,000</u>
21.33 <u>Natural Resources</u>	<u>12,431,000</u>	<u>12,431,000</u>
21.34 <u>Game and Fish</u>	<u>6,935,000</u>	<u>5,724,000</u>

- 22.1 (a) \$4,222,000 the first year and \$4,222,000  
22.2 the second year are from the invasive species  
22.3 account in the natural resources fund and  
22.4 \$2,831,000 the first year and \$2,831,000 the  
22.5 second year are from the general fund for  
22.6 management, public awareness, assessment  
22.7 and monitoring research, and water access  
22.8 inspection to prevent the spread of invasive  
22.9 species; management of invasive plants in  
22.10 public waters; and management of terrestrial  
22.11 invasive species on state-administered lands.
- 22.12 (b) \$5,556,000 the first year and \$5,556,000  
22.13 the second year are from the water  
22.14 management account in the natural resources  
22.15 fund for only the purposes specified in  
22.16 Minnesota Statutes, section 103G.27,  
22.17 subdivision 2.
- 22.18 (c) \$124,000 the first year and \$124,000 the  
22.19 second year are for a grant to the Mississippi  
22.20 Headwaters Board for up to 50 percent of the  
22.21 cost of implementing the comprehensive plan  
22.22 for the upper Mississippi within areas under  
22.23 the board's jurisdiction.
- 22.24 (d) \$10,000 the first year and \$10,000 the  
22.25 second year are for payment to the Leech Lake  
22.26 Band of Chippewa Indians to implement the  
22.27 band's portion of the comprehensive plan for  
22.28 the upper Mississippi River.
- 22.29 (e) \$300,000 the first year and \$300,000 the  
22.30 second year are for grants for up to 50 percent  
22.31 of the cost of implementing the Red River  
22.32 mediation agreement. The base for fiscal year  
22.33 2026 and later is \$264,000.

- 23.1 (f) \$2,498,000 the first year and \$2,498,000  
23.2 the second year are from the heritage  
23.3 enhancement account in the game and fish  
23.4 fund for only the purposes specified in  
23.5 Minnesota Statutes, section 297A.94,  
23.6 paragraph (h), clause (1).
- 23.7 (g) \$1,150,000 the first year and \$1,150,000  
23.8 the second year are from the nongame wildlife  
23.9 management account in the natural resources  
23.10 fund for nongame wildlife management.
- 23.11 Notwithstanding Minnesota Statutes, section  
23.12 290.431, \$100,000 the first year and \$100,000  
23.13 the second year may be used for nongame  
23.14 wildlife information, education, and  
23.15 promotion.
- 23.16 (h) Notwithstanding Minnesota Statutes,  
23.17 section 84.943, \$28,000 the first year and  
23.18 \$28,000 the second year from the critical  
23.19 habitat private sector matching account may  
23.20 be used to publicize the critical habitat license  
23.21 plate match program.
- 23.22 (i) \$6,000,000 the first year and \$6,000,000  
23.23 the second year are for the following activities:
- 23.24 (1) financial reimbursement and technical  
23.25 support to soil and water conservation districts  
23.26 or other local units of government for  
23.27 groundwater-level monitoring;
- 23.28 (2) surface water monitoring and analysis,  
23.29 including installing monitoring gauges;
- 23.30 (3) groundwater analysis to assist with  
23.31 water-appropriation permitting decisions;
- 23.32 (4) permit application review incorporating  
23.33 surface water and groundwater technical  
23.34 analysis;

- 24.1 (5) precipitation data and analysis to improve  
24.2 irrigation use;
- 24.3 (6) information technology, including  
24.4 electronic permitting and integrated data  
24.5 systems; and
- 24.6 (7) compliance and monitoring.
- 24.7 (j) \$410,000 the first year and \$410,000 the  
24.8 second year are from the heritage enhancement  
24.9 account in the game and fish fund and  
24.10 \$500,000 the first year and \$500,000 the  
24.11 second year are from the general fund for  
24.12 grants to the Minnesota Aquatic Invasive  
24.13 Species Research Center at the University of  
24.14 Minnesota to prioritize, support, and develop  
24.15 research-based solutions that can reduce the  
24.16 effects of aquatic invasive species in  
24.17 Minnesota by preventing spread, controlling  
24.18 populations, and managing ecosystems and to  
24.19 advance knowledge to inspire action by others.
- 24.20 (k) \$134,000 the first year and \$134,000 the  
24.21 second year are for increased capacity for  
24.22 broadband utility licensing for state lands and  
24.23 public waters. This is a onetime appropriation.
- 24.24 (l) \$998,000 the first year and \$568,000 the  
24.25 second year are for protecting and restoring  
24.26 carbon storage in state-administered peatlands.  
24.27 This is a onetime appropriation and is  
24.28 available until June 30, 2027.
- 24.29 (m) \$200,000 the first year is from the general  
24.30 fund to the Board of Regents of the University  
24.31 of Minnesota for the University of Minnesota  
24.32 Water Council to develop a scope of work,  
24.33 timeline, and budget for a plan to promote and  
24.34 protect clean water in Minnesota for the next



25.1 50 years. The 50-year clean water plan must:  
25.2 (1) provide a literature-based assessment of  
25.3 the current status and trends regarding the  
25.4 quality and quantity of all Minnesota waters,  
25.5 both surface and subsurface; (2) identify gaps  
25.6 in the data or understanding and provide  
25.7 recommended action steps to address gaps;  
25.8 (3) identify existing and potential future  
25.9 threats to Minnesota's waters; and (4) propose  
25.10 a road map of scenarios and policy  
25.11 recommendations to allow the state to  
25.12 proactively protect, remediate, and conserve  
25.13 clean water for human use and biodiversity  
25.14 for the next 50 years. The scope of work must  
25.15 outline the steps and resources necessary to  
25.16 develop the plan, including but not limited to  
25.17 the data sets that are required and how the  
25.18 University of Minnesota will obtain access;  
25.19 the suite of proposed analysis methods; the  
25.20 roles and responsibilities of project leaders,  
25.21 key personnel, and stakeholders; the project  
25.22 timeline with milestones; and a budget with  
25.23 expected costs for tasks and milestones. By  
25.24 December 1, 2023, the Board of Regents of  
25.25 the University of Minnesota must submit the  
25.26 scope of work to the chairs and ranking  
25.27 minority members of the house of  
25.28 representatives and senate committees and  
25.29 divisions with jurisdiction over environment  
25.30 and natural resources. This is a onetime  
25.31 appropriation.  
  
25.32 (n) \$943,000 the first year is from the heritage  
25.33 enhancement account in the game and fish  
25.34 fund to examine the effects of neonicotinoid  
25.35 exposure on the reproduction and survival of  
25.36 Minnesota's game species, including deer and

26.1 prairie chicken. This is a onetime  
26.2 appropriation and is available until June 30,  
26.3 2027.

26.4 (o) \$395,000 the first year is to expand  
26.5 invasive carp surveys and carp removal from  
26.6 the Mississippi River, measure the efficacy of  
26.7 invasive carp management practices, and pay  
26.8 for related staffing costs. This is a onetime  
26.9 appropriation.

26.10 (p) \$325,000 the first year is for a grant to the  
26.11 Board of Regents of the University of  
26.12 Minnesota to study the Mississippi River Lock  
26.13 and Dam 5 spillway gate to optimize  
26.14 management to reduce invasive carp passage.  
26.15 This is a onetime appropriation.

26.16 (q) \$268,000 the first year is from the heritage  
26.17 enhancement account in the game and fish  
26.18 fund for native fish conservation and  
26.19 classification. By August 1, 2023, a written  
26.20 update on the progress of identifying necessary  
26.21 protection and conservation measures for  
26.22 native fish currently defined as rough fish  
26.23 under Minnesota Statutes, section 97A.015,  
26.24 subdivision 43, including buffalo, sucker,  
26.25 sheepshead, bowfin, gar, goldeye, and  
26.26 bullhead, must be submitted to the chairs and  
26.27 ranking minority members of the house of  
26.28 representatives and senate committees and  
26.29 divisions with jurisdiction over environment  
26.30 and natural resources. By December 15, 2023,  
26.31 a written report with recommendations for  
26.32 statutory and rule changes to provide  
26.33 necessary protection and conservation  
26.34 measures and research needs for native fish  
26.35 currently designated as rough fish must be

27.1 submitted to the chairs and ranking minority  
27.2 members of the house of representatives and  
27.3 senate committees and divisions with  
27.4 jurisdiction over environment and natural  
27.5 resources. The report must include  
27.6 recommendations for amending Minnesota  
27.7 Statutes to separately classify fish that are  
27.8 native to Minnesota and that are currently  
27.9 designated as rough fish and invasive fish that  
27.10 are currently designated as rough fish. For the  
27.11 purposes of this paragraph, native fish include  
27.12 but are not limited to bowfin (*Amia calva*),  
27.13 bigmouth buffalo (*Ictiobus cyprinellus*),  
27.14 smallmouth buffalo (*Ictiobus bubalus*), burbot  
27.15 (*Lota lota*), longnose gar (*Lepisosteus osseus*),  
27.16 shortnose gar (*Lepisosteus platostomus*),  
27.17 goldeye (*Hiodon alosoides*), mooneye (*Hiodon*  
27.18 *tergisus*), white sucker (*Catostomus*  
27.19 *commersonii*), and invasive fish include but  
27.20 are not limited to bighead carp  
27.21 (*Hypophthalmichthys nobilis*), grass carp  
27.22 (*Ctenopharyngodon idella*), and silver carp  
27.23 (*Hypophthalmichthys molitrix*). This is a  
27.24 onetime appropriation.

27.25 (r) \$40,000 the first year is for a grant to the  
27.26 Stearns Coalition of Lake Associations to  
27.27 manage aquatic invasive species. The  
27.28 unencumbered balance of the general fund  
27.29 appropriation in Laws 2021, First Special  
27.30 Session chapter 6, article 1, section 3,  
27.31 subdivision 3, paragraph (a), for the grant to  
27.32 the Stearns Coalition of Lake Associations,  
27.33 estimated to be \$40,000, is canceled no later  
27.34 than June 29, 2023.

28.1 (s) The total general fund base budget for the  
 28.2 ecological and water resources division for  
 28.3 fiscal year 2026 and later is \$25,120,000.

28.4 **Subd. 4. Forest Management** 70,325,000 71,667,000

	<u>Appropriations by Fund</u>	
	<u>2024</u>	<u>2025</u>
28.6 <u>General</u>	<u>52,672,000</u>	<u>53,989,000</u>
28.7 <u>Natural Resources</u>	<u>16,161,000</u>	<u>16,161,000</u>
28.8 <u>Game and Fish</u>	<u>1,492,000</u>	<u>1,517,000</u>

28.9 (a) \$7,521,000 the first year and \$7,521,000  
 28.10 the second year are for prevention,  
 28.11 presuppression, and suppression costs of  
 28.12 emergency firefighting and other costs  
 28.13 incurred under Minnesota Statutes, section  
 28.14 88.12. The amount necessary to pay for  
 28.15 presuppression and suppression costs during  
 28.16 the biennium is appropriated from the general  
 28.17 fund. By January 15 each year, the  
 28.18 commissioner of natural resources must submit  
 28.19 a report to the chairs and ranking minority  
 28.20 members of the house and senate committees  
 28.21 and divisions having jurisdiction over  
 28.22 environment and natural resources finance that  
 28.23 identifies all firefighting costs incurred and  
 28.24 reimbursements received in the prior fiscal  
 28.25 year. These appropriations may not be  
 28.26 transferred. Any reimbursement of firefighting  
 28.27 expenditures made to the commissioner from  
 28.28 any source other than federal mobilizations  
 28.29 must be deposited into the general fund.

28.30 (b) \$15,386,000 the first year and \$15,386,000  
 28.31 the second year are from the forest  
 28.32 management investment account in the natural  
 28.33 resources fund for only the purposes specified  
 28.34

29.1 in Minnesota Statutes, section 89.039,  
29.2 subdivision 2.

29.3 (c) \$1,492,000 the first year and \$1,517,000  
29.4 the second year are from the heritage  
29.5 enhancement account in the game and fish  
29.6 fund to advance ecological classification  
29.7 systems (ECS), forest habitat, and invasive  
29.8 species management.

29.9 (d) \$906,000 the first year and \$926,000 the  
29.10 second year are for the Forest Resources  
29.11 Council to implement the Sustainable Forest  
29.12 Resources Act.

29.13 (e) \$1,143,000 the first year and \$1,143,000  
29.14 the second year are for the Next Generation  
29.15 Core Forestry data system. Of this  
29.16 appropriation, \$868,000 each year is from the  
29.17 general fund and \$275,000 each year is from  
29.18 the forest management investment account in  
29.19 the natural resources fund.

29.20 (f) \$500,000 the first year and \$500,000 the  
29.21 second year are from the forest management  
29.22 investment account in the natural resources  
29.23 fund for forest road maintenance on state  
29.24 forest roads.

29.25 (g) \$500,000 the first year and \$500,000 the  
29.26 second year are for forest road maintenance  
29.27 on county forest roads.

29.28 (h) \$2,086,000 the first year and \$2,086,000  
29.29 the second year are to support forest  
29.30 management, cost-share assistance, and  
29.31 inventory on private woodlands. This is a  
29.32 onetime appropriation.

29.33 (i) \$400,000 the first year and \$400,000 the  
29.34 second year are to accelerate tree seed

30.1 collection to support a growing demand for  
30.2 tree planting on public and private lands. This  
30.3 is a onetime appropriation.

30.4 (j) \$8,900,000 the first year and \$8,900,000  
30.5 the second year are for grants to local and  
30.6 Tribal governments and nonprofit  
30.7 organizations to enhance community forest  
30.8 ecosystem health and sustainability under  
30.9 Minnesota Statutes, section 88.82, the  
30.10 Minnesota ReLeaf program. This  
30.11 appropriation is available until June 30, 2027.

30.12 Money appropriated for grants under this  
30.13 paragraph may be used to pay reasonable costs  
30.14 incurred by the commissioner of natural  
30.15 resources to administer the grants. The base  
30.16 is \$400,000 beginning in fiscal year 2026.

30.17 (k) \$1,500,000 the first year and \$1,500,000  
30.18 the second year are for forest stand  
30.19 improvement and to meet the reforestation  
30.20 requirements of Minnesota Statutes, section  
30.21 89.002, subdivision 2. This is a onetime  
30.22 appropriation.

30.23 **Subd. 5. Parks and Trails Management** 102,687,000 105,420,000

<u>Appropriations by Fund</u>	<u>2024</u>	<u>2025</u>
30.25 <u>General</u>	<u>32,794,000</u>	<u>36,507,000</u>
30.26 <u>Natural Resources</u>	<u>67,593,000</u>	<u>66,613,000</u>
30.27 <u>Game and Fish</u>	<u>2,300,000</u>	<u>2,300,000</u>

30.29 (a) \$8,985,000 the first year and \$8,985,000  
30.30 the second year are from the natural resources  
30.31 fund for state trail, park, and recreation area  
30.32 operations. This appropriation is from revenue  
30.33 deposited in the natural resources fund under  
30.34 Minnesota Statutes, section 297A.94,  
30.35 paragraph (h), clause (2).

- 31.1 (b) \$20,828,000 the first year and \$20,828,000  
31.2 the second year are from the state parks  
31.3 account in the natural resources fund to  
31.4 operate and maintain state parks and state  
31.5 recreation areas.
- 31.6 (c) \$1,140,000 the first year and \$1,140,000  
31.7 the second year are from the natural resources  
31.8 fund for park and trail grants to local units of  
31.9 government on land to be maintained for at  
31.10 least 20 years for parks or trails. This  
31.11 appropriation is from revenue deposited in the  
31.12 natural resources fund under Minnesota  
31.13 Statutes, section 297A.94, paragraph (h),  
31.14 clause (4). Any unencumbered balance does  
31.15 not cancel at the end of the first year and is  
31.16 available for the second year.
- 31.17 (d) \$9,624,000 the first year and \$9,624,000  
31.18 the second year are from the snowmobile trails  
31.19 and enforcement account in the natural  
31.20 resources fund for the snowmobile  
31.21 grants-in-aid program. Any unencumbered  
31.22 balance does not cancel at the end of the first  
31.23 year and is available for the second year.
- 31.24 (e) \$2,435,000 the first year and \$2,435,000  
31.25 the second year are from the natural resources  
31.26 fund for the off-highway vehicle grants-in-aid  
31.27 program. Of this amount, \$1,960,000 each  
31.28 year is from the all-terrain vehicle account;  
31.29 \$150,000 each year is from the off-highway  
31.30 motorcycle account; and \$325,000 each year  
31.31 is from the off-road vehicle account. Any  
31.32 unencumbered balance does not cancel at the  
31.33 end of the first year and is available for the  
31.34 second year.

- 32.1 (f) \$2,250,000 the first year and \$2,250,000  
32.2 the second year are from the state land and  
32.3 water conservation account in the natural  
32.4 resources fund for priorities established by the  
32.5 commissioner for eligible state projects and  
32.6 administrative and planning activities  
32.7 consistent with Minnesota Statutes, section  
32.8 84.0264, and the federal Land and Water  
32.9 Conservation Fund Act. Any unencumbered  
32.10 balance does not cancel at the end of the first  
32.11 year and is available for the second year.
- 32.12 (g) \$250,000 the first year and \$250,000 the  
32.13 second year are for matching grants for local  
32.14 parks and outdoor recreation areas under  
32.15 Minnesota Statutes, section 85.019,  
32.16 subdivision 2.
- 32.17 (h) \$250,000 the first year and \$250,000 the  
32.18 second year are for matching grants for local  
32.19 trail connections under Minnesota Statutes,  
32.20 section 85.019, subdivision 4c.
- 32.21 (i) \$500,000 the first year and \$750,000 the  
32.22 second year are from the natural resources  
32.23 fund for parks and trails of regional  
32.24 significance outside of the seven-county  
32.25 metropolitan area under Minnesota Statutes,  
32.26 section 85.535, based on the recommendations  
32.27 from the Greater Minnesota Regional Parks  
32.28 and Trails Commission. This appropriation is  
32.29 from revenue deposited in the natural  
32.30 resources fund under Minnesota Statutes,  
32.31 section 297A.94, paragraph (i).
- 32.32 (j) \$300,000 the first year and \$350,000 the  
32.33 second year are from the natural resources  
32.34 fund for projects and activities that connect  
32.35 diverse and underserved Minnesotans through



33.1 expanding cultural environmental experiences,  
 33.2 exploration of their environment, and outdoor  
 33.3 recreational activities. This appropriation is  
 33.4 from revenue deposited in the natural  
 33.5 resources fund under Minnesota Statutes,  
 33.6 section 297A.94, paragraph (j).

33.7 (k) \$750,000 the first year is from the  
 33.8 all-terrain vehicle account in the natural  
 33.9 resources fund to the commissioner of natural  
 33.10 resources for a grant to St. Louis County to  
 33.11 match other funding sources for design,  
 33.12 right-of-way acquisition, permitting, and  
 33.13 construction of trails within the Voyageur  
 33.14 Country ATV trail system. This is a onetime  
 33.15 appropriation and is available until June 30,  
 33.16 2026. This appropriation may be used as a  
 33.17 local match to a 2023 state bonding award.

33.18 (l) \$700,000 the first year is from the  
 33.19 all-terrain vehicle account in the natural  
 33.20 resources fund to the commissioner of natural  
 33.21 resources for a grant to St. Louis County to  
 33.22 match other funding sources for design,  
 33.23 right-of-way acquisition, permitting, and  
 33.24 construction of a new trail within the  
 33.25 Prospector trail system. This is a onetime  
 33.26 appropriation and is available until June 30,  
 33.27 2026. This appropriation may be used as a  
 33.28 local match to a 2023 state bonding award.

33.29 (m) \$250,000 the first year and \$250,000 the  
 33.30 second year are from the all-terrain vehicle  
 33.31 account in the natural resources fund to the  
 33.32 commissioner of natural resources for a grant  
 33.33 to Aitkin County, in cooperation with the  
 33.34 Northwoods Regional ATV Trail Alliance, to  
 33.35 maintain and repair the Northwoods Regional

34.1 ATV trail system. This is a onetime  
34.2 appropriation and is available until June 30,  
34.3 2026.

34.4 (n) The total general fund base budget for the  
34.5 parks and trails division for fiscal year 2026  
34.6 and later is \$35,507,000.

34.7 **Subd. 6. Fish and Wildlife Management** 96,212,000 90,186,000

34.8	<u>Appropriations by Fund</u>	
34.9	<u>2024</u>	<u>2025</u>
34.10 <u>General</u>	<u>11,124,000</u>	<u>4,332,000</u>
34.11 <u>Natural Resources</u>	<u>1,982,000</u>	<u>1,982,000</u>
34.12 <u>Game and Fish</u>	<u>83,106,000</u>	<u>83,872,000</u>

34.13 (a) \$11,477,000 the first year and \$11,702,000  
34.14 the second year are from the heritage  
34.15 enhancement account in the game and fish  
34.16 fund only for activities specified under  
34.17 Minnesota Statutes, section 297A.94,  
34.18 paragraph (h), clause (1). Notwithstanding  
34.19 Minnesota Statutes, section 297A.94, five  
34.20 percent of this appropriation may be used for  
34.21 expanding hunter and angler recruitment and  
34.22 retention.

34.23 (b) \$982,000 the first year and \$982,000 the  
34.24 second year are from the general fund and  
34.25 \$1,675,000 the first year and \$1,675,000 the  
34.26 second year are from the game and fish fund  
34.27 for statewide response and management of  
34.28 chronic wasting disease. The commissioner  
34.29 and the Board of Animal Health must each  
34.30 submit annual reports on chronic wasting  
34.31 disease activities funded in this biennium to  
34.32 the chairs and ranking minority members of  
34.33 the legislative committees and divisions with  
34.34 jurisdiction over environment and natural  
34.35 resources and agriculture. The base for the

- 35.1 general fund portion of this appropriation in  
35.2 fiscal year 2026 and later is \$282,000.
- 35.3 (c) \$8,546,000 the first year and \$8,546,000  
35.4 the second year are from the deer management  
35.5 account for the purposes identified in  
35.6 Minnesota Statutes, section 97A.075,  
35.7 subdivision 1.
- 35.8 (d) \$134,000 the first year and \$134,000 the  
35.9 second year are for increased capacity for  
35.10 broadband utility licensing for state lands and  
35.11 public waters. This is a onetime appropriation.
- 35.12 (e) \$5,134,000 the first year is for enhancing  
35.13 grasslands and restoring wetlands on  
35.14 state-owned wildlife management areas to  
35.15 sequester more carbon and enhance climate  
35.16 resiliency. This is a onetime appropriation and  
35.17 is available until June 30, 2027.
- 35.18 (f) \$500,000 the first year and \$500,000 the  
35.19 second year are from the general fund and  
35.20 \$500,000 the first year and \$500,000 the  
35.21 second year are from the heritage enhancement  
35.22 account in the game and fish fund for grants  
35.23 for natural-resource-based education and  
35.24 recreation programs serving youth under  
35.25 Minnesota Statutes, section 84.976, and for  
35.26 grant administration. The general fund amount  
35.27 is onetime.
- 35.28 (g) \$400,000 the first year and \$400,000 the  
35.29 second year are for the walk-in access program  
35.30 under Minnesota Statutes, section 97A.126.
- 35.31 (h) \$1,633,000 the first year is for a grant to  
35.32 the Board of Regents of the University of  
35.33 Minnesota for chronic wasting disease  
35.34 contingency plans developed by the Center

36.1 for Infectious Disease Research and Policy.  
 36.2 This is a onetime appropriation.  
 36.3 (i) Notwithstanding Minnesota Statutes,  
 36.4 section 297A.94, \$300,000 the first year and  
 36.5 \$300,000 the second year are from the heritage  
 36.6 enhancement account in the game and fish  
 36.7 fund for shooting sports facility grants under  
 36.8 Minnesota Statutes, section 87A.10, including  
 36.9 grants for archery facilities. Grants must be  
 36.10 matched with a nonstate match, which may  
 36.11 include in-kind contributions. This is a  
 36.12 onetime appropriation and is available until  
 36.13 June 30, 2026. This appropriation must be  
 36.14 allocated as follows: (1) \$200,000 each fiscal  
 36.15 year is for grants of \$25,000 or less; and (2)  
 36.16 \$100,000 each fiscal year is for grants in  
 36.17 excess of \$25,000.

36.18 **Subd. 7. Enforcement** 63,472,000 63,028,000

	<u>Appropriations by Fund</u>	
	<u>2024</u>	<u>2025</u>
36.20 <u>General</u>	<u>18,522,000</u>	<u>19,653,000</u>
36.21 <u>Natural Resources</u>	<u>12,511,000</u>	<u>12,611,000</u>
36.22 <u>Game and Fish</u>	<u>32,322,000</u>	<u>30,647,000</u>
36.23 <u>Remediation</u>	<u>117,000</u>	<u>117,000</u>

36.24 (a) \$1,718,000 the first year and \$1,718,000  
 36.25 the second year are from the general fund for  
 36.26 enforcement efforts to prevent the spread of  
 36.27 aquatic invasive species.

36.28 (b) \$2,080,000 the first year and \$1,892,000  
 36.29 the second year are from the heritage  
 36.30 enhancement account in the game and fish  
 36.31 fund for only the purposes specified under  
 36.32 Minnesota Statutes, section 297A.94,  
 36.33 paragraph (h), clause (1).

- 37.1 (c) \$1,082,000 the first year and \$1,082,000  
37.2 the second year are from the water recreation  
37.3 account in the natural resources fund for grants  
37.4 to counties for boat and water safety. Any  
37.5 unencumbered balance does not cancel at the  
37.6 end of the first year and is available for the  
37.7 second year.
- 37.8 (d) \$315,000 the first year and \$315,000 the  
37.9 second year are from the snowmobile trails  
37.10 and enforcement account in the natural  
37.11 resources fund for grants to local law  
37.12 enforcement agencies for snowmobile  
37.13 enforcement activities. Any unencumbered  
37.14 balance does not cancel at the end of the first  
37.15 year and is available for the second year.
- 37.16 (e) \$250,000 the first year and \$250,000 the  
37.17 second year are from the all-terrain vehicle  
37.18 account in the natural resources fund for grants  
37.19 to qualifying organizations to assist in safety  
37.20 and environmental education and monitoring  
37.21 trails on public lands under Minnesota  
37.22 Statutes, section 84.9011. Grants issued under  
37.23 this paragraph must be issued through a formal  
37.24 agreement with the organization. By  
37.25 December 15 each year, an organization  
37.26 receiving a grant under this paragraph must  
37.27 report to the commissioner with details on  
37.28 expenditures and outcomes from the grant. Of  
37.29 this appropriation, \$25,000 each year is for  
37.30 administering these grants. Any unencumbered  
37.31 balance does not cancel at the end of the first  
37.32 year and is available for the second year.
- 37.33 (f) \$510,000 the first year and \$510,000 the  
37.34 second year are from the natural resources  
37.35 fund for grants to county law enforcement

38.1 agencies for off-highway vehicle enforcement  
38.2 and public education activities based on  
38.3 off-highway vehicle use in the county. Of this  
38.4 amount, \$498,000 each year is from the  
38.5 all-terrain vehicle account, \$11,000 each year  
38.6 is from the off-highway motorcycle account,  
38.7 and \$1,000 each year is from the off-road  
38.8 vehicle account. The county enforcement  
38.9 agencies may use money received under this  
38.10 appropriation to make grants to other local  
38.11 enforcement agencies within the county that  
38.12 have a high concentration of off-highway  
38.13 vehicle use. Of this appropriation, \$25,000  
38.14 each year is for administering the grants. Any  
38.15 unencumbered balance does not cancel at the  
38.16 end of the first year and is available for the  
38.17 second year.

38.18 (g) \$2,250,000 the first year and \$2,250,000  
38.19 the second year are appropriated for  
38.20 inspections, investigations, and enforcement  
38.21 activities taken in conjunction with the Board  
38.22 of Animal Health for the white-tailed deer  
38.23 farm program and for statewide response and  
38.24 management of chronic wasting disease.

38.25 (h) \$3,050,000 the first year is for modernizing  
38.26 the enforcement aviation fleet. This  
38.27 appropriation is available until June 30, 2027.

38.28 (i) \$360,000 the first year and \$360,000 the  
38.29 second year are for training department  
38.30 enforcement officers and for maintaining and  
38.31 storing equipment for conservation officer  
38.32 public safety responses. This is a onetime  
38.33 appropriation.

38.34 (j) The commissioner of natural resources shall  
38.35 recruit and hire at least 2.5 full-time equivalent

39.1 positions to engage in outreach to members  
 39.2 of Southeast Asian communities in Minnesota  
 39.3 about hunting and fishing opportunities and  
 39.4 regulations in this state. No more than one  
 39.5 full-time equivalent position may be a  
 39.6 conservation officer and all positions filled  
 39.7 with this appropriation must be fluent in the  
 39.8 Hmong or Karen language.

39.9 **Subd. 8. Operations Support** 2,434,000 1,408,000

39.10 (a) \$1,684,000 the first year and \$1,408,000  
 39.11 second year are for information technology  
 39.12 security and modernization. This is a onetime  
 39.13 appropriation.

39.14 (b) \$750,000 the first year is for legal costs.  
 39.15 The unencumbered amount of the general fund  
 39.16 appropriation in Laws 2019, First Special  
 39.17 Session chapter 4, article 1, section 3,  
 39.18 subdivision 8, for legal costs, estimated to be  
 39.19 \$750,000, is canceled no later than June 29,  
 39.20 2023.

39.21 **Subd. 9. Pass Through Funds** 4,164,000 4,085,000

39.22	<u>Appropriations by Fund</u>	
39.23	<u>2024</u>	<u>2025</u>
39.24 <u>General</u>	<u>3,211,000</u>	<u>3,221,000</u>
39.25 <u>Natural Resources</u>	<u>380,000</u>	<u>380,000</u>
39.26 <u>Permanent School</u>	<u>573,000</u>	<u>484,000</u>

39.27 (a) \$380,000 the first year and \$380,000 the  
 39.28 second year are from the natural resources  
 39.29 fund for grants to be divided equally between  
 39.30 the city of St. Paul for the Como Park Zoo and  
 39.31 Conservatory and the city of Duluth for the  
 39.32 Lake Superior Zoo. This appropriation is from  
 39.33 revenue deposited to the natural resources fund

40.1 under Minnesota Statutes, section 297A.94,  
40.2 paragraph (h), clause (5).

40.3 (b) \$211,000 the first year and \$221,000 the  
40.4 second year are for the Office of School Trust  
40.5 Lands.

40.6 (c) \$250,000 the first year and \$150,000 the  
40.7 second year are transferred from the forest  
40.8 suspense account to the permanent school fund  
40.9 and are appropriated from the permanent  
40.10 school fund for transaction and project  
40.11 management costs for divesting of school trust  
40.12 lands within Boundary Waters Canoe Area  
40.13 Wilderness.

40.14 (d) \$323,000 the first year and \$334,000 the  
40.15 second year are transferred from the forest  
40.16 suspense account to the permanent school fund  
40.17 and are appropriated from the permanent  
40.18 school fund for the Office of School Trust  
40.19 Lands.

40.20 (e) \$3,000,000 the first year and \$3,000,000  
40.21 the second year are for proportional payments  
40.22 to Tribes receiving payments under Minnesota  
40.23 Statutes, section 97A.165.

40.24 **Subd. 10. Get Out MORE (Modernizing Outdoor**  
40.25 **Recreation Experiences)**

118,000,000

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40.26 \$118,000,000 the first year is for modernizing  
40.27 Minnesota's state-managed outdoor recreation  
40.28 experiences. Of this amount:

40.29 (1) \$28,000,000 is for enhancing access and  
40.30 welcoming new users to public lands and  
40.31 outdoor recreation facilities. Of this amount,  
40.32 \$400,000 is for a grant to the city of Silver  
40.33 Bay for construction of the Silver Bay  
40.34 Trailhead, and \$500,000 is for a grant to the



41.1 city of Chisolm for trail development,  
 41.2 maintenance, and related amenities at Redhead  
 41.3 Mountain Bike Park;  
 41.4 (2) \$5,000,000 is for modernizing camping  
 41.5 and related infrastructure;  
 41.6 (3) \$35,000,000 is for modernizing boating  
 41.7 access. Of this amount, \$1,900,000 is for the  
 41.8 construction of the Crane Lake Voyageurs  
 41.9 National Park Visitor Center and Campground  
 41.10 and for improvements and maintenance for  
 41.11 the state-operated boat ramp at Crane Lake;  
 41.12 (4) \$35,000,000 is for modernizing fish  
 41.13 hatcheries and fishing infrastructure; and  
 41.14 (5) \$15,000,000 is for restoring streams and  
 41.15 modernizing water-related infrastructure.  
 41.16 The commissioner may reallocate across these  
 41.17 purposes based on project readiness and  
 41.18 priority. This is a onetime appropriation and  
 41.19 is available until June 30, 2029.

41.20 **Subd. 11. Transfer**

41.21 By June 30, 2024, the commissioner of  
 41.22 management and budget must transfer \$58,000  
 41.23 from the water recreation account in the  
 41.24 natural resources fund to the driver services  
 41.25 operating account under Minnesota Statutes,  
 41.26 section 299A.705.

41.27 **EFFECTIVE DATE.** Subdivisions 2, 3, and 8 are effective the day following final  
 41.28 enactment.

41.29 **Sec. 4. BOARD OF WATER AND SOIL**  
 41.30 **RESOURCES**

**\$ 58,766,000 \$ 58,954,000**

41.31 (a) \$3,116,000 the first year and \$3,116,000  
 41.32 the second year are for grants and payments  
 41.33 to soil and water conservation districts for

- 42.1 accomplishing the purposes of Minnesota  
42.2 Statutes, chapter 103C, and for other general  
42.3 purposes, nonpoint engineering, and  
42.4 implementation and stewardship of the  
42.5 reinvest in Minnesota reserve program.  
42.6 Expenditures may be made from this  
42.7 appropriation for supplies and services  
42.8 benefiting soil and water conservation  
42.9 districts. Any district receiving a payment  
42.10 under this paragraph must maintain a website  
42.11 that publishes, at a minimum, the district's  
42.12 annual report, annual audit, annual budget,  
42.13 and meeting notices.
- 42.14 (b) \$761,000 the first year and \$761,000 the  
42.15 second year are to implement, enforce, and  
42.16 provide oversight for the Wetland  
42.17 Conservation Act, including administering the  
42.18 wetland banking program and in-lieu fee  
42.19 mechanism.
- 42.20 (c) \$1,560,000 the first year and \$1,560,000  
42.21 the second year are for the following:
- 42.22 (1) \$1,460,000 each year is for cost-sharing  
42.23 programs of soil and water conservation  
42.24 districts for accomplishing projects and  
42.25 practices consistent with Minnesota Statutes,  
42.26 section 103C.501, including perennially  
42.27 vegetated riparian buffers, erosion control,  
42.28 water retention and treatment, water quality  
42.29 cost-sharing for feedlots under 500 animal  
42.30 units and nutrient and manure management  
42.31 projects in watersheds where there are  
42.32 impaired waters, and other high-priority  
42.33 conservation practices; and
- 42.34 (2) \$100,000 each year is for county  
42.35 cooperative weed management programs and

- 43.1 to restore native plants at selected invasive  
43.2 species management sites.
- 43.3 (d) \$166,000 the first year and \$166,000 the  
43.4 second year are to provide technical assistance  
43.5 to local drainage management officials and  
43.6 for the costs of the Drainage Work Group. The  
43.7 board must coordinate the activities of the  
43.8 Drainage Work Group according to Minnesota  
43.9 Statutes, section 103B.101, subdivision 13.
- 43.10 (e) \$100,000 the first year and \$100,000 the  
43.11 second year are for a grant to the Red River  
43.12 Basin Commission for water quality and  
43.13 floodplain management, including program  
43.14 administration. This appropriation must be  
43.15 matched by nonstate funds.
- 43.16 (f) \$190,000 the first year and \$190,000 the  
43.17 second year are for grants to Area II  
43.18 Minnesota River Basin Projects for floodplain  
43.19 management. The base for fiscal year 2026  
43.20 and later is \$140,000.
- 43.21 (g) \$125,000 the first year and \$125,000 the  
43.22 second year are for conservation easement  
43.23 stewardship.
- 43.24 (h) \$240,000 the first year and \$240,000 the  
43.25 second year are for a grant to the Lower  
43.26 Minnesota River Watershed District to defray  
43.27 the annual cost of operating and maintaining  
43.28 sites for dredge spoil to sustain the state,  
43.29 national, and international commercial and  
43.30 recreational navigation on the lower Minnesota  
43.31 River.
- 43.32 (i) \$2,000,000 the first year and \$2,000,000  
43.33 the second year are for the lawns to legumes  
43.34 program under Minnesota Statutes, section

44.1 103B.104. The board may enter into  
44.2 agreements with local governments, Metro  
44.3 Blooms, and other organizations to support  
44.4 this effort. This is a onetime appropriation and  
44.5 is available until June 30, 2027.

44.6 (j) \$500,000 the first year and \$500,000 the  
44.7 second year are for the habitat-friendly utilities  
44.8 program under Minnesota Statutes, section  
44.9 103B.105. This is a onetime appropriation and  
44.10 is available until June 30, 2027.

44.11 (k) \$2,000,000 the first year and \$2,000,000  
44.12 the second year are for the habitat  
44.13 enhancement landscape program under  
44.14 Minnesota Statutes, section 103B.106. This is  
44.15 a onetime appropriation and is available until  
44.16 June 30, 2027.

44.17 (l) \$13,380,000 the first year and \$13,380,000  
44.18 the second year are for soil health activities to  
44.19 achieve water quality, soil productivity,  
44.20 climate change resiliency, or carbon  
44.21 sequestration benefits consistent with  
44.22 Minnesota Statutes, section 103F.06. This is  
44.23 a onetime appropriation and is available until  
44.24 June 30, 2027. The board may use grants to  
44.25 local governments, including soil and water  
44.26 conservation districts, and agreements with  
44.27 the United States Department of Agriculture;  
44.28 the University of Minnesota, Office for Soil  
44.29 Health; AgCentric, Minnesota State Northern  
44.30 Center of Excellence; and other practitioners  
44.31 and partners to accomplish this work.

44.32 (m) \$8,000,000 the first year and \$8,000,000  
44.33 the second year are for conservation easements  
44.34 and to restore and enhance grasslands and  
44.35 adjacent lands consistent with Minnesota

45.1 Statutes, sections 103F.501 to 103F.531, for  
45.2 the purposes of climate resiliency, adaptation,  
45.3 carbon sequestration, and related benefits. Of  
45.4 this amount, up to \$422,500 is for deposit in  
45.5 the water and soil conservation easement  
45.6 stewardship account established under  
45.7 Minnesota Statutes, section 103B.103. This is  
45.8 a onetime appropriation and is available until  
45.9 June 30, 2027.

45.10 (n) \$7,500,000 the first year and \$7,500,000  
45.11 the second year are to acquire conservation  
45.12 easements and to restore and enhance  
45.13 peatlands and adjacent lands consistent with  
45.14 Minnesota Statutes, sections 103F.501 to  
45.15 103F.531, for the purposes of climate  
45.16 resiliency, adaptation, carbon sequestration,  
45.17 and related benefits. Of this amount, up to  
45.18 \$299,000 is for deposit in the water and soil  
45.19 conservation easement stewardship account  
45.20 established under Minnesota Statutes, section  
45.21 103B.103. This is a onetime appropriation and  
45.22 is available until June 30, 2027.

45.23 (o) \$8,500,000 the first year and \$8,500,000  
45.24 the second year are for water quality and  
45.25 storage practices and projects to protect  
45.26 infrastructure, improve water quality and  
45.27 related public benefits, and mitigate climate  
45.28 change impacts consistent with Minnesota  
45.29 Statutes, section 103F.05. This is a onetime  
45.30 appropriation and is available until June 30,  
45.31 2027.

45.32 (p) \$4,673,000 the first year and \$4,673,000  
45.33 the second year are for natural resources block  
45.34 grants to local governments to implement the  
45.35 Wetland Conservation Act and shoreland

46.1 management program under Minnesota  
46.2 Statutes, chapter 103F, and local water  
46.3 management responsibilities under Minnesota  
46.4 Statutes, chapter 103B. The board may reduce  
46.5 the amount of the natural resources block grant  
46.6 to a county by an amount equal to any  
46.7 reduction in the county's general services  
46.8 allocation to a soil and water conservation  
46.9 district from the county's previous year  
46.10 allocation when the board determines that the  
46.11 reduction was disproportionate. The base for  
46.12 fiscal year 2026 and later is \$3,423,000.

46.13 (q) \$129,000 the first year and \$136,000 the  
46.14 second year are to accomplish the objectives  
46.15 of Minnesota Statutes, section 10.65, and  
46.16 related Tribal government coordination. The  
46.17 base for fiscal year 2026 and each year  
46.18 thereafter is \$144,000.

46.19 (r) The board may shift money in this section  
46.20 and may adjust the technical and  
46.21 administrative assistance portion of the funds  
46.22 to leverage federal or other nonstate funds or  
46.23 to address accountability, oversight, local  
46.24 government performance, or high-priority  
46.25 needs.

46.26 (s) Returned grants and payments are available  
46.27 for two years after they are returned or  
46.28 regranted, whichever is later. Funds must be  
46.29 regranted consistent with the purposes of this  
46.30 section. If an appropriation for grants in either  
46.31 year is insufficient, the appropriation in the  
46.32 other year is available for it.

46.33 (t) Notwithstanding Minnesota Statutes,  
46.34 section 16B.97, grants awarded from  
46.35 appropriations in this section are exempt from



48.1	<u>Appropriations by Fund</u>		
48.2		<u>2024</u>	<u>2025</u>
48.3	<u>General</u>	<u>455,000</u>	<u>455,000</u>
48.4	<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>
48.5	<u>Conservation Corps Minnesota may receive</u>		
48.6	<u>money appropriated from the natural resources</u>		
48.7	<u>fund under this section only as provided in an</u>		
48.8	<u>agreement with the commissioner of natural</u>		
48.9	<u>resources.</u>		
48.10	Sec. 7. <u>ZOOLOGICAL BOARD</u>	<u>\$</u>	<u>12,807,000</u> <u>\$</u> <u>11,957,000</u>

48.11	<u>Appropriations by Fund</u>		
48.12		<u>2024</u>	<u>2025</u>
48.13	<u>General</u>	<u>12,617,000</u>	<u>11,767,000</u>
48.14	<u>Natural Resources</u>	<u>190,000</u>	<u>190,000</u>
48.15	<u>(a) \$190,000 the first year and \$190,000 the</u>		
48.16	<u>second year are from the natural resources</u>		
48.17	<u>fund from revenue deposited under Minnesota</u>		
48.18	<u>Statutes, section 297A.94, paragraph (h),</u>		
48.19	<u>clause (5).</u>		
48.20	<u>(b) \$850,000 the first year is to improve safety</u>		
48.21	<u>and security at the Minnesota Zoo. This is a</u>		
48.22	<u>onetime appropriation.</u>		
48.23	Sec. 8. <u>SCIENCE MUSEUM</u>	<u>\$</u>	<u>1,200,000</u> <u>\$</u> <u>1,260,000</u>

**ARTICLE 2**

**ENERGY FINANCE**

48.26 Section 1. APPROPRIATIONS.

48.27 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
 48.28 and for the purposes specified in this article. The appropriations are from the general fund,  
 48.29 or another named fund, and are available for the fiscal years indicated for each purpose.  
 48.30 The figures "2024" and "2025" used in this article mean that the appropriations listed under  
 48.31 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.  
 48.32 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"



49.1 is fiscal years 2024 and 2025. If an appropriation in this act is enacted more than once in  
 49.2 the 2023 legislative session, the appropriation must be given effect only once.

49.3		<b><u>APPROPRIATIONS</u></b>	
49.4		<b><u>Available for the Year</u></b>	
49.5		<b><u>Ending June 30</u></b>	
49.6		<b><u>2024</u></b>	<b><u>2025</u></b>

49.7 **Sec. 2. DEPARTMENT OF COMMERCE**

49.8	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>106,621,000</u></b>	<b><u>\$</u></b>	<b><u>35,419,000</u></b>
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49.9	<u>Appropriations by Fund</u>				
49.10		<u>2024</u>	<u>2025</u>		
49.11	<u>General</u>	<u>105,545,000</u>	<u>34,322,000</u>		
49.12	<u>Petroleum Tank</u>	<u>1,076,000</u>	<u>1,097,000</u>		

49.13 The amounts that may be spent for each  
 49.14 purpose are specified in the following  
 49.15 subdivisions.

49.16	<b><u>Subd. 2. Energy Resources</u></b>		<u>105,545,000</u>		<u>34,322,000</u>
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49.17 (a) \$150,000 each year is to remediate  
 49.18 vermiculite insulation from households that  
 49.19 are eligible for weatherization assistance under  
 49.20 Minnesota's weatherization assistance program  
 49.21 state plan under Minnesota Statutes, section  
 49.22 216C.264. Remediation must be done in  
 49.23 conjunction with federal weatherization  
 49.24 assistance program services.

49.25 (b) \$15,000,000 in the first year is transferred  
 49.26 from the general fund to the solar for schools  
 49.27 program account in the special revenue fund  
 49.28 for grants under the solar for schools program  
 49.29 established under Minnesota Statutes, section  
 49.30 216C.375. The money under this paragraph  
 49.31 must be expended on schools located outside  
 49.32 the electric service territory of the public  
 49.33 utility that is subject to Minnesota Statutes,  
 49.34 section 116C.779.

50.1 (c) \$1,138,000 in the first year is transferred  
 50.2 from the general fund to the solar for schools  
 50.3 program account under Minnesota Statutes,  
 50.4 section 216C.375, to provide financial  
 50.5 assistance to schools that are state colleges  
 50.6 and universities to purchase and install solar  
 50.7 energy generating systems. This appropriation  
 50.8 must be expended on schools located outside  
 50.9 the electric service territory of the public  
 50.10 utility that is subject to Minnesota Statutes,  
 50.11 section 116C.779. Money under this paragraph  
 50.12 is available until June 30, 2034. Any money  
 50.13 remaining on June 30, 2034, cancels to the  
 50.14 general fund.

50.15 (d) \$189,000 each year is for activities  
 50.16 associated with a utility's implementation of  
 50.17 a natural gas innovation plan under Minnesota  
 50.18 Statutes, section 216B.2427.

50.19 (e) \$2,630,000 the first year and \$21,018,000  
 50.20 the second year are for preweatherization work  
 50.21 to serve additional households and allow for  
 50.22 services that would otherwise be denied due  
 50.23 to current federal limitations related to the  
 50.24 federal weatherization assistance program.  
 50.25 Money under this paragraph is transferred  
 50.26 from the general fund to the preweatherization  
 50.27 account in the special revenue fund under  
 50.28 Minnesota Statutes, section 216C.264,  
 50.29 subdivision 1c. The base in fiscal year 2026  
 50.30 is \$1,012,000 and the base in fiscal year 2027  
 50.31 is \$690,000.

50.32 (f) \$3,739,000 each year is for the strengthen  
 50.33 Minnesota homes program under Minnesota  
 50.34 Statutes, section 65A.299, subdivision 4.  
 50.35 Money under this paragraph is transferred

- 51.1 from the general fund to strengthen Minnesota  
51.2 homes account in the special revenue fund.  
51.3 The base in fiscal year 2026 and later is  
51.4 \$1,239,000.
- 51.5 (g) \$300,000 the first year is to conduct an  
51.6 advanced nuclear study. This is a onetime  
51.7 appropriation.
- 51.8 (h) \$850,000 the first year is for a grant to the  
51.9 Minnesota Amateur Sports Commission to  
51.10 replace the roof on the ice rink and a  
51.11 maintenance facility at the National Sports  
51.12 Center in Blaine in order to install solar arrays.  
51.13 This is a onetime appropriation.
- 51.14 (i) \$500,000 the first year and \$500,000 the  
51.15 second year are for a grant to the clean energy  
51.16 resource teams partnerships under Minnesota  
51.17 Statutes, section 216C.385, subdivision 2, to  
51.18 provide additional capacity to perform the  
51.19 duties specified under Minnesota Statutes,  
51.20 section 216C.385, subdivision 3.
- 51.21 (j) \$17,500,000 the first year is for a grant to  
51.22 an investor-owned electric utility that has at  
51.23 least 50,000 retail electric customers, but no  
51.24 more than 200,000 retail electric customers,  
51.25 to increase the capacity and improve the  
51.26 reliability of an existing high-voltage direct  
51.27 current transmission line that runs between  
51.28 North Dakota and Minnesota. This is a  
51.29 onetime appropriation and must be used to  
51.30 support the cost-share component of a federal  
51.31 grant application to a program enacted in the  
51.32 federal Infrastructure Investment and Jobs Act,  
51.33 Public Law 117-58, and may otherwise be  
51.34 used to reduce the cost of the high-voltage  
51.35 direct current transmission project upgrade.

52.1 This appropriation is available until June 30,  
52.2 2034.

52.3 (k) \$2,410,000 the first year and \$2,410,000  
52.4 the second year are for grants for the  
52.5 development of clean energy projects by  
52.6 Tribal nations or Tribal communities sharing  
52.7 geographic borders with Minnesota. Of this  
52.8 amount, \$2,000,000 each year is for grants  
52.9 and \$410,000 each year is for technical  
52.10 assistance and administrative support for the  
52.11 Tribal Advocacy Council on Energy under  
52.12 article 7, section 52. As part of the technical  
52.13 assistance and administrative support for the  
52.14 program, the commissioner must hire a Tribal  
52.15 liaison to support the Tribal Advocacy Council  
52.16 on Energy and advise the department on the  
52.17 development of a culturally responsive clean  
52.18 energy grants program based on the priorities  
52.19 identified by the Tribal Advocacy Council on  
52.20 Energy.

52.21 (l) \$3,000,000 the first year is for a grant to  
52.22 Clean Energy Economy Minnesota for the  
52.23 Minnesota Energy Alley initiative to secure  
52.24 the state's energy and economic development  
52.25 future. The appropriation may be used to  
52.26 establish and support the initiative, provide  
52.27 seed funding for businesses, develop a training  
52.28 and development program, support recruitment  
52.29 of entrepreneurs to Minnesota, and secure  
52.30 funding from federal programs and corporate  
52.31 partners to establish a self-sustaining,  
52.32 long-term revenue model. This is a onetime  
52.33 appropriation and is available until June 30,  
52.34 2027.

53.1 (m) \$500,000 the first year is for a grant to the  
 53.2 city of Anoka for feasibility studies as  
 53.3 described in this paragraph and design,  
 53.4 engineering, and environmental analysis  
 53.5 related to the repair and reconstruction of the  
 53.6 Rum River Dam. Findings from the feasibility  
 53.7 studies must be incorporated into the design  
 53.8 and engineering funded by this appropriation.  
 53.9 This appropriation is onetime and is available  
 53.10 until June 30, 2027. This appropriation  
 53.11 includes money for the following studies: (1)  
 53.12 a study to assess the feasibility of adding a  
 53.13 lock or other means for boats to traverse the  
 53.14 dam to navigate between the lower Rum River  
 53.15 and upper Rum River; (2) a study to assess  
 53.16 the feasibility of constructing the dam in a  
 53.17 manner that would facilitate recreational river  
 53.18 surfing at the dam site; and (3) a study to  
 53.19 assess the feasibility of constructing the dam  
 53.20 in a manner to generate hydroelectric power.  
 53.21 (n) \$3,500,000 the first year is for awarding  
 53.22 electric panel upgrade grants under Minnesota  
 53.23 Statutes, section 216C.46, and to reimburse  
 53.24 the reasonable cost of the department to  
 53.25 administer the program. Grants awarded with  
 53.26 funds appropriated under this subdivision must  
 53.27 be awarded only to owners of single-family  
 53.28 homes or multifamily buildings that are  
 53.29 located outside the electric service area of the  
 53.30 public utility subject to Minnesota Statutes,  
 53.31 section 116C.779. This is a onetime  
 53.32 appropriation and remains available until June  
 53.33 30, 2032. Any money that remains  
 53.34 unexpended on June 30, 2027, cancels to the  
 53.35 general fund.

- 54.1 (o) \$10,000,000 the first year is for distributed  
54.2 energy grants under Minnesota Statutes,  
54.3 section 216C.377. Money under this paragraph  
54.4 is transferred from the general fund to the  
54.5 distributed energy resources system upgrade  
54.6 program account for eligible expenditures  
54.7 under the distributed energy resources system  
54.8 upgrade program. This is a onetime  
54.9 appropriation.
- 54.10 (p) \$5,000,000 the first year is for the  
54.11 Minnesota Climate Innovation Finance  
54.12 Authority established under Minnesota  
54.13 Statutes, section 216C.441, for the purposes  
54.14 of Minnesota Statutes, section 216C.441. This  
54.15 is a onetime appropriation.
- 54.16 (q) \$1,000,000 the first year is for  
54.17 implementing energy benchmarking under  
54.18 Minnesota Statutes, section 216C.331. This  
54.19 appropriation is onetime and is available until  
54.20 June 30, 2027.
- 54.21 (r) \$750,000 the first year is for grants to  
54.22 qualifying utilities to support the development  
54.23 of technology for implementing energy  
54.24 benchmarking under Minnesota Statutes,  
54.25 section 216C.331. This is a onetime  
54.26 appropriation and is available until June 30,  
54.27 2026.
- 54.28 (s) \$750,000 the first year is for a grant to  
54.29 Building Owners and Managers Association  
54.30 Greater Minneapolis to establish partnerships  
54.31 with three technical colleges and high school  
54.32 career counselors with a goal of increasing the  
54.33 number of building engineers across  
54.34 Minnesota. This is a onetime appropriation  
54.35 and is available until June 30, 2027. The grant

55.1 recipient must provide a detailed report  
55.2 describing how the grant money was used to  
55.3 the chairs and ranking minority members of  
55.4 the legislative committees having jurisdiction  
55.5 over higher education by January 15 of each  
55.6 year until 2028. The report must describe the  
55.7 progress made toward the goal of increasing  
55.8 the number of building engineers and  
55.9 strategies used.

55.10 (t) \$6,000,000 the first year is to implement  
55.11 the heat pump rebate program under  
55.12 Minnesota Statutes, section 216C.45, and to  
55.13 reimburse the reasonable costs incurred by the  
55.14 department to administer the program. Of this  
55.15 amount: (1) \$4,000,000 is to award rebates  
55.16 under Minnesota Statutes, section 216C.45,  
55.17 subdivision 4; and (2) \$2,000,000 is to conduct  
55.18 contractor training and support under  
55.19 Minnesota Statutes, section 216C.45,  
55.20 subdivision 6. This is a onetime appropriation  
55.21 and is available until June 30, 2027.

55.22 (u) \$2,000,000 the first year is to award  
55.23 rebates to purchase or lease eligible electric  
55.24 vehicles under Minnesota Statutes, section  
55.25 216C.401. Rebates must be awarded under  
55.26 this paragraph only to eligible purchasers  
55.27 located outside the retail electric service area  
55.28 of the public utility that is subject to  
55.29 Minnesota Statutes, section 116C.779. This is  
55.30 a onetime appropriation and is available until  
55.31 June 30, 2027.

55.32 (v) \$2,000,000 the first year is to award grants  
55.33 under Minnesota Statutes, section 216C.402,  
55.34 to automobile dealers seeking certification to  
55.35 sell electric vehicles. Grants must only be

56.1 awarded under this paragraph to eligible  
56.2 dealers located outside the retail electric  
56.3 service area of the public utility that is subject  
56.4 to Minnesota Statutes, section 116C.779. This  
56.5 is a onetime appropriation and is available  
56.6 until June 30, 2027.

56.7 (w) \$2,000,000 the first year is for grants to  
56.8 install on-site energy storage systems, as  
56.9 defined in Minnesota Statutes, section  
56.10 216B.2422, subdivision 1, paragraph (f), with  
56.11 a capacity of 50 kilowatt hours or less and that  
56.12 are located outside the electric service area of  
56.13 the electric utility subject to Minnesota  
56.14 Statutes, section 116C.779. To receive a grant  
56.15 under this paragraph, an owner of the energy  
56.16 storage system must be operating a solar  
56.17 energy generating system at the same site as  
56.18 the energy storage system or have filed an  
56.19 application with a utility to interconnect a solar  
56.20 energy generating system at the same site as  
56.21 the energy storage system. This is a onetime  
56.22 appropriation and is available until June 30,  
56.23 2027.

56.24 (x) \$500,000 the first year is for a feasibility  
56.25 study to identify and process Minnesota iron  
56.26 resources that could be suitable for upgrading  
56.27 to long-term battery storage specifications.  
56.28 The results of the feasibility study must be  
56.29 submitted to the commissioner of commerce  
56.30 and to the chairs and ranking minority  
56.31 members of the house of representatives and  
56.32 senate committees with jurisdiction over  
56.33 energy policy no later than February 1, 2025.  
56.34 This is a onetime appropriation.



57.1 (y) \$15,000,000 the first year is for electric  
 57.2 grid resiliency grants under article 7, section  
 57.3 53. This is a onetime appropriation and is  
 57.4 available until June 30, 2028.

57.5 (z) \$2,000,000 the first year is for electric  
 57.6 school bus grants under Minnesota Statutes,  
 57.7 section 216B.1616. Money under this  
 57.8 paragraph is transferred from the general fund  
 57.9 to the electric school bus program account.  
 57.10 This is a onetime appropriation.

57.11 (aa) \$1,000,000 the first year is for grants  
 57.12 under the Air Ventilation Program Act.

57.13 **Subd. 3. Petroleum Tank Release Compensation**  
 57.14 **Board**

1,076,000

1,097,000

57.15 This appropriation is from the petroleum tank  
 57.16 fund.

57.17 **Sec. 3. PUBLIC UTILITIES COMMISSION**    **\$**    **10,383,000**    **\$**    **10,645,000**

57.18 **Sec. 4. AGRICULTURE**    **\$**    **12,892,000**    **\$**    **0**

57.19 \$12,892,000 the first year is for grants to  
 57.20 cooperatives to invest in green fertilizer  
 57.21 production facilities, as provided under article  
 57.22 7, section 55. This is a onetime appropriation  
 57.23 and is available until June 30, 2032.

57.24 **Sec. 5. ADMINISTRATION**    **\$**    **1,512,000**    **\$**    **0**

57.25 (a) \$690,000 the first year is for a contract  
 57.26 with the Board of Regents of the University  
 57.27 of Minnesota for the Institute on the  
 57.28 Environment to research and provide  
 57.29 recommendations for establishing new energy  
 57.30 guidelines for state buildings under Minnesota  
 57.31 Statutes, section 16B.325, subdivision 2. The  
 57.32 grant agreement must require the director of  
 57.33 the Institute on the Environment to submit a  
 57.34 written report that summarizes the findings

58.1 and recommendations, including  
58.2 recommendations for policy and legislative  
58.3 changes, to the chairs and ranking minority  
58.4 members of the legislative committees in the  
58.5 house of representatives and the senate with  
58.6 primary jurisdiction over energy policy and  
58.7 capital investment.

58.8 (b) \$500,000 the first year is for grants and  
58.9 the environmental analysis of construction  
58.10 materials under Minnesota Statutes, section  
58.11 16B.312. Of this amount, \$300,000 is  
58.12 transferred to the Department of  
58.13 Transportation.

58.14 (c) \$322,000 the first year is for a grant to  
58.15 Lake of the Woods County to demolish the  
58.16 abandoned state-owned Williams School  
58.17 building in the city of Williams and to abate  
58.18 and remediate petroleum, pollutants, or  
58.19 contaminants at the school site. This is a  
58.20 onetime appropriation.

### ARTICLE 3

#### RENEWABLE DEVELOPMENT ACCOUNT APPROPRIATIONS

##### Section 1. RENEWABLE DEVELOPMENT FINANCE.

58.24 (a) The sums shown in the columns marked "Appropriations" are appropriated to the  
58.25 agencies and for the purposes specified in this article. Notwithstanding Minnesota Statutes,  
58.26 section 116C.779, subdivision 1, paragraph (j), the appropriations are from the renewable  
58.27 development account in the special revenue fund established in Minnesota Statutes, section  
58.28 116C.779, subdivision 1, and are available for the fiscal years indicated for each purpose.  
58.29 The figures "2024" and "2025" used in this article mean that the appropriations listed under  
58.30 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.  
58.31 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"  
58.32 is fiscal years 2024 and 2025.

58.33 (b) If an appropriation in this article is enacted more than once in the 2023 regular or  
58.34 special legislative session, the appropriation must be given effect only once.

59.1	<u><b>APPROPRIATIONS</b></u>	
59.2	<u><b>Available for the Year</b></u>	
59.3	<u><b>Ending June 30</b></u>	
59.4	<u><b>2024</b></u>	<u><b>2025</b></u>
59.5	<b>Sec. 2. <u>DEPARTMENT OF COMMERCE</u></b>	
59.6	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$ 46,920,000</u></b> <b><u>\$ 8,000,000</u></b>
59.7	<u>The amounts that may be spent for each</u>	
59.8	<u>purpose are specified in the following</u>	
59.9	<u>subdivisions.</u>	
59.10	<b><u>Subd. 2. "Made in Minnesota" Administration</u></b>	
59.11	<u>\$100,000 each year is to administer the "Made</u>	
59.12	<u>in Minnesota" solar energy production</u>	
59.13	<u>incentive program under Minnesota Statutes,</u>	
59.14	<u>section 216C.417. Any unspent amount</u>	
59.15	<u>remaining on June 30, 2025, cancels to the</u>	
59.16	<u>renewable development account.</u>	
59.17	<b><u>Subd. 3. Third-Party Evaluator</u></b>	
59.18	<u>\$500,000 each year is for costs associated with</u>	
59.19	<u>any third-party expert evaluation of a proposal</u>	
59.20	<u>submitted in response to a request for proposal</u>	
59.21	<u>to the Renewable Development Advisory</u>	
59.22	<u>Group under Minnesota Statutes, section</u>	
59.23	<u>116C.779, subdivision 1, paragraph (l). No</u>	
59.24	<u>portion of this appropriation may be expended</u>	
59.25	<u>or retained by the commissioner of commerce.</u>	
59.26	<u>Any money appropriated under this paragraph</u>	
59.27	<u>that is unexpended at the end of a fiscal year</u>	
59.28	<u>cancels to the renewable development account.</u>	
59.29	<b><u>Subd. 4. Microgrid Research and Application</u></b>	
59.30	<u>(a) \$3,000,000 the first year and \$400,000 the</u>	
59.31	<u>second year are for a grant to the University</u>	
59.32	<u>of St. Thomas Center for Microgrid Research</u>	
59.33	<u>for the purposes of paragraph (b). The base in</u>	

60.1 fiscal year 2026 is \$400,000 and \$0 in fiscal  
60.2 year 2027.

60.3 (b) The appropriations in this subdivision must  
60.4 be used by the University of St. Thomas

60.5 Center for Microgrid Research to:

60.6 (1) increase the center's capacity to provide  
60.7 industry partners opportunities to test  
60.8 near-commercial microgrid products on a  
60.9 real-world scale and to multiply opportunities  
60.10 for innovative research;

60.11 (2) procure advanced equipment and controls  
60.12 to enable the extension of the university's  
60.13 microgrid to additional buildings; and

60.14 (3) expand (i) hands-on educational  
60.15 opportunities for undergraduate and graduate  
60.16 electrical engineering students to increase  
60.17 understanding of microgrid operations, and  
60.18 (ii) partnerships with community colleges.

60.19 (c) \$4,100,000 the first year is for a grant to  
60.20 the University of St. Thomas Center for  
60.21 Microgrid Research for capacity building and  
60.22 matching requirements as a condition of  
60.23 receiving federal funds. This appropriation is  
60.24 available until June 30, 2027.

60.25 **Subd. 5. Solar on State College and University**  
60.26 **Campuses**

60.27 \$1,138,000 the first year is to provide financial  
60.28 assistance to schools that are state colleges  
60.29 and universities to purchase and install solar  
60.30 energy generating systems under Minnesota  
60.31 Statutes, section 216C.376. This appropriation  
60.32 must be expended on schools located inside  
60.33 the electric service territory of the public  
60.34 utility that is subject to Minnesota Statutes,

61.1 section 116C.779. This is a onetime  
61.2 appropriation and is available until June 30,  
61.3 2025.

61.4 **Subd. 6. Granite Falls Hydroelectric Generating**  
61.5 **Facility**

61.6 \$2,432,000 the first year is for a grant to the  
61.7 city of Granite Falls for repair and overage  
61.8 costs related to the city's existing hydroelectric  
61.9 generating facility. This is a onetime  
61.10 appropriation and any amount unexpended by  
61.11 June 30, 2025, cancels to the renewable  
61.12 development account.

61.13 **Subd. 7. National Sports Center Solar Array**

61.14 \$4,150,000 the first year is to the Minnesota  
61.15 Amateur Sports Commission to install solar  
61.16 arrays. This appropriation may be used to  
61.17 replace the roof and install solar arrays on an  
61.18 ice rink and a maintenance facility at the  
61.19 National Sports Center in Blaine. This is a  
61.20 onetime appropriation.

61.21 **Subd. 8. Electric Vehicle Rebates**

61.22 (a) \$2,000,000 the first year is to award rebates  
61.23 to purchase or lease eligible electric vehicles  
61.24 under Minnesota Statutes, section 216C.401.  
61.25 Rebates must be awarded under this paragraph  
61.26 only to eligible purchasers located within the  
61.27 retail electric service area of the public utility  
61.28 that is subject to Minnesota Statutes, section  
61.29 116C.779. This is a onetime appropriation and  
61.30 is available until June 30, 2027.

61.31 (b) \$2,000,000 the first year is to award grants  
61.32 under Minnesota Statutes, section 216C.402,  
61.33 to automobile dealers seeking certification  
61.34 from an electric vehicle manufacturer to sell

62.1 electric vehicles. Rebates must only be  
62.2 awarded under this paragraph to eligible  
62.3 dealers located within the retail electric service  
62.4 area of the public utility that is subject to  
62.5 Minnesota Statutes, section 116C.779. This is  
62.6 a onetime appropriation and is available until  
62.7 June 30, 2027.

62.8 **Subd. 9. Area C Contingency Account**  
62.9 \$3,000,000 the first year is transferred from  
62.10 the renewable development account to the  
62.11 Area C contingency account for the purposes  
62.12 of Minnesota Statutes, section 116C.7793.  
62.13 This appropriation is available until June 30,  
62.14 2028, or five years after the Pollution Control  
62.15 Agency issues any corrective action  
62.16 determination regarding the remediation of  
62.17 Area C under Minnesota Statutes, section  
62.18 116C.7793, subdivision 3, whichever is later.  
62.19 Any unexpended money remaining in the  
62.20 account on June 30, 2028, cancels to the  
62.21 renewable development account.

62.22 **Subd. 10. Electric Panel Upgrade Grants**  
62.23 \$3,500,000 the first year is for the purpose of  
62.24 awarding electric panel upgrade grants under  
62.25 Minnesota Statutes, section 216C.46, and to  
62.26 reimburse the reasonable cost of the  
62.27 department to administer the program. Grants  
62.28 awarded with funds appropriated under this  
62.29 subdivision must be awarded only to owners  
62.30 of single-family homes or multifamily  
62.31 buildings that are located within the electric  
62.32 service area of the public utility subject to  
62.33 Minnesota Statutes, section 116C.779. This is  
62.34 a onetime appropriation and remains available  
62.35 until June 30, 2027. Any unexpended money

63.1 that remains unexpended on June 30, 2027,  
63.2 cancels to the renewable development account.

63.3 **Subd. 11. Emerald Ash Borer Wood Dehydrator**

63.4 (a) \$2,000,000 the second year is for a grant  
63.5 to the owner of a biomass energy generation  
63.6 plant in Shakopee that uses waste heat from  
63.7 the generation of electricity in the malting  
63.8 process to purchase a wood dehydrator to  
63.9 facilitate disposal of wood that is infested by  
63.10 emerald ash borer. This is a onetime  
63.11 appropriation.

63.12 (b) By October 1, 2024, the commissioner of  
63.13 commerce must report to the chairs and  
63.14 ranking minority members of the legislative  
63.15 committees and divisions with jurisdiction  
63.16 over commerce on the use of money  
63.17 appropriated under this subdivision.

63.18 **Subd. 12. Energy Storage Incentive Grants**

63.19 \$5,000,000 the first year is to award grants to  
63.20 install energy storage systems under  
63.21 Minnesota Statutes, section 216C.379, and to  
63.22 pay the reasonable costs incurred by the  
63.23 department to administer Minnesota Statutes,  
63.24 section 216C.379. This is a onetime  
63.25 appropriation and is available until June 30,  
63.26 2027.

63.27 **Subd. 13. Distributive Energy Resources System**  
63.28 **Upgrades**

63.29 \$5,000,000 the second year is for eligible  
63.30 expenditures under the distributed energy  
63.31 resources system upgrade program established  
63.32 in Minnesota Statutes, section 216C.377. Of  
63.33 this amount, \$250,000 is to implement the  
63.34 small interconnection cost-sharing program

64.1 ordered by the Public Utilities Commission  
64.2 on December 19, 2022, in Docket  
64.3 E002/M-18-714, to cover the costs of certain  
64.4 distribution upgrades for customers of the  
64.5 utility subject to Minnesota Statutes, section  
64.6 116C.779, seeking to interconnect distributed  
64.7 generation of up to a certain size. The  
64.8 appropriation under this subdivision may be  
64.9 used for the reasonable costs of distribution  
64.10 upgrades as defined in Minnesota Statutes,  
64.11 section 216C.377, subdivision 1. Money under  
64.12 this subdivision is transferred from the  
64.13 renewable development account to the  
64.14 distributed energy resource system upgrade  
64.15 program account for the purposes of this  
64.16 subdivision.

64.17 **Subd. 14. Heat Pump Grants**

64.18 \$6,000,000 the first year is to implement the  
64.19 heat pump rebate program under Minnesota  
64.20 Statutes, section 216C.45, and to reimburse  
64.21 the reasonable costs incurred by the  
64.22 department to administer the program.

64.23 **Subd. 15. Solar on Public Buildings**

64.24 \$5,000,000 the first year is transferred from  
64.25 the renewable development account to the  
64.26 solar on public buildings grant program  
64.27 account for the grant program described in  
64.28 Minnesota Statutes, section 216C.378. The  
64.29 appropriation in this subdivision must be used  
64.30 only to provide grants to public buildings  
64.31 located within the electric service area of the  
64.32 electric utility subject to Minnesota Statutes,  
64.33 section 116C.779.



65.1 **Subd. 16. Electric School Bus Grants**

65.2 \$5,000,000 the first year is transferred from  
65.3 the renewable development account to the  
65.4 electric school bus account for electric school  
65.5 bus grants under Minnesota Statutes, section  
65.6 216B.1616.

65.7 **Sec. 3. DEPARTMENT OF**  
65.8 **ADMINISTRATION**

**\$                    **90,000** **\$**                    **92,000****

65.9 \$90,000 the first year and \$92,000 the second  
65.10 year are for software and administrative costs  
65.11 associated with the state building energy  
65.12 conservation improvement revolving loan  
65.13 program under Minnesota Statutes, section  
65.14 16B.87.

65.15 **Sec. 4. DEPARTMENT OF EMPLOYMENT**  
65.16 **AND ECONOMIC DEVELOPMENT**

**\$                    **5,000,000** **\$**                    **0****

65.17 \$5,000,000 the first year is for the community  
65.18 energy transition grant program under  
65.19 Minnesota Statutes, section 116J.55. This is  
65.20 a onetime appropriation and is available until  
65.21 June 30, 2028.

65.22 **Sec. 5. AGRICULTURE**

**\$                    **0** **\$**                    **9,000,000****

65.23 \$9,000,000 the second year is for grants to  
65.24 cooperatives to invest in green fertilizer  
65.25 production facilities, as provided under article  
65.26 7, section 55. This is a onetime appropriation  
65.27 and is available until June 30, 2027.

65.28 **ARTICLE 4**

65.29 **ENVIRONMENT AND NATURAL RESOURCES MODIFICATIONS**

65.30 Section 1. Minnesota Statutes 2022, section 35.155, subdivision 1, is amended to read:

65.31 Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed  
65.32 Cervidae to run at large. The owner must make all reasonable efforts to return escaped  
65.33 farmed Cervidae to their enclosures as soon as possible. The owner must immediately notify

66.1 the commissioner of natural resources of the escape of farmed Cervidae if the farmed  
66.2 Cervidae are not returned or captured by the owner within 24 hours of their escape.

66.3 (b) An owner is liable for expenses of another person in capturing, caring for, and  
66.4 returning farmed Cervidae that have left their enclosures if the person capturing the farmed  
66.5 Cervidae contacts the owner as soon as possible.

66.6 (c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the  
66.7 commissioner of natural resources may destroy the escaped farmed Cervidae. The  
66.8 commissioner of natural resources must allow the owner to attempt to capture the escaped  
66.9 farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not  
66.10 captured by 24 hours after escape may be destroyed.

66.11 (d) A hunter licensed by the commissioner of natural resources under chapter 97A may  
66.12 kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner  
66.13 for the loss of the animal.

66.14 (e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of  
66.15 natural resources must be tested for chronic wasting disease.

66.16 (f) The owner is responsible for proper disposal, as determined by the board, of farmed  
66.17 Cervidae that are killed or destroyed under this subdivision and test positive for chronic  
66.18 wasting disease.

66.19 (g) An owner is liable for any additional costs associated with escaped farmed Cervidae  
66.20 that are infected with chronic wasting disease, unless the escape was a result of a natural  
66.21 disaster, vandalism, or destruction by a third party. This paragraph may be enforced by the  
66.22 attorney general on behalf of any state agency affected.

66.23 **EFFECTIVE DATE.** This section is effective September 1, 2023.

66.24 Sec. 2. Minnesota Statutes 2022, section 35.155, subdivision 4, is amended to read:

66.25 Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent  
66.26 escape. All perimeter fences for farmed Cervidae must be at least 96 inches in height and  
66.27 be constructed and maintained in a way that prevents the escape of farmed Cervidae ~~or~~  
66.28 entry into the premises by free-roaming Cervidae, and physical contact between farmed  
66.29 Cervidae and free-roaming Cervidae. The Board of Animal Health may determine whether  
66.30 the construction and maintenance of fencing is adequate under this subdivision and may  
66.31 compel corrective action where it determines fencing is inadequate. ~~After July 1, 2019, All~~  
66.32 new fencing installed and all fencing used to repair deficiencies must be high tensile. ~~By~~  
66.33 ~~December 1, 2019,~~ All entry areas for farmed Cervidae enclosure areas must have two

67.1 redundant gates, which must be maintained to prevent the escape of animals through an  
67.2 open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner  
67.3 must immediately repair the deficiency. All other deficiencies must be repaired within a  
67.4 reasonable time, as determined by the Board of Animal Health, not to exceed ~~45~~ 14 days.  
67.5 If a fence deficiency is detected during an inspection, the facility must be reinspected at  
67.6 least once in the subsequent three months. The farmed Cervidae owner must pay a  
67.7 reinspection fee equal to one-half the applicable annual inspection fee under subdivision  
67.8 7a for each reinspection related to a fence violation. If the facility experiences more than  
67.9 one escape incident in any six-month period or fails to correct a deficiency found during  
67.10 an inspection, the board may revoke the facility's registration and order the owner to remove  
67.11 or destroy the animals as directed by the board. If the board revokes a facility's registration,  
67.12 the commissioner of natural resources may seize and destroy animals at the facility.

67.13 **EFFECTIVE DATE.** This section is effective September 1, 2024.

67.14 Sec. 3. Minnesota Statutes 2022, section 35.155, subdivision 10, is amended to read:

67.15 Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in  
67.16 Minnesota unless the person is registered with the Board of Animal Health and meets all  
67.17 the requirements for farmed Cervidae under this section. Cervidae possessed in violation  
67.18 of this subdivision may be seized and destroyed by the commissioner of natural resources.

67.19 (b) A person whose registration is revoked by the board is ineligible for future registration  
67.20 under this section unless the board determines that the person has undertaken measures that  
67.21 make future escapes extremely unlikely.

67.22 (c) The board must not allow new registrations under this section for possessing  
67.23 white-tailed deer. A valid registration may be sold or transferred only once under this  
67.24 paragraph. Before the board approves a sale or transfer under this paragraph, the board must  
67.25 verify that the herd is free from chronic wasting disease.

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

67.27 Sec. 4. Minnesota Statutes 2022, section 35.155, subdivision 11, is amended to read:

67.28 Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (a)  
67.29 An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian  
67.30 and filed with the Board of Animal Health every 12 months.

67.31 (b) Movement of farmed Cervidae from any premises to another location must be reported  
67.32 to the Board of Animal Health within 14 days of the movement on forms approved by the

68.1 Board of Animal Health. A person must not move farmed white-tailed deer from a herd that  
68.2 tests positive for chronic wasting disease from any premises to another location.

68.3 (c) All animals from farmed Cervidae herds that are over ~~12~~ six months of age that die  
68.4 or are slaughtered must be tested for chronic wasting disease.

68.5 (d) The owner of a premises where chronic wasting disease is detected must:

68.6 (1) allow and cooperate with inspections of the premises as determined by the Board of  
68.7 Animal Health and Department of Natural Resources conservation officers and wildlife  
68.8 managers;

68.9 ~~(1)~~ (2) depopulate the premises of Cervidae after the federal indemnification process  
68.10 has been completed or, if an indemnification application is not submitted, within ~~a reasonable~~  
68.11 ~~time determined by the board in consultation with the commissioner of natural resources~~  
68.12 30 days;

68.13 ~~(2)~~ (3) maintain the fencing required under subdivision 4 on the premises for ~~five~~ ten  
68.14 years after the date of detection; ~~and~~

68.15 ~~(3)~~ (4) post the fencing on the premises with biohazard signs as directed by the board;

68.16 (5) not raise farmed Cervidae on the premises for at least ten years;

68.17 (6) before signing an agreement to sell or transfer the property, disclose in writing to  
68.18 the buyer or transferee the date of depopulation and the requirements incumbent upon the  
68.19 premises and the buyer or transferee under this paragraph; and

68.20 (7) record with the county recorder or registrar of titles as appropriate, in the county  
68.21 where the premises is located, a notice, in the form required by the board that meets the  
68.22 recording requirements of sections 507.093 and 507.24, and that includes the nearest address  
68.23 and the legal description of the premises, the date of detection, the date of depopulation,  
68.24 the landowner requirements under this paragraph, and any other information required by  
68.25 the board. The legal description must be the legal description of record with the county  
68.26 recorder or registrar of titles and must not otherwise be the real estate tax statement legal  
68.27 description for the premises. The notice expires and has no effect ten years after the date  
68.28 of detection stated in the notice. An expired notice must be omitted by the registrar of titles  
68.29 from future certificates of title.

68.30 (e) An owner of farmed Cervidae that test positive for chronic wasting disease is  
68.31 responsible for proper disposal of the animals, as determined by the board.

69.1 Sec. 5. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to  
69.2 read:

69.3 Subd. 11a. **Liability.** (a) A herd owner is liable in a civil action to a person injured by  
69.4 the owner's sale or unlawful disposal of farmed Cervidae if the herd owner knew or  
69.5 reasonably should have known that the farmed Cervidae were infected with or exposed to  
69.6 chronic wasting disease. Action may be brought in a county where the farmed Cervidae are  
69.7 sold, delivered, or unlawfully disposed.

69.8 (b) A herd owner is liable to the state for costs associated with the owner's unlawful  
69.9 disposal of farmed Cervidae infected with or exposed to chronic wasting disease. This  
69.10 paragraph may be enforced by the attorney general on behalf of any state agency affected.

69.11 Sec. 6. Minnesota Statutes 2022, section 35.155, subdivision 12, is amended to read:

69.12 Subd. 12. **Importation.** (a) A person must not import live Cervidae or Cervidae semen  
69.13 into the state from a herd that is:

69.14 (1) infected with or has been exposed to chronic wasting disease; or

69.15 (2) from a ~~known~~ state or province where chronic wasting disease ~~endemic area, as~~  
69.16 ~~determined by the board~~ is present in farmed or wild Cervidae populations.

69.17 (b) A person may import live Cervidae or Cervidae semen into the state only from a  
69.18 herd that:

69.19 (1) is not ~~in a known~~ located in a state or province where chronic wasting disease ~~endemic~~  
69.20 ~~area, as determined by the board,~~ is present in farmed or wild Cervidae populations; and  
69.21 ~~the herd~~

69.22 (2) has been subject to a ~~state or provincial approved~~ state- or provincial-approved  
69.23 chronic wasting disease monitoring program for at least three years.

69.24 (c) Cervidae or Cervidae semen imported in violation of this section may be seized and  
69.25 destroyed by the commissioner of natural resources.

69.26 (d) Nothing in this section prohibits a person from importing Cervidae semen from a  
69.27 herd certified as low-risk for chronic wasting disease under the chronic wasting disease  
69.28 voluntary herd certification program operated by the United States Department of  
69.29 Agriculture's Animal and Plant Health Inspection Service.

69.30 (e) Nothing in this subdivision shall be construed to prevent:

70.1 (1) interstate transfer of animals between two facilities accredited by the Association of  
70.2 Zoos and Aquariums; or

70.3 (2) importation of orphaned wild Cervidae for placement at an institution accredited by  
70.4 the Association of Zoos and Aquariums when approved on a case-by-case basis by the  
70.5 commissioner of natural resources.

70.6 Sec. 7. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to  
70.7 read:

70.8 Subd. 15. **Cooperation with Board of Animal Health.** The commissioner of natural  
70.9 resources may contract with the Board of Animal Health to administer some or all of sections  
70.10 35.153 to 35.156 for farmed white-tailed deer.

70.11 **EFFECTIVE DATE.** This section is effective July 1, 2025.

70.12 Sec. 8. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to  
70.13 read:

70.14 Subd. 3. **Consultation required.** The Board of Animal Health and the commissioner  
70.15 of natural resources must consult the Minnesota Center for Prion Research and Outreach  
70.16 at the University of Minnesota and incorporate peer-reviewed scientific information when  
70.17 administering and enforcing section 35.155 and associated rules pertaining to chronic wasting  
70.18 disease and farmed Cervidae.

70.19 Sec. 9. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to  
70.20 read:

70.21 Subd. 4. **Notice required.** The Board of Animal Health must promptly notify affected  
70.22 local units of government and Tribal governments when an animal in a farmed Cervidae  
70.23 herd tests positive for chronic wasting disease.

70.24 Sec. 10. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to  
70.25 read:

70.26 Subd. 5. **Annual testing required.** (a) Once the United States Department of Agriculture  
70.27 has determined that the RT-QuIC test is capable of accurately detecting chronic wasting  
70.28 disease in white-tailed deer, the Board of Animal Health must have each farmed white-tailed  
70.29 deer possessed by a person registered under section 35.155 annually tested for chronic  
70.30 wasting disease using a real-time quaking-induced conversion (RT-QuIC) test offered by  
70.31 a public or private diagnostic laboratory. Live-animal testing must consist of an ear biopsy,

71.1 the collection of which must be managed by the Board of Animal Health, with each laboratory  
71.2 reporting RT-QuIC results to both the commissioner of natural resources and the Board of  
71.3 Animal Health in the form required by both agencies. If a white-tailed deer tests positive,  
71.4 the owner must have the animal tested a second time using an RT-QuIC test performed on  
71.5 both a second ear biopsy and a tonsil or rectal biopsy.

71.6 (b) If a farmed white-tailed deer tests positive using an RT-QuIC test performed on both  
71.7 a second ear biopsy and a tonsil or rectal biopsy, the owner must have the animal destroyed  
71.8 and tested for chronic wasting disease using a postmortem test approved by the Board of  
71.9 Animal Health.

71.10 (c) If a farmed white-tailed deer tests positive for chronic wasting disease under paragraph  
71.11 (b), the owner must depopulate the premises of farmed Cervidae as required under section  
71.12 35.155, subdivision 11.

71.13 Sec. 11. Minnesota Statutes 2022, section 84.415, subdivision 3, is amended to read:

71.14 Subd. 3. **Application, form.** The application for license or permit ~~shall be in~~  
71.15 ~~quadruplicate, and shall~~ must include ~~with each copy~~ a legal description of the lands or  
71.16 waters affected, a metes and bounds description of the required right-of-way, a map showing  
71.17 said features, and a detailed design of any structures necessary, or in lieu thereof shall be  
71.18 in such other form, and include such other descriptions, maps or designs, as the commissioner  
71.19 may require. The commissioner may at any time order such changes or modifications  
71.20 respecting construction or maintenance of structures or other conditions of the license or  
71.21 permit as the commissioner deems necessary to protect the public health and safety.

71.22 Sec. 12. **[86B.30] DEFINITIONS.**

71.23 Subdivision 1. **Applicability.** The definitions in this section apply to sections 86B.30  
71.24 to 86B.341.

71.25 Subd. 2. **Accompanying operator.** "Accompanying operator" means a person 21 years  
71.26 of age or older who:

71.27 (1) is in a personal watercraft or other type of motorboat;

71.28 (2) is within immediate reach of the controls of the motor; and

71.29 (3) possesses a valid operator's permit or is an exempt operator.

71.30 Subd. 3. **Adult operator.** "Adult operator" means a motorboat operator, including a  
71.31 personal watercraft operator, who is 12 years of age or older and who was:

72.1 (1) effective July 1, 2025, born on or after July 1, 2004;

72.2 (2) effective July 1, 2026, born on or after July 1, 2000;

72.3 (3) effective July 1, 2027, born on or after July 1, 1996; and

72.4 (4) effective July 2, 2028, born on or after July 2, 1987.

72.5 Subd. 4. **Exempt operator.** "Exempt operator" means a motorboat operator, including  
72.6 a personal watercraft operator, who is 12 years of age or older and who:

72.7 (1) possesses a valid license to operate a motorboat issued for maritime personnel by  
72.8 the United States Coast Guard under Code of Federal Regulations, title 46, part 10, or a  
72.9 marine certificate issued by the Canadian government;

72.10 (2) is not a resident of the state, is temporarily using the waters of the state for a period  
72.11 not to exceed 60 days, and:

72.12 (i) meets any applicable requirements of the state or country of residency; or

72.13 (ii) possesses a Canadian pleasure craft operator's card;

72.14 (3) is operating a motorboat under a dealer's license according to section 86B.405; or

72.15 (4) is operating a motorboat during an emergency.

72.16 Subd. 5. **Motorboat rental business.** "Motorboat rental business" means a person  
72.17 engaged in the business of renting or leasing motorboats, including personal watercraft, for  
72.18 a period not exceeding 30 days. Motorboat rental business includes a person's agents and  
72.19 employees but does not include a resort business.

72.20 Subd. 6. **Resort business.** "Resort business" means a person engaged in the business of  
72.21 providing lodging and recreational services to transient guests classified as a resort under  
72.22 section 273.13, subdivision 22 or 25. A resort business includes a person's agents and  
72.23 employees.

72.24 Subd. 7. **Young operator.** "Young operator" means a motorboat operator, including a  
72.25 personal watercraft operator, younger than 12 years of age.

72.26 **EFFECTIVE DATE.** This section is effective July 1, 2025.

72.27 Sec. 13. **[86B.302] WATERCRAFT OPERATOR'S PERMIT.**

72.28 Subdivision 1. **Generally.** The commissioner must issue a watercraft operator's permit  
72.29 to a person 12 years of age or older who successfully completes a water safety course and  
72.30 written test according to section 86B.304, paragraph (a), or who provides proof of completing



73.1 a program subject to a reciprocity agreement or certified by the commissioner as substantially  
73.2 similar.

73.3 Subd. 2. **Issuing permit to certain young operators.** The commissioner may issue a  
73.4 permit under this section to a person who is at least 11 years of age, but the permit is not  
73.5 valid until the person becomes an adult operator.

73.6 Subd. 3. **Personal possession required.** (a) A person who is required to have a watercraft  
73.7 operator's permit must have in personal possession:

73.8 (1) a valid watercraft operator's permit;

73.9 (2) a driver's license that has a valid watercraft operator's permit indicator issued under  
73.10 section 171.07, subdivision 20; or

73.11 (3) an identification card that has a valid watercraft operator's permit indicator issued  
73.12 under section 171.07, subdivision 20.

73.13 (b) A person who is required to have a watercraft operator's permit must display one of  
73.14 the documents described in paragraph (a) to a conservation officer or peace officer upon  
73.15 request.

73.16 Subd. 4. **Using electronic device to display proof of permit.** If a person uses an  
73.17 electronic device to display a document described in subdivision 3 to a conservation officer  
73.18 or peace officer:

73.19 (1) the officer is immune from liability for any damage to the device, unless the officer  
73.20 does not exercise due care in handling the device; and

73.21 (2) this does not constitute consent for the officer to access other contents on the device.

73.22 **EFFECTIVE DATE.** This section is effective July 1, 2025.

73.23 Sec. 14. **[86B.303] OPERATING PERSONAL WATERCRAFT AND OTHER**  
73.24 **MOTORBOATS.**

73.25 Subdivision 1. **Adult operators.** An adult operator may not operate a motorboat,  
73.26 including a personal watercraft, unless:

73.27 (1) the adult operator possesses a valid watercraft operator's permit;

73.28 (2) the adult operator is an exempt operator; or

73.29 (3) an accompanying operator is in the motorboat.

74.1 Subd. 2. **Young operators.** (a) A young operator may not operate a personal watercraft  
74.2 or any motorboat powered by a motor with a factory rating of more than 75 horsepower.

74.3 (b) A young operator may operate a motorboat that is not a personal watercraft and that  
74.4 is powered by a motor with a factory rating of less than 75 horsepower if an accompanying  
74.5 operator is in the motorboat.

74.6 Subd. 3. **Accompanying operators.** For purposes of this section and section 169A.20,  
74.7 an accompanying operator, as well as the actual operator, is operating and is in physical  
74.8 control of a motorboat.

74.9 Subd. 4. **Owners may not allow unlawful use.** An owner or other person in lawful  
74.10 control of a motorboat may not allow the motorboat to be operated contrary to this section.

74.11 Subd. 5. **Exception for low-powered motorboats.** Notwithstanding the other provisions  
74.12 of this section, a person of any age may operate a motorboat that is not a personal watercraft  
74.13 that is powered by a motor with a factory rating of 25 horsepower or less without possessing  
74.14 a valid watercraft operator's permit and without an accompanying operator in the motorboat.

74.15 **EFFECTIVE DATE.** This section is effective July 1, 2025.

74.16 **Sec. 15. [86B.304] WATERCRAFT SAFETY PROGRAM.**

74.17 (a) The commissioner must establish a water safety course and testing program for  
74.18 personal watercraft and watercraft operators and must prescribe a written test as part of the  
74.19 course. The course must be approved by the National Association of State Boating Law  
74.20 Administrators and must be available online. The commissioner may allow designated water  
74.21 safety courses administered by third parties to meet the requirements of this paragraph and  
74.22 may enter into reciprocity agreements or otherwise certify boat safety education programs  
74.23 from other states that are substantially similar to in-state programs. The commissioner must  
74.24 establish a working group of interested parties to develop course content and implementation.  
74.25 The course must include content on best management practices for mitigating aquatic  
74.26 invasive species, reducing conflicts among user groups, and limiting the ecological impacts  
74.27 of watercraft.

74.28 (b) The commissioner must create or designate a short boater safety examination to be  
74.29 administered by motorboat rental businesses, as required by section 86B.306, subdivision  
74.30 3. The examination developed under this paragraph must be one that can be administered  
74.31 electronically or on paper, at the option of the motorboat rental business administering the  
74.32 examination.

74.33 **EFFECTIVE DATE.** This section is effective July 1, 2025.

75.1 Sec. 16. **[86B.306] MOTORBOAT RENTAL BUSINESSES.**

75.2 **Subdivision 1. Requirements.** A motorboat rental business must not rent or lease a  
75.3 motorboat, including a personal watercraft, to any person for operation on waters of this  
75.4 state unless the renter or lessee:

75.5 (1) has a valid watercraft operator's permit or is an exempt operator; and

75.6 (2) is 18 years of age or older.

75.7 **Subd. 2. Authorized operators.** A motorboat rental business must list on each motorboat  
75.8 rental or lease agreement the name and age of each operator who is authorized to operate  
75.9 the motorboat or personal watercraft. The renter or lessee of the motorboat must ensure that  
75.10 only listed authorized operators operate the motorboat or personal watercraft.

75.11 **Subd. 3. Summary of boating regulations; examination.** (a) A motorboat rental  
75.12 business must provide each authorized operator a summary of the statutes and rules governing  
75.13 operation of motorboats and personal watercraft in the state and instructions for safe  
75.14 operation.

75.15 (b) Each authorized operator must review the summary provided under this subdivision  
75.16 and must take a short boater safety examination in a form approved by the commissioner  
75.17 before the motorboat or personal watercraft leaves the motorboat rental business premises,  
75.18 unless the authorized operator has taken the examination during the previous 60 days.

75.19 **Subd. 4. Safety equipment for personal watercraft.** A motorboat rental business must  
75.20 provide to all persons who rent a personal watercraft, at no additional cost, a United States  
75.21 Coast Guard (USCG) approved wearable personal flotation device with a USCG label  
75.22 indicating it either is approved for or does not prohibit use with personal watercraft or  
75.23 water-skiing and any other required safety equipment.

75.24 **EFFECTIVE DATE.** This section is effective July 1, 2025.

75.25 Sec. 17. Minnesota Statutes 2022, section 86B.313, subdivision 4, is amended to read:

75.26 **Subd. 4. Dealers and rental operations.** (a) A dealer of personal watercraft shall  
75.27 distribute a summary of the laws and rules governing the operation of personal watercraft  
75.28 and, upon request, shall provide instruction to a purchaser regarding:

75.29 (1) the laws and rules governing personal watercraft; and

75.30 (2) the safe operation of personal watercraft.

75.31 (b) ~~A person who offers personal watercraft for rent:~~

76.1 ~~(1) shall provide a summary of the laws and rules governing the operation of personal~~  
76.2 ~~watercraft and provide instruction regarding the laws and rules and the safe operation of~~  
76.3 ~~personal watercraft to each person renting a personal watercraft;~~

76.4 ~~(2) shall provide a United States Coast Guard (USCG) approved wearable personal~~  
76.5 ~~flotation device with a USCG label indicating it either is approved for or does not prohibit~~  
76.6 ~~use with personal watercraft or water skiing and any other required safety equipment to all~~  
76.7 ~~persons who rent a personal watercraft at no additional cost; and~~

76.8 ~~(3) shall require that a watercraft operator's permit from this state or from the operator's~~  
76.9 ~~state of residence be shown each time a personal watercraft is rented to any person younger~~  
76.10 ~~than age 18 and shall record the permit on the form provided by the commissioner.~~

76.11 ~~(e) Each dealer of personal watercraft or person offering personal watercraft for rent~~  
76.12 ~~shall have the person who purchases or rents a personal watercraft sign a form provided by~~  
76.13 ~~the commissioner acknowledging that the purchaser or renter has been provided a copy of~~  
76.14 ~~the laws and rules regarding personal watercraft operation and has read them. The form~~  
76.15 ~~must be retained by the dealer or person offering personal watercraft for rent for a period~~  
76.16 ~~of six months following the date of signature and must be made available for inspection by~~  
76.17 ~~sheriff's deputies or conservation officers during normal business hours.~~

76.18 **EFFECTIVE DATE.** This section is effective July 1, 2025.

76.19 Sec. 18. Minnesota Statutes 2022, section 93.001, is amended to read:

76.20 **93.001 MINNESOTA IS A MINING-FRIENDLY STATE; POLICY FOR**  
76.21 **MINERAL DEVELOPMENT.**

76.22 Minnesota is a mining-friendly state. It is the policy of the state to provide for the  
76.23 diversification of the state's mineral economy through long-term support of mineral  
76.24 exploration, evaluation, environmental research, development, production, and  
76.25 commercialization.

76.26 Sec. 19. Minnesota Statutes 2022, section 97A.045, subdivision 5, is amended to read:

76.27 **Subd. 5. Power to prescribe form of permits and licenses.** (a) Except as provided in  
76.28 paragraph (b), the commissioner may prescribe the form of permits, licenses, and tags issued  
76.29 under the game and fish laws.

76.30 (b) The commissioner must offer an applicant for an angling, trapping, or hunting license,  
76.31 including a special permit issued under section 97A.401, the option of receiving the license  
76.32 in either a paper or paperless format and must provide an applicant with a paperless license

77.1 unless the applicant requests a paper license. This paragraph applies to both annual and  
77.2 lifetime licenses. The commissioner must ensure that a person authorized to issue an annual  
77.3 license described in this paragraph has the ability to issue paperless licenses.

77.4 **EFFECTIVE DATE.** This section is effective March 1, 2026.

77.5 Sec. 20. Minnesota Statutes 2022, section 97A.405, subdivision 2, is amended to read:

77.6 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an  
77.7 area where a licensed activity was performed must have in personal possession ~~either~~:

77.8 (1) the proper paper license, if the license has been issued to and received by the person;

77.9 (2) a driver's license or Minnesota identification card that bears a valid designation of  
77.10 the proper lifetime license, as provided under section 171.07, subdivision 19; ~~or~~

77.11 (3) the proper paper license identification number or stamp validation, if the license has  
77.12 been sold to the person by electronic means but the actual license has not been issued and  
77.13 received; or

77.14 (4) electronic or other evidence satisfactory to the commissioner that the person has the  
77.15 proper paperless license.

77.16 (b) If possession of a license or a license identification number is required, a person  
77.17 must exhibit, as requested by a conservation officer or peace officer, ~~either~~: (1) the proper  
77.18 paper license if the license has been issued to and received by the person; (2) a driver's  
77.19 license or Minnesota identification card that bears a valid designation of the proper lifetime  
77.20 license, as provided under section 171.07, subdivision 19; ~~or~~ (3) the proper paper license  
77.21 identification number or stamp validation and a valid state driver's license, state identification  
77.22 card, or other form of identification provided by the commissioner, if the license has been  
77.23 sold to the person by electronic means but the actual license has not been issued and received;  
77.24 or (4) electronic or other evidence satisfactory to the commissioner that the person has the  
77.25 proper paperless license. A person charged with violating the license possession requirement  
77.26 shall not be convicted if the person produces in court or the office of the arresting officer,  
77.27 the actual license previously issued to that person, which was valid at the time of arrest, or  
77.28 satisfactory proof that at the time of the arrest the person was validly licensed. Upon request  
77.29 of a conservation officer or peace officer, a licensee shall write the licensee's name in the  
77.30 presence of the officer to determine the identity of the licensee.

77.31 (c) Except as provided in paragraph (a), ~~clause~~ clauses (2) and (4), if the actual license  
77.32 has been issued and received, a receipt for license fees, a copy of a license, or evidence  
77.33 showing the issuance of a license, including the license identification number or stamp

78.1 validation, does not entitle a licensee to exercise the rights or privileges conferred by a  
78.2 license.

78.3 (d) A paper license issued electronically and not immediately provided to the licensee  
78.4 shall be mailed to the licensee within 30 days of purchase of the license. A pictorial migratory  
78.5 waterfowl, pheasant, trout and salmon, or walleye stamp shall be provided to the licensee  
78.6 after purchase of a stamp validation only if the licensee pays an additional fee that covers  
78.7 the costs of producing and mailing a pictorial stamp. A pictorial turkey stamp may be  
78.8 purchased for a fee that covers the costs of producing and mailing the pictorial stamp.  
78.9 Notwithstanding section 16A.1283, the commissioner may, by written order published in  
78.10 the State Register, establish fees for providing the pictorial stamps. The fees must be set in  
78.11 an amount that does not recover significantly more or less than the cost of producing and  
78.12 mailing the stamps. The fees are not subject to the rulemaking provisions of chapter 14, and  
78.13 section 14.386 does not apply.

78.14 **EFFECTIVE DATE.** This section is effective March 1, 2026.

78.15 Sec. 21. Minnesota Statutes 2022, section 97A.420, subdivision 1, is amended to read:

78.16 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the license  
78.17 of a person who unlawfully takes, transports, or possesses wild animals when the restitution  
78.18 value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the  
78.19 person may not use or obtain any license to take the same type of wild animals involved,  
78.20 including a duplicate license, until an action is taken under subdivision 6. If the license  
78.21 seized under this paragraph was for a big game animal, the license seizure applies to all  
78.22 licenses to take big game issued to the individual. If the license seized under this paragraph  
78.23 was for small game animals, the license seizure applies to all licenses to take small game  
78.24 issued to the individual.

78.25 (b) In addition to the license seizure under paragraph (a), if the restitution value of the  
78.26 wild animals unlawfully taken, possessed, or transported is \$1,000 or more, all other game  
78.27 and fish licenses held by the person shall be immediately seized. Except as provided in  
78.28 subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit, including  
78.29 a duplicate license, until an action is taken under subdivision 6.

78.30 (c) A person may not take wild animals covered by a license seized under this subdivision  
78.31 until an action is taken under subdivision 6.

78.32 (d) The commissioner must make a means of seizing and releasing a paperless license  
78.33 under this section available to enforcement officers.

79.1 **EFFECTIVE DATE.** This section is effective March 1, 2026.

79.2 Sec. 22. Minnesota Statutes 2022, section 97A.465, subdivision 3, is amended to read:

79.3 Subd. 3. **Nonresidents stationed in state; spouses.** (a) The commissioner may issue a  
79.4 resident license to take fish or game to a person in the armed forces of the United States  
79.5 that is stationed in the state. This subdivision paragraph does not apply to the taking of  
79.6 moose or elk.

79.7 (b) The commissioner may issue a resident angling license to a person in the armed  
79.8 forces of the United States that is stationed in the state and to the spouse of a person in the  
79.9 armed forces of the United States that is stationed in the state.

79.10 Sec. 23. Minnesota Statutes 2022, section 97A.465, subdivision 8, is amended to read:

79.11 Subd. 8. **Nonresident active members of National Guard; spouses.** (a) A nonresident  
79.12 that is an active a member of the state's National Guard may obtain a resident license to  
79.13 take fish or game. This subdivision paragraph does not apply to the taking of moose or elk.

79.14 (b) A nonresident that is a member of the National Guard or that is the spouse of a  
79.15 member of the National Guard may obtain a resident license to take fish.

79.16 (c) For purposes of this section, the term "member of the National Guard" means an  
79.17 active member of the state's National Guard or an active member of another state's National  
79.18 Guard who is temporarily stationed in this state.

79.19 Sec. 24. Minnesota Statutes 2022, section 97A.475, subdivision 41, is amended to read:

79.20 Subd. 41. **Turtle licenses license.** ~~(a) The fee for a turtle seller's license to sell turtles~~  
79.21 ~~and to take, transport, buy, and possess turtles for sale is \$250.~~

79.22 ~~(b) The fee for a recreational turtle license to take, transport, and possess turtles for~~  
79.23 ~~personal use is \$25 \$5.~~

79.24 ~~(c) The fee for a turtle seller's apprentice license is \$100.~~

79.25 **EFFECTIVE DATE.** This section is effective January 1, 2024.

79.26 Sec. 25. Minnesota Statutes 2022, section 97B.318, subdivision 1, is amended to read:

79.27 Subdivision 1. **Shotgun use area.** During the regular firearms season in the shotgun use  
79.28 area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long  
79.29 guns, and legal handguns may be used for taking deer. Legal shotguns include those with

80.1 rifled barrels. The shotgun use area is that portion of the state ~~lying within the following~~  
80.2 ~~described boundary: Beginning on the west boundary of the state at the northern boundary~~  
80.3 ~~of Clay County; thence along the northern boundary of Clay County to State Trunk Highway~~  
80.4 ~~(STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94~~  
80.5 ~~(I-94); thence along I-94 to County State Aid Highway (CSAH) 40, Douglas County; thence~~  
80.6 ~~along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas~~  
80.7 ~~County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to~~  
80.8 ~~CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to~~  
80.9 ~~CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd~~  
80.10 ~~County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH~~  
80.11 ~~27; thence along STH 27 to the Mississippi River; thence along the east bank of the~~  
80.12 ~~Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to~~  
80.13 ~~U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence~~  
80.14 ~~along the east, south, and west boundaries of the state to the point of beginning consisting~~  
80.15 ~~of Olmsted County.~~

80.16 Sec. 26. Minnesota Statutes 2022, section 97C.605, subdivision 1, is amended to read:

80.17 Subdivision 1. ~~Resident angling license required~~ Taking turtles; requirements. ~~In~~  
80.18 ~~addition to any other license required in this section, (a) A person may not take, possess,~~  
80.19 ~~or transport turtles without a resident angling license, except as provided in subdivision 2c~~  
80.20 ~~and a recreational turtle license.~~

80.21 (b) Turtles taken from the wild are for personal use only and may not be resold.

80.22 EFFECTIVE DATE. This section is effective January 1, 2024.

80.23 Sec. 27. Minnesota Statutes 2022, section 97C.605, subdivision 2c, is amended to read:

80.24 Subd. 2c. **License exemptions.** (a) A person does not need a turtle seller's license or an  
80.25 angling license the licenses specified under subdivision 1:

80.26 (1) when buying turtles for resale at a retail outlet;

80.27 (1) when buying turtles from a licensed aquatic farm or licensed private fish hatchery  
80.28 for resale at a retail outlet or restaurant;

80.29 (2) when buying a turtle at a retail outlet;

80.30 (3) if the person is a nonresident buying a turtle from a licensed turtle seller for export  
80.31 out of state. Shipping documents provided by the turtle seller must accompany each shipment  
80.32 exported out of state by a nonresident. Shipping documents must include: name, address,



81.1 ~~city, state, and zip code of the buyer; number of each species of turtle; and name and license~~  
81.2 ~~number of the turtle seller; or~~

81.3 ~~(4) (3) to take, possess, and rent or sell up to 25 turtles greater than four inches in length~~  
81.4 ~~for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person~~  
81.5 ~~is a resident under age 18. The person is responsible for the well-being of the turtles; or~~

81.6 (4) when possessing turtles if under 16 years of age. Notwithstanding any other law to  
81.7 the contrary, a person under the age of 16 may possess, without a license, up to three snapping  
81.8 or western painted turtles, provided the turtles are possessed for personal use and are within  
81.9 the applicable length and width requirements.

81.10 (b) A person with an aquatic farm license with a turtle endorsement or a private fish  
81.11 hatchery license with a turtle endorsement may sell, obtain, possess, transport, and propagate  
81.12 turtles and turtle eggs without the licenses specified under subdivision 1.

81.13 (c) Turtles possessed under this subdivision may not be released back into the wild.

81.14 **EFFECTIVE DATE.** This section is effective January 1, 2024.

81.15 Sec. 28. Minnesota Statutes 2022, section 97C.605, subdivision 3, is amended to read:

81.16 Subd. 3. **Taking; methods prohibited.** ~~(a)~~ A person may not take turtles by using:

81.17 (1) explosives, drugs, poisons, lime, and other harmful substances;

81.18 (2) traps, ~~except as provided in paragraph (b) and rules adopted under this section;~~

81.19 (3) nets other than anglers' fish landing nets;

81.20 (4) commercial equipment, ~~except as provided in rules adopted under this section;~~

81.21 (5) firearms and ammunition;

81.22 (6) bow and arrow or crossbow; or

81.23 (7) spears, harpoons, or any other implements that impale turtles.

81.24 ~~(b) Until new rules are adopted under this section, a person with a turtle seller's license~~  
81.25 ~~may take turtles with a floating turtle trap that:~~

81.26 ~~(1) has one or more openings above the water surface that measure at least ten inches~~  
81.27 ~~by four inches; and~~

81.28 ~~(2) has a mesh size of not less than one half inch, bar measure.~~

81.29 **EFFECTIVE DATE.** This section is effective January 1, 2024.

82.1 Sec. 29. Minnesota Statutes 2022, section 97C.611, is amended to read:

82.2 **97C.611 TURTLE SPECIES; LIMITS.**

82.3 Subdivision 1. **Snapping turtles.** A person may not possess more than three snapping  
82.4 turtles of the species *Chelydra serpentina* ~~without a turtle seller's license~~. Until new rules  
82.5 are adopted under section 97C.605, a person may not take snapping turtles of a size less  
82.6 than ten inches wide including curvature, measured from side to side across the shell at  
82.7 midpoint. After new rules are adopted under section 97C.605, a person may only take  
82.8 snapping turtles of a size specified in the adopted rules.

82.9 Subd. 2. **Western painted turtles.** (a) A person may not possess more than three Western  
82.10 painted turtles of the species *Chrysemys picta* ~~without a turtle seller's license~~. Western  
82.11 painted turtles must be between 4 and 5-1/2 inches in shell length.

82.12 (b) This subdivision does not apply to persons acting under section 97C.605, subdivision  
82.13 2c, ~~clause (4)~~ paragraph (a).

82.14 ~~Subd. 3. **Spiny softshell.** A person may not possess spiny softshell turtles of the species~~  
82.15 ~~*Apalone spinifera* after December 1, 2021, without an aquatic farm or private fish hatchery~~  
82.16 ~~license with a turtle endorsement.~~

82.17 Subd. 4. **Other species.** A person may not possess any other species of turtle ~~without~~  
82.18 except with an aquatic farm or private fish hatchery license with a turtle endorsement or as  
82.19 specified under section 97C.605, subdivision 2c.

82.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

82.21 Sec. 30. Minnesota Statutes 2022, section 103B.101, subdivision 9, is amended to read:

82.22 Subd. 9. **Powers and duties.** (a) In addition to the powers and duties prescribed  
82.23 elsewhere, the board shall:

82.24 (1) coordinate the water and soil resources planning and implementation activities of  
82.25 counties, soil and water conservation districts, watershed districts, watershed management  
82.26 organizations, and any other local units of government through its various authorities for  
82.27 approval of local plans, administration of state grants, contracts and easements, and by other  
82.28 means as may be appropriate;

82.29 (2) facilitate communication and coordination among state agencies in cooperation with  
82.30 the Environmental Quality Board, and between state and local units of government, in order  
82.31 to make the expertise and resources of state agencies involved in water and soil resources  
82.32 management available to the local units of government to the greatest extent possible;

83.1 (3) coordinate state and local interests with respect to the study in southwestern Minnesota  
83.2 under United States Code, title 16, section 1009;

83.3 (4) develop information and education programs designed to increase awareness of local  
83.4 water and soil resources problems and awareness of opportunities for local government  
83.5 involvement in preventing or solving them;

83.6 (5) provide a forum for the discussion of local issues and opportunities relating to water  
83.7 and soil resources management;

83.8 (6) adopt an annual budget and work program that integrate the various functions and  
83.9 responsibilities assigned to it by law; and

83.10 (7) report assessments to the governor and the legislature ~~by October 15 of each~~  
83.11 ~~even-numbered year with an assessment~~ of board programs and recommendations for any  
83.12 program changes and board membership changes necessary to improve state and local efforts  
83.13 in water and soil resources management.

83.14 (b) The board may accept grants, gifts, donations, or contributions in money, services,  
83.15 materials, or otherwise from the United States, a state agency, or other source to achieve  
83.16 an authorized or delegated purpose. The board may enter into a contract or agreement  
83.17 necessary or appropriate to accomplish the transfer. The board may conduct or participate  
83.18 in local, state, or federal programs or projects that have as one purpose or effect the  
83.19 preservation or enhancement of water and soil resources and may enter into and administer  
83.20 agreements with local governments or landowners or their designated agents as part of those  
83.21 programs or projects. The board may receive and expend money to acquire conservation  
83.22 easements, as defined in chapter 84C, on behalf of the state and federal government consistent  
83.23 with ~~the~~ Camp Ripley's Army Compatible Use Buffer Project, Sentinel Landscape program,  
83.24 or related conservation programs. The board may enter into agreements, including grant  
83.25 agreements, with Tribal nations, federal agencies, higher education institutions, local  
83.26 governments, and private sector organizations to carry out programs and other responsibilities  
83.27 prescribed or allowed by statute.

83.28 (c) Any money received is hereby deposited in an account in a fund other than the general  
83.29 fund and appropriated and dedicated for the purpose for which it is granted.

83.30 Sec. 31. Minnesota Statutes 2022, section 103B.101, subdivision 16, is amended to read:

83.31 Subd. 16. ~~Water quality~~ **Conservation practices; standardized specifications.** (a)  
83.32 ~~The board of Water and Soil Resources shall~~ must work with state and federal agencies,  
83.33 Tribal Nations, academic institutions, local governments, practitioners, and stakeholders to

84.1 foster mutual understanding and provide recommendations for standardized specifications  
84.2 for ~~water quality and soil conservation protection and improvement practices and~~ projects,  
84.3 and systems for:

84.4 (1) erosion or sedimentation control;

84.5 (2) improvements to water quality or water quantity;

84.6 (3) habitat restoration and enhancement;

84.7 (4) energy conservation; and

84.8 (5) climate adaptation, resiliency, or mitigation.

84.9 (b) The board may convene working groups or work teams to develop information,  
84.10 education, and recommendations.

84.11 Sec. 32. Minnesota Statutes 2022, section 103B.101, is amended by adding a subdivision  
84.12 to read:

84.13 Subd. 18. **Guidelines for establishing and enhancing native vegetation.** (a) The board  
84.14 must work with state and federal agencies, Tribal Nations, academic institutions, local  
84.15 governments, practitioners, and stakeholders to foster mutual understanding and to provide  
84.16 recommendations for standardized specifications to establish and enhance native vegetation  
84.17 to provide benefits for:

84.18 (1) water quality;

84.19 (2) soil conservation;

84.20 (3) habitat enhancement;

84.21 (4) energy conservation; and

84.22 (5) climate adaptation, resiliency, or mitigation.

84.23 (b) The board may convene working groups or work teams to develop information,  
84.24 education, and recommendations.

84.25 Sec. 33. Minnesota Statutes 2022, section 103B.103, is amended to read:

84.26 **103B.103 EASEMENT STEWARDSHIP ACCOUNTS.**

84.27 Subdivision 1. **Accounts established; sources.** (a) The water and soil conservation  
84.28 easement stewardship account and the mitigation easement stewardship account are created  
84.29 in the special revenue fund. The accounts consist of money credited to the accounts and

85.1 interest and other earnings on money in the accounts. The State Board of Investment must  
85.2 manage the accounts to maximize long-term gain.

85.3 (b) Revenue from contributions and money appropriated for any purposes of the account  
85.4 as described in subdivision 2 must be deposited in the water and soil conservation easement  
85.5 stewardship account. Revenue from contributions, ~~wetland banking~~ mitigation fees designated  
85.6 for stewardship purposes by the board, easement stewardship payments authorized under  
85.7 subdivision 3, and money appropriated for any purposes of the account as described in  
85.8 subdivision 2 must be deposited in the mitigation easement stewardship account.

85.9 Subd. 2. **Appropriation; purposes of accounts.** Five percent of the balance on July 1  
85.10 each year in the water and soil conservation easement stewardship account and five percent  
85.11 of the balance on July 1 each year in the mitigation easement stewardship account are  
85.12 annually appropriated to the board and may be spent ~~only~~ to cover the costs of managing  
85.13 easements held by the board, including costs associated with:

85.14 (1) repairing or replacing structures;

85.15 (2) monitoring;

85.16 (3) landowner contacts;

85.17 (4) records storage and management;

85.18 (5) processing landowner notices;

85.19 (6) requests for approval or amendments;

85.20 (7) enforcement; and

85.21 (8) legal services associated with easement management activities.

85.22 Subd. 3. **Financial contributions.** The board shall seek a financial contribution to the  
85.23 water and soil conservation easement stewardship account for each conservation easement  
85.24 acquired by the board. The board shall seek a financial contribution or assess an easement  
85.25 stewardship payment to the mitigation easement stewardship account for each wetland  
85.26 ~~banking mitigation~~ easement acquired by the board. Unless otherwise provided by law, the  
85.27 board shall determine the amount of the contribution or payment, which must be an amount  
85.28 calculated to earn sufficient money to meet the costs of managing the easement at a level  
85.29 that neither significantly overrecovers nor underrecovers the costs. In determining the  
85.30 amount of the financial contribution, the board shall consider:

85.31 (1) the estimated annual staff hours needed to manage the conservation easement, taking  
85.32 into consideration factors such as easement type, size, location, and complexity;

86.1 (2) the average hourly wages for the class or classes of state and local employees expected  
86.2 to manage the easement;

86.3 (3) the estimated annual travel expenses to manage the easement;

86.4 (4) the estimated annual miscellaneous costs to manage the easement, including supplies  
86.5 and equipment, information technology support, and aerial flyovers;

86.6 (5) the estimated annualized costs of legal services, including the cost to enforce the  
86.7 easement in the event of a violation;

86.8 (6) the estimated annualized costs for repairing or replacing water control structures;

86.9 and

86.10 ~~(6)~~ (7) the expected rate of return on investments in the account.

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

86.12 Sec. 34. **[103B.104] LAWNS TO LEGUMES PROGRAM.**

86.13 (a) The Board of Water and Soil Resources may provide financial and technical assistance  
86.14 to plant residential landscapes and community spaces with native vegetation and  
86.15 pollinator-friendly forbs and legumes to:

86.16 (1) protect a diversity of pollinators with declining populations; and

86.17 (2) provide additional benefits for water management, carbon sequestration, and landscape  
86.18 and climate resiliency.

86.19 (b) The board must establish criteria for grants or payments awarded under this section.  
86.20 Grants or payments awarded under this section may give priority consideration for proposals  
86.21 in areas identified by the United States Fish and Wildlife Service as areas where there is a  
86.22 high potential for rusty patched bumble bees and other priority species to be present.

86.23 (c) The board may collaborate with and enter into agreements with federal, state, and  
86.24 local agencies; Tribal Nations; nonprofit organizations; and contractors to implement and  
86.25 promote the program.

86.26 Sec. 35. **[103B.105] HABITAT-FRIENDLY UTILITIES PROGRAM.**

86.27 (a) The Board of Water and Soil Resources may provide financial and technical assistance  
86.28 to promote the successful establishment of native vegetation as part of utility projects,  
86.29 including solar and wind projects, pipelines, and electrical transmission corridors, to:

86.30 (1) ensure the integrity and resiliency of Minnesota landscapes; and

87.1 (2) protect habitat and water resources.

87.2 (b) The board must establish criteria for grants or payments awarded under this section.

87.3 Grants or payments awarded under this section may prioritize proposals in areas identified  
87.4 by state and federal agencies and conservation partners for protecting high-priority natural  
87.5 resources and wildlife species.

87.6 (c) The board may collaborate with and enter into agreements with federal, state, and  
87.7 local agencies; Tribal Nations; utility companies; nonprofit organizations; and contractors  
87.8 to implement and promote the program.

87.9 **Sec. 36. [103B.106] HABITAT ENHANCEMENT LANDSCAPE PROGRAM.**

87.10 (a) The Board of Water and Soil Resources may provide financial and technical assistance  
87.11 to establish or enhance areas of diverse native vegetation to:

87.12 (1) support declining populations of bees, butterflies, dragonflies, birds, and other wildlife  
87.13 species that are essential for ecosystems and food production across conservation lands,  
87.14 open spaces, and natural areas; and

87.15 (2) provide additional benefits for water management, carbon sequestration, and landscape  
87.16 and climate resiliency.

87.17 (b) The board must establish criteria for grants or payments awarded under this section.  
87.18 Grants or payments awarded under this section may prioritize proposals in areas identified  
87.19 by state and federal agencies and conservation partners as high priority for protecting  
87.20 endangered or threatened pollinator and other species.

87.21 (c) The board may collaborate with and enter into agreements with federal, state, and  
87.22 local agencies; Tribal Nations; nonprofit organizations; and contractors to implement and  
87.23 promote the program.

87.24 Sec. 37. Minnesota Statutes 2022, section 103C.501, subdivision 1, is amended to read:

87.25 Subdivision 1. **Cost-share Program authorization.** The state board may allocate  
87.26 available funds to districts ~~to share the cost of systems or~~ for practices, projects, and systems  
87.27 for:

87.28 (1) erosion or sedimentation control or;

87.29 (2) improvements to water quality improvement that are designed to protect and improve  
87.30 soil and water resources; or water quantity;

87.31 (3) habitat enhancement;

- 88.1 (4) plant biodiversity;
- 88.2 (5) energy conservation; or
- 88.3 (6) climate adaptation, resiliency, or mitigation.

88.4 Sec. 38. Minnesota Statutes 2022, section 103C.501, subdivision 4, is amended to read:

88.5 Subd. 4. **Cost-sharing Use of funds.** ~~(a) The state board shall allocate cost-sharing funds~~  
88.6 ~~to areas with high-priority erosion, sedimentation, or water quality problems or water quantity~~  
88.7 ~~problems due to altered hydrology. The areas must be selected based on priorities established~~  
88.8 ~~by the state board.~~

88.9 ~~(b) The allocated funds must be used for:~~

88.10 (1) for conservation practices for high-priority problems activities, including technical  
88.11 and financial assistance, identified in the comprehensive and annual work plans of the  
88.12 districts, for the technical assistance portion of the grant funds state-approved plans that are  
88.13 related to water and natural resources and established under chapters 103B, 103C, 103D,  
88.14 103F, 103G, and 114D;

88.15 (2) to leverage federal or other nonstate funds; or

88.16 (3) to address high-priority needs identified in local water management plans or  
88.17 comprehensive watershed management plans by the district based on public input.

88.18 Sec. 39. Minnesota Statutes 2022, section 103C.501, subdivision 5, is amended to read:

88.19 Subd. 5. **Contracts by districts.** ~~(a) A district board may contract on a cost-share basis~~  
88.20 ~~to furnish financial aid to provide technical and financial assistance to a land occupier or~~  
88.21 ~~to a state or federal agency for permanent systems practices and projects for:~~

88.22 (1) erosion or sedimentation control or;

88.23 (2) improvements to water quality or water quantity improvements that are consistent  
88.24 with the district's comprehensive and annual work plans;

88.25 (3) habitat enhancement;

88.26 (4) plant biodiversity;

88.27 (5) energy conservation; or

88.28 (6) climate adaptation, resiliency, or mitigation.



89.1 (b) A district board, ~~with approval from the state board and,~~ consistent with state board  
89.2 rules and policies, may contract ~~on a cost-share basis to furnish financial aid to a land~~  
89.3 ~~occupier for~~ to provide technical and financial assistance for structural and nonstructural  
89.4 ~~land management practices that are part of a planned erosion control or water quality~~  
89.5 ~~improvement plan and projects.~~

89.6 (c) ~~The duration of the contract must, at a minimum, be the time required to complete~~  
89.7 ~~the planned systems. A contract must specify that the land occupier is liable for monetary~~  
89.8 ~~damages and penalties in an amount up to 150 percent of the financial assistance received~~  
89.9 ~~from the district, for failure to complete the systems or practices in a timely manner or~~  
89.10 ~~maintain the systems or practices as specified in the contract.~~

89.11 (d) ~~A contract may provide for cooperation or funding with federal agencies. A land~~  
89.12 ~~occupier or state agency may provide the cost-sharing portion of the contract through services~~  
89.13 ~~in kind.~~

89.14 (e) (c) The state board or the district board may not furnish any financial aid assistance  
89.15 for practices designed only to increase land productivity.

89.16 (f) (d) When a district board determines that long-term maintenance of a system or  
89.17 practice is desirable, the district or the state board may require that maintenance be made  
89.18 a covenant upon the land for the effective life of the practice. A covenant under this  
89.19 subdivision shall be construed in the same manner as a conservation restriction under section  
89.20 84.65.

89.21 Sec. 40. Minnesota Statutes 2022, section 103C.501, subdivision 6, is amended to read:

89.22 Subd. 6. **Policies and rules.** (a) The state board may adopt rules and shall adopt policies  
89.23 prescribing:

89.24 (1) procedures and criteria for allocating funds ~~for cost-sharing contracts;~~ and

89.25 (2) standards and guidelines for ~~cost-sharing~~ implementing the conservation  
89.26 program.

89.27 (3) ~~the scope and content of district comprehensive plans, plan amendments, and annual~~  
89.28 ~~work plans;~~

89.29 (4) ~~standards and methods necessary to plan and implement a priority cost-sharing~~  
89.30 ~~program, including guidelines to identify high priority erosion, sedimentation, and water~~  
89.31 ~~quality problems and water quantity problems due to altered hydrology;~~

90.1 ~~(5) the share of the cost of conservation practices to be paid from cost-sharing funds;~~  
90.2 ~~and~~

90.3 ~~(6) requirements for districts to document their efforts to identify and contact land~~  
90.4 ~~occupiers with high priority problems.~~

90.5 ~~(b) The rules may provide that cost sharing may be used for windbreaks and shelterbelts~~  
90.6 ~~for the purposes of energy conservation and snow protection.~~

90.7 Sec. 41. Minnesota Statutes 2022, section 103D.605, subdivision 5, is amended to read:

90.8 Subd. 5. **Establishment order.** After the project hearing, if the managers find that the  
90.9 project will be conducive to public health, will promote the general welfare, and ~~is in~~  
90.10 ~~compliance~~ complies with the watershed management plan and the provisions of this chapter,  
90.11 the ~~board~~ managers must, by order, establish the project. The establishment order must  
90.12 include the findings of the managers.

90.13 Sec. 42. **[103F.06] SOIL HEALTH PRACTICES PROGRAM.**

90.14 Subdivision 1. **Definitions.** (a) In this section, the following terms have the meanings  
90.15 given:

90.16 (1) "board" means the Board of Water and Soil Resources;

90.17 (2) "local units of government" has the meaning given under section 103B.305,  
90.18 subdivision 5; and

90.19 (3) "soil health" has the meaning given under section 103C.101, subdivision 10a.

90.20 Subd. 2. **Establishment.** (a) The board must administer a financial and technical support  
90.21 program to produce soil health practices that achieve water quality, soil productivity, climate  
90.22 change resiliency, or carbon sequestration benefits.

90.23 (b) The program must include but is not limited to no till, field borders, prairie strips,  
90.24 cover crops, and other practices sanctioned by the board or the United States Department  
90.25 of Agriculture's Natural Resources Conservation Service.

90.26 Subd. 3. **Financial and technical assistance.** (a) The board may provide financial and  
90.27 technical support to local units of government, private sector organizations, and farmers to  
90.28 establish soil health practices and related practices with climate and water-quality benefits.

90.29 (b) The board must establish practices and costs that are eligible for financial and technical  
90.30 support under this section.

91.1 Subd. 4. **Program implementation.** (a) The board may employ staff or enter into external  
91.2 agreements to implement this section.

91.3 (b) The board must assist local units of government in achieving the objectives of the  
91.4 program, including assessing practice standards and program effectiveness.

91.5 Subd. 5. **Federal aid availability.** The board must regularly review availability of federal  
91.6 funds and programs to supplement or complement state and other efforts consistent with  
91.7 the purposes of this section.

91.8 Subd. 6. **Soil health practices.** The board, in consultation with the commissioner of  
91.9 agriculture, may cooperate with the United States Department of Agriculture, other federal  
91.10 and state agencies, local governments, and private sector organizations to establish soil  
91.11 health goals for the state that will achieve water quality, soil productivity, climate change  
91.12 resiliency, and carbon sequestration benefits.

91.13 Subd. 7. **Carbon market applicability.** The board, in consultation with the commissioner  
91.14 of agriculture, may cooperate with the United States Department of Agriculture, other federal  
91.15 and state agencies, local governments, and private sector organizations to align or incorporate  
91.16 soil health practices with carbon trading, mitigation, or offset markets and related tracking  
91.17 or recognition efforts.

91.18 Sec. 43. Minnesota Statutes 2022, section 103F.505, is amended to read:

91.19 **103F.505 PURPOSE AND POLICY.**

91.20 (a) It is the purpose of sections 103F.505 to 103F.531 to restore certain marginal  
91.21 agricultural land and protect environmentally sensitive areas to:

91.22 (1) enhance soil and water quality;

91.23 (2) minimize damage to flood-prone areas;

91.24 (3) sequester carbon, ~~and~~;

91.25 (4) support native plant, fish, and wildlife habitats; ~~and~~

91.26 (5) establish perennial vegetation.

91.27 (b) It is state policy to encourage ~~the~~:

91.28 (1) restoration of wetlands and riparian lands ~~and promote the retirement~~;

91.29 (2) restoration and protection of marginal, highly erodible land, particularly land adjacent  
91.30 to public waters, drainage systems, wetlands, and locally designated priority waters; ~~and~~

92.1 (3) protection of environmentally sensitive areas, including wellhead protection areas,  
92.2 grasslands, peatlands, shorelands, and forest lands in priority areas.

92.3 Sec. 44. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision  
92.4 to read:

92.5 Subd. 5a. **Grasslands.** "Grasslands" means landscapes that are or were formerly  
92.6 dominated by grasses, that have a low percentage of trees and shrubs, and that provide  
92.7 economic and ecosystem services such as grazing, wildlife habitat, carbon sequestration,  
92.8 and water filtration and retention.

92.9 Sec. 45. **[103F.519] REINVEST IN MINNESOTA WORKING LANDS PROGRAM.**

92.10 Subdivision 1. **Establishment.** The board may establish and administer a reinvest in  
92.11 Minnesota working lands program that is in addition to the program established under  
92.12 section 103F.515. Selecting land for the program must be based on the land's potential for:

92.13 (1) protecting or improving water quality;

92.14 (2) reducing erosion;

92.15 (3) improving soil health;

92.16 (4) reducing chemical inputs;

92.17 (5) improving carbon storage; and

92.18 (6) increasing biodiversity and habitat for fish, wildlife, and native plants.

92.19 Subd. 2. **Applicability.** Section 103F.515 applies to this section except as otherwise  
92.20 provided in subdivisions 1, 3, and 4.

92.21 Subd. 3. **Nature of property rights acquired.** Notwithstanding section 103F.515,  
92.22 subdivision 4, paragraph (a), the board may authorize haying and livestock grazing, perennial  
92.23 or winter annual cover crop production, forest management, or other activities that the board  
92.24 determines are consistent with section 103F.505 or appropriation conditions or criteria.

92.25 Subd. 4. **Payments for easements.** The board must establish payment rates for acquiring  
92.26 easements and for related practices. The board must consider market factors as well as  
92.27 easement terms, including length and allowable uses, when establishing rates.

93.1 **Sec. 46. [103G.216] REPORTING FISH KILLS IN PUBLIC WATERS.**

93.2 **Subdivision 1. Definition.** For the purposes of this section and section 103G.2165, "fish  
93.3 kill" means an incident resulting in the death of 25 or more fish within one linear mile of a  
93.4 flowing water or 25 or more fish within a square mile of a nonflowing water.

93.5 **Subd. 2. Reporting requirement.** A state or county staff person or official who learns  
93.6 of a fish kill in public waters must report the location of the fish kill to the Minnesota state  
93.7 duty officer within one hour of being notified of a fish kill or within four hours of first  
93.8 observing the fish kill. The Minnesota state duty officer must alert the Departments of  
93.9 Agriculture, Health, and Natural Resources and the Pollution Control Agency of the location  
93.10 of the fish kill within one hour of being notified of the fish kill. When a fish kill is reported,  
93.11 it must be posted to the *EQB Monitor* in the next scheduled posting.

93.12 **Sec. 47. [103G.2165] DEVELOPMENT OF FISH KILL RESPONSE PROTOCOL.**

93.13 **Subdivision 1. Development of protocol.** By June 30, 2024, the commissioners of  
93.14 agriculture, health, and natural resources and the commissioner of the Pollution Control  
93.15 Agency must update the fish kill response guidance by developing a protocol. The protocol  
93.16 must consist of steps that state agencies responding to a report of a fish kill under section  
93.17 103G.216 must take to ascertain cause of or contributing factors to the fish kill based on  
93.18 scientific data and information gathered through investigation, as well as a communication  
93.19 plan to inform the public of potential hazards. The protocol must address:

93.20 (1) how to approach sampling for aquatic life in most fish kill situations;

93.21 (2) the types of locations from which samples described in clause (1) should be taken;

93.22 (3) the types of locations where water samples should be taken from the body of water  
93.23 in which the fish kill occurred, as well as tributary streams and private wells with landowner  
93.24 consent that should also be sampled;

93.25 (4) the types of locations from which soil and groundwater samples should be taken to  
93.26 ascertain whether contaminants traveled overland or underground to reach the body of water  
93.27 in which the fish kill occurred;

93.28 (5) where other sampling should occur to determine the presence of contaminants that  
93.29 may have contributed to the fish kill;

93.30 (6) developing a comprehensive list of contaminants, including degradation products,  
93.31 for which the materials sampled in clauses (3) to (5) should be tested;

94.1 (7) the appropriate concentration limits to be used in testing samples for the presence  
94.2 of contaminants, allowing for the possibility that the fish kill may have resulted from the  
94.3 interaction of two or more contaminants present at concentrations below the level associated  
94.4 with toxic effects resulting from exposure to each individual chemical;

94.5 (8) proper handling, storage, and treatment necessary to preserve the integrity of the  
94.6 samples described in this subdivision to maximize the information the samples can yield  
94.7 regarding the cause of the fish kill;

94.8 (9) the organs and other parts of the fish and other aquatic creatures that should be  
94.9 analyzed to maximize the information the samples can yield regarding the cause of the fish  
94.10 kill;

94.11 (10) identifying a rapid response team of interagency staff or an independent contractor  
94.12 with the necessary data collection equipment that can travel to the site of the fish kill to  
94.13 collect samples within 24 to 48 hours of the incident;

94.14 (11) a communications plan with a health-risk assessment to notify potentially impacted  
94.15 downstream users of the surface water of the potential hazards and those in the vicinity  
94.16 whose public or private water supply, including surface water or groundwater, may be  
94.17 impacted; and

94.18 (12) the proposed content and timing for investigation reports filed following fish kills.  
94.19 Investigation reports should identify the probable causes and include recommendations to  
94.20 prevent similar incidents in the future.

94.21 Subd. 2. **Review of protocol.** The Departments of Agriculture, Health, and Natural  
94.22 Resources and the Pollution Control Agency must post the draft protocol to their websites  
94.23 for a 60-day period for public review and comment. The Departments of Agriculture, Health,  
94.24 and Natural Resources and the Pollution Control Agency must hold one or more public  
94.25 informational meetings on the draft protocol. The Departments of Agriculture, Health, and  
94.26 Natural Resources and the Pollution Control Agency must consider comments submitted  
94.27 during the public comment period before posting the final protocol to their websites.

94.28 Subd. 3. **Implementation.** Once the protocol has been published, the relevant state  
94.29 agencies must follow the protocol and must maintain data related to each fish kill response  
94.30 documenting the extent to which the protocol was followed and any reasons why it was not.  
94.31 Once the protocol is in effect, investigation reports for fish kills must be posted to the *EQB*  
94.32 *Monitor*.

95.1 Subd. 4. **Updating protocol.** The updated protocol must be reviewed by the  
95.2 commissioners of agriculture, health, and natural resources, and the commissioner of the  
95.3 Pollution Control Agency at least every five years according to the procedures in this section.

95.4 Sec. 48. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to  
95.5 read:

95.6 Subd. 8a. **Microplastics.** "Microplastics" means particles of plastic less than 500  
95.7 micrometers in size.

95.8 Sec. 49. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to  
95.9 read:

95.10 Subd. 8b. **Nanoplastics.** "Nanoplastics" means plastic particles less than or equal to 100  
95.11 nanometers in size.

95.12 Sec. 50. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to  
95.13 read:

95.14 Subd. 10a. **Plastic.** "Plastic" means a synthetic material made from linking monomers  
95.15 through a chemical reaction to create a polymer chain that can be molded or extruded at  
95.16 high heat into various solid forms that retain their defined shapes during their life cycle and  
95.17 after disposal. Plastic does not mean natural polymers that have not been chemically  
95.18 modified.

95.19 Sec. 51. Minnesota Statutes 2022, section 115.03, subdivision 1, is amended to read:

95.20 Subdivision 1. **Generally.** (a) The ~~agency~~ commissioner is hereby given and charged  
95.21 with the following powers and duties:

95.22 (~~a~~) (1) to administer and enforce all laws relating to the pollution of any of the waters  
95.23 of the state;

95.24 (~~b~~) (2) to investigate the extent, character, and effect of the pollution of the waters of  
95.25 this state and to gather data and information necessary or desirable in the administration or  
95.26 enforcement of pollution laws, and to make such classification of the waters of the state as  
95.27 it may deem advisable;

95.28 (~~e~~) (3) to establish and alter such reasonable pollution standards for any waters of the  
95.29 state in relation to the public use to which they are or may be put as it shall deem necessary

96.1 for the purposes of this chapter and, with respect to the pollution of waters of the state,  
96.2 chapter 116;

96.3 ~~(d)~~ (4) to encourage waste treatment, including advanced waste treatment, instead of  
96.4 stream low-flow augmentation for dilution purposes to control and prevent pollution;

96.5 ~~(e)~~ (5) to adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable  
96.6 orders, permits, variances, standards, rules, schedules of compliance, and stipulation  
96.7 agreements, under such conditions as it may prescribe, in order to prevent, control or abate  
96.8 water pollution, or for the installation or operation of disposal systems or parts thereof, or  
96.9 for other equipment and facilities:

96.10 ~~(1)~~ (i) requiring the discontinuance of the discharge of sewage, industrial waste or other  
96.11 wastes into any waters of the state resulting in pollution in excess of the applicable pollution  
96.12 standard established under this chapter;

96.13 ~~(2)~~ (ii) prohibiting or directing the abatement of any discharge of sewage, industrial  
96.14 waste, or other wastes, into any waters of the state or the deposit thereof or the discharge  
96.15 into any municipal disposal system where the same is likely to get into any waters of the  
96.16 state in violation of this chapter and, with respect to the pollution of waters of the state,  
96.17 chapter 116, or standards or rules promulgated or permits issued pursuant thereto, and  
96.18 specifying the schedule of compliance within which such prohibition or abatement must be  
96.19 accomplished;

96.20 ~~(3)~~ (iii) prohibiting the storage of any liquid or solid substance or other pollutant in a  
96.21 manner which does not reasonably assure proper retention against entry into any waters of  
96.22 the state that would be likely to pollute any waters of the state;

96.23 ~~(4)~~ (iv) requiring the construction, installation, maintenance, and operation by any person  
96.24 of any disposal system or any part thereof, or other equipment and facilities, or the  
96.25 reconstruction, alteration, or enlargement of its existing disposal system or any part thereof,  
96.26 or the adoption of other remedial measures to prevent, control or abate any discharge or  
96.27 deposit of sewage, industrial waste or other wastes by any person;

96.28 ~~(5)~~ (v) establishing, and from time to time revising, standards of performance for new  
96.29 sources taking into consideration, among other things, classes, types, sizes, and categories  
96.30 of sources, processes, pollution control technology, cost of achieving such effluent reduction,  
96.31 and any nonwater quality environmental impact and energy requirements. Said standards  
96.32 of performance for new sources shall encompass those standards for the control of the  
96.33 discharge of pollutants which reflect the greatest degree of effluent reduction which the  
96.34 agency determines to be achievable through application of the best available demonstrated



97.1 control technology, processes, operating methods, or other alternatives, including, where  
97.2 practicable, a standard permitting no discharge of pollutants. New sources shall encompass  
97.3 buildings, structures, facilities, or installations from which there is or may be the discharge  
97.4 of pollutants, the construction of which is commenced after the publication by the agency  
97.5 of proposed rules prescribing a standard of performance which will be applicable to such  
97.6 source. Notwithstanding any other provision of the law of this state, any point source the  
97.7 construction of which is commenced after May 20, 1973, and which is so constructed as to  
97.8 meet all applicable standards of performance for new sources shall, consistent with and  
97.9 subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water  
97.10 Pollution Control Act, not be subject to any more stringent standard of performance for new  
97.11 sources during a ten-year period beginning on the date of completion of such construction  
97.12 or during the period of depreciation or amortization of such facility for the purposes of  
97.13 section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period  
97.14 ends first. Construction shall encompass any placement, assembly, or installation of facilities  
97.15 or equipment, including contractual obligations to purchase such facilities or equipment, at  
97.16 the premises where such equipment will be used, including preparation work at such  
97.17 premises;

97.18 ~~(6)~~ (vi) establishing and revising pretreatment standards to prevent or abate the discharge  
97.19 of any pollutant into any publicly owned disposal system, which pollutant interferes with,  
97.20 passes through, or otherwise is incompatible with such disposal system;

97.21 ~~(7)~~ (vii) requiring the owner or operator of any disposal system or any point source to  
97.22 establish and maintain such records, make such reports, install, use, and maintain such  
97.23 monitoring equipment or methods, including where appropriate biological monitoring  
97.24 methods, sample such effluents in accordance with such methods, at such locations, at such  
97.25 intervals, and in such a manner as the agency shall prescribe, and providing such other  
97.26 information as the agency may reasonably require;

97.27 ~~(8)~~ (viii) notwithstanding any other provision of this chapter, and with respect to the  
97.28 pollution of waters of the state, chapter 116, requiring the achievement of more stringent  
97.29 limitations than otherwise imposed by effluent limitations in order to meet any applicable  
97.30 water quality standard by establishing new effluent limitations, based upon section 115.01,  
97.31 subdivision 13, clause (b), including alternative effluent control strategies for any point  
97.32 source or group of point sources to insure the integrity of water quality classifications,  
97.33 whenever the agency determines that discharges of pollutants from such point source or  
97.34 sources, with the application of effluent limitations required to comply with any standard  
97.35 of best available technology, would interfere with the attainment or maintenance of the

98.1 water quality classification in a specific portion of the waters of the state. Prior to  
 98.2 establishment of any such effluent limitation, the agency shall hold a public hearing to  
 98.3 determine the relationship of the economic and social costs of achieving such limitation or  
 98.4 limitations, including any economic or social dislocation in the affected community or  
 98.5 communities, to the social and economic benefits to be obtained and to determine whether  
 98.6 or not such effluent limitation can be implemented with available technology or other  
 98.7 alternative control strategies. If a person affected by such limitation demonstrates at such  
 98.8 hearing that, whether or not such technology or other alternative control strategies are  
 98.9 available, there is no reasonable relationship between the economic and social costs and  
 98.10 the benefits to be obtained, such limitation shall not become effective and shall be adjusted  
 98.11 as it applies to such person;

98.12 ~~(9)~~ (ix) modifying, in its discretion, any requirement or limitation based upon best  
 98.13 available technology with respect to any point source for which a permit application is filed  
 98.14 after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory  
 98.15 to the agency that such modified requirements will represent the maximum use of technology  
 98.16 within the economic capability of the owner or operator and will result in reasonable further  
 98.17 progress toward the elimination of the discharge of pollutants; and

98.18 ~~(10)~~ (x) requiring that applicants for wastewater discharge permits evaluate in their  
 98.19 applications the potential reuses of the discharged wastewater;

98.20 ~~(f)~~ (6) to require to be submitted and to approve plans and specifications for disposal  
 98.21 systems or point sources, or any part thereof and to inspect the construction thereof for  
 98.22 compliance with the approved plans and specifications thereof;

98.23 ~~(g)~~ (7) to prescribe and alter rules, not inconsistent with law, for the conduct of the  
 98.24 agency and other matters within the scope of the powers granted to and imposed upon it by  
 98.25 this chapter and, with respect to pollution of waters of the state, in chapter 116, provided  
 98.26 that every rule affecting any other department or agency of the state or any person other  
 98.27 than a member or employee of the agency shall be filed with the secretary of state;

98.28 ~~(h)~~ (8) to conduct such investigations, issue such notices, public and otherwise, and hold  
 98.29 such hearings as are necessary or which it may deem advisable for the discharge of its duties  
 98.30 under this chapter and, with respect to the pollution of waters of the state, under chapter  
 98.31 116, including, but not limited to, the issuance of permits, and to authorize any member,  
 98.32 employee, or agent appointed by it to conduct such investigations or, issue such notices and  
 98.33 hold such hearings;

99.1 ~~(9)~~ (9) for the purpose of water pollution control planning by the state and pursuant to  
 99.2 the Federal Water Pollution Control Act, as amended, to establish and revise planning areas,  
 99.3 adopt plans and programs and continuing planning processes, including, but not limited to,  
 99.4 basin plans and areawide waste treatment management plans, and to provide for the  
 99.5 implementation of any such plans by means of, including, but not limited to, standards, plan  
 99.6 elements, procedures for revision, intergovernmental cooperation, residual treatment process  
 99.7 waste controls, and needs inventory and ranking for construction of disposal systems;

99.8 ~~(10)~~ (10) to train water pollution control personnel; and charge ~~such~~ training fees ~~therefor~~  
 99.9 as are necessary to cover the agency's costs. All such fees received ~~shall~~ must be paid into  
 99.10 the state treasury and credited to the Pollution Control Agency training account;

99.11 (11) to provide chloride reduction training and charge training fees as necessary to cover  
 99.12 the agency's costs not to exceed \$350. All training fees received must be paid into the state  
 99.13 treasury and credited to the Pollution Control Agency training account;

99.14 ~~(12)~~ (12) to impose as additional conditions in permits to publicly owned disposal systems  
 99.15 appropriate measures to insure compliance by industrial and other users with any pretreatment  
 99.16 standard, including, but not limited to, those related to toxic pollutants, and any system of  
 99.17 user charges ratably as is hereby required under state law or said Federal Water Pollution  
 99.18 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

99.19 ~~(13)~~ (13) to set a period not to exceed five years for the duration of any national pollutant  
 99.20 discharge elimination system permit or not to exceed ten years for any permit issued as a  
 99.21 state disposal system permit only;

99.22 ~~(14)~~ (14) to require each governmental subdivision identified as a permittee for a  
 99.23 wastewater treatment works to evaluate in every odd-numbered year the condition of its  
 99.24 existing system and identify future capital improvements that will be needed to attain or  
 99.25 maintain compliance with a national pollutant discharge elimination system or state disposal  
 99.26 system permit; and

99.27 ~~(15)~~ (15) to train subsurface sewage treatment system personnel, including persons who  
 99.28 design, construct, install, inspect, service, and operate subsurface sewage treatment systems,  
 99.29 and charge fees as necessary to pay the agency's costs. All fees received must be paid into  
 99.30 the state treasury and credited to the agency's training account. Money in the account is  
 99.31 appropriated to the agency to pay expenses related to training.

99.32 (b) The information required in paragraph (a), clause ~~(14)~~ (14), must be submitted in  
 99.33 every odd-numbered year to the commissioner on a form provided by the commissioner.

100.1 The commissioner shall provide technical assistance if requested by the governmental  
100.2 subdivision.

100.3 (c) The powers and duties given the agency in this subdivision also apply to permits  
100.4 issued under chapter 114C.

100.5 Sec. 52. Minnesota Statutes 2022, section 115A.1415, is amended to read:

100.6 **115A.1415 ARCHITECTURAL PAINT; PRODUCT STEWARDSHIP PROGRAM;**  
100.7 **STEWARDSHIP PLAN.**

100.8 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the  
100.9 meanings given:

100.10 (1) "architectural paint" means interior and exterior architectural coatings sold in  
100.11 containers of five gallons or less. Architectural paint does not include industrial coatings,  
100.12 original equipment coatings, or specialty coatings;

100.13 (2) "brand" means a name, symbol, word, or mark that identifies architectural paint,  
100.14 rather than its components, and attributes the paint to the owner or licensee of the brand as  
100.15 the producer;

100.16 (3) "discarded paint" means architectural paint that is no longer used for its manufactured  
100.17 purpose;

100.18 (4) "producer" means a person that:

100.19 (i) has legal ownership of the brand, brand name, or cobrand of architectural paint sold  
100.20 in the state;

100.21 (ii) imports architectural paint branded by a producer that meets item (i) when the  
100.22 producer has no physical presence in the United States;

100.23 (iii) if items (i) and (ii) do not apply, makes unbranded architectural paint that is sold in  
100.24 the state; or

100.25 (iv) sells architectural paint at wholesale or retail, does not have legal ownership of the  
100.26 brand, and elects to fulfill the responsibilities of the producer for the architectural paint by  
100.27 certifying that election in writing to the commissioner;

100.28 (5) "recycling" means the process of collecting and preparing recyclable materials and  
100.29 reusing the materials in their original form or using them in manufacturing processes that  
100.30 do not cause the destruction of recyclable materials in a manner that precludes further use;

101.1 (6) "retailer" means any person who offers architectural paint for sale at retail in the  
101.2 state;

101.3 (7) "reuse" means donating or selling collected architectural paint back into the market  
101.4 for its original intended use, when the architectural paint retains its original purpose and  
101.5 performance characteristics;

101.6 (8) "sale" or "sell" means transfer of title of architectural paint for consideration, including  
101.7 a remote sale conducted through a sales outlet, catalog, website, or similar electronic means.  
101.8 Sale or sell includes a lease through which architectural paint is provided to a consumer by  
101.9 a producer, wholesaler, or retailer;

101.10 (9) "stewardship assessment" means the amount added to the purchase price of  
101.11 architectural paint sold in the state ~~that is necessary to cover the cost of collecting,~~  
101.12 ~~transporting, and processing postconsumer architectural paint by the producer or stewardship~~  
101.13 ~~organization pursuant to a product stewardship program~~ to implement a product stewardship  
101.14 program according to an approved stewardship plan;

101.15 (10) "stewardship organization" means an organization appointed by one or more  
101.16 producers to act as an agent on behalf of the producer to design, submit, and administer a  
101.17 product stewardship program under this section; and

101.18 (11) "stewardship plan" means a detailed plan describing the manner in which a product  
101.19 stewardship program under subdivision 2 will be implemented.

101.20 Subd. 2. **Product stewardship program.** For architectural paint sold in the state,  
101.21 producers must, individually or through a stewardship organization, implement and finance  
101.22 a statewide product stewardship program that manages the architectural paint by reducing  
101.23 the paint's waste generation, promoting its reuse and recycling, and providing for negotiation  
101.24 and execution of agreements to collect, transport, and process the architectural paint for  
101.25 end-of-life recycling and reuse.

101.26 Subd. 3. **Participation required to sell.** (a) ~~On and after July 1, 2014, or three months~~  
101.27 ~~after program plan approval, whichever is sooner,~~ No producer, wholesaler, or retailer may  
101.28 sell or offer for sale in the state architectural paint unless the paint's producer participates  
101.29 in an approved stewardship plan, either individually or through a stewardship organization.

101.30 (b) Each producer must operate a product stewardship program approved by the ~~agency~~  
101.31 commissioner or enter into an agreement with a stewardship organization to operate, on the  
101.32 producer's behalf, a product stewardship program approved by the ~~agency~~ commissioner.

102.1 Subd. 4. **Stewardship plan required.** (a) ~~On or before March 1, 2014, and~~ Before  
102.2 offering architectural paint for sale in the state, a producer must submit a stewardship plan  
102.3 to the agency commissioner and receive approval of the plan or must submit documentation  
102.4 to the agency commissioner that demonstrates the producer has entered into an agreement  
102.5 with a stewardship organization to be an active participant in an approved product  
102.6 stewardship program as described in subdivision 2. A stewardship plan must include all  
102.7 elements required under subdivision 5.

102.8 (b) ~~An~~ A proposed amendment to the plan, if determined necessary by the commissioner,  
102.9 must be submitted to the commissioner for review and approval or rejection every five  
102.10 years.

102.11 (c) ~~It is the responsibility of~~ The entities responsible for each stewardship plan ~~to~~ must  
102.12 notify the agency commissioner within 30 days of any significant proposed changes ~~or~~  
102.13 ~~modifications~~ to the plan or its implementation. Within 30 days of the notification, a written  
102.14 proposed plan revision amendment must be submitted to the agency commissioner for  
102.15 review and approval or rejection.

102.16 Subd. 5. **Plan content.** A stewardship plan must contain:

102.17 (1) certification that the product stewardship program will accept all discarded paint  
102.18 regardless of which producer produced the architectural paint and its individual components;

102.19 (2) contact information for the individual and the entity submitting the stewardship plan,  
102.20 a list of all producers participating in the product stewardship program, and the brands  
102.21 covered by the product stewardship program;

102.22 (3) a description of the methods by which the discarded paint will be collected in all  
102.23 areas in the state without relying on end-of-life fees, including an explanation of how the  
102.24 collection system will be convenient and adequate to serve the needs of small businesses  
102.25 and residents in both urban and rural areas on an ongoing basis and a discussion of how the  
102.26 existing household hazardous waste infrastructure will be considered when selecting  
102.27 collection sites;

102.28 (4) a description of how the adequacy of the collection program will be monitored and  
102.29 maintained;

102.30 (5) the names and locations of collectors, transporters, and recyclers that will manage  
102.31 discarded paint;

103.1 (6) a description of how the discarded paint and the paint's components will be safely  
103.2 and securely transported, tracked, and handled from collection through final recycling and  
103.3 processing;

103.4 (7) a description of the method that will be used to reuse, deconstruct, or recycle the  
103.5 discarded paint to ensure that the paint's components, to the extent feasible, are transformed  
103.6 or remanufactured into finished products for use;

103.7 (8) a description of the promotion and outreach activities that will be used to encourage  
103.8 participation in the collection and recycling programs and how the activities' effectiveness  
103.9 will be evaluated and the program modified, if necessary;

103.10 (9) the proposed stewardship assessment. ~~The producer or stewardship organization~~  
103.11 ~~shall propose a uniform stewardship assessment for any architectural paint sold in the state.~~  
103.12 ~~The proposed stewardship assessment shall be reviewed by an independent auditor to ensure~~  
103.13 ~~that the assessment does not exceed the costs of the product stewardship program and the~~  
103.14 ~~independent auditor shall recommend an amount for the stewardship assessment. The agency~~  
103.15 ~~must approve the stewardship assessment~~ established according to subdivision 5a;

103.16 (10) evidence of adequate insurance and financial assurance that may be required for  
103.17 collection, handling, and disposal operations;

103.18 (11) five-year performance goals, including an estimate of the percentage of discarded  
103.19 paint that will be collected, reused, and recycled during each of the first five years of the  
103.20 stewardship plan. The performance goals must include a specific goal for the amount of  
103.21 discarded paint that will be collected and recycled and reused during each year of the plan.  
103.22 The performance goals must be based on:

103.23 (i) the most recent collection data available for the state;

103.24 (ii) the estimated amount of architectural paint disposed of annually;

103.25 (iii) the weight of the architectural paint that is expected to be available for collection  
103.26 annually; and

103.27 (iv) actual collection data from other existing stewardship programs.

103.28 The stewardship plan must state the methodology used to determine these goals; and

103.29 (12) a discussion of the status of end markets for collected architectural paint and what,  
103.30 if any, additional end markets are needed to improve the functioning of the program.

103.31 Subd. 5a. Stewardship assessment. The producer or stewardship organization must  
103.32 propose a uniform stewardship assessment for any architectural paint sold in the state that

104.1 covers but does not exceed the costs of developing the stewardship plan, operating and  
 104.2 administering the program in accordance with the stewardship plan and the requirements  
 104.3 of this section, and maintaining a financial reserve. A stewardship organization or producer  
 104.4 must not maintain a financial reserve in excess of 75 percent of the organization's annual  
 104.5 operating expenses. The producer or stewardship organization must retain an independent  
 104.6 auditor to review the proposed stewardship assessment to ensure that the assessment meets  
 104.7 the requirements of this section. The independent auditor must recommend an amount for  
 104.8 the stewardship assessment. If the financial reserve exceeds 75 percent of the producer or  
 104.9 stewardship organization's annual operating expenses, the producer or stewardship  
 104.10 organization must submit a proposed plan amendment according to subdivision 4, paragraph  
 104.11 (c), to comply with this subdivision. The commissioner must review and approve or reject  
 104.12 the stewardship assessment according to subdivision 7.

104.13 Subd. 6. **Consultation required.** Each stewardship organization or individual producer  
 104.14 submitting a stewardship plan or plan amendment must consult with stakeholders including  
 104.15 retailers, contractors, collectors, recyclers, local government, and customers during the  
 104.16 development of the plan or plan amendment.

104.17 Subd. 7. **Agency Commissioner review and approval.** (a) Within 90 days after receipt  
 104.18 ~~of~~ receiving a proposed stewardship plan, the ~~agency shall~~ commissioner must determine  
 104.19 whether the plan complies with ~~subdivision 4~~ this section. If the ~~agency~~ commissioner  
 104.20 approves a plan, the ~~agency shall~~ commissioner must notify the applicant of the plan approval  
 104.21 in writing. If the ~~agency~~ commissioner rejects a plan, the ~~agency shall~~ commissioner must  
 104.22 notify the applicant in writing of the reasons for rejecting the plan.

104.23 (b) An applicant whose plan is rejected by the ~~agency~~ commissioner must submit a  
 104.24 revised stewardship plan to the ~~agency~~ commissioner within 60 days after receiving notice  
 104.25 of rejection. A stewardship organization may submit a revised stewardship plan to the  
 104.26 commissioner on not more than two consecutive occasions. If, after the second consecutive  
 104.27 submission, the commissioner determines that the revised stewardship plan still does not  
 104.28 meet the requirements of this section, the commissioner must modify the stewardship plan  
 104.29 as necessary to meet the requirements of this section and approve the stewardship plan.

104.30 ~~(b)~~ (c) Any proposed ~~changes~~ amendment to a stewardship plan must be reviewed and  
 104.31 approved or rejected by the ~~agency~~ commissioner in writing according to this subdivision.

104.32 Subd. 8. **Plan availability.** All ~~draft~~ proposed stewardship plans and amendments and  
 104.33 approved stewardship plans ~~shall~~ and amendments must be placed on the agency's website



105.1 for at least 30 days and made available at the agency's headquarters for public review and  
105.2 comment.

105.3       Subd. 9. **Conduct authorized.** A producer or stewardship organization that organizes  
105.4 collection, transport, and processing of architectural paint under this section is immune from  
105.5 liability for the conduct under state laws relating to antitrust, restraint of trade, unfair trade  
105.6 practices, and other regulation of trade or commerce only to the extent that the conduct is  
105.7 necessary to plan and implement the producer's or organization's chosen organized collection  
105.8 or recycling system.

105.9       Subd. 10. **Producer responsibilities.** (a) On and after the date of implementation of a  
105.10 product stewardship program according to this section, a producer of architectural paint  
105.11 must add the stewardship assessment, as established under subdivision 5, ~~clause (9)~~ 5a, to  
105.12 the cost of architectural paint sold to retailers and distributors in the state by the producer.

105.13       (b) Producers of architectural paint or the stewardship organization ~~shall~~ must provide  
105.14 consumers with educational materials regarding the stewardship assessment and product  
105.15 stewardship program. The materials must include, but are not limited to, information  
105.16 regarding available end-of-life management options for architectural paint offered through  
105.17 the product stewardship program and information that notifies consumers that a charge for  
105.18 the operation of the product stewardship program is included in the purchase price of  
105.19 architectural paint sold in the state.

105.20       Subd. 11. **Retailer responsibilities.** (a) ~~On and after July 1, 2014, or three months after~~  
105.21 ~~program plan approval, whichever is sooner,~~ No architectural paint may be sold in the state  
105.22 unless the paint's producer is participating in an approved stewardship plan.

105.23       (b) On and after the implementation date of a product stewardship program according  
105.24 to this section, each retailer or distributor, as applicable, must ensure that the full amount  
105.25 of the stewardship assessment added to the cost of architectural paint by producers under  
105.26 subdivision 10 is included in the purchase price of all architectural paint sold in the state.

105.27       (c) Any retailer may participate, on a voluntary basis, as a designated collection point  
105.28 pursuant to a product stewardship program under this section and in accordance with  
105.29 applicable law.

105.30       (d) No retailer or distributor shall be found to be in violation of this subdivision if, on  
105.31 the date the architectural paint was ordered from the producer or its agent, the producer was  
105.32 listed as compliant on the agency's website according to subdivision 14.

106.1 Subd. 12. **Stewardship reports.** ~~Beginning October 1, 2015, By April 1 each year,~~  
106.2 producers of architectural paint sold in the state must individually or through a stewardship  
106.3 organization submit an annual report to the agency commissioner describing the product  
106.4 stewardship program for the preceding calendar year. At a minimum, the report must contain:

106.5 (1) a description of the methods used to collect, transport, and process architectural paint  
106.6 in all regions of the state;

106.7 (2) the weight of all architectural paint collected in all regions of the state and a  
106.8 comparison to the performance goals and recycling rates established in the stewardship  
106.9 plan;

106.10 (3) the amount of unwanted architectural paint collected in the state by method of  
106.11 disposition, including reuse, recycling, and other methods of processing;

106.12 (4) samples of educational materials provided to consumers and an evaluation of the  
106.13 effectiveness of the materials and the methods used to disseminate the materials; and

106.14 (5) an independent financial audit.

106.15 Subd. 13. **Data classification.** Trade secret and sales information, as defined under  
106.16 section 13.37, submitted to the agency commissioner under this section are private or  
106.17 nonpublic data under section 13.37.

106.18 Subd. 14. **Agency Commissioner responsibilities.** ~~The agency shall~~ commissioner must  
106.19 provide, on ~~its~~ the agency's website, a list of all compliant producers and brands participating  
106.20 in stewardship plans that the agency commissioner has approved and a list of all producers  
106.21 and brands the agency commissioner has identified as noncompliant with this section.

106.22 Subd. 15. **Local government responsibilities.** (a) A city, county, or other public agency  
106.23 may choose to participate voluntarily in a product stewardship program.

106.24 (b) Cities, counties, and other public agencies are encouraged to work with producers  
106.25 and stewardship organizations to assist in meeting product stewardship program reuse and  
106.26 recycling obligations, by providing education and outreach or using other strategies.

106.27 (c) A city, county, or other public agency that participates in a product stewardship  
106.28 program must report for the first year of the program to the agency commissioner using the  
106.29 reporting form provided by the agency commissioner on the cost savings as a result of  
106.30 participation and must describe how the savings were used.

106.31 Subd. 16. **Administrative fee.** (a) The stewardship organization or individual producer  
106.32 submitting a stewardship plan ~~shall~~ must pay an annual administrative fee to the

107.1 commissioner. The agency commissioner may establish a variable fee based on relevant  
107.2 factors, including, but not limited to, the portion of architectural paint sold in the state by  
107.3 members of the organization compared to the total amount of architectural paint sold in the  
107.4 state by all organizations submitting a stewardship plan.

107.5 (b) ~~Prior to July 1, 2014, and Before July 1 annually thereafter~~ each year, the agency  
107.6 ~~shall~~ commissioner must identify the costs ~~it~~ the agency incurs under this section. The  
107.7 ~~agency shall~~ commissioner must set the fee at an amount that, when paid by every  
107.8 stewardship organization or individual producer that submits a stewardship plan, is adequate  
107.9 to reimburse the agency's full costs of administering this section. The total amount of annual  
107.10 fees collected under this subdivision must not exceed the amount necessary to reimburse  
107.11 costs incurred by the agency to administer this section.

107.12 (c) A stewardship organization or individual producer subject to this subdivision must  
107.13 pay the ~~agency's~~ commissioner's administrative fee under paragraph (a) on or before July  
107.14 ~~1, 2014, and annually thereafter~~ each year. Each year after the initial payment, the annual  
107.15 administrative fee may not exceed five percent of the aggregate stewardship assessment  
107.16 added to the cost of all architectural paint sold by producers in the state for the preceding  
107.17 calendar year.

107.18 (d) All fees received under this section ~~shall~~ must be deposited in the state treasury and  
107.19 credited to a product stewardship account in the special revenue fund. ~~For fiscal years 2014,~~  
107.20 ~~2015, 2016, and 2017,~~ The amount collected under this section is annually appropriated to  
107.21 the agency commissioner to implement and enforce this section.

107.22 Subd. 17. Duty to provide information. Upon request of the commissioner for purposes  
107.23 of determining compliance with this section, a person must furnish to the commissioner  
107.24 any information that the person has or may reasonably obtain.

107.25 Sec. 53. Minnesota Statutes 2022, section 115A.49, is amended to read:

107.26 **115A.49 SOLID WASTE MANAGEMENT PROJECTS CAPITAL ASSISTANCE**  
107.27 **PROGRAM.**

107.28 (a) There is established a program to encourage and assist cities, counties, solid waste  
107.29 management districts, and sanitary districts in the development and implementation of solid  
107.30 waste management projects and to transfer the knowledge and experience gained from such  
107.31 projects to other communities in the state.

107.32 (b) The program must be administered to encourage local communities to develop  
107.33 feasible and prudent alternatives to disposal, including:

- 108.1 (1) waste reduction;
- 108.2 (2) reuse;
- 108.3 (3) recycling;
- 108.4 (4) composting source-separated compostable materials or yard waste;
- 108.5 (5) resource recovery;
- 108.6 (6) waste separation by generators, collectors, and other persons; and
- 108.7 (7) waste processing.

108.8 (c) The commissioner shall administer the program in accordance with the requirements  
108.9 of according to sections 115A.49 to 115A.54 and rules ~~promulgated~~ adopted under chapter  
108.10 14. In administering the program, the commissioner shall give priority to projects in the  
108.11 order of preference of the waste management practices listed in section 115A.02. The  
108.12 commissioner shall give special consideration to areas where natural geologic and soil  
108.13 conditions are especially unsuitable for land disposal of solid waste; areas where the capacity  
108.14 of existing solid waste disposal facilities is determined by the commissioner to be less than  
108.15 five years; and projects serving more than one local government unit.

108.16 Sec. 54. Minnesota Statutes 2022, section 115A.51, is amended to read:

108.17 **115A.51 APPLICATION REQUIREMENTS.**

108.18 (a) Applications for assistance under the program must demonstrate:

108.19 (1) that the project is conceptually and technically feasible;

108.20 (2) that affected political subdivisions are committed to implement the project, to provide  
108.21 necessary local financing, and to accept and exercise the government powers necessary to  
108.22 the project;

108.23 (3) that operating revenues from the project, considering the availability and security of  
108.24 sources of solid waste and of markets for recovered resources or the availability of materials  
108.25 for waste reduction or reuse, together with any proposed federal, state, or local financial  
108.26 assistance, will be sufficient to pay all costs over the projected life of the project;

108.27 (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,  
108.28 including using existing solid waste management facilities and facilities conducting waste  
108.29 reduction or reuse with reasonably available capacity sufficient to accomplish the goals of  
108.30 the proposed project, and has compared and evaluated the costs of the alternatives, including  
108.31 capital and operating costs, and the effects of the alternatives on the cost to generators;

109.1 (5) that the applicant has identified:

109.2 (i) waste management objectives in applicable county and regional solid waste  
109.3 management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f),  
109.4 or 473.149, subdivision 1; and

109.5 (ii) other solid waste management facilities and facilities conducting waste reduction or  
109.6 reuse identified in the county and regional plans; ~~and~~

109.7 (6) that the applicant has conducted a comparative analysis of the project against existing  
109.8 public and private solid waste management facilities and facilities conducting waste reduction  
109.9 or reuse, including an analysis of potential displacement of those facilities, to determine  
109.10 whether the project is the most appropriate alternative to achieve the identified waste  
109.11 management objectives that considers:

109.12 (i) conformity with approved county or regional solid waste management plans;

109.13 (ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision  
109.14 2, paragraphs (e) and (f), or 473.149, subdivision 1; and

109.15 (iii) environmental standards related to public health, air, surface water, and groundwater;

109.16 (7) that the applicant has evaluated the project's environmental impact on climate change,  
109.17 including greenhouse gas emissions; and

109.18 (8) that the applicant has reviewed the project's impact on overburdened areas, conducted  
109.19 stakeholder engagement, and assessed community input.

109.20 (b) The commissioner ~~may~~ must require completion of a comprehensive solid waste  
109.21 management plan conforming to the requirements of section 115A.46, before accepting an  
109.22 application. Within five days of filing an application with the agency, the applicant must  
109.23 submit a copy of the application to each solid waste management facility, including each  
109.24 facility used for waste reduction or reuse, mentioned in the portion of the application  
109.25 addressing the requirements of paragraph (a), clauses (5) and (6).

109.26 Sec. 55. Minnesota Statutes 2022, section 115A.54, subdivision 1, is amended to read:

109.27 Subdivision 1. **Purposes; public interest; declaration of policy.** The legislature finds  
109.28 ~~that the establishment of waste processing~~ acquiring, establishing, and improving facilities  
109.29 that conduct waste reduction, reuse, recycling, composting source-separated compostable  
109.30 materials or yard waste, resource recovery, and waste processing and transfer stations serving  
109.31 such facilities is needed to reduce and manage properly the solid waste generated in the  
109.32 state and to conserve and protect the natural resources in the state and the health, safety,

110.1 and welfare of its citizens; that opportunities to acquire, establish, and improve the facilities  
 110.2 and transfer stations are not being fully realized by individual political subdivisions or by  
 110.3 agreements among subdivisions; and that therefore it is necessary to provide capital assistance  
 110.4 to stimulate and encourage the acquisition, establishment, and ~~betterment~~ improvement of  
 110.5 the facilities and transfer stations.

110.6 Sec. 56. Minnesota Statutes 2022, section 115A.54, subdivision 2, is amended to read:

110.7 Subd. 2. **Administration; assurance of funds.** The commissioner shall provide technical  
 110.8 and financial assistance ~~for the acquisition and betterment of~~ to acquire, establish, and  
 110.9 improve the facilities and transfer stations from revenues derived from ~~the issuance of~~  
 110.10 issuing bonds authorized by section 115A.58. Facilities for ~~the incineration of~~ incinerating  
 110.11 solid waste without resource recovery are not eligible for assistance. Money appropriated  
 110.12 for the purposes of the ~~demonstration~~ program may be distributed as grants or loans. An  
 110.13 individual project may receive assistance totaling up to 100 percent of the capital cost of  
 110.14 the project and grants up to ~~50~~ 75 percent of the capital cost of the project. No grant or loan  
 110.15 shall be disbursed to any recipient until the commissioner has determined the total estimated  
 110.16 capital cost of the project and ascertained that financing of the cost is assured by funds  
 110.17 provided by the state, by an agency of the federal government within the amount of funds  
 110.18 then appropriated to that agency and allocated by it to projects within the state, by any  
 110.19 person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund  
 110.20 for ~~the construction of~~ constructing the project.

110.21 Sec. 57. Minnesota Statutes 2022, section 115A.54, subdivision 2a, is amended to read:

110.22 Subd. 2a. **Solid waste management projects.** (a) The commissioner shall provide  
 110.23 technical and financial assistance ~~for the acquisition and betterment of~~ to acquire, establish,  
 110.24 and improve solid waste management projects as provided in this subdivision and section  
 110.25 115A.52. Money appropriated for the purposes of this subdivision must be distributed as  
 110.26 grants.

110.27 (b) Except as provided in paragraph (c), a project may receive grant assistance up to 25  
 110.28 percent of the capital cost of the project or ~~\$2,000,000~~ \$5,000,000, whichever is less, except  
 110.29 that projects constructed as a result of intercounty cooperative agreements may receive the  
 110.30 lesser of:

110.31 (1) grant assistance up to 25 percent of the capital cost of the project; or

110.32 (2) ~~\$2,000,000~~ \$5,000,000 times the number of participating counties, ~~whichever is less.~~

111.1 (c) A recycling project ~~or~~, a project to compost ~~or eecompost~~ source-separated  
111.2 compostable material or yard waste, or a project to manage household hazardous waste may  
111.3 receive grant assistance up to 50 percent of the capital cost of the project or ~~\$2,000,000~~  
111.4 \$5,000,000, whichever is less, except that projects completed as a result of intercounty  
111.5 cooperative agreements may receive the lesser of:

111.6 (1) grant assistance up to 50 percent of the capital cost of the project; or

111.7 (2) ~~\$2,000,000~~ \$5,000,000 times the number of participating counties, ~~whichever is less.~~

111.8 (d) The following projects may also receive grant assistance in the amounts specified  
111.9 in ~~this~~ paragraph (c):

111.10 (1) a project to improve control of or reduce air emissions at an existing resource recovery  
111.11 facility; and

111.12 (2) a project to substantially increase the recovery of materials or energy, substantially  
111.13 reduce the amount or toxicity of waste processing residuals, or expand the capacity of an  
111.14 existing resource recovery facility to meet the resource recovery needs of an expanded  
111.15 region if each county from which waste is or would be received has achieved a recycling  
111.16 rate in excess of the goals in section 115A.551, and is implementing aggressive waste  
111.17 reduction and household hazardous waste management programs.

111.18 (e) A waste reduction project or reuse project may receive grant assistance up to 75  
111.19 percent of the capital cost of the project or \$5,000,000, whichever is less, except that projects  
111.20 completed as a result of intercounty cooperative agreements may receive the lesser of:

111.21 (1) grant assistance up to 75 percent of the capital cost of the project; or

111.22 (2) \$5,000,000 times the number of participating counties.

111.23 ~~(d)~~ (f) Notwithstanding paragraph ~~(e)~~ (g), the commissioner may award grants for transfer  
111.24 stations that will initially transfer waste to landfills if the transfer stations are part of a  
111.25 planned resource recovery project, the county where the planned resource recovery facility  
111.26 will be located has a comprehensive solid waste management plan approved by the  
111.27 commissioner, and the solid waste management plan proposes the development of the  
111.28 resource recovery facility. If the proposed resource recovery facility is not in place and  
111.29 operating within 16 years of the date of the grant award, the recipient shall repay the grant  
111.30 amount to the state.

111.31 ~~(e)~~ (g) Projects without waste reduction, reuse, recycling, composting source-separated  
111.32 compostable material or yard waste, or resource recovery are not eligible for assistance.  
111.33 Solid waste disposal facilities and equipment are not eligible for assistance.

112.1 ~~(f)~~ (h) In addition to any assistance received under paragraph (b) ~~or~~, (c), (d), or (e), a  
112.2 project may receive grant assistance for the cost of tests necessary to determine the  
112.3 appropriate pollution control equipment for the project or the environmental effects of the  
112.4 use of any product or material produced by the project.

112.5 ~~(g)~~ (i) In addition to the application requirements of section 115A.51, an application for  
112.6 a project serving eligible jurisdictions in only a single county must demonstrate that  
112.7 cooperation with jurisdictions in other counties to develop the project is not needed or not  
112.8 feasible. Each application must also demonstrate that the project is not financially prudent  
112.9 without the state assistance, because of the applicant's financial capacity and the problems  
112.10 inherent in the waste management situation in the area, particularly transportation distances  
112.11 and limited waste supply and markets for resources recovered.

112.12 ~~(h)~~ (j) For the purposes of this subdivision, a "project" means acquisition, establishment,  
112.13 or improvement of a processing facility, that conducts waste reduction, reuse, recycling,  
112.14 composting source-separated compostable materials or yard waste, resource recovery, or  
112.15 waste processing, together with any transfer stations, transmission facilities, and other related  
112.16 and appurtenant facilities primarily serving the ~~processing~~ facility.

112.17 (k) The commissioner shall adopt rules for the program ~~by July 1, 1985.~~

112.18 ~~(i)~~ (l) Notwithstanding anything in this subdivision to the contrary, a project to construct  
112.19 a new ~~mixed municipal~~ solid waste transfer station that has an enforceable commitment of  
112.20 at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an  
112.21 existing resource recovery facility may receive grant assistance up to 75 percent of the  
112.22 capital cost of the project if addition of the transfer station will increase substantially the  
112.23 geographical area served by the resource recovery facility and the ability of the resource  
112.24 recovery facility to operate more efficiently on a regional basis and the facility meets the  
112.25 criteria in paragraph ~~(e)~~ (d), ~~the second~~ clause (2). A transfer station eligible for assistance  
112.26 under this paragraph is not eligible for assistance under any other paragraph of this  
112.27 subdivision.

112.28 Sec. 58. Minnesota Statutes 2022, section 115A.565, subdivision 1, is amended to read:

112.29 Subdivision 1. **Grant program established.** The commissioner must make competitive  
112.30 grants to political subdivisions or federally recognized Tribes ~~to establish curbside recycling~~  
112.31 ~~or composting, increase~~ for waste reduction, reuse, recycling or, and composting, reduce  
112.32 ~~the amount of recyclable materials entering disposal facilities, or reduce the costs associated~~  
112.33 ~~with hauling waste by locating collection sites as close as possible to the site where the~~  
112.34 ~~waste is generated~~ of source-separated compostable materials or yard waste. To be eligible



113.1 for grants under this section, a political subdivision or federally recognized Tribe must be  
113.2 located outside the seven-county metropolitan area and a city must have a population of  
113.3 less than 45,000.

113.4 Sec. 59. Minnesota Statutes 2022, section 115A.565, subdivision 3, is amended to read:

113.5 Subd. 3. **Priorities; eligible projects.** (a) If applications for grants exceed the available  
113.6 appropriations, grants must be made for projects that, in the commissioner's judgment,  
113.7 provide the highest return in public benefits.

113.8 (b) To be eligible to receive a grant, a project must:

113.9 (1) be locally administered;

113.10 (2) have an educational component and measurable outcomes;

113.11 (3) request \$250,000 or less;

113.12 (4) demonstrate local direct and indirect matching support of at least a quarter amount  
113.13 of the grant request; ~~and~~

113.14 (5) include at least one of the following elements:

113.15 ~~(i) transition to residential recycling through curbside or centrally located collection~~  
113.16 ~~sites;~~

113.17 ~~(ii) development of local recycling systems to support curbside recycling; or~~

113.18 ~~(iii) development or expansion of local recycling systems to support recycling bulk~~  
113.19 ~~materials, including, but not limited to, electronic waste.~~

113.20 (i) waste reduction;

113.21 (ii) reuse;

113.22 (iii) recycling; or

113.23 (iv) composting of source-separated compostable materials or yard waste; and

113.24 (6) demonstrate that the project will reduce waste generation through waste reduction  
113.25 or reuse or that the project will increase the amount of recyclable materials or  
113.26 source-separated compostable materials diverted from a disposal facility.

114.1 Sec. 60. [116.065] CUMULATIVE IMPACTS ANALYSIS; PERMIT DECISIONS  
114.2 IN ENVIRONMENTAL JUSTICE AREAS.

114.3 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have  
114.4 the meanings given.

114.5 (b) "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

114.6 (c) "Cumulative impacts" means the impacts of aggregated levels of past and current  
114.7 air, water, and land pollution in a defined geographic area to which current residents are  
114.8 exposed.

114.9 (d) "Environmental justice" means:

114.10 (1) communities of color, Indigenous communities, and low-income communities have  
114.11 a healthy environment and are treated fairly when environmental statutes, rules, and policies  
114.12 are developed, adopted, implemented, and enforced; and

114.13 (2) in all decisions that have the potential to affect the environment of an environmental  
114.14 justice area or the public health of its residents, due consideration is given to the history of  
114.15 the area's and its residents' cumulative exposure to pollutants and to any current  
114.16 socioeconomic conditions that increase the physical sensitivity of those residents to additional  
114.17 exposure to pollutants.

114.18 (e) "Environmental justice area" means one or more census tracts in Minnesota:

114.19 (1) in which, based on the most recent data published by the United States Census Bureau:

114.20 (i) 40 percent or more of the population is nonwhite;

114.21 (ii) 35 percent or more of the households have an income at or below 200 percent of the  
114.22 federal poverty level; or

114.23 (iii) 40 percent or more of the population over the age of five has limited English  
114.24 proficiency; or

114.25 (2) located within Indian Country, as defined in United States Code, title 18, section  
114.26 1151.

114.27 (f) "Environmental stressors" mean factors that may make residents of an environmental  
114.28 justice area particularly sensitive to exposure to pollutants. Environmental stressors include  
114.29 social and environmental factors, including but not limited to poverty, substandard housing,  
114.30 food insecurity, elevated rates of disease, and poor access to health insurance and medical  
114.31 care.

115.1 Subd. 2. Cumulative impacts analysis; when required. (a) Except as provided in  
115.2 paragraph (b), this subdivision applies to the following permit applications for the  
115.3 construction of a new facility or the expansion of an existing facility within the seven-county  
115.4 metropolitan area or within Indian Country, as defined in United States Code, title 18,  
115.5 section 1151:

115.6 (1) a major source air permit, as defined in Minnesota Rules, part 7007.0200, subpart  
115.7 2;

115.8 (2) a state air permit required under Minnesota Rules, part 7007.0250, subpart 6;

115.9 (3) an individual permit for a solid waste disposal facility proposing to receive or increase  
115.10 capacity by 100,000 cubic yards or more of waste annually; and

115.11 (4) a permit required for the treatment, storage, or disposal of hazardous waste.

115.12 (b) This section does not apply to the construction of a new facility or the expansion of  
115.13 an existing facility by a person acting under a permit to mine iron, taconite, or nonferrous  
115.14 metallic minerals, or to a permit application for the construction of a new facility or the  
115.15 expansion of an existing facility in the Taconite Assistance Area, as defined in section  
115.16 273.1341.

115.17 (c) The owner or operator of a facility subject to paragraph (a), clause (1), must conduct  
115.18 a cumulative impacts analysis if the facility is located in or, as determined by the  
115.19 commissioner, may affect the environment or health of residents in an environmental justice  
115.20 area and:

115.21 (1) the proposed facility or expansion exceeds the benchmarks established in rules  
115.22 adopted under subdivision 5 for requiring a cumulative impacts analysis; or

115.23 (2) a petition signed by at least 100 persons residing or owning property in the affected  
115.24 environmental justice area is submitted to the commissioner and supported by material  
115.25 evidence demonstrating, to the satisfaction of the commissioner, that a potential adverse  
115.26 cumulative impact on the environment or health of the residents of the environmental justice  
115.27 area may result if the permit is issued.

115.28 In making this determination, the commissioner may consider material evidence submitted  
115.29 by the owner or operator of the facility seeking the permit that issuance of the permit will  
115.30 not result in a potential adverse cumulative impact in the environmental justice area.

115.31 (d) The commissioner may require an owner or operator of a facility described in  
115.32 paragraph (a), clauses (1) to (4), that is seeking reissuance of a permit to conduct a cumulative  
115.33 impacts analysis if the commissioner has material evidence that demonstrates that a potential

116.1 adverse cumulative impact on the environment or health of the residents of the environmental  
116.2 justice area may result if the permit is issued and:

116.3 (1) the facility is located within one mile of the boundary of an environmental justice  
116.4 area within the seven-county metropolitan area;

116.5 (2) the facility is located within one mile of Indian Country, as defined in United States  
116.6 Code, title 18, section 1151; or

116.7 (3) the proposed facility does not exceed the benchmarks established in rules adopted  
116.8 under subdivision 5 for requiring a cumulative impacts analysis.

116.9 In making this determination, the commissioner may consider material evidence submitted  
116.10 by the owner or operator of the facility seeking the permit that reissuance of the permit will  
116.11 not result in a potential adverse cumulative effect in the environmental justice area.

116.12 Subd. 3. **Cumulative impacts analysis; public meeting requirements.** (a) Any owner  
116.13 or operator required to conduct a cumulative impacts analysis under subdivision 2 must  
116.14 hold at least two public meetings in the affected environmental justice area before the  
116.15 commissioner issues or denies a permit. The first public meeting must be held before  
116.16 conducting a cumulative impacts analysis, and the second must be held after conducting  
116.17 the analysis.

116.18 (b) The owner or operator must:

116.19 (1) publish notice containing the date, time, and location of the public meetings and a  
116.20 brief description of the permit or project in a newspaper of general circulation in the  
116.21 environmental justice area at least 30 days before the meetings;

116.22 (2) post physical signage in the environmental justice area impacted, as directed by the  
116.23 commissioner; and

116.24 (3) provide the commissioner with notice of the public meeting and a copy of the  
116.25 cumulative impacts analysis at least 45 days before the second public meeting.

116.26 (c) The commissioner must post the notice and cumulative impacts analysis on the  
116.27 agency website at least 30 days before the second public meeting.

116.28 (d) The permit applicant or permit holder must:

116.29 (1) provide an opportunity for robust public and Tribal engagement at the public meetings;

116.30 (2) accept written and oral comments, as directed by the commissioner, from any  
116.31 interested party; and

117.1 (3) provide an electronic copy of all written comments and a transcript of oral comments  
117.2 to the agency within 30 days of the public meetings.

117.3 (e) If the permit applicant or permit holder is applying for more than one permit that  
117.4 may affect the same environmental justice area, the permit applicant or permit holder may  
117.5 request that the commissioner require that the facility hold two public meetings that address  
117.6 all of the permits sought. The commissioner may approve or deny the request.

117.7 (f) The commissioner may incorporate conditions in a permit for a facility located in or  
117.8 affecting an environmental justice area to hold multiple in-person meetings with residents  
117.9 of the environmental justice area affected by the facility to share information and discuss  
117.10 community concerns.

117.11 Subd. 4. **Environmental justice area; permit decisions.** (a) In determining whether to  
117.12 issue or deny a permit, the commissioner must consider the testimony presented and  
117.13 comments submitted in public meetings held under subdivision 3. The permit may be issued  
117.14 no earlier than 30 days following the last public meeting.

117.15 (b) The commissioner must deny an application for a permit subject to this section for  
117.16 a facility in an environmental justice area if the commissioner finds that issuing the permit  
117.17 in combination with the environmental stressors present in the environmental justice area  
117.18 would contribute to adverse cumulative environmental stressors in the environmental justice  
117.19 area, unless:

117.20 (1) the commissioner enters into a community benefit agreement with the facility owner  
117.21 or operator, in consultation with community-based organizations representing the interests  
117.22 of residents of the environmental justice area; and

117.23 (2) there is a compelling public interest to issue the permit, as determined by the  
117.24 commissioner, based on criteria established in rules adopted under subdivision 5.

117.25 (c) If the commissioner determines that a compelling public interest exists and the  
117.26 commissioner enters into a community benefit agreement with the facility owner or operator,  
117.27 the commissioner may grant a permit that imposes conditions on the construction and  
117.28 operation of the facility to protect public health and the environment.

117.29 (d) Issuance of a permit under this section must include a requirement that the facility  
117.30 provide information to the community describing the health risks that the facility poses.

117.31 (e) A community benefit agreement must be signed on or before the date a new permit  
117.32 or major source permit amendment is issued in an environmental justice area.

118.1 (f) The commissioner must publish and maintain on the agency website a list of  
118.2 environmental justice areas in the state.

118.3 Subd. 5. **Rulemaking.** (a) The commissioner must adopt rules under chapter 14 to  
118.4 implement and govern the cumulative impacts analysis and issuance or denial of permits  
118.5 for facilities that impact environmental justice areas as provided in this section.

118.6 Notwithstanding section 14.125, the agency must publish notice of intent to adopt rules  
118.7 within 36 months of the effective date of this section, or the authority for the rules expires.

118.8 (b) During the rulemaking process, the Pollution Control Agency must engage in robust  
118.9 public engagement, including public meetings, and Tribal consultation.

118.10 (c) Rules adopted under this section must:

118.11 (1) define conditions, criteria, or circumstances that qualify as a compelling public  
118.12 interest, which:

118.13 (i) must consider whether the economic benefit considered will directly or substantially  
118.14 benefit residents of the affected environmental justice area;

118.15 (ii) must include noneconomic considerations; and

118.16 (iii) must take into account public comments made at public meetings held under  
118.17 subdivision 3;

118.18 (2) establish benchmarks to assist the commissioner's determination regarding the need  
118.19 for a cumulative impacts analysis;

118.20 (3) establish the content of a community benefit agreement and procedures for entering  
118.21 into community benefit agreements, which must include consultation with members of the  
118.22 public and community-based organizations or coalitions representing the interests of residents  
118.23 within the environmental justice area;

118.24 (4) establish a petition process and form submitted to the agency by environmental  
118.25 justice area residents to support the need for a cumulative impact analysis;

118.26 (5) establish and define criteria for requiring a cumulative impact analysis; and

118.27 (6) establish a process for conducting a cumulative impacts analysis.

118.28 (d) The agency must provide translation services and translated materials upon request  
118.29 during rulemaking meetings.

118.30 (e) The agency must use multiple communication methods to inform residents of  
118.31 environmental justice areas in the public meetings held for the rulemaking.

119.1 **EFFECTIVE DATE.** Subdivisions 1 and 5 are effective the day following final  
119.2 enactment. The remainder of this section is effective on January 1, 2027.

119.3 Sec. 61. Minnesota Statutes 2022, section 116.07, subdivision 6, is amended to read:

119.4 Subd. 6. **Pollution Control Agency; exercise of powers.** In exercising all its powers  
119.5 the Pollution Control Agency ~~shall give due consideration to~~ must:

119.6 (1) consider the establishment, maintenance, operation and expansion of business,  
119.7 commerce, trade, industry, traffic, and other economic factors and other material matters  
119.8 affecting the feasibility and practicability of any proposed action, including, but not limited  
119.9 to, the burden on a municipality of any tax which may result therefrom, and ~~shall~~ must take  
119.10 or provide for such action as may be reasonable, feasible, and practical under the  
119.11 circumstances; and

119.12 (2) to the extent reasonable, feasible, and practical under the circumstances:

119.13 (i) ensure that actions or programs that have a direct, indirect, or cumulative impact on  
119.14 environmental justice areas incorporate community-focused practices and procedures in  
119.15 agency processes, including communication, outreach, engagement, and education to enhance  
119.16 meaningful, timely, and transparent community access;

119.17 (ii) collaborate with other state agencies to identify, develop, and implement means to  
119.18 eliminate and reverse environmental and health inequities and disparities;

119.19 (iii) promote the utility and availability of environmental data and analysis for  
119.20 environmental justice areas, other agencies, federally recognized Tribal governments, and  
119.21 the public;

119.22 (iv) encourage coordination and collaboration with residents of environmental justice  
119.23 areas to address environmental and health inequities and disparities; and

119.24 (v) ensure environmental justice values are represented to the agency from a  
119.25 commissioner-appointed environmental justice advisory committee that is composed of  
119.26 diverse members and that is developed and operated in a manner open to the public and in  
119.27 accordance with the duties described in the bylaws and charter adopted and maintained by  
119.28 the commissioner.

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

120.1 Sec. 62. [116.943] PRODUCTS CONTAINING PFAS.

120.2 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have  
120.3 the meanings given.

120.4 (b) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

120.5 (c) "Air care product" means a chemically formulated consumer product labeled to  
120.6 indicate that the purpose of the product is to enhance or condition the indoor environment  
120.7 by eliminating odors or freshening the air.

120.8 (d) "Automotive maintenance product" means a chemically formulated consumer product  
120.9 labeled to indicate that the purpose of the product is to maintain the appearance of a motor  
120.10 vehicle, including products for washing, waxing, polishing, cleaning, or treating the exterior  
120.11 or interior surfaces of motor vehicles. Automotive maintenance product does not include  
120.12 automotive paint or paint repair products.

120.13 (e) "Carpet or rug" means a fabric marketed or intended for use as a floor covering.

120.14 (f) "Cleaning product" means a finished product used primarily for domestic, commercial,  
120.15 or institutional cleaning purposes, including but not limited to an air care product, an  
120.16 automotive maintenance product, a general cleaning product, or a polish or floor maintenance  
120.17 product.

120.18 (g) "Commissioner" means the commissioner of the Pollution Control Agency.

120.19 (h) "Cookware" means durable houseware items used to prepare, dispense, or store food,  
120.20 foodstuffs, or beverages. Cookware includes but is not limited to pots, pans, skillets, grills,  
120.21 baking sheets, baking molds, trays, bowls, and cooking utensils.

120.22 (i) "Cosmetic" means articles, excluding soap:

120.23 (1) intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise  
120.24 applied to the human body or any part thereof for the purpose of cleansing, beautifying,  
120.25 promoting attractiveness, or altering the appearance; and

120.26 (2) intended for use as a component of any such article.

120.27 (j) "Currently unavoidable use" means a use of PFAS that the commissioner has  
120.28 determined by rule under this section to be essential for health, safety, or the functioning  
120.29 of society and for which alternatives are not reasonably available.

120.30 (k) "Fabric treatment" means a substance applied to fabric to give the fabric one or more  
120.31 characteristics, including but not limited to stain resistance or water resistance.



121.1 (l) "Intentionally added" means PFAS deliberately added during the manufacture of a  
121.2 product where the continued presence of PFAS is desired in the final product or one of the  
121.3 product's components to perform a specific function.

121.4 (m) "Juvenile product" means a product designed or marketed for use by infants and  
121.5 children under 12 years of age:

121.6 (1) including but not limited to a baby or toddler foam pillow; bassinet; bedside sleeper;  
121.7 booster seat; changing pad; child restraint system for use in motor vehicles and aircraft;  
121.8 co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant  
121.9 seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing  
121.10 pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow;  
121.11 portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable  
121.12 crib; stroller; and toddler mattress; and

121.13 (2) not including a children's electronic product such as a personal computer, audio and  
121.14 video equipment, calculator, wireless phone, game console, handheld device incorporating  
121.15 a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit,  
121.16 or power cord; or an adult mattress.

121.17 (n) "Manufacturer" means the person that creates or produces a product or whose brand  
121.18 name is affixed to the product. In the case of a product imported into the United States,  
121.19 manufacturer includes the importer or first domestic distributor of the product if the person  
121.20 that manufactured or assembled the product or whose brand name is affixed to the product  
121.21 does not have a presence in the United States.

121.22 (o) "Medical device" has the meaning given "device" under United States Code, title  
121.23 21, section 321, subsection (h).

121.24 (p) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of  
121.25 fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

121.26 (q) "Product" means an item manufactured, assembled, packaged, or otherwise prepared  
121.27 for sale to consumers, including but not limited to its product components, sold or distributed  
121.28 for personal, residential, commercial, or industrial use, including for use in making other  
121.29 products.

121.30 (r) "Product component" means an identifiable component of a product, regardless of  
121.31 whether the manufacturer of the product is the manufacturer of the component.

122.1 (s) "Ski wax" means a lubricant applied to the bottom of snow runners, including but  
122.2 not limited to skis and snowboards, to improve their grip or glide properties. Ski wax includes  
122.3 related tuning products.

122.4 (t) "Textile" means an item made in whole or part from a natural or synthetic fiber, yarn,  
122.5 or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose,  
122.6 nylon, and polyester.

122.7 (u) "Textile furnishings" means textile goods of a type customarily used in households  
122.8 and businesses, including but not limited to draperies, floor coverings, furnishings, bedding,  
122.9 towels, and tablecloths.

122.10 (v) "Upholstered furniture" means an article of furniture that is designed to be used for  
122.11 sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling  
122.12 material.

122.13 Subd. 2. **Information required.** (a) On or before January 1, 2026, a manufacturer of a  
122.14 product sold, offered for sale, or distributed in the state that contains intentionally added  
122.15 PFAS must submit to the commissioner information that includes:

122.16 (1) a brief description of the product, including a universal product code (UPC), stock  
122.17 keeping unit (SKU), or other numeric code assigned to the product;

122.18 (2) the purpose for which PFAS are used in the product, including in any product  
122.19 components;

122.20 (3) the amount of each PFAS, identified by its chemical abstracts service registry number,  
122.21 in the product, reported as an exact quantity determined using commercially available  
122.22 analytical methods or as falling within a range approved for reporting purposes by the  
122.23 commissioner;

122.24 (4) the name and address of the manufacturer and the name, address, and phone number  
122.25 of a contact person for the manufacturer; and

122.26 (5) any additional information requested by the commissioner as necessary to implement  
122.27 the requirements of this section.

122.28 (b) With the approval of the commissioner, a manufacturer may supply the information  
122.29 required in paragraph (a) for a category or type of product rather than for each individual  
122.30 product.

122.31 (c) A manufacturer must submit the information required under this subdivision whenever  
122.32 a new product that contains intentionally added PFAS is sold, offered for sale, or distributed

123.1 in the state and update and revise the information whenever there is significant change in  
123.2 the information or when requested to do so by the commissioner.

123.3 (d) A person may not sell, offer for sale, or distribute for sale in the state a product  
123.4 containing intentionally added PFAS if the manufacturer has failed to provide the information  
123.5 required under this subdivision and the person has received notification under subdivision  
123.6 4.

123.7 Subd. 3. **Information requirement waivers; extensions.** (a) The commissioner may  
123.8 waive all or part of the information requirement under subdivision 2 if the commissioner  
123.9 determines that substantially equivalent information is already publicly available. The  
123.10 commissioner may grant a waiver under this paragraph to a manufacturer or a group of  
123.11 manufacturers for multiple products or a product category.

123.12 (b) The commissioner may enter into an agreement with one or more other states or  
123.13 political subdivisions of a state to collect information and may accept information to a shared  
123.14 system as meeting the information requirement under subdivision 2.

123.15 (c) The commissioner may extend the deadline for submission by a manufacturer of the  
123.16 information required under subdivision 2 if the commissioner determines that more time is  
123.17 needed by the manufacturer to comply with the submission requirement.

123.18 Subd. 4. **Testing required and certificate of compliance.** (a) If the commissioner has  
123.19 reason to believe that a product contains intentionally added PFAS and the product is being  
123.20 offered for sale in the state, the commissioner may direct the manufacturer of the product  
123.21 to, within 30 days, provide the commissioner with testing results that demonstrate the amount  
123.22 of each of the PFAS, identified by its chemical abstracts service registry number, in the  
123.23 product, reported as an exact quantity determined using commercially available analytical  
123.24 methods or as falling within a range approved for reporting purposes by the commissioner.

123.25 (b) If testing demonstrates that the product does not contain intentionally added PFAS,  
123.26 the manufacturer must provide the commissioner a certificate attesting that the product does  
123.27 not contain intentionally added PFAS, including testing results and any other relevant  
123.28 information.

123.29 (c) If testing demonstrates that the product contains intentionally added PFAS, the  
123.30 manufacturer must provide the commissioner with the testing results and the information  
123.31 required under subdivision 2.

124.1 (d) A manufacturer must notify persons who sell or offer for sale a product prohibited  
124.2 under subdivision 2 or 5 that the sale of that product is prohibited in this state and provide  
124.3 the commissioner with a list of the names and addresses of those notified.

124.4 (e) The commissioner may notify persons who sell or offer for sale a product prohibited  
124.5 under subdivision 2 or 5 that the sale of that product is prohibited in this state.

124.6 Subd. 5. **Prohibitions.** (a) Beginning January 1, 2025, a person may not sell, offer for  
124.7 sale, or distribute for sale in this state the following products if the product contains  
124.8 intentionally added PFAS:

124.9 (1) carpets or rugs;

124.10 (2) cleaning products;

124.11 (3) cookware;

124.12 (4) cosmetics;

124.13 (5) dental floss;

124.14 (6) fabric treatments;

124.15 (7) juvenile products;

124.16 (8) menstruation products;

124.17 (9) textile furnishings;

124.18 (10) ski wax; or

124.19 (11) upholstered furniture.

124.20 (b) The commissioner may by rule identify additional products by category or use that  
124.21 may not be sold, offered for sale, or distributed for sale in this state if they contain  
124.22 intentionally added PFAS and designate effective dates. A prohibition adopted under this  
124.23 paragraph must be effective no earlier than January 1, 2025, and no later than January 1,  
124.24 2032. The commissioner must prioritize the prohibition of the sale of product categories  
124.25 that, in the commissioner's judgment, are most likely to contaminate or harm the state's  
124.26 environment and natural resources if they contain intentionally added PFAS.

124.27 (c) Beginning January 1, 2032, a person may not sell, offer for sale, or distribute for sale  
124.28 in this state any product that contains intentionally added PFAS, unless the commissioner  
124.29 has determined by rule that the use of PFAS in the product is a currently unavoidable use.  
124.30 The commissioner may specify specific products or product categories for which the  
124.31 commissioner has determined the use of PFAS is a currently unavoidable use. The

125.1 commissioner may not determine that the use of PFAS in a product is a currently unavoidable  
125.2 use if the product is listed in paragraph (a).

125.3 Subd. 6. Fees. The commissioner may establish by rule a fee payable by a manufacturer  
125.4 to the commissioner upon submission of the information required under subdivision 2 to  
125.5 cover the agency's reasonable costs to implement this section. Fees collected under this  
125.6 subdivision must be deposited in an account in the environmental fund.

125.7 Subd. 7. Enforcement. (a) The commissioner may enforce this section under sections  
125.8 115.071 and 116.072. The commissioner may coordinate with the commissioners of  
125.9 commerce and health in enforcing this section.

125.10 (b) When requested by the commissioner, a person must furnish to the commissioner  
125.11 any information that the person may have or may reasonably obtain that is relevant to show  
125.12 compliance with this section.

125.13 Subd. 8. Exemptions. (a) This section does not apply to:

125.14 (1) a product for which federal law governs the presence of PFAS in the product in a  
125.15 manner that preempts state authority;

125.16 (2) a product regulated under section 325F.072 or 325F.075; or

125.17 (3) the sale or resale of a used product.

125.18 (b) Subdivisions 4 and 5 do not apply to a prosthetic or orthotic device, or to any product  
125.19 that is a medical device or drug or that is otherwise used in a medical setting or in medical  
125.20 applications regulated by the United States Food and Drug Administration.

125.21 Subd. 9. Rules. The commissioner may adopt rules necessary to implement this section.  
125.22 Section 14.125 does not apply to the commissioner's rulemaking authority under this section.

125.23 Sec. 63. Minnesota Statutes 2022, section 171.07, is amended by adding a subdivision to  
125.24 read:

125.25 Subd. 20. Watercraft operator's permit. (a) The department must maintain in its  
125.26 records information transmitted electronically from the commissioner of natural resources  
125.27 identifying each person to whom the commissioner has issued a watercraft operator's permit.  
125.28 The records transmitted from the Department of Natural Resources must contain the full  
125.29 name and date of birth as required for the driver's license or identification card. Records  
125.30 that are not matched to a driver's license or identification card record may be deleted after  
125.31 seven years.

126.1 (b) After receiving information under paragraph (a) that a person has received a watercraft  
126.2 operator's permit, the department must include on all drivers' licenses or Minnesota  
126.3 identification cards subsequently issued to the person a graphic or written indication that  
126.4 the person has received the permit.

126.5 (c) If a person who has received a watercraft operator's permit applies for a driver's  
126.6 license or Minnesota identification card before that information has been transmitted to the  
126.7 department, the department may accept a copy of the certificate as proof of its issuance and  
126.8 must then follow the procedures in paragraph (b).

126.9 **EFFECTIVE DATE.** This section is effective July 1, 2025.

126.10 Sec. 64. Minnesota Statutes 2022, section 297A.94, is amended to read:

126.11 **297A.94 DEPOSIT OF REVENUES.**

126.12 (a) Except as provided in this section, the commissioner shall deposit the revenues,  
126.13 including interest and penalties, derived from the taxes imposed by this chapter in the state  
126.14 treasury and credit them to the general fund.

126.15 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic  
126.16 account in the special revenue fund if:

126.17 (1) the taxes are derived from sales and use of property and services purchased for the  
126.18 construction and operation of an agricultural resource project; and

126.19 (2) the purchase was made on or after the date on which a conditional commitment was  
126.20 made for a loan guaranty for the project under section 41A.04, subdivision 3.

126.21 The commissioner of management and budget shall certify to the commissioner the date on  
126.22 which the project received the conditional commitment. The amount deposited in the loan  
126.23 guaranty account must be reduced by any refunds and by the costs incurred by the Department  
126.24 of Revenue to administer and enforce the assessment and collection of the taxes.

126.25 (c) The commissioner shall deposit the revenues, including interest and penalties, derived  
126.26 from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3,  
126.27 paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

126.28 (1) first to the general obligation special tax bond debt service account in each fiscal  
126.29 year the amount required by section 16A.661, subdivision 3, paragraph (b); and

126.30 (2) after the requirements of clause (1) have been met, the balance to the general fund.

127.1 (d) Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit  
127.2 in the state treasury the revenues collected under section 297A.64, subdivision 1, including  
127.3 interest and penalties and minus refunds, and credit them to the highway user tax distribution  
127.4 fund.

127.5 (e) The commissioner shall deposit the revenues, including interest and penalties,  
127.6 collected under section 297A.64, subdivision 5, in the state treasury and credit them to the  
127.7 general fund. By July 15 of each year the commissioner shall transfer to the highway user  
127.8 tax distribution fund an amount equal to the excess fees collected under section 297A.64,  
127.9 subdivision 5, for the previous calendar year.

127.10 (f) Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit  
127.11 of revenues under paragraph (d), the commissioner shall deposit into the state treasury and  
127.12 credit to the highway user tax distribution fund an amount equal to the estimated revenues  
127.13 derived from the tax rate imposed under section 297A.62, subdivision 1, on the lease or  
127.14 rental for not more than 28 days of rental motor vehicles subject to section 297A.64. The  
127.15 commissioner shall estimate the amount of sales tax revenue deposited under this paragraph  
127.16 based on the amount of revenue deposited under paragraph (d).

127.17 (g) The commissioner shall deposit an amount of the remittances monthly into the state  
127.18 treasury and credit them to the highway user tax distribution fund as a portion of the estimated  
127.19 amount of taxes collected from the sale and purchase of motor vehicle repair and replacement  
127.20 parts in that month. The monthly deposit amount is \$12,137,000. For purposes of this  
127.21 paragraph, "motor vehicle" has the meaning given in section 297B.01, subdivision 11, and  
127.22 "motor vehicle repair and replacement parts" includes (i) all parts, tires, accessories, and  
127.23 equipment incorporated into or affixed to the motor vehicle as part of the motor vehicle  
127.24 maintenance and repair, and (ii) paint, oil, and other fluids that remain on or in the motor  
127.25 vehicle as part of the motor vehicle maintenance or repair. For purposes of this paragraph,  
127.26 "tire" means any tire of the type used on highway vehicles, if wholly or partially made of  
127.27 rubber and if marked according to federal regulations for highway use.

127.28 (h) ~~72.43~~ Eighty-two percent of the revenues, including interest and penalties, transmitted  
127.29 to the commissioner under section 297A.65, must be deposited by the commissioner in the  
127.30 state treasury as follows:

127.31 (1) 50 percent of the receipts must be deposited in the heritage enhancement account in  
127.32 the game and fish fund, and may be spent only on activities that improve, enhance, or protect  
127.33 fish and wildlife resources, including conservation, restoration, and enhancement of land,  
127.34 water, and other natural resources of the state;

128.1 (2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may  
128.2 be spent only for state parks and trails;

128.3 (3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may  
128.4 be spent only on metropolitan park and trail grants;

128.5 (4) three percent of the receipts must be deposited in the natural resources fund, and  
128.6 may be spent only on local trail grants; and

128.7 (5) two percent of the receipts must be deposited in the natural resources fund, and may  
128.8 be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory,  
128.9 and the Duluth Zoo.

128.10 (i) Two percent of the revenues, including interest and penalties, transmitted to the  
128.11 commissioner under section 297A.65 must be deposited in a regional parks and trails account  
128.12 in the natural resources fund and may only be spent for parks and trails of regional  
128.13 significance outside of the seven-county metropolitan area under section 85.535, based on  
128.14 recommendations from the Greater Minnesota Regional Parks and Trails Commission under  
128.15 section 85.536.

128.16 (j) One percent of the revenues, including interest and penalties, transmitted to the  
128.17 commissioner under section 297A.65 must be deposited in an outdoor recreational  
128.18 opportunities for underserved communities account in the natural resources fund and may  
128.19 only be spent on projects and activities that connect diverse and underserved Minnesotans  
128.20 through expanding cultural environmental experiences, exploration of their environment,  
128.21 and outdoor recreational activities.

128.22 ~~(j)~~ (k) The revenue dedicated under paragraph (h) may not be used as a substitute for  
128.23 traditional sources of funding for the purposes specified, but the dedicated revenue shall  
128.24 supplement traditional sources of funding for those purposes. Land acquired with money  
128.25 deposited in the game and fish fund under paragraph (h) must be open to public hunting  
128.26 and fishing during the open season, except that in aquatic management areas or on lands  
128.27 where angling easements have been acquired, fishing may be prohibited during certain times  
128.28 of the year and hunting may be prohibited. At least 87 percent of the money deposited in  
128.29 the game and fish fund for improvement, enhancement, or protection of fish and wildlife  
128.30 resources under paragraph (h) must be allocated for field operations.

128.31 ~~(j)~~ (l) The commissioner must deposit the revenues, including interest and penalties  
128.32 minus any refunds, derived from the sale of items regulated under section 624.20, subdivision  
128.33 1, that may be sold to persons 18 years old or older and that are not prohibited from use by  
128.34 the general public under section 624.21, in the state treasury and credit:



129.1 (1) 25 percent to the volunteer fire assistance grant account established under section  
129.2 88.068;

129.3 (2) 25 percent to the fire safety account established under section 297I.06, subdivision  
129.4 3; and

129.5 (3) the remainder to the general fund.

129.6 For purposes of this paragraph, the percentage of total sales and use tax revenue derived  
129.7 from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be  
129.8 sold to persons 18 years old or older and are not prohibited from use by the general public  
129.9 under section 624.21, is a set percentage of the total sales and use tax revenues collected in  
129.10 the state, with the percentage determined under Laws 2017, First Special Session chapter  
129.11 1, article 3, section 39.

129.12 ~~(k)~~(m) The revenues deposited under paragraphs (a) to ~~(j)~~(l) do not include the revenues,  
129.13 including interest and penalties, generated by the sales tax imposed under section 297A.62,  
129.14 subdivision 1a, which must be deposited as provided under the Minnesota Constitution,  
129.15 article XI, section 15.

129.16 **EFFECTIVE DATE.** This section is effective July 1, 2023.

129.17 Sec. 65. **[325E.3892] LEAD AND CADMIUM IN CONSUMER PRODUCTS;**  
129.18 **PROHIBITION.**

129.19 **Subdivision 1. Definitions.** For purposes of this section, "covered product" means any  
129.20 of the following products or product components:

129.21 (1) jewelry;

129.22 (2) toys;

129.23 (3) cosmetics and personal care products;

129.24 (4) puzzles, board games, card games, and similar games;

129.25 (5) play sets and play structures;

129.26 (6) outdoor games;

129.27 (7) school supplies;

129.28 (8) pots and pans;

129.29 (9) cups, bowls, and other food containers;

129.30 (10) craft supplies and jewelry-making supplies;

130.1 (11) chalk, crayons, paints, and other art supplies;

130.2 (12) fidget spinners;

130.3 (13) costumes, costume accessories, and children's and seasonal party supplies;

130.4 (14) keys, key chains, and key rings; and

130.5 (15) clothing, footwear, headwear, and accessories.

130.6 Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or  
130.7 distribute or offer for use in this state any covered product containing:

130.8 (1) lead at more than 0.009 percent by total weight (90 parts per million); or

130.9 (2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

130.10 (b) This section does not apply to covered products containing lead or cadmium, or both,  
130.11 when regulation is preempted by federal law.

130.12 Subd. 3. **Enforcement.** The commissioners of the Pollution Control Agency, commerce,  
130.13 and health may coordinate to enforce this section. The commissioner of the Pollution Control  
130.14 Agency or commerce may, with the attorney general, enforce any federal restrictions on  
130.15 the sale of products containing lead or cadmium, or both, as allowed under federal law. The  
130.16 commissioner of the Pollution Control Agency may enforce this section under sections  
130.17 115.071 and 116.072. The commissioner of commerce may enforce this section under  
130.18 sections 45.027, subdivisions 1 to 6; 325F.10 to 325F.12; and 325F.14 to 325F.16. The  
130.19 attorney general may enforce this section under section 8.31.

130.20 Sec. 66. Minnesota Statutes 2022, section 325F.072, subdivision 1, is amended to read:

130.21 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
130.22 the meanings given.

130.23 (b) "Class B firefighting foam" means foam designed ~~for flammable liquid fires to~~  
130.24 prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases,  
130.25 tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.

130.26 (c) "PFAS chemicals" or "perfluoroalkyl and polyfluoroalkyl substances" means, ~~for~~  
130.27 ~~the purposes of firefighting agents,~~ a class of fluorinated organic chemicals containing at  
130.28 least one fully fluorinated carbon atom ~~and designed to be fully functional in class B~~  
130.29 ~~firefighting foam formulations.~~

130.30 (d) "Political subdivision" means a county, city, town, or a metropolitan airports  
130.31 commission organized and existing under sections 473.601 to 473.679.

131.1 (e) "State agency" means an agency as defined in section 16B.01, subdivision 2.

131.2 (f) "Testing" means calibration testing, conformance testing, and fixed system testing.

131.3 Sec. 67. Minnesota Statutes 2022, section 325F.072, subdivision 3, is amended to read:

131.4 Subd. 3. **Prohibition of testing and training.** (a) ~~Beginning July 1, 2020,~~ No person,  
131.5 political subdivision, or state agency shall ~~discharge class B firefighting foam that contains~~  
131.6 ~~intentionally added~~ manufacture or knowingly sell, offer for sale, distribute for sale, or  
131.7 distribute for use in this state, and no person shall use in this state, class B firefighting foam  
131.8 containing PFAS chemicals.

131.9 ~~(1) for testing purposes, unless the testing facility has implemented appropriate~~  
131.10 ~~containment, treatment, and disposal measures to prevent releases of foam to the environment;~~  
131.11 ~~or~~

131.12 ~~(2) for training purposes, unless otherwise required by law, and with the condition that~~  
131.13 ~~the training event has implemented appropriate containment, treatment, and disposal measures~~  
131.14 ~~to prevent releases of foam to the environment. For training purposes, class B foam that~~  
131.15 ~~contains intentionally added PFAS chemicals shall not be used.~~

131.16 (b) ~~This section does not restrict:~~

131.17 ~~(1) the manufacture, sale, or distribution of class B firefighting foam that contains~~  
131.18 ~~intentionally added PFAS chemicals; or~~

131.19 ~~(2) the discharge or other use of class B firefighting foams that contain intentionally~~  
131.20 ~~added PFAS chemicals in emergency firefighting or fire prevention operations.~~

131.21 (b) This subdivision does not apply to the manufacture, sale, distribution, or use of class  
131.22 B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,  
131.23 including but not limited to Code of Federal Regulations, title 14, section 139.317. If a  
131.24 federal requirement to include PFAS chemicals in class B firefighting foam is revoked after  
131.25 January 1, 2024, class B firefighting foam subject to the revoked requirements is no longer  
131.26 exempt under this paragraph effective one year after the day of revocation.

131.27 (c) This subdivision does not apply to the manufacture, sale, distribution, or use of class  
131.28 B firefighting foam for purposes of use at an airport, as defined under section 360.013,  
131.29 subdivision 39, until the state fire marshal makes a determination that:

131.30 (1) the Federal Aviation Administration has provided policy guidance on the transition  
131.31 to fluorine-free firefighting foam;

132.1 (2) a fluorine-free firefighting foam product is included in the Federal Aviation  
132.2 Administration's Qualified Product Database; and

132.3 (3) a firefighting foam product included in the database under clause (2) is commercially  
132.4 available in quantities sufficient to reliably meet the requirements under Code of Federal  
132.5 Regulations, title 14, part 139.

132.6 (d) Until the state fire marshal makes a determination under paragraph (c), the operator  
132.7 of an airport using class B firefighting foam containing PFAS chemicals must, on or before  
132.8 December 31 each calendar year, submit a report to the state fire marshal regarding the  
132.9 status of the airport's conversion to class B firefighting foam products without intentionally  
132.10 added PFAS, the disposal of class B firefighting foam products with intentionally added  
132.11 PFAS, and an assessment of the factors listed in paragraph (c) as applied to the airport.

132.12 **EFFECTIVE DATE.** This section is effective January 1, 2024.

132.13 Sec. 68. Minnesota Statutes 2022, section 325F.072, is amended by adding a subdivision  
132.14 to read:

132.15 Subd. 3a. **Discharge for testing and training.** A person, political subdivision, or state  
132.16 agency exempted from the prohibitions under subdivision 3 may not discharge class B  
132.17 firefighting foam that contains intentionally added PFAS chemicals for:

132.18 (1) testing purposes, unless the testing facility has implemented appropriate containment,  
132.19 treatment, and disposal measures to prevent releases of foam to the environment; or

132.20 (2) training purposes, unless otherwise required by law, and with the condition that the  
132.21 training event has implemented appropriate containment, treatment, and disposal measures  
132.22 to prevent releases of foam to the environment.

132.23 **EFFECTIVE DATE.** This section is effective January 1, 2024.

132.24 Sec. 69. **50-YEAR CLEAN WATER PLAN SCOPE OF WORK.**

132.25 (a) The University of Minnesota Water Council is requested to develop a scope of work,  
132.26 timeline, and budget for a plan to promote and protect clean water in Minnesota for the next  
132.27 50 years. The 50-year clean water plan must:

132.28 (1) provide a literature-based assessment of the current status and trends regarding the  
132.29 quality and quantity of all Minnesota waters, both surface and subsurface;

132.30 (2) identify gaps in the data or understanding and provide recommended action steps to  
132.31 address gaps;

- 133.1 (3) identify existing and potential future threats to Minnesota's waters; and
- 133.2 (4) propose a road map of scenarios and policy recommendations to allow the state to
- 133.3 proactively protect, remediate, and conserve clean water for human use and biodiversity
- 133.4 for the next 50 years.
- 133.5 (b) The scope of work must outline the steps and resources necessary to develop the
- 133.6 plan, including but not limited to:
- 133.7 (1) the data sets that are required and how the University of Minnesota will obtain access;
- 133.8 (2) the suite of proposed analysis methods;
- 133.9 (3) the roles and responsibilities of project leaders, key personnel, and stakeholders;
- 133.10 (4) the project timeline with milestones; and
- 133.11 (5) a budget with expected costs for tasks and milestones.
- 133.12 (c) By December 1, 2023, the Board of Regents of the University of Minnesota is
- 133.13 requested to submit the scope of work to the chairs and ranking minority members of the
- 133.14 house of representatives and senate committees and divisions with jurisdiction over
- 133.15 environment and natural resources.

133.16 **Sec. 70. REPORT REQUIRED; RECYCLING AND REUSING SOLAR**

133.17 **PHOTOVOLTAIC MODULES AND INSTALLATION COMPONENTS.**

- 133.18 (a) The commissioner of the Pollution Control Agency, in consultation with the
- 133.19 commissioners of commerce and employment and economic development, must coordinate
- 133.20 preparation of a report on developing a statewide system to reuse and recycle solar
- 133.21 photovoltaic modules and installation components in the state.
- 133.22 (b) The report must include options for a system to collect, reuse, and recycle solar
- 133.23 photovoltaic modules and installation components at end of life. Any system option included
- 133.24 in the report must be convenient and accessible throughout the state, recover 100 percent
- 133.25 of discarded components, and maximize value and materials recovery. Any system option
- 133.26 developed must include analysis of:
- 133.27 (1) the reuse and recycling values of solar photovoltaic modules, installation components,
- 133.28 and recovered materials;
- 133.29 (2) system infrastructure and technology needs;
- 133.30 (3) how to maximize in-state employment and economic development;
- 133.31 (4) net costs for the program; and

134.1 (5) potential benefits and negative impacts of the plan on environmental justice and  
134.2 Tribal communities.

134.3 (c) The report must include a survey of solar photovoltaic modules and installation  
134.4 components that are currently coming out of service and those projected to come out of  
134.5 service in the future in Minnesota. The report must include a description of how solar  
134.6 photovoltaic modules and installation components are currently being managed at end of  
134.7 life and how they would likely be managed in the future without the proposed reuse and  
134.8 recycling system.

134.9 (d) After completing the report, the commissioner must convene a working group to  
134.10 advise on developing policy recommendations for a statewide system to manage solar  
134.11 photovoltaic modules and installation components. The working group must include but is  
134.12 not limited to:

134.13 (1) the commissioners of commerce and employment and economic development or  
134.14 their designees;

134.15 (2) representatives of the solar industry and electric utilities;

134.16 (3) representatives of state, local, and Tribal governments; and

134.17 (4) other relevant stakeholders.

134.18 (e) By January 15, 2025, the commissioner must submit the report and the policy  
134.19 recommendations developed under this section to the chairs and ranking minority members  
134.20 of the legislative committees and divisions with jurisdiction over environment and natural  
134.21 resources policy and finance and energy policy and finance.

134.22 **Sec. 71. STATUTORY AND RULE REVISIONS TO PREVENT FISH KILLS IN**  
134.23 **DRIFTLESS AREA.**

134.24 By January 15, 2024, the commissioners of agriculture, health, and natural resources  
134.25 and the commissioner of the Pollution Control Agency must make recommendations to the  
134.26 legislature for statutes and rules that should be amended to prevent fish kills within the  
134.27 boundaries of the Department of Natural Resources Paleozoic Plateau ecological section.

134.28 **Sec. 72. TEMPORARY EXEMPTION FOR TERMINALS AND OIL REFINERIES.**

134.29 Subdivision 1. **Temporary exemption.** Minnesota Statutes, section 325F.072, subdivision  
134.30 3, does not apply to the manufacture, sale, distribution, or use of class B firefighting foam  
134.31 for the purposes of use at a terminal or oil refinery until January 1, 2026.

135.1 Subd. 2. Extension; waiver. (a) A person who operates a terminal or oil refinery may  
135.2 apply to the state fire marshal for a waiver to extend the exemption under subdivision 1  
135.3 beyond January 1, 2026, as provided in this subdivision.

135.4 (b) The state fire marshal may grant a waiver to extend the exemption under subdivision  
135.5 1 for a specific use if the applicant provides all of the following:

135.6 (1) clear and convincing evidence that there is no commercially available replacement  
135.7 that does not contain intentionally added PFAS chemicals and that is capable of suppressing  
135.8 fire for that specific use;

135.9 (2) information on the amount of firefighting foam containing intentionally added PFAS  
135.10 chemicals stored, used, or released on-site on an annual basis;

135.11 (3) a detailed plan, with timelines, for the operator of the terminal or oil refinery to  
135.12 transition to firefighting foam that does not contain intentionally added PFAS chemicals  
135.13 for that specific use; and

135.14 (4) a plan for meeting the requirements under subdivision 3.

135.15 (c) The state fire marshal must ensure there is an opportunity for public comment during  
135.16 the waiver process. The state fire marshal must consider both information provided by the  
135.17 applicant and information provided through public comment when making a decision on  
135.18 whether to grant a waiver. The term of a waiver must not exceed two years. The state fire  
135.19 marshal must not grant a waiver for a specific use if any other terminal or oil refinery is  
135.20 known to have transitioned to commercially available class B firefighting foam that does  
135.21 not contain intentionally added PFAS chemicals for that specific use. All waivers must  
135.22 expire by January 1, 2028. A person that anticipates applying for a waiver for a terminal or  
135.23 oil refinery must submit a notice of intent to the state fire marshal by January 1, 2025, in  
135.24 order to be considered for a waiver beyond January 1, 2026. The state fire marshal must  
135.25 notify the waiver applicant of a decision within six months of the waiver submission date.

135.26 (d) The state fire marshal must provide an applicant for a waiver under this subdivision  
135.27 an opportunity to:

135.28 (1) correct deficiencies when applying for a waiver; and

135.29 (2) provide evidence to dispute a determination that another terminal or oil refinery is  
135.30 known to have transitioned to commercially available class B firefighting foam that does  
135.31 not contain intentionally added PFAS chemicals for that specific use, including evidence  
135.32 that the specific use is different.

136.1 Subd. 3. Use requirements. (a) A person that uses class B firefighting foam containing  
136.2 intentionally added PFAS chemicals under this section must:

136.3 (1) implement tactics that have been demonstrated to prevent release directly to the  
136.4 environment, such as to unsealed ground, soakage pits, waterways, or uncontrolled drains;

136.5 (2) attempt to fully contain all firefighting foams with PFAS on-site using demonstrated  
136.6 practices designed to contain all PFAS releases;

136.7 (3) implement containment measures such as bunds and ponds that are controlled, are  
136.8 impervious to PFAS chemicals, and do not allow fire water, wastewater, runoff, and other  
136.9 wastes to be released to the environment, such as to soils, groundwater, waterways, or  
136.10 stormwater; and

136.11 (4) dispose of all fire water, wastewater, runoff, impacted soils, and other wastes in a  
136.12 way that prevents releases to the environment.

136.13 (b) A terminal or oil refinery that has received a waiver under this section may provide  
136.14 and use class B firefighting foam containing intentionally added PFAS chemicals in the  
136.15 form of mutual aid to another terminal or oil refinery at the request of authorities only if  
136.16 the other terminal or oil refinery also has a waiver.

136.17 **EFFECTIVE DATE.** This section is effective January 1, 2024.

136.18 Sec. 73. **TRANSFER OF DUTIES; FARMED WHITE-TAILED DEER.**

136.19 (a) Responsibility for administering and enforcing the statutes and rules listed in clauses  
136.20 (1) and (2) for farmed white-tailed deer are, except as provided in paragraph (c), transferred  
136.21 pursuant to Minnesota Statutes, section 15.039, from the Board of Animal Health to the  
136.22 commissioner of natural resources:

136.23 (1) Minnesota Statutes, sections 35.153 to 35.156; and

136.24 (2) Minnesota Rules, parts 1721.0370 to 1721.0420.

136.25 (b) The Board of Animal Health retains responsibility for administering and enforcing  
136.26 the statutes and rules listed in paragraph (a), clauses (1) and (2), for all other farmed Cervidae.

136.27 (c) Notwithstanding Minnesota Statutes, section 15.039, subdivision 7, the transfer of  
136.28 personnel will not take place. The commissioner of natural resources may contract with the  
136.29 Board of Animal Health for any veterinary services required to administer this program.

136.30 **EFFECTIVE DATE.** This section is effective July 1, 2025.



137.1 **Sec. 74. TURTLE SELLER'S LICENSES; TRANSFER AND RENEWAL.**

137.2 The commissioner of natural resources must not renew or transfer a turtle seller's license  
137.3 after the effective date of this section.

137.4 **EFFECTIVE DATE.** This section is effective January 1, 2024.

137.5 **Sec. 75. UPPER SIOUX AGENCY STATE PARK; LAND TRANSFER.**

137.6 (a) The commissioner of natural resources must convey for no consideration all  
137.7 state-owned land within the boundaries of Upper Sioux Agency State Park to the Upper  
137.8 Sioux Community. By September 15, 2023, the commissioner must identify all state-owned  
137.9 land within Upper Sioux Agency State Park and any funding restrictions or other legal  
137.10 barriers to conveying the land. Lands without restrictions or barriers to being conveyed  
137.11 must be conveyed to the Upper Sioux Community by December 1, 2023.

137.12 (b) By December 15, 2023, the commissioner must submit a report to the chairs and  
137.13 ranking minority members of the legislative committees with jurisdiction over environment  
137.14 and natural resources that identifies all barriers to conveying land within Upper Sioux  
137.15 Agency State Park and recommendations for addressing those barriers, including any  
137.16 legislation needed to eliminate those barriers.

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

137.18 **Sec. 76. WHITE BEAR LAKE AREA WATER-USE STAKEHOLDER GROUP.**

137.19 The commissioner of natural resources must convene a group of stakeholders to advise  
137.20 the commissioner and the legislature on options for ensuring communities in the White Bear  
137.21 Lake area have access to sufficient safe drinking water to allow for municipal growth while  
137.22 simultaneously ensuring the sustainability of surface water and groundwater sources to  
137.23 supply the needs of future generations. By March 1, 2024, the commissioner must report  
137.24 any recommendations of the stakeholder group to the chairs and ranking minority members  
137.25 of the house of representatives and senate committees and divisions with jurisdiction over  
137.26 environment and natural resources.

137.27 **Sec. 77. REVISOR INSTRUCTION.**

137.28 The revisor of statutes must recodify the relevant sections in Minnesota Statutes, chapter  
137.29 35, and Minnesota Rules, chapter 1721, as necessary to conform with section 72. The revisor  
137.30 must also change the responsible agency, remove obsolete language, and make necessary  
137.31 cross-reference changes consistent with section 72 and the renumbering.

138.1 Sec. 78. **REPEALER.**

138.2 (a) Minnesota Statutes 2022, sections 103C.501, subdivisions 2 and 3; 115.44, subdivision  
138.3 9; 116.011; 325E.389; and 325E.3891, are repealed.

138.4 (b) Minnesota Rules, parts 8400.0500; 8400.0550; 8400.0600, subparts 4 and 5;  
138.5 8400.0900, subparts 1, 2, 4, and 5; 8400.1650; 8400.1700; 8400.1750; 8400.1800; and  
138.6 8400.1900, are repealed.

138.7 (c) Minnesota Statutes 2022, sections 35.155, subdivision 14; 86B.101; 86B.305; and  
138.8 86B.313, subdivisions 2 and 3, are repealed.

138.9 (d) Minnesota Statutes 2022, section 97C.605, subdivisions 2, 2a, 2b, and 5, are repealed.

138.10 (e) Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8, are repealed.

138.11 **EFFECTIVE DATE.** Paragraph (c) is effective July 1, 2025. Paragraphs (d) and (e)  
138.12 are effective January 1, 2024.

138.13 **ARTICLE 5**  
138.14 **STATE LANDS**

138.15 Section 1. Minnesota Statutes 2022, section 84.66, subdivision 7, is amended to read:

138.16 Subd. 7. **Landowner responsibilities.** The commissioner may enroll eligible land in  
138.17 the program by signing an easement in recordable form with a landowner in which the  
138.18 landowner agrees to:

138.19 (1) convey to the state a permanent easement that is not subject to any prior title, lien,  
138.20 or encumbrance, except for preexisting easements that are acceptable to the commissioner;  
138.21 and

138.22 (2) manage the land in a manner consistent with the purposes for which the land was  
138.23 selected for the program and not convert the land to other uses.

138.24 Sec. 2. Laws 2023, chapter 9, section 19, is amended to read:

138.25 Sec. 19. **LAND EXCHANGE; ST. LOUIS COUNTY.**

138.26 Subdivision 1. Authority. (a) Notwithstanding Minnesota Statutes, section 92.461, and  
138.27 the riparian restrictions in Minnesota Statutes, section 94.342, subdivision 3, St. Louis  
138.28 County may, with the approval of the Land Exchange Board as required under the Minnesota  
138.29 Constitution, article XI, section 10, and according to the remaining provisions of Minnesota  
138.30 Statutes, sections 94.342 to 94.347, exchange the land described in paragraph (c).

139.1 (b) The conveyance must be in the form approved by the attorney general. The attorney  
139.2 general may make necessary changes to the legal description to correct errors and ensure  
139.3 accuracy.

139.4 (c) The lands that may be conveyed are located in St. Louis County and are described  
139.5 as:

139.6 (1) Sections 1 and 2, Township 53 North, Range 18 West;

139.7 (2) Sections 19, 20, 29, 30, 31, and 32, Township 54 North, Range 17 West;

139.8 (3) Sections 24, 25, 26, and 35, Township 54 North, Range 18 West;

139.9 (4) Sections 22, 23, 26, and 27, Township 54 North, Range 19 West; and

139.10 (5) Sections 8, 9, 17, and 18, Township 55 North, Range 18 West.

139.11 Subd. 2. Exchange for greater than substantially equal value. Notwithstanding  
139.12 Minnesota Statutes, section 94.344, subdivisions 3 and 5, or any other law to the contrary,  
139.13 the county may require the exchange partner to exchange lands or a combination of lands  
139.14 and money valued in the amount of at least 125 percent of the state land referenced in  
139.15 subdivision 1, paragraph (c), in determining whether the proposal is in the best interests of  
139.16 the state.

139.17 **Sec. 3. ADDITIONS TO STATE PARKS.**

139.18 Subdivision 1. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The  
139.19 following area is added to Frontenac State Park, Goodhue County:

139.20 That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West,  
139.21 and that part of the Southwest Quarter of Section 11, Township 112 North, Range 13  
139.22 West, Goodhue County, Minnesota, described as follows: Commencing at the northeast  
139.23 corner of the Southeast Quarter of said Section 10; thence southerly on an assumed  
139.24 azimuth from North of 189 degrees 34 minutes 33 seconds, along the east line of the  
139.25 Southeast Quarter of said Section 10, a distance of 1,100.31 feet; thence westerly 269  
139.26 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point of beginning  
139.27 of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds azimuth,  
139.28 a distance of 300.00 feet; thence easterly 100 degrees 22 minutes 46 seconds azimuth,  
139.29 a distance of 286.97 feet to the centerline of County Road Number 2, as now located  
139.30 and established; thence southerly and southwesterly, along said centerline, to the  
139.31 intersection with a line drawn southerly 160 degrees 42 minutes 19 seconds azimuth

140.1 from the point of beginning; thence northerly 340 degrees 42 minutes 19 seconds azimuth,  
140.2 a distance of 51.66 feet to the point of beginning.

140.3 EXCEPT the following described premises:

140.4 Part of the Northeast Quarter of the Southeast Quarter of Section 10, Township 112  
140.5 North, Range 13 West, Goodhue County, shown as Parcel 6 on the plat designated as  
140.6 Goodhue County Right-of-Way Plat No. 23 on file and of record in the Office of the  
140.7 County Recorder in and for Goodhue County, Minnesota.

140.8 ALSO EXCEPT the following:

140.9 Part of the Northwest Quarter of the Southwest Quarter of Section 11, Township 112  
140.10 North, Range 13 West, Goodhue County, shown as Parcel 1 on the plat designated as  
140.11 Goodhue County Highway Right-Of-Way Plat No. 24 on file and of record in the Office  
140.12 of the County Recorder in and for Goodhue County, Minnesota.

140.13 Subd. 2. [85.012] [Subd. 60.] William O'Brien State Park, Washington County. The  
140.14 following area is added to William O'Brien State Park, Washington County:

140.15 The South Half of the Northwest Quarter, except the East 2 rods thereof, Section 25,  
140.16 Township 32, Range 20.

140.17 Sec. 4. **ADDITION TO STATE FOREST.**

140.18 **[89.021] [Subd. 42a.] Riverlands State Forest.** Those parts of St. Louis County  
140.19 described as follows are added to Riverlands State Forest:

140.20 That part of Government Lot 8, Section 30, Township 51 North, Range 19, St. Louis  
140.21 County, Minnesota, lying northwesterly of the railroad right-of-way.

140.22 Sec. 5. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**  
140.23 **WATER; AITKIN COUNTY.**

140.24 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the  
140.25 commissioner of natural resources may sell by private sale the surplus land bordering public  
140.26 water that is described in paragraph (c).

140.27 (b) The commissioner may make necessary changes to the legal description to correct  
140.28 errors and ensure accuracy.

140.29 (c) The land that may be sold is located in Aitkin County and is described as:

141.1 The West 16.25 feet of that part of the 32.50-foot-wide road, as delineated on the Plat  
141.2 of Sugar Lake Addition, according to the plat of record and on file in the Office of the  
141.3 County Recorder in and for Aitkin County, Minnesota lying northerly of the following  
141.4 described line: Commencing at the iron monument at the southwest corner of Section  
141.5 2, Township 45, Range 25, said Aitkin County, Minnesota; thence North 0 degrees 00  
141.6 minutes 23 seconds West, assumed bearing, 2,020.36 feet along the west line of said  
141.7 Section 2 to the point of beginning of the line to be described; thence North 89 degrees  
141.8 59 minutes 37 seconds East 32.50 feet to the west line of Lot 1 said Sugar Lake Addition  
141.9 and said line there terminating.

141.10 (d) The land borders Sugar Lake. The Department of Natural Resources has determined  
141.11 that the land is not needed for natural resource purposes and that the state's land management  
141.12 interests would best be served if the land was returned to private ownership.

141.13 **Sec. 6. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**  
141.14 **WATER; BECKER COUNTY.**

141.15 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the  
141.16 commissioner of natural resources may sell by public sale the surplus land bordering public  
141.17 water that is described in paragraph (c).

141.18 (b) The commissioner may make necessary changes to the legal description to correct  
141.19 errors and ensure accuracy.

141.20 (c) The land that may be sold is located in Becker County and is described as:

141.21 All that part of Government Lot 2, Section 12, Township 139 North, Range 40 West of  
141.22 the 5th P.M., bounded by the water's edge of Cotton Lake and the following described  
141.23 lines: Commencing at the North quarter corner of said Section 12, from which the  
141.24 northwest corner of said section bears North 90 degrees 00 minutes West; thence South  
141.25 00 degrees 00 minutes East, 325.0 feet; thence North 90 degrees 00 minutes East, 72.0  
141.26 feet to the point of beginning and the centerline of County State-Aid Highway No. 29;  
141.27 thence South 25 degrees 52 minutes East, 222.27 feet along the centerline of said  
141.28 highway; thence North 90 degrees 00 minutes West, 284.0 feet, more or less, to the  
141.29 water's edge of Cotton Lake and there terminating; and from the point of beginning,  
141.30 North 90 degrees 00 minutes West, 249.1 feet, more or less, to the water's edge of Cotton  
141.31 Lake and there terminating.

141.32 (d) The land borders Cotton Lake and is not contiguous to other state lands. The  
141.33 Department of Natural Resources has determined that the land is not needed for natural

142.1 resource purposes and that the state's land management interests would best be served if  
142.2 the land was returned to private ownership.

142.3 **Sec. 7. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**  
142.4 **WATER; BECKER COUNTY.**

142.5 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the  
142.6 commissioner of natural resources may sell by public sale the surplus land bordering public  
142.7 water that is described in paragraph (c).

142.8 (b) The commissioner may make necessary changes to the legal description to correct  
142.9 errors and ensure accuracy.

142.10 (c) The land that may be sold is located in Becker County and is described as:

142.11 Lot 1, Pearl Hill, according to the certified plat on file and of record in the Office of the  
142.12 Register of Deeds in and for Becker County, Minnesota, and being a part of Government  
142.13 Lots 2 and 3, Section 13, Township 138 North, Range 42 West.

142.14 (d) The land borders Pearl Lake and is not contiguous to other state lands. The Department  
142.15 of Natural Resources has determined that the land is not needed for natural resource purposes  
142.16 and that the state's land management interests would best be served if the land was returned  
142.17 to private ownership.

142.18 **Sec. 8. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**  
142.19 **CROW WING COUNTY.**

142.20 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the  
142.21 commissioner of natural resources may sell by private sale the surplus land that is described  
142.22 in paragraph (c).

142.23 (b) The commissioner may make necessary changes to the legal description to correct  
142.24 errors and ensure accuracy.

142.25 (c) The land that may be conveyed is located in Crow Wing County and is described as:

142.26 That part of Government Lot 2, Section 11, Township 44, Range 28, Crow Wing County,  
142.27 Minnesota, described as follows: Commencing at the southeast corner of said Government  
142.28 Lot 2; thence South 89 degrees 08 minutes 05 seconds West, assumed bearing along the  
142.29 south line of said Government Lot 2 a distance of 203.73 feet to the westerly right-of-way  
142.30 of State Highway No. 18; thence North 24 degrees 13 minutes 27 seconds West, along  
142.31 said westerly right-of-way 692.40 feet, to the point of beginning; thence continuing

143.1 North 24 degrees 13 minutes 27 seconds West along said westerly right-of-way 70.31  
143.2 feet; thence North 89 degrees 25 minutes 27 seconds West 90.00 feet; thence South 11  
143.3 degrees 16 minutes 29 seconds East 87.00 feet; thence North 78 degrees 43 minutes 31  
143.4 seconds East 103.84 feet to the point of beginning. Said parcel contains 0.17 acres of  
143.5 land, more or less, and is subject to existing easements of record.

143.6 (d) The tax parcel from which the land will be split borders Borden Lake, but the land  
143.7 to be sold does not border Borden Lake. The Department of Natural Resources has  
143.8 determined that the land is not needed for natural resource purposes and that the state's land  
143.9 management interests would best be served if the land were returned to private ownership.

143.10 **Sec. 9. PRIVATE SALE OF TAX-FORFEITED LAND; ITASCA COUNTY.**

143.11 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
143.12 other law to the contrary, Itasca County may sell by private sale the tax-forfeited land  
143.13 described in paragraph (c).

143.14 (b) The conveyance must be in a form approved by the attorney general. The attorney  
143.15 general may make changes to the land description to correct errors and ensure accuracy.

143.16 (c) The land to be sold is located in Itasca County and is described as: the Northwest  
143.17 Quarter of the Southeast Quarter, Section 25, Township 56, Range 25 (parcel identification  
143.18 number 02-025-4200).

143.19 (d) The county has determined that the county's land management interests would best  
143.20 be served if the lands were returned to private ownership.

143.21 **Sec. 10. PUBLIC OR PRIVATE SALE OF SURPLUS STATE LAND BORDERING**  
143.22 **PUBLIC WATER; KANDIYOHI COUNTY.**

143.23 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the  
143.24 commissioner of natural resources may sell by public or private sale the surplus land that  
143.25 is described in paragraph (c), subject to the state's reservation of a perpetual flowage  
143.26 easement.

143.27 (b) The commissioner may make necessary changes to the legal description to correct  
143.28 errors and ensure accuracy.

143.29 (c) The land that may be sold is located in Kandiyohi County and is described as:

144.1 Lots 18 and 19 of First Addition to Walleye Beach, according to the plat thereof on file  
144.2 and of record in the Office of the Register of Deeds in and for Kandiyohi County,  
144.3 Minnesota.

144.4 (d) The land borders Florida Lake and is not contiguous to other state lands. The  
144.5 Department of Natural Resources has determined that the land is not needed for natural  
144.6 resource purposes and that the state's land management interests would best be served if  
144.7 the land was returned to private ownership.

144.8 Sec. 11. **PRIVATE SALE OF TAX-FORFEITED LANDS; KOOCHICHING**  
144.9 **COUNTY.**

144.10 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
144.11 any other law to the contrary, Koochiching County may sell by private sale the tax-forfeited  
144.12 lands described in paragraph (c).

144.13 (b) The conveyance must be in a form approved by the attorney general. The attorney  
144.14 general may make changes to the land description to correct errors and ensure accuracy.

144.15 (c) The land to be sold is located in Koochiching County and is described as:

144.16 That part of Lot 53, Plat of Riverview Acres, according to the recorded plat thereof on  
144.17 file in the Office of the County Recorder, Koochiching County, Minnesota, lying  
144.18 northwesterly of the following described line: Commencing at the northwest corner of  
144.19 said Lot 53; thence South 89 degrees 59 minutes 47 seconds East 31.00 feet along the  
144.20 north line of said Lot 53 to the point of beginning of the line to be described; thence  
144.21 South 67 degrees 10 minutes 42 seconds West 33.51 feet to the west line of said Lot 53  
144.22 and there terminating. Said parcel contains 200 square feet, more or less.

144.23 (d) The county has determined that the county's land management interests would best  
144.24 be served if the lands were returned to private ownership.

144.25 Sec. 12. **PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

144.26 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
144.27 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land  
144.28 described in paragraph (c).

144.29 (b) The conveyance must be in a form approved by the attorney general. The attorney  
144.30 general may make changes to the land description to correct errors and ensure accuracy.

144.31 (c) The land to be sold is located in St. Louis County and is described as:



145.1 Lot 6, Block 12, Chambers First Division of Duluth (parcel number 010-0460-00660).

145.2 (d) The county has determined that the county's land management interests would best  
145.3 be served if the land was returned to private ownership to resolve a structure encroachment.

145.4 Sec. 13. **PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

145.5 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
145.6 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land  
145.7 described in paragraph (c).

145.8 (b) The conveyance must be in a form approved by the attorney general. The attorney  
145.9 general may make changes to the land description to correct errors and ensure accuracy.

145.10 (c) The land to be sold is located in St. Louis County and is described as:

145.11 The West 3 feet of the North 20 feet of Lot 87, Block 75, Duluth Proper Third Division  
145.12 (parcel number 010-1310-01945).

145.13 (d) The county has determined that the county's land management interests would best  
145.14 be served if the land was returned to private ownership to resolve a structure encroachment.

145.15 Sec. 14. **PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

145.16 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
145.17 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land  
145.18 described in paragraph (c).

145.19 (b) The conveyance must be in a form approved by the attorney general. The attorney  
145.20 general may make changes to the land description to correct errors and ensure accuracy.

145.21 (c) The land to be sold is located in St. Louis County and is described as:

145.22 Lot 90, except the North 100 feet and except the East Half of the South 50 feet of Lot  
145.23 90 and except the West 6 feet of the South 50 feet of the West Half of Lot 90, Block 75,  
145.24 Duluth Proper Third Division (parcel number 010-1310-02125).

145.25 (d) The county has determined that the county's land management interests would best  
145.26 be served if the land was returned to private ownership to resolve a structure encroachment.

145.27 Sec. 15. **PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

145.28 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
145.29 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land  
145.30 described in paragraph (c).

146.1 (b) The conveyance must be in a form approved by the attorney general. The attorney  
146.2 general may make changes to the land description to correct errors and ensure accuracy.

146.3 (c) The land to be sold is located in St. Louis County and is described as:

146.4 Block 11, Endion Park Division of Duluth (parcel number 010-1490-00860).

146.5 (d) The county has determined that the county's land management interests would best  
146.6 be served if the land was returned to private ownership to resolve a structure encroachment.

146.7 Sec. 16. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.

146.8 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
146.9 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands  
146.10 described in paragraph (c).

146.11 (b) The conveyances must be in a form approved by the attorney general. The attorney  
146.12 general may make changes to the land descriptions to correct errors and ensure accuracy.

146.13 (c) The lands to be sold are located in St. Louis County and are described as:

146.14 (1) Lots 52, 54, and 56, Fond Du Lac Fourth Street Duluth (parcel number  
146.15 010-1620-01260);

146.16 (2) Lots 58 and 60, Fond Du Lac Fourth Street Duluth (parcel number 010-1620-01290);

146.17 (3) Lots 21 thru 39, odd numbers, and Lot 41 except the North 52 feet, and except the  
146.18 North 52 feet of Lots 43, 45, and 47, and Lots 49 and 51 except that part lying North of a  
146.19 line drawn from a point on the westerly line of Lot 49 and 52 feet South of the northwest  
146.20 corner to a point on the easterly line of Lot 51 38.1 feet South of the northeast corner, and  
146.21 all of Lots 53, 55, 57, and 59, and except that part of Lots 21 thru 39, odd numbered lots,  
146.22 lying 20 feet northerly and 20 feet southerly of a line beginning at a point on the west line  
146.23 of Lot 21 13.56 feet South of the northwest corner of Lot 21; thence to a point 54.83 feet  
146.24 South of the northeast corner along the east line of Lot 39, and except the southerly 46 feet  
146.25 of the northerly 98 feet of Lots 41, 43, and 45, and except that part of Lots 47 thru 57, odd  
146.26 numbered lots, described as beginning at a point on the west line of Lot 47 52 feet South  
146.27 of the northwest corner of Lot 47; thence easterly 40 feet to a point on the east line of Lot  
146.28 47 52 feet South of the northeast corner of Lot 47; thence northeasterly 81.22 feet to a point  
146.29 on the east line of Lot 51 38.1 feet South of the northeast corner of Lot 51; thence North  
146.30 17.3 feet to a point on the east line of Lot 51 20.8 feet South of the northeast corner of Lot  
146.31 51; thence northeasterly 82.68 feet to the northwest corner of Lot 57; thence East 40 feet  
146.32 to the northeast corner of Lot 57; thence South 64.1 feet along the east line of Lot 57; thence

147.1 southwesterly 242.22 feet to a point on the west line of Lot 47 98 feet South of the northwest  
 147.2 corner of Lot 47; thence North 46 feet along the west line of Lot 47 to the point of beginning,  
 147.3 and except Lot 59, and except that part of Lots 25, 27, 29, 31, 33, 35, 37, and 39 lying  
 147.4 southerly of a line run parallel with and distant 20 feet southerly of the following described  
 147.5 line: beginning at a point on the west line of Lot 21, distant 13.56 feet South of the northwest  
 147.6 corner thereof; thence southeasterly to a point on the east line of said Lot 39, distant 54.83  
 147.7 feet South of the northeast corner thereof and there terminating, Fond Du Lac Fourth Street  
 147.8 Duluth (parcel number 010-1620-00290); and

147.9 (4) that part of Lots 21 thru 39, odd numbered lots, lying 20 feet northerly and 20 feet  
 147.10 southerly of a line beginning at a point on the west line of Lot 21 13.56 feet South of the  
 147.11 northwest corner of Lot 21; thence to a point 54.83 feet South of the northeast corner along  
 147.12 the east line of Lot 39 and the southerly 46 feet of the northerly 98 feet of Lots 41, 43, and  
 147.13 45, and that part of Lots 47 thru 57, odd numbered lots, described as beginning at a point  
 147.14 on the west line of Lot 47 52 feet South of the northwest corner of Lot 47; thence easterly  
 147.15 40 feet to a point on the east line of Lot 47 52 feet South of the northeast corner of Lot 47;  
 147.16 thence northeasterly 81.22 feet to a point on the east line of Lot 51 38.1 feet South of the  
 147.17 northeast corner of Lot 51; thence North 17.3 feet to a point on the east line of Lot 51 20.8  
 147.18 feet South of the northeast corner of Lot 51; thence northeasterly 82.68 feet to the northwest  
 147.19 corner of Lot 57; thence East 40 feet to the northeast corner of Lot 57; thence South 64.1  
 147.20 feet along the east line of Lot 57; thence southwesterly 242.22 feet to a point on the west  
 147.21 line of Lot 47 98 feet South of the northwest corner of Lot 47; thence North 46 feet along  
 147.22 the west line of Lot 47 to the point of beginning, and Lot 59, Fond Du Lac Fourth Street  
 147.23 Duluth (parcel number 010-1620-00291).

147.24 (d) The county has determined that the county's land management interests would best  
 147.25 be served if the lands were returned to private ownership for the Mission Creek Cemetery.

147.26 **Sec. 17. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

147.27 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
 147.28 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands  
 147.29 described in paragraph (c).

147.30 (b) The conveyances must be in a form approved by the attorney general. The attorney  
 147.31 general may make changes to the land descriptions to correct errors and ensure accuracy.

147.32 (c) The lands to be sold are located in St. Louis County and are described as:

147.33 (1) Lot 28, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01140);

- 148.1 (2) Lot 30, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01150);  
148.2 (3) Lot 32, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01160);  
148.3 (4) Lot 34, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01170);  
148.4 (5) Lot 36, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01180);  
148.5 (6) Lot 38, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01190);  
148.6 (7) Lots 40 thru 48, even numbered lots, Fond Du Lac Fourth Street Duluth (part of  
148.7 parcel number 010-1620-01200); and  
148.8 (8) Lot 50, Fond Du Lac Fourth Street Duluth (part of parcel number 010-1620-01250).  
148.9 (d) The county has determined that the county's land management interests would best  
148.10 be served if the lands were returned to private ownership for the Mission Creek Cemetery.

148.11 **Sec. 18. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

148.12 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
148.13 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land  
148.14 described in paragraph (c).

148.15 (b) The conveyance must be in a form approved by the attorney general. The attorney  
148.16 general may make changes to the land description to correct errors and ensure accuracy.

148.17 (c) The land to be sold is located in St. Louis County and is described as:

148.18 The South Half of Section 31, Township 50, Range 20, Town of Fine Lakes (part of  
148.19 parcel number 355-0010-04960).

148.20 (d) The county has determined that the county's land management interests would best  
148.21 be served if the land was returned to private ownership to resolve a structure encroachment.

148.22 **Sec. 19. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**  
148.23 **SHERBURNE COUNTY.**

148.24 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the  
148.25 commissioner of natural resources may sell by private sale the surplus land bordering public  
148.26 water that is described in paragraph (c) for less than market value.

148.27 (b) The commissioner may make necessary changes to the legal description to correct  
148.28 errors and ensure accuracy.

148.29 (c) The land that may be conveyed is located in Sherburne County and is described as:

149.1 That part of Government Lot 6, Section 31, Township 34 North, Range 27 West,  
 149.2 Sherburne County, Minnesota, described as follows: Commencing at the most northerly  
 149.3 corner of Outlot A, Eagle Lake Estates, according to the plat thereof on file and of record  
 149.4 in the Office of the County Recorder in and for Sherburne County, Minnesota, being an  
 149.5 existing iron monument with an aluminum cap stamped "Judicial Landmark 16095"  
 149.6 (JLM); thence southwesterly 146.20 feet along the easterly line of said Outlot A on a  
 149.7 curve concave to the southeast, having a central angle of 14 degrees 41 minutes 15  
 149.8 seconds, radius of 570.32 feet, and a chord bearing of South 29 degrees 12 minutes 20  
 149.9 seconds West, to a JLM; thence South 21 degrees 51 minutes 43 seconds West, along  
 149.10 said easterly line, 196.53 feet to the point of beginning; thence continuing South 21  
 149.11 degrees 51 minutes 43 seconds West, along said easterly line, 35.00 feet to a JLM; thence  
 149.12 South 89 degrees 38 minutes 17 seconds East, along the northerly line of said Outlot A,  
 149.13 87 feet, more or less, to the water's edge of Eagle Lake; thence northerly along said  
 149.14 water's edge, 45 feet, more or less, to a line bearing North 80 degrees 55 minutes 20  
 149.15 seconds East from the point of beginning; thence South 80 degrees 55 minutes 20 seconds  
 149.16 West 70 feet, more or less, to the point of beginning.

149.17 (d) The Department of Natural Resources has determined that the land is not needed for  
 149.18 natural resource purposes and that the state's land management interests would best be  
 149.19 served if the land were returned to private ownership.

149.20 **Sec. 20. LEASE; TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

149.21 (a) Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary,  
 149.22 St. Louis County may lease the tax-forfeited lands described in paragraph (b) for  
 149.23 consideration of more than \$50,000 per year and for a period exceeding 25 years to support  
 149.24 new capital investment to support business expansion in the port.

149.25 (b) The lands to be leased are located in St. Louis County and are described as:

149.26 (1) that part of Out Lot Q described as follows: Commencing at the intersection of the  
 149.27 extended center line of 50th Avenue West the United States government dock line as now  
 149.28 established running thence North along said extended center line of 50th Avenue West a  
 149.29 distance of 1261 feet; thence southerly parallel with the southwesterly line of Lesure Street  
 149.30 to intersection with the said dock line; thence westerly along said dock line to place of  
 149.31 beginning (parcel number: 010-0130-00310) except public waters; and

149.32 (2) that part of Out Lots Q and R as follows: Commencing at the intersection of extended  
 149.33 center line of 50th Avenue West and the United States government dock line running thence  
 149.34 North along said extended center line of 50th Avenue West 1261 feet to the place of

150.1 beginning; thence southerly parallel with the southwest line of Lesure Street to intersection  
150.2 with said dock line; thence easterly along said dock line to a point 550 feet southwesterly  
150.3 from said southwesterly line of Lesure Street measured at right angles thereto; thence  
150.4 northwesterly parallel with said southwestern line of Lesure Street to said extended center  
150.5 line of said 50th Avenue West thence southerly along center line to place of beginning,  
150.6 excluding the railroad right-of-way (parcel number: 010-0130-00320) except public waters.

150.7 Sec. 21. **EXCHANGE OF STATE LAND; ST. LOUIS COUNTY.**

150.8 Subdivision 1. **Authority.** (a) Notwithstanding Minnesota Statutes, section 92.461, and  
150.9 the riparian restrictions in Minnesota Statutes, section 94.342, subdivision 3, the  
150.10 commissioner of natural resources may, with the approval of the Land Exchange Board, as  
150.11 required under the Minnesota Constitution, article XI, section 10, and according to the  
150.12 remaining provisions of Minnesota Statutes, sections 94.342 to 94.347, exchange the land  
150.13 described in paragraph (c).

150.14 (b) The conveyance must be in a form approved by the commissioner. The commissioner  
150.15 may make necessary changes to the legal description to correct errors and ensure accuracy.

150.16 (c) The state lands that may be conveyed are located in St. Louis County and are described  
150.17 as:

150.18 (1) Section 6, Township 53 North, Range 17 West;

150.19 (2) the Northeast Quarter of Section 29, Township 54 North, Range 17 West;

150.20 (3) the South Half of Section 30, Township 54 North, Range 17 West;

150.21 (4) the Northwest Quarter of Section 31, Township 54 North, Range 17 West; and

150.22 (5) Section 36, Township 54 North, Range 18 West.

150.23 (d) The state land administered by the commissioner of natural resources borders Jenkins  
150.24 Creek in portions of Sections 30 and 31 of Township 54 North, Range 17 West and includes  
150.25 approximately 210 feet of water frontage on Nichols Lake on Lot 7 of Section 6, Township  
150.26 53 North, Range 17 West. The private land to be exchanged is forest land. While the  
150.27 exchange proposal does not provide at least equal opportunity for access to waters by the  
150.28 public, the land to be acquired by the commissioner in the exchange will increase the total  
150.29 riparian frontage of future state-administered lands and improve access to adjacent state  
150.30 forest lands.

150.31 Subd. 2. **Exchange for greater than substantially equal value.** (a) Notwithstanding  
150.32 Minnesota Statutes, section 94.343, subdivisions 3 and 5, or any other law to the contrary,

151.1 the commissioner shall require the exchange partner to exchange lands or a combination of  
151.2 lands and money valued in the amount of at least 125 percent of the state land referenced  
151.3 in subdivision 1, paragraph (c), in determining whether the proposal is in the best interests  
151.4 of the school trust.

151.5 (b) Any money received under this subdivision shall be deposited in the permanent  
151.6 school fund pursuant to Minnesota Statutes, section 127A.32.

151.7 Sec. 22. **PRIVATE SALE OF LAND; ST. LOUIS COUNTY.**

151.8 (a) Notwithstanding the public sale and competitive bidding provisions of Minnesota  
151.9 Statutes, chapter 373, or other law to the contrary, St. Louis County may sell by private sale  
151.10 the fee owned lands described in paragraph (b).

151.11 (b) The lands to be sold are located in St. Louis County and are described as:

151.12 (1) the Southeast Quarter of the Northeast Quarter of Section 26, Township 54 North,  
151.13 Range 18 West of the 4th Principal Meridian; and

151.14 (2) the Northeast Quarter of the Southeast Quarter of Section 25, Township 54 North,  
151.15 Range 18 West of the 4th Principal Meridian.

151.16 (c) St. Louis County has determined that county interests are best served by sale of these  
151.17 parcels.

151.18 Sec. 23. **EFFECTIVE DATE.**

151.19 This article is effective the day following final enactment.

151.20 **ARTICLE 6**  
151.21 **STRENGTHEN MINNESOTA HOMES**

151.22 Section 1. **[65A.298] HOMEOWNER'S INSURANCE; FORTIFIED PROGRAM**  
151.23 **STANDARDS.**

151.24 Subdivision 1. **Definitions.** (a) For purposes of this section, the following term has the  
151.25 meaning given.

151.26 (b) "Insurable property" means a residential property designated as meeting the Fortified  
151.27 program standards as administered by the Insurance Institute for Business and Home Safety  
151.28 (IBHS).

152.1 Subd. 2. **Fortified new property.** (a) An insurer must provide a premium discount or  
152.2 an insurance rate reduction to an owner who builds or locates a new insurable property in  
152.3 Minnesota.

152.4 (b) An owner of insurable property claiming a premium discount or rate reduction under  
152.5 this subdivision must submit a certificate issued by IBHS showing proof of compliance  
152.6 with the Fortified program standards to the insurer prior to receiving the premium discount  
152.7 or rate reduction.

152.8 Subd. 3. **Fortified existing property.** (a) An insurer must provide a premium discount  
152.9 or insurance rate reduction to an owner who retrofits an existing property to meet the  
152.10 requirements to be an insurable property in Minnesota.

152.11 (b) An owner of insurable property claiming a premium discount or rate reduction under  
152.12 this subdivision must submit a certificate issued by IBHS showing proof of compliance  
152.13 with the Fortified program standards to the insurer prior to receiving the premium discount  
152.14 or rate reduction.

152.15 Subd. 4. **Insurers.** (a) An insurer must submit to the commissioner actuarially justified  
152.16 rates and a rating plan for a person who builds or locates a new insurable property in  
152.17 Minnesota.

152.18 (b) An insurer must submit to the commissioner actuarially justified rates and a rating  
152.19 plan for a person who retrofits an existing property to meet the requirements to be an  
152.20 insurable property.

152.21 (c) An insurer may offer, in addition to the premium discount and insurance rate  
152.22 reductions required under subdivisions 2 and 3, more generous mitigation adjustments to  
152.23 an owner of insurable property.

152.24 (d) Any premium discount, rate reduction, or mitigation adjustment offered by an insurer  
152.25 under this section applies only to policies that include wind coverage and may be applied  
152.26 (1) only to the portion of the premium for wind coverage or; (2) for the total premium, if  
152.27 the insurer does not separate the premium for wind coverage in the insurer's rate filing.

152.28 Sec. 2. **[65A.299] STRENGTHEN MINNESOTA HOMES PROGRAM.**

152.29 Subdivision 1. **Short title.** This section may be cited as the "Strengthen Minnesota  
152.30 Homes Act."

152.31 Subd. 2. **Definitions.** (a) For purposes of this section, the terms in this subdivision have  
152.32 the meanings given.



153.1 (b) "Insurable property" has the meaning given in section 65A.298, subdivision 1.

153.2 (c) "Program" means the Strengthen Minnesota Homes program established under this  
153.3 section.

153.4 Subd. 3. **Program established; purpose, permitted activities.** The Strengthen Minnesota  
153.5 Homes program is established within the Department of Commerce. The purpose of the  
153.6 program is to provide grants to retrofit insurable property to resist loss due to common  
153.7 perils, including but not limited to tornadoes or other catastrophic windstorm events.

153.8 Subd. 4. **Strengthen Minnesota homes account; appropriation.** (a) A strengthen  
153.9 Minnesota homes account is created as a separate account in the special revenue fund of  
153.10 the state treasury. The account consists of money provided by law and any other money  
153.11 donated, allotted, transferred, or otherwise provided to the account. Earnings, including  
153.12 interest, dividends, and any other earnings arising from assets of the account, must be  
153.13 credited to the account. Money remaining in the account at the end of a fiscal year does not  
153.14 cancel to the general fund and remains in the account until expended. The commissioner  
153.15 must manage the account.

153.16 (b) Money in the account is appropriated to the commissioner to pay for (1) grants issued  
153.17 under the program, and (2) the reasonable costs incurred by the commissioner to administer  
153.18 the program.

153.19 Subd. 5. **Use of grants.** (a) A grant under this section must be used to retrofit an insurable  
153.20 property.

153.21 (b) Grant money provided under this section must not be used for maintenance or repairs,  
153.22 but may be used in conjunction with repairs or reconstruction necessitated by damage from  
153.23 wind or hail.

153.24 (c) A project funded by a grant under this section must be completed within three months  
153.25 of the date the grant is approved. Failure to complete the project in a timely manner may  
153.26 result in forfeiture of the grant.

153.27 Subd. 6. **Applicant eligibility.** The commissioner must develop (1) administrative  
153.28 procedures to implement this section, and (2) criteria used to determine whether an applicant  
153.29 is eligible for a grant under this section.

153.30 Subd. 7. **Contractor eligibility; conflicts of interest.** (a) To be eligible to work as a  
153.31 contractor on a project funded by a grant under this section, the contractor must meet all of  
153.32 the following program requirements and must maintain a current copy of all certificates,

- 154.1 licenses, and proof of insurance coverage with the program office. The eligible contractor  
154.2 must:
- 154.3 (1) hold a valid residential building contractor and residential remodeler license issued  
154.4 by the commissioner of labor and industry;
- 154.5 (2) not be subject to disciplinary action by the commissioner of labor and industry;
- 154.6 (3) hold any other valid state or jurisdictional business license or work permits required  
154.7 by law;
- 154.8 (4) possess an in-force general liability policy with \$1,000,000 in liability coverage;
- 154.9 (5) possess an in-force workers' compensation policy with \$1,000,000 in coverage;
- 154.10 (6) possess a certificate of compliance from the commissioner of revenue;
- 154.11 (7) successfully complete the Fortified Roof for High Wind and Hail training provided  
154.12 by the IBHS or IBHS's successor and maintain an active certification and provide a certificate  
154.13 of successful completion. The training may be offered as separate courses;
- 154.14 (8) agree to the terms and successfully register as a vendor with the commissioner of  
154.15 management and budget and receive direct deposit of payment for mitigation work performed  
154.16 under the program;
- 154.17 (9) maintain Internet access and keep a valid email address on file with the program and  
154.18 remain active in the commissioner of management and budget's vendor and supplier portal  
154.19 while working on the program;
- 154.20 (10) maintain an active email address for the communication with the program;
- 154.21 (11) successfully complete the program training; and
- 154.22 (12) agree to follow program procedures and rules established under this section and by  
154.23 the commissioner.
- 154.24 (b) An eligible contractor must not have a financial interest, other than payment on  
154.25 behalf of the homeowner, in any project for which the eligible contractor performs work  
154.26 toward a fortified designation under the program. An eligible contractor is prohibited from  
154.27 acting as the evaluator for a fortified designation on any project funded by the program. An  
154.28 eligible contractor must report to the commissioner regarding any potential conflict of  
154.29 interest before work commences on any job funded by the program.
- 154.30 Subd. 8. Evaluator eligibility; conflicts of interest. (a) To be eligible to work on the  
154.31 program as an evaluator, the evaluator must meet all program eligibility requirements and

155.1 must submit to the commissioner and maintain a copy of all current certificates and licenses.

155.2 The evaluator must:

155.3 (1) be in good standing with IBHS and maintain an active certification as a fortified  
155.4 home evaluator for high wind and hail or a successor certification;

155.5 (2) possess a Minnesota business license and be registered with the secretary of state;

155.6 and

155.7 (3) successfully complete the program training.

155.8 (b) An evaluator must not have a financial interest in any project that the evaluator  
155.9 inspects for designation purposes for the program. An evaluator must not be an eligible  
155.10 contractor or supplier of any material, product, or system installed in any home that the  
155.11 evaluator inspects for designation purposes for the program. An evaluator must not be a  
155.12 sales agent for any home being designated for the program. An evaluator must inform the  
155.13 commissioner of any potential conflict of interest impacting the evaluator's participation in  
155.14 the program.

155.15 Subd. 9. **Grant approval; allocation.** (a) The commissioner must review all applications  
155.16 for completeness and must perform appropriate audits to verify (1) the accuracy of the  
155.17 information on the application, and (2) that the applicant meets all eligibility rules. All  
155.18 verified applicants must be placed in the order the application was received. Grants must  
155.19 be awarded on a first-come, first-served basis, subject to availability of money for the  
155.20 program.

155.21 (b) When a grant is approved, an approval letter must be sent to the applicant.

155.22 (c) An eligible contractor is prohibited from beginning work until a grant is approved.

155.23 (d) In order to ensure equitable distribution of grants in proportion to the income  
155.24 demographics in counties where the program is made available, grant applications must be  
155.25 accepted on a first-come, first-served basis. The commissioner may establish pilot projects  
155.26 as needed to establish a sustainable program distribution system in any geographic area  
155.27 within Minnesota.

155.28 Subd. 10. **Grant award process; release of grant money.** (a) After a grant application  
155.29 is approved, the eligible contractor selected by the homeowner may begin the mitigation  
155.30 work.

155.31 (b) Once the mitigation work is completed, the eligible contractor must submit a copy  
155.32 of the signed contract to the commissioner, along with an invoice seeking payment and an  
155.33 affidavit stating the fortified standards were met by the work.

156.1 (c) The IBHS evaluator must conduct all required evaluations, including a required  
156.2 interim inspection during construction and the final inspection, and must confirm that the  
156.3 work was completed according to the mitigation specifications.

156.4 (d) Grant money must be released on behalf of an approved applicant only after a fortified  
156.5 designation certificate has been issued for the home. The program or another designated  
156.6 entity must, on behalf of the homeowner, directly pay the eligible contractor that performed  
156.7 the mitigation work. The program or the program's designated entity must pay the eligible  
156.8 contractor the costs covered by the grant. The homeowner must pay the eligible contractor  
156.9 for the remaining cost after receiving an IBHS fortified certificate.

156.10 (e) The program must confirm that the homeowner's insurer provides the appropriate  
156.11 premium credit.

156.12 (f) The program must conduct random reinspections to detect any fraud and must submit  
156.13 any irregularities to the attorney general.

156.14 Subd. 11. **Limitations.** (a) This section does not create an entitlement for property  
156.15 owners or obligate the state of Minnesota to pay for residential property in Minnesota to be  
156.16 inspected or retrofitted. The program under this section is subject to legislative appropriations,  
156.17 the receipt of federal grants or money, or the receipt of other sources of grants or money.  
156.18 The department may obtain grants or other money from the federal government or other  
156.19 funding sources to support and enhance program activities.

156.20 (b) All mitigation under this section is contingent upon securing all required local permits  
156.21 and applicable inspections to comply with local building codes and applicable Fortified  
156.22 program standards. A mitigation project receiving a grant under this section is subject to  
156.23 random reinspection at a later date.

156.24 **ARTICLE 7**

156.25 **ENERGY POLICY**

156.26 Section 1. **[16B.312] CONSTRUCTION MATERIALS; ENVIRONMENTAL**  
156.27 **ANALYSIS.**

156.28 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
156.29 the meanings given.

156.30 (b) "Carbon steel" means steel in which the main alloying element is carbon and whose  
156.31 properties are chiefly dependent on the percentage of carbon present.

156.32 (c) "Commissioner" means the commissioner of administration.

157.1 (d) "Electric arc furnace" means a furnace that produces molten alloy metal and heats  
157.2 the charge materials with electric arcs from carbon electrodes.

157.3 (e) "Eligible material" means:

157.4 (1) carbon steel rebar;

157.5 (2) structural steel;

157.6 (3) concrete; or

157.7 (4) asphalt paving mixtures.

157.8 (f) "Eligible project" means:

157.9 (1) new construction of a state building larger than 50,000 gross square feet of occupied  
157.10 or conditioned space;

157.11 (2) renovation of more than 50,000 gross square feet of occupied or conditioned space  
157.12 in a state building whose renovation cost exceeds 50 percent of the building's assessed value;  
157.13 or

157.14 (3) new construction or reconstruction of two or more lane-miles of a trunk highway.

157.15 (g) "Environmental product declaration" means a supply chain specific type III  
157.16 environmental product declaration that:

157.17 (1) contains a material production lifecycle assessment of the environmental impacts of  
157.18 manufacturing a specific product by a specific firm, including the impacts of extracting and  
157.19 producing the raw materials and components that compose the product;

157.20 (2) is verified by a third party; and

157.21 (3) meets the ISO 14025 standard developed and maintained by the International  
157.22 Organization for Standardization (ISO).

157.23 (h) "Global warming potential" has the meaning given in section 216H.10, subdivision  
157.24 6.

157.25 (i) "Greenhouse gas" has the meaning given to "statewide greenhouse gas emissions"  
157.26 in section 216H.01, subdivision 2.

157.27 (j) "Integrated steel production" means the production of iron and subsequently steel  
157.28 primarily from iron ore or iron ore pellets.

158.1 (k) "Lifecycle" means an analysis that includes the environmental impacts of all stages  
158.2 of a specific product's production, from mining and processing the product's raw materials  
158.3 to the process of manufacturing the product.

158.4 (l) "Rebar" means a steel reinforcing bar or rod encased in concrete.

158.5 (m) "Secondary steel production" means the production of steel from primarily ferrous  
158.6 scrap and other metallic inputs that are melted and refined in an electric arc furnace.

158.7 (n) "State building" means a building owned by the state of Minnesota or a Minnesota  
158.8 state agency.

158.9 (o) "Structural steel" means steel that is classified by the shape of the steel's  
158.10 cross-sections, such as I, T, and C shapes.

158.11 (p) "Supply chain specific" means an environmental product declaration that includes  
158.12 specific data for the production processes of the materials and components composing a  
158.13 product that contribute at least 80 percent of the product's material production lifecycle  
158.14 global warming potential, as defined in ISO standard 21930.

158.15 Subd. 2. **Standard; maximum global warming potential.** (a) The commissioner shall,  
158.16 after reviewing the recommendations from the Environmental Standards Procurement Task  
158.17 Force made under subdivision 5, paragraph (c), establish and publish a maximum acceptable  
158.18 global warming potential for each eligible material used in an eligible project, in accordance  
158.19 with the following schedule:

158.20 (1) for concrete used in buildings, no later than January 15, 2026; and

158.21 (2) for carbon steel rebar and structural steel and, after conferring with the commissioner  
158.22 of transportation, for asphalt paving mixtures and concrete pavement, no later than January  
158.23 15, 2028.

158.24 (b) The commissioner shall, after considering nationally or internationally recognized  
158.25 databases of environmental product declarations for an eligible material, establish the  
158.26 maximum acceptable global warming potential for the eligible material.

158.27 (c) The commissioner may set different maximum global warming potentials for different  
158.28 specific products and subproduct categories that are examples of the same eligible material  
158.29 based on distinctions between eligible material production and manufacturing processes,  
158.30 such as integrated versus secondary steel production.

158.31 (d) The commissioner must establish maximum global warming potentials that are  
158.32 consistent with criteria in an environmental product declaration.

159.1 (e) Not later than three years after establishing the maximum global warming potential  
159.2 for an eligible material under paragraph (a) and not longer than every three years thereafter  
159.3 the commissioner, after conferring with the commissioner of transportation with respect to  
159.4 asphalt paving mixtures and concrete pavement, shall review the maximum acceptable  
159.5 global warming potential for each eligible material and for specific eligible material products.  
159.6 The commissioner may adjust any of the values downward to reflect industry improvements  
159.7 if, based on the process described in paragraph (b), the commissioner determines the industry  
159.8 average has declined.

159.9 Subd. 3. **Procurement process.** The Department of Administration and the Department  
159.10 of Transportation shall, after reviewing the recommendations of the Environmental Standards  
159.11 Procurement Task Force made under subdivision 5, paragraph (c), establish processes for  
159.12 incorporating the maximum allowable global warming potential of eligible materials into  
159.13 bidding processes by the effective dates listed in subdivision 2. The Department of  
159.14 Administration and the Department of Transportation shall also incorporate a preference  
159.15 for materials mined, made, or assembled in Minnesota into the bidding processes.

159.16 Subd. 4. **Pilot program.** (a) No later than July 1, 2024, the Department of Administration  
159.17 must establish a pilot program that seeks to obtain from vendors an estimate of the material  
159.18 production lifecycle greenhouse gas emissions of products selected by the departments from  
159.19 among those procured. The pilot program must encourage, but may not require, a vendor  
159.20 to submit the following data for each selected product that represents at least 90 percent of  
159.21 the total cost of the materials or components composing the selected product:

159.22 (1) the quantity of the product purchased by the department;

159.23 (2) a current environmental product declaration for the product;

159.24 (3) the name and location of the product's manufacturer;

159.25 (4) a copy of the vendor's Supplier Code of Conduct, if any;

159.26 (5) the names and locations of the product's actual production facilities; and

159.27 (6) an assessment of employee working conditions at the product's production facilities.

159.28 (b) The Department of Administration must construct or provide access to a publicly  
159.29 accessible database, which shall be posted on the department's website and contain the data  
159.30 reported to the department under this subdivision.

159.31 Subd. 5. **Environmental Standards Procurement Task Force.** (a) No later than October  
159.32 1, 2023, the commissioners of administration and transportation must establish an  
159.33 Environmental Standards Procurement Task Force to examine issues surrounding the

160.1 implementation of a program requiring vendors of certain construction materials purchased  
160.2 by the state to:

160.3 (1) submit environmental product declarations that assess the material production lifecycle  
160.4 environmental impacts of the materials to state officials as part of the procurement process;  
160.5 and

160.6 (2) meet standards established by the commissioner of administration that limit  
160.7 greenhouse gas emissions impacts of the materials.

160.8 (b) The task force must examine, at a minimum, the following:

160.9 (1) which construction materials should be subject to the program requirements and  
160.10 which construction materials should be considered to be added, including lumber, aluminum,  
160.11 glass, and insulation;

160.12 (2) what factors should be considered in establishing greenhouse gas emissions standards,  
160.13 including distinctions between eligible material production and manufacturing processes,  
160.14 such as integrated versus secondary steel production;

160.15 (3) a schedule for the development of standards for specific materials and for  
160.16 incorporating the standards into the purchasing process, including distinctions between  
160.17 eligible material production and manufacturing processes;

160.18 (4) the development and use of financial incentives to reward vendors for developing  
160.19 products whose greenhouse gas emissions are below the standards;

160.20 (5) the provision of grants to defer a vendor's cost to obtain environmental product  
160.21 declarations;

160.22 (6) how to ensure that lowering environmental product declaration values does not  
160.23 negatively impact the durability or longevity of construction materials or built structures;

160.24 (7) how the issues in clauses (1) to (5) are addressed by existing programs in other states  
160.25 and countries;

160.26 (8) coordinating with the federal Buy Clean Task Force established under Executive  
160.27 Order 14057 and representatives of the United States Departments of Commerce, Energy,  
160.28 Housing and Urban Development, and Transportation; Environmental Protection Agency;  
160.29 General Services Administration; White House Office of Management and Budget; and the  
160.30 White House Domestic Climate Policy Council; and

160.31 (9) any other issues the task force deems relevant.



- 161.1 (c) The task force shall make recommendations to the commissioners of administration  
161.2 and transportation regarding:
- 161.3 (1) how to implement requirements that maximum global warming impacts for eligible  
161.4 materials be integrated into the bidding process for eligible projects;
- 161.5 (2) incentive structures that can be included in bidding processes to encourage the use  
161.6 of materials whose global warming potential is below the maximum established under  
161.7 subdivision 2;
- 161.8 (3) how a successful bidder for a contract notifies the commissioner of the specific  
161.9 environmental product declaration for a material used on a project;
- 161.10 (4) a process for waiving the requirements to procure materials below the maximum  
161.11 global warming potential resulting from product supply problems, geographic  
161.12 impracticability, or financial hardship;
- 161.13 (5) a system for awarding grants to manufacturers of eligible materials located in  
161.14 Minnesota to offset the cost of obtaining environmental product declarations or otherwise  
161.15 collect environmental product declaration data from manufacturers based in Minnesota;
- 161.16 (6) whether to use an industry average or a different method to set the maximum allowable  
161.17 global warming potential, or whether that average could be used for some materials but not  
161.18 others;
- 161.19 (7) how to create and manage a database for environmental product declaration data that  
161.20 is consistent with data governance procedures of the departments and is compatible for data  
161.21 sharing with other states and federal agencies;
- 161.22 (8) how to account for differences among geographical regions with respect to the  
161.23 availability of covered materials, fuel and other necessary resources, and the quantity of  
161.24 covered materials that the department uses or plans to use; and
- 161.25 (9) any other items task force deems necessary in order to implement this section.
- 161.26 (d) Members of the task force must include but are not limited to representatives of:
- 161.27 (1) the Departments of Administration and Transportation;
- 161.28 (2) the Center for Sustainable Building Research at the University of Minnesota;
- 161.29 (3) the Aggregate and Ready Mix Association of Minnesota;
- 161.30 (4) the Concrete Paving Association of Minnesota;
- 161.31 (5) the Minnesota Asphalt Pavement Association;

- 162.1 (6) the Minnesota Board of Engineering;
- 162.2 (7) a representative of the Minnesota iron mining industry;
- 162.3 (8) building and transportation construction firms;
- 162.4 (9) suppliers of eligible materials;
- 162.5 (10) organized labor in the construction trades;
- 162.6 (11) organized labor in the manufacturing or industrial sectors;
- 162.7 (12) environmental advocacy organizations; and
- 162.8 (13) environmental justice organizations.
- 162.9 (e) The Department of Administration must provide meeting space and serve as staff to
- 162.10 the task force.
- 162.11 (f) The commissioner of administration or the commissioner's designee shall serve as
- 162.12 chair of the task force. The task force must meet at least four times annually and may convene
- 162.13 additional meetings at the call of the chair.
- 162.14 (g) The commissioner of administration shall summarize the findings and
- 162.15 recommendations of the task force in a report submitted to the chairs and ranking minority
- 162.16 members of the senate and house of representatives committees with primary jurisdiction
- 162.17 over state government, transportation, and energy no later than December 1, 2025, and
- 162.18 annually thereafter for as long as the task force continues its operations.
- 162.19 (h) The task force is subject to section 15.059, subdivision 6.
- 162.20 (i) The task force expires on January 1, 2029.
- 162.21 **Subd. 6. Environmental product declarations; grant program. A grant program is**
- 162.22 **established in the Department of Administration to award grants to manufacturers to assist**
- 162.23 **in obtaining environmental product declarations or in otherwise collecting environmental**
- 162.24 **product declaration data from manufacturers in Minnesota. The commissioner of**
- 162.25 **administration shall develop procedures for processing grant applications and making grant**
- 162.26 **awards. Grant applicants must submit an application to the commissioner on a form**
- 162.27 **prescribed by the commissioner. The commissioner shall act as fiscal agent for the grant**
- 162.28 **program and is responsible for receiving and reviewing grant applications and awarding**
- 162.29 **grants under this subdivision.**
- 162.30 **EFFECTIVE DATE. This section is effective the day following final enactment.**

163.1 Sec. 2. Minnesota Statutes 2022, section 16B.325, subdivision 2, is amended to read:

163.2 Subd. 2. **Lowest possible cost; energy conservation.** The guidelines must:

163.3 (1) focus on achieving the lowest possible lifetime cost, considering both construction  
163.4 and operating costs, for new buildings and major renovations, ~~and~~;

163.5 (2) allow for ~~changes in the guidelines~~ revisions that encourage continual energy  
163.6 conservation improvements in new buildings and major renovations. ~~The guidelines shall;~~

163.7 (3) define "major renovations" for purposes of this section. ~~The definition may not allow~~  
163.8 ~~"major renovations"~~ to encompass not less than 10,000 square feet or ~~to encompass not~~ not less  
163.9 than the replacement of the mechanical, ventilation, or cooling system of ~~the~~ a building or  
163.10 a building section of the building. ~~The design guidelines must;~~

163.11 (4) establish sustainability guidelines that include air quality and lighting standards and  
163.12 that create and maintain a healthy environment and facilitate productivity improvements;

163.13 (5) establish resiliency guidelines to encourage design that allows buildings to adapt to  
163.14 and accommodate projected climate-related changes that are reflected in both acute events  
163.15 and chronic trends, including but not limited to changes in temperature and precipitation  
163.16 levels;

163.17 (6) specify ways to reduce material costs; and ~~must~~

163.18 (7) consider the long-term operating costs of the building, including the use of renewable  
163.19 energy sources and distributed electric energy generation that uses a renewable source or  
163.20 natural gas or a fuel that is as clean or cleaner than natural gas.

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

163.22 Sec. 3. Minnesota Statutes 2022, section 16B.58, is amended by adding a subdivision to  
163.23 read:

163.24 Subd. 9. **Electric vehicle charging.** A person that charges a privately owned electric  
163.25 vehicle at a charging station located within the Capitol area, as defined in section 15B.02,  
163.26 must pay an electric service fee established by the commissioner.

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

163.28 Sec. 4. Minnesota Statutes 2022, section 16C.135, subdivision 3, is amended to read:

163.29 Subd. 3. **Vehicle purchases.** (a) Consistent with section 16C.137, subdivision 1, when  
163.30 purchasing a motor vehicle for the enterprise fleet or for use by an agency, the commissioner

164.1 or the agency shall purchase a ~~motor vehicle that is capable of being powered by cleaner~~  
164.2 ~~fuels, or a motor vehicle powered by electricity or by a combination of electricity and liquid~~  
164.3 ~~fuel, if the total life-cycle cost of ownership is less than or comparable to that of other~~  
164.4 ~~vehicles and if the vehicle is capable~~ the motor vehicle according to the following vehicle  
164.5 preference order:

164.6 (1) an electric vehicle;

164.7 (2) a hybrid electric vehicle;

164.8 (3) a vehicle capable of being powered by cleaner fuels; and

164.9 (4) a vehicle powered by gasoline or diesel fuel.

164.10 (b) The commissioner may only reject a vehicle that is higher on the vehicle preference  
164.11 order if:

164.12 (1) the vehicle type is incapable of carrying out the purpose for which it is purchased;  
164.13 or

164.14 (2) the total life-cycle cost of ownership of a preferred vehicle type is more than ten  
164.15 percent higher than the next vehicle type on the vehicle preference order.

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

164.17 Sec. 5. Minnesota Statutes 2022, section 16C.137, subdivision 1, is amended to read:

164.18 Subdivision 1. **Goals and actions.** Each state department must, whenever legally,  
164.19 technically, and economically feasible, subject to the specific needs of the department and  
164.20 responsible management of agency finances:

164.21 (1) ensure that all new on-road vehicles ~~purchased~~, excluding emergency and law  
164.22 enforcement vehicles, are purchased in conformity with the vehicle preference order  
164.23 established in section 16C.135, subdivision 3;

164.24 ~~(i) use "cleaner fuels" as that term is defined in section 16C.135, subdivision 1;~~

164.25 ~~(ii) have fuel efficiency ratings that exceed 30 miles per gallon for city usage or 35 miles~~  
164.26 ~~per gallon for highway usage, including but not limited to hybrid electric cars and~~  
164.27 ~~hydrogen-powered vehicles; or~~

164.28 ~~(iii) are powered solely by electricity;~~

164.29 (2) increase its use of renewable transportation fuels, including ethanol, biodiesel, and  
164.30 hydrogen from agricultural products; and

165.1 (3) increase its use of web-based Internet applications and other electronic information  
165.2 technologies to enhance the access to and delivery of government information and services  
165.3 to the public, and reduce the reliance on the department's fleet for the delivery of such  
165.4 information and services.

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

165.6 Sec. 6. Minnesota Statutes 2022, section 116C.779, subdivision 1, is amended to read:

165.7 Subdivision 1. **Renewable development account.** (a) The renewable development  
165.8 account is established as a separate account in the special revenue fund in the state treasury.  
165.9 Appropriations and transfers to the account shall be credited to the account. Earnings, such  
165.10 as interest, dividends, and any other earnings arising from assets of the account, shall be  
165.11 credited to the account. Funds remaining in the account at the end of a fiscal year are not  
165.12 canceled to the general fund but remain in the account until expended. The account shall  
165.13 be administered by the commissioner of management and budget as provided under this  
165.14 section.

165.15 (b) On July 1, 2017, the public utility that owns the Prairie Island nuclear generating  
165.16 plant must transfer all funds in the renewable development account previously established  
165.17 under this subdivision and managed by the public utility to the renewable development  
165.18 account established in paragraph (a). Funds awarded to grantees in previous grant cycles  
165.19 that have not yet been expended and unencumbered funds required to be paid in calendar  
165.20 year 2017 under paragraphs (f) and (g), and sections 116C.7792 and 216C.41, are not subject  
165.21 to transfer under this paragraph.

165.22 (c) Except as provided in subdivision 1a, beginning January 15, 2018, and continuing  
165.23 each January 15 thereafter, the public utility that owns the Prairie Island nuclear generating  
165.24 plant must transfer to the renewable development account \$500,000 each year for each dry  
165.25 cask containing spent fuel that is located at the Prairie Island power plant for each year the  
165.26 plant is in operation, and \$7,500,000 each year the plant is not in operation if ordered by  
165.27 the commission pursuant to paragraph (i). The fund transfer must be made if nuclear waste  
165.28 is stored in a dry cask at the independent spent-fuel storage facility at Prairie Island for any  
165.29 part of a year.

165.30 (d) Except as provided in subdivision 1a, beginning January 15, 2018, and continuing  
165.31 each January 15 thereafter, the public utility that owns the Monticello nuclear generating  
165.32 plant must transfer to the renewable development account \$350,000 each year for each dry  
165.33 cask containing spent fuel that is located at the Monticello nuclear power plant for each  
165.34 year the plant is in operation, and \$5,250,000 each year the plant is not in operation if ordered

166.1 by the commission pursuant to paragraph (i). The fund transfer must be made if nuclear  
166.2 waste is stored in a dry cask at the independent spent-fuel storage facility at Monticello for  
166.3 any part of a year.

166.4 (e) Each year, the public utility shall withhold from the funds transferred to the renewable  
166.5 development account under paragraphs (c) and (d) the amount necessary to pay its obligations  
166.6 under paragraphs (f) and (g), and sections 116C.7792 and 216C.41, for that calendar year.

166.7 (f) If the commission approves a new or amended power purchase agreement, the  
166.8 termination of a power purchase agreement, or the purchase and closure of a facility under  
166.9 section 216B.2424, subdivision 9, with an entity that uses poultry litter to generate electricity,  
166.10 the public utility subject to this section shall enter into a contract with the city in which the  
166.11 poultry litter plant is located to provide grants to the city for the purposes of economic  
166.12 development on the following schedule: \$4,000,000 in fiscal year 2018; \$6,500,000 each  
166.13 fiscal year in 2019 and 2020; and \$3,000,000 in fiscal year 2021. The grants shall be paid  
166.14 by the public utility from funds withheld from the transfer to the renewable development  
166.15 account, as provided in paragraphs (b) and (e).

166.16 (g) If the commission approves a new or amended power purchase agreement, or the  
166.17 termination of a power purchase agreement under section 216B.2424, subdivision 9, with  
166.18 an entity owned or controlled, directly or indirectly, by two municipal utilities located north  
166.19 of Constitutional Route No. 8, that was previously used to meet the biomass mandate in  
166.20 section 216B.2424, the public utility that owns a nuclear generating plant shall enter into a  
166.21 grant contract with such entity to provide \$6,800,000 per year for five years, commencing  
166.22 30 days after the commission approves the new or amended power purchase agreement, or  
166.23 the termination of the power purchase agreement, and on each June 1 thereafter through  
166.24 2021, to assist the transition required by the new, amended, or terminated power purchase  
166.25 agreement. The grant shall be paid by the public utility from funds withheld from the transfer  
166.26 to the renewable development account as provided in paragraphs (b) and (e).

166.27 (h) The collective amount paid under the grant contracts awarded under paragraphs (f)  
166.28 and (g) is limited to the amount deposited into the renewable development account, and its  
166.29 predecessor, the renewable development account, established under this section, that was  
166.30 not required to be deposited into the account under Laws 1994, chapter 641, article 1, section  
166.31 10.

166.32 (i) After discontinuation of operation of the Prairie Island nuclear plant or the Monticello  
166.33 nuclear plant and each year spent nuclear fuel is stored in dry cask at the discontinued  
166.34 facility, the commission shall require the public utility to pay \$7,500,000 for the discontinued

167.1 Prairie Island facility and \$5,250,000 for the discontinued Monticello facility for any year  
167.2 in which the commission finds, by the preponderance of the evidence, that the public utility  
167.3 did not make a good faith effort to remove the spent nuclear fuel stored at the facility to a  
167.4 permanent or interim storage site out of the state. This determination shall be made at least  
167.5 every two years.

167.6 (j) Funds in the account may be expended only for any of the following purposes:

167.7 (1) to stimulate research and development of renewable electric energy technologies;

167.8 (2) to encourage grid modernization, including, but not limited to, projects that implement  
167.9 electricity storage, load control, and smart meter technology; and

167.10 (3) to stimulate other innovative energy projects that reduce demand and increase system  
167.11 efficiency and flexibility.

167.12 Expenditures from the fund must benefit Minnesota ratepayers receiving electric service  
167.13 from the utility that owns a nuclear-powered electric generating plant in this state or the  
167.14 Prairie Island Indian community or its members.

167.15 The utility that owns a nuclear generating plant is eligible to apply for grants under this  
167.16 subdivision.

167.17 (k) For the purposes of paragraph (j), the following terms have the meanings given:

167.18 (1) "renewable" has the meaning given in section 216B.2422, subdivision 1, paragraph  
167.19 (c), clauses (1), (2), (4), and (5); and

167.20 (2) "grid modernization" means:

167.21 (i) enhancing the reliability of the electrical grid;

167.22 (ii) improving the security of the electrical grid against cyberthreats and physical threats;  
167.23 and

167.24 (iii) increasing energy conservation opportunities by facilitating communication between  
167.25 the utility and its customers through the use of two-way meters, control technologies, energy  
167.26 storage and microgrids, technologies to enable demand response, and other innovative  
167.27 technologies.

167.28 (l) A renewable development account advisory group that includes, among others,  
167.29 representatives of the public utility and its ratepayers, and includes at least one representative  
167.30 of the Prairie Island Indian community appointed by that community's tribal council, shall  
167.31 develop recommendations on account expenditures. The advisory group must design a  
167.32 request for proposal and evaluate projects submitted in response to a request for proposals.

168.1 The advisory group must utilize an independent third-party expert to evaluate proposals  
 168.2 submitted in response to a request for proposal, including all proposals made by the public  
 168.3 utility. A request for proposal for research and development under paragraph (j), clause (1),  
 168.4 may be limited to or include a request to higher education institutions located in Minnesota  
 168.5 for multiple projects authorized under paragraph (j), clause (1). The request for multiple  
 168.6 projects may include a provision that exempts the projects from the third-party expert review  
 168.7 and instead provides for project evaluation and selection by a merit peer review grant system.  
 168.8 In the process of determining request for proposal scope and subject and in evaluating  
 168.9 responses to request for proposals, the advisory group must strongly consider, where  
 168.10 reasonable;

168.11 (1) potential benefit to Minnesota citizens and businesses and the utility's ratepayers;  
 168.12 and

168.13 (2) the proposer's commitment to increasing the diversity of the proposer's workforce  
 168.14 and vendors.

168.15 (m) The advisory group shall submit funding recommendations to the public utility,  
 168.16 which has full and sole authority to determine which expenditures shall be submitted by  
 168.17 the advisory group to the legislature. The commission may approve proposed expenditures,  
 168.18 may disapprove proposed expenditures that it finds not to be in compliance with this  
 168.19 subdivision or otherwise not in the public interest, and may, if agreed to by the public utility,  
 168.20 modify proposed expenditures. The commission shall, by order, submit its funding  
 168.21 recommendations to the legislature as provided under paragraph (n).

168.22 (n) The commission shall present its recommended appropriations from the account to  
 168.23 the senate and house of representatives committees with jurisdiction over energy policy and  
 168.24 finance annually by February 15. Expenditures from the account must be appropriated by  
 168.25 law. In enacting appropriations from the account, the legislature:

168.26 (1) may approve or disapprove, but may not modify, the amount of an appropriation for  
 168.27 a project recommended by the commission; and

168.28 (2) may not appropriate money for a project the commission has not recommended  
 168.29 funding.

168.30 (o) A request for proposal for renewable energy generation projects must, when feasible  
 168.31 and reasonable, give preference to projects that are most cost-effective for a particular energy  
 168.32 source.



169.1 (p) The advisory group must annually, by February 15, report to the chairs and ranking  
169.2 minority members of the legislative committees with jurisdiction over energy policy on  
169.3 projects funded by the account for the prior year and all previous years. The report must,  
169.4 to the extent possible and reasonable, itemize the actual and projected financial benefit to  
169.5 the public utility's ratepayers of each project.

169.6 (q) By February 1, 2018, and each February 1 thereafter, the commissioner of  
169.7 management and budget shall submit a written report regarding the availability of funds in  
169.8 and obligations of the account to the chairs and ranking minority members of the senate  
169.9 and house committees with jurisdiction over energy policy and finance, the public utility,  
169.10 and the advisory group.

169.11 (r) A project receiving funds from the account must produce a written final report that  
169.12 includes sufficient detail for technical readers and a clearly written summary for nontechnical  
169.13 readers. The report must include an evaluation of the project's financial, environmental, and  
169.14 other benefits to the state and the public utility's ratepayers. A project receiving funds from  
169.15 the account must submit a report that meets the requirements of section 216C.51, subdivisions  
169.16 3 and 4, each year the project funded by the account is in progress.

169.17 (s) Final reports, any mid-project status reports, and renewable development account  
169.18 financial reports must be posted online on a public website designated by the commissioner  
169.19 of commerce.

169.20 (t) All final reports must acknowledge that the project was made possible in whole or  
169.21 part by the Minnesota renewable development account, noting that the account is financed  
169.22 by the public utility's ratepayers.

169.23 (u) Of the amount in the renewable development account, priority must be given to  
169.24 making the payments required under section 216C.417.

169.25 (v) Construction projects receiving funds from this account are subject to the requirement  
169.26 to pay the prevailing wage rate, as defined in section 177.42 and the requirements and  
169.27 enforcement provisions in sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45.

169.28 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
169.29 applies to construction contracts entered into on or after that date.

170.1 Sec. 7. Minnesota Statutes 2022, section 116C.7792, is amended to read:

170.2 **116C.7792 SOLAR ENERGY PRODUCTION INCENTIVE PROGRAM.**

170.3 (a) The utility subject to section 116C.779 shall operate a program to provide solar  
170.4 energy production incentives for solar energy systems of no more than a total aggregate  
170.5 nameplate capacity of 40 kilowatts alternating current per premise. The owner of a solar  
170.6 energy system installed before June 1, 2018, is eligible to receive a production incentive  
170.7 under this section for any additional solar energy systems constructed at the same customer  
170.8 location, provided that the aggregate capacity of all systems at the customer location does  
170.9 not exceed 40 kilowatts.

170.10 (b) The program is funded by money withheld from transfer to the renewable development  
170.11 account under section 116C.779, subdivision 1, paragraphs (b) and (e). Program funds must  
170.12 be placed in a separate account for the purpose of the solar energy production incentive  
170.13 program operated by the utility and not for any other program or purpose.

170.14 (c) Funds allocated to the solar energy production incentive program in 2019 and 2020  
170.15 remain available to the solar energy production incentive program.

170.16 (d) The following amounts are allocated to the solar energy production incentive program:

170.17 (1) \$10,000,000 in 2021;

170.18 (2) \$10,000,000 in 2022;

170.19 (3) ~~\$5,000,000~~ \$10,000,000 in 2023; and

170.20 (4) ~~\$5,000,000~~ \$15,000,000 in 2024.

170.21 (e) Of the amounts allocated under paragraph (d), clauses (3) and (4), half in each year  
170.22 must be reserved for solar energy systems owned and constructed by persons with limited  
170.23 financial resources.

170.24 ~~(e)~~ (f) Funds allocated to the solar energy production incentive program that have not  
170.25 been committed to a specific project at the end of a program year remain available to the  
170.26 solar energy production incentive program.

170.27 ~~(f)~~ (g) Any unspent amount remaining on January 1, ~~2025~~ 2028, must be transferred to  
170.28 the renewable development account.

170.29 ~~(g)~~ (h) A solar energy system receiving a production incentive under this section must  
170.30 be sized to less than 120 percent of the customer's on-site annual energy consumption when  
170.31 combined with other distributed generation resources and subscriptions provided under

171.1 section 216B.1641 associated with the premise. The production incentive must be paid for  
171.2 ten years commencing with the commissioning of the system.

171.3 ~~(h)~~ (i) The utility must file a plan to operate the program with the commissioner of  
171.4 commerce. The utility may not operate the program until it is approved by the commissioner.  
171.5 A change to the program to include projects up to a nameplate capacity of 40 kilowatts or  
171.6 less does not require the utility to file a plan with the commissioner. Any plan approved by  
171.7 the commissioner of commerce must not provide an increased incentive scale over prior  
171.8 years unless the commissioner demonstrates that changes in the market for solar energy  
171.9 facilities require an increase.

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

171.11 Sec. 8. **[116C.7793] SOLAR ENERGY; CONTINGENCY ACCOUNT.**

171.12 **Subdivision 1. Definitions.** (a) For the purposes of this section, the following terms have  
171.13 the meanings given.

171.14 (b) "Agency" means the Minnesota Pollution Control Agency.

171.15 (c) "Commissioner" means the commissioner of commerce.

171.16 (d) "Area C" means the site located west of Mississippi River Boulevard in St. Paul that  
171.17 served as an industrial waste dump for the former Ford Twin Cities Assembly Plant.

171.18 (e) "Corrective action determination" means a decision by the agency regarding actions  
171.19 to be taken to remediate contaminated soil and groundwater at Area C.

171.20 (f) "Owner" means the owner of the solar energy generating system planned to be  
171.21 deployed at Area C.

171.22 (g) "Solar energy generating system" has the meaning given in section 216E.01,  
171.23 subdivision 9a.

171.24 **Subd. 2. Account established.** (a) The Area C contingency account is established as a  
171.25 separate account in the special revenue fund in the state treasury. Transfers and appropriations  
171.26 to the account, and any earnings or dividends accruing to assets in the account, must be  
171.27 credited to the account. The commissioner shall serve as fiscal agent and shall manage the  
171.28 account.

171.29 (b) Money in the account is appropriated to the commissioner to make payments to an  
171.30 owner under this section.

172.1 Subd. 3. **Distribution of funds; conditions.** Money from the account may be distributed  
172.2 by the commissioner to the owner of a solar energy generating system planned to be deployed  
172.3 at Area C under the following conditions:

172.4 (1) the agency issues a corrective action determination after the owner has begun to  
172.5 design or construct the project, and the nature of the corrective action determination requires  
172.6 (i) the project to be redesigned, or (ii) construction to be interrupted or altered; or

172.7 (2) the agency issues a corrective action determination whose work plan requires  
172.8 temporary cessation or partial or complete removal of the solar energy generating system  
172.9 after it has become operational.

172.10 Subd. 4. **Distribution of funds; process.** (a) The owner may file a request for distribution  
172.11 of funds from the commissioner if either of the conditions in subdivision 3 occur. The filing  
172.12 must (1) describe the nature of the impact of the agency's work plan that results in economic  
172.13 losses to the owner, and (2) include a reasonable estimate of the amount of those losses.

172.14 (b) The owner must provide the commissioner with information the commissioner  
172.15 determines to be necessary to assist in the review of the filing required under this subdivision.

172.16 (c) The commissioner shall review the owner's filing within 60 days of submission and  
172.17 shall approve a request the commissioner determines is reasonable.

172.18 Subd. 5. **Expenditures.** Money distributed by the commissioner to the owner under this  
172.19 section may be used by the owner only to pay for:

172.20 (1) removal, storage, and transportation costs incurred for removal of the solar energy  
172.21 generating system or any associated infrastructure, and any costs to reinstall equipment;

172.22 (2) costs of redesign or new equipment or infrastructure made necessary by the activities  
172.23 of the agency's work plan;

172.24 (3) lost revenues resulting from the inability of the solar energy generating system to  
172.25 generate sufficient electricity to fulfill the terms of the power purchase agreement between  
172.26 the owner and the purchaser of electricity generated by the solar energy generating system;

172.27 (4) other damages incurred under the power purchase agreement resulting from the  
172.28 cessation of operations made necessary by the activities of the agency's work plan; and

172.29 (5) the cost of energy required to replace the energy that was to be generated by the solar  
172.30 energy generating system and purchased under the power purchase agreement.

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

173.1 Sec. 9. 123B.661] AIR VENTILATION PROGRAM ACT.

173.2 Sections 123B.661 to 123B.663 may be cited as the "Air Ventilation Program Act."

173.3 Sec. 10. 123B.662] DEFINITIONS.

173.4 Subdivision 1. General. For purposes of sections 123B.661 to 123B.663, the terms in  
173.5 this section have the meanings given unless the language or context clearly indicates that  
173.6 a different meaning is intended.

173.7 Subd. 2. ANSI. "ANSI" means American National Standards Institute.

173.8 Subd. 3. ASHRAE. "ASHRAE" means American Society of Heating Refrigeration Air  
173.9 Conditioning Engineers.

173.10 Subd. 4. Certified TAB technician. "Certified TAB technician" means a technician  
173.11 certified to perform testing, adjusting, and balancing of HVAC systems by the Associated  
173.12 Air Balance Council, National Environmental Balancing Bureau, or the Testing, Adjusting  
173.13 and Balancing Bureau.

173.14 Subd. 5. HVAC. "HVAC" means heating, ventilation, and air conditioning.

173.15 Subd. 6. Licensed professional engineer. "Licensed professional engineer" means a  
173.16 professional engineer licensed under sections 326.02 to 326.15 who holds an active license,  
173.17 is in good standing, and is not subject to any disciplinary or other actions with the Board  
173.18 of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and  
173.19 Interior Design.

173.20 Subd. 7. MERV. "MERV" means minimum efficiency reporting value established by  
173.21 ASHRAE Standard 52.2-2017 - Method of Testing General Ventilation Air-Cleaning Devices  
173.22 for Removal Efficiency by Particle Size.

173.23 Subd. 8. Program. "Program" means the air ventilation program.

173.24 Subd. 9. Program administrator. "Program administrator" means the commissioner  
173.25 of commerce or the commissioner's representative.

173.26 Subd. 10. Qualified adjusting personnel. "Qualified adjusting personnel" means one  
173.27 of the following:

173.28 (1) a certified TAB technician; or

173.29 (2) a skilled and trained workforce under the supervision of a certified TAB technician.

173.30 Subd. 11. Qualified testing personnel. "Qualified testing personnel" means one of the  
173.31 following:

174.1 (1) a certified TAB technician; or

174.2 (2) a skilled and trained workforce under the supervision of a certified TAB technician.

174.3 Subd. 12. **Registered apprenticeship program.** "Registered apprenticeship program"

174.4 means an apprenticeship program that is registered under chapter 178 or Code of Federal

174.5 Regulations, title 29, part 29.

174.6 Subd. 13. **Skilled and trained workforce.** "Skilled and trained workforce" means a

174.7 workforce in which at least 80 percent of the construction workers are either graduates of

174.8 a registered apprenticeship program for the applicable occupation or are registered as

174.9 apprentices in a registered apprenticeship program for the applicable occupation.

174.10 Subd. 14. **TAB.** "TAB" means testing, adjusting, and balancing of an HVAC system.

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

174.12 Sec. 11. **[123B.663] AIR VENTILATION PILOT PROGRAM GRANTS AND**

174.13 **GUIDELINES.**

174.14 Subdivision 1. **Grant program.** The Department of Commerce shall establish and

174.15 administer the air ventilation program to award grants to school boards to reimburse the

174.16 school boards for the following activities:

174.17 (1) completion of a heating, ventilation, and air conditioning assessment report;

174.18 (2) subsequent testing, adjusting balancing work performed as a result of assessment;

174.19 and

174.20 (3) ventilation equipment upgrades, replacements, or other measures recommended by

174.21 the assessment to improve health, safety, and HVAC system efficiency.

174.22 Subd. 2. **Grant awards.** (a) The program administrator shall award a grant if the school

174.23 board meets the following requirements:

174.24 (1) completes a heating, ventilation, and air conditioning assessment report by qualified

174.25 testing personnel or qualified adjusting personnel. The report must be verified by a licensed

174.26 professional engineer and include costs of adjustments or repairs necessary to meet minimum

174.27 ventilation and filtration requirements and determine whether any cost-effective energy

174.28 efficiency upgrades or replacements are warranted or recommended;

174.29 (2) all work required after conducting the assessment must be performed by a skilled

174.30 and trained workforce;

175.1 (3) upon completion of the work for which a school board is seeking reimbursement,  
175.2 the school board must conduct an HVAC verification report that includes the name and  
175.3 address of the school facility and individual or contractor preparing and certifying the report  
175.4 and a description of the assessment, maintenance, adjustment, repair, upgrade, and  
175.5 replacement activities and outcomes; and

175.6 (4) verification that the school board has complied with all requirements. Verification  
175.7 must include documentation that either MERV 13 filters have been installed or verification  
175.8 that the maximum MERV-rated filter that the system is able to effectively handle has been  
175.9 installed; documentation of the MERV rating; the verified ventilation rates for occupied  
175.10 areas of the school and whether those rates meet the requirements set forth in ANSI/ASHRAE  
175.11 Standard 62.1-2019, with an accompanying explanation for any ventilation rates that do not  
175.12 meet applicable requirements documenting why the current system is unable to meet  
175.13 requirements; the verified exhaust for occupied areas and whether those rates meet the  
175.14 requirements set forth in the system design intent; documentation of system deficiencies;  
175.15 recommendations for additional maintenance, replacement, or upgrades to improve energy  
175.16 efficiency, safety, or performance; documentation of initial operating verifications,  
175.17 adjustments, and final operating verifications; documentation of any adjustments or repairs  
175.18 performed; verification of installation of carbon dioxide monitors, including the make and  
175.19 model of monitors; and verification that all work has been performed by qualified personnel,  
175.20 including the contractor's name, certified TAB technician name and certification number,  
175.21 and verification that all construction work has been performed by a skilled and trained  
175.22 workforce.

175.23 (b) Grants shall be prioritized to give direct support to schools and school children in  
175.24 communities with high rates of poverty, as determined by receipt of federal Title I funding.

175.25 (c) Grants shall be awarded to reimburse schools for 50 percent of costs incurred for  
175.26 work performed under paragraph (a), clauses (1) to (3), with a maximum grant award of  
175.27 \$50,000.

175.28 (d) The school board shall maintain a copy of the HVAC verification report and make  
175.29 it available to students, parents, school personnel, and to any member of the public or the  
175.30 program administrator upon request.

175.31 Subd. 3. **Program guidelines and rules.** (a) The program administrator shall:

175.32 (1) adopt guidelines for the air ventilation program no later than March 1, 2024;

175.33 (2) establish the timing of grant funding; and

176.1 (3) ensure the air ventilation program is operating and may receive applications for  
176.2 grants no later than November 1, 2023, and begin to approve applications no later than  
176.3 January 1, 2024, subject to the availability of funds.

176.4 (b) The technical and reporting requirements of the air ventilation program may be  
176.5 amended by the program administrator as necessary to reflect current COVID-19 guidance  
176.6 or other applicable guidance, to achieve the intent of the air ventilation program, and to  
176.7 ensure consistency with other related requirements and codes.

176.8 (c) The program administrator may use no more than five percent of the program funds  
176.9 for administering the program, including providing technical support to program participants.

176.10 Sec. 12. Minnesota Statutes 2022, section 168.27, is amended by adding a subdivision to  
176.11 read:

176.12 Subd. 2a. **Dealer training; electric vehicles.** (a) A new motor vehicle dealer licensed  
176.13 under this chapter that operates under an agreement or franchise from a manufacturer and  
176.14 sells electric vehicles must maintain at least one employee who is certified as having  
176.15 completed a training course offered by a Minnesota motor vehicle dealership association  
176.16 that addresses at least the following elements:

176.17 (1) fundamentals of electric vehicles;

176.18 (2) electric vehicle charging options and costs;

176.19 (3) publicly available electric vehicle incentives;

176.20 (4) projected maintenance and fueling costs for electric vehicles;

176.21 (5) reduced tailpipe emissions, including greenhouse gas emissions, produced by electric  
176.22 vehicles;

176.23 (6) the impacts of Minnesota's cold climate on electric vehicle operation; and

176.24 (7) best practices to sell electric vehicles.

176.25 (b) For the purposes of this section, "electric vehicle" has the meaning given in section  
176.26 169.011, subdivision 26a, paragraphs (a) and (b), clause (3).

176.27 **EFFECTIVE DATE.** This section is effective January 1, 2024.

176.28 Sec. 13. Minnesota Statutes 2022, section 216B.16, subdivision 10, is amended to read:

176.29 Subd. 10. **Intervenor compensation.** (a) A nonprofit organization or an individual  
176.30 granted formal intervenor status by the commission is eligible to receive compensation.



177.1 (b) The commission may order a utility to compensate all or part of an eligible intervenor's  
177.2 reasonable costs of participation in a general rate case that comes before the commission  
177.3 when the commission finds that the intervenor has materially assisted the commission's  
177.4 deliberation and when a lack of compensation would present financial hardship to the  
177.5 intervenor. Compensation may not exceed \$50,000 for a single intervenor in any proceeding.  
177.6 For the purpose of this subdivision, "materially assisted" means that the intervenor's  
177.7 participation and presentation was useful and seriously considered, or otherwise substantially  
177.8 contributed to the commission's deliberations in the proceeding.

177.9 (c) In determining whether an intervenor has materially assisted the commission's  
177.10 deliberation, the commission must consider, among other factors, whether:

177.11 (1) the intervenor represented an interest that would not otherwise have been adequately  
177.12 represented;

177.13 (2) the evidence or arguments presented or the positions taken by the intervenor were  
177.14 an important factor in producing a fair decision;

177.15 (3) the intervenor's position promoted a public purpose or policy;

177.16 (4) the evidence presented, arguments made, issues raised, or positions taken by the  
177.17 intervenor would not have been a part of the record without the intervenor's participation;  
177.18 and

177.19 (5) the administrative law judge or the commission adopted, in whole or in part, a position  
177.20 advocated by the intervenor.

177.21 (d) In determining whether the absence of compensation would present financial hardship  
177.22 to the intervenor, the commission must consider:

177.23 (1) whether the costs presented in the intervenor's claim reflect reasonable fees for  
177.24 attorneys and expert witnesses and other reasonable costs; and

177.25 (2) the ratio between the costs of intervention and the intervenor's unrestricted funds.

177.26 (e) An intervenor seeking compensation must file a request and an affidavit of service  
177.27 with the commission, and serve a copy of the request on each party to the proceeding. The  
177.28 request must be filed 30 days after the later of (1) the expiration of the period within which  
177.29 a petition for rehearing, amendment, vacation, reconsideration, or reargument must be filed  
177.30 or (2) the date the commission issues an order following rehearing, amendment, vacation,  
177.31 reconsideration, or reargument.

177.32 (f) The compensation request must include:

- 178.1 (1) the name and address of the intervenor or representative of the nonprofit organization  
178.2 the intervenor is representing;
- 178.3 (2) proof of the organization's nonprofit, tax-exempt status;
- 178.4 (3) the name and docket number of the proceeding for which compensation is requested;
- 178.5 (4) a list of actual annual revenues and expenses of the organization the intervenor is  
178.6 representing for the preceding year and projected revenues, revenue sources, and expenses  
178.7 for the current year;
- 178.8 (5) the organization's balance sheet for the preceding year and a current monthly balance  
178.9 sheet;
- 178.10 (6) an itemization of intervenor costs and the total compensation request; and
- 178.11 (7) a narrative explaining why additional organizational funds cannot be devoted to the  
178.12 intervention.
- 178.13 (g) Within 30 days after service of the request for compensation, a party may file a  
178.14 response, together with an affidavit of service, with the commission. A copy of the response  
178.15 must be served on the intervenor and all other parties to the proceeding.
- 178.16 (h) Within 15 days after the response is filed, the intervenor may file a reply with the  
178.17 commission. A copy of the reply and an affidavit of service must be served on all other  
178.18 parties to the proceeding.
- 178.19 (i) If additional costs are incurred as a result of additional proceedings following the  
178.20 commission's initial order, the intervenor may file an amended request within 30 days after  
178.21 the commission issues an amended order. Paragraphs (e) to (h) apply to an amended request.
- 178.22 (j) The commission must issue a decision on intervenor compensation within 60 days  
178.23 of a filing by an intervenor.
- 178.24 (k) A party may request reconsideration of the commission's compensation decision  
178.25 within 30 days of the decision.
- 178.26 (l) If the commission issues an order requiring payment of intervenor compensation, the  
178.27 utility that was the subject of the proceeding must pay the compensation to the intervenor,  
178.28 and file with the commission proof of payment, within 30 days after the later of (1) the  
178.29 expiration of the period within which a petition for reconsideration of the commission's  
178.30 compensation decision must be filed or (2) the date the commission issues an order following  
178.31 reconsideration of its order on intervenor compensation.
- 178.32 (m) This subdivision is effective only after section 216B.631 expires.

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

179.2 Sec. 14. **[216B.1615] ELECTRIC VEHICLE DEPLOYMENT PROGRAM.**

179.3 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
179.4 the meanings given.

179.5 (b) "Battery exchange station" means a physical location deploying equipment that  
179.6 enables a used electric vehicle battery to be removed and exchanged for a fresh electric  
179.7 vehicle battery.

179.8 (c) "Electric vehicle" means any device or contrivance that transports persons or property  
179.9 and is capable of being powered by an electric motor drawing current from rechargeable  
179.10 storage batteries, fuel cells, or other portable sources of electricity. Electric vehicle includes  
179.11 but is not limited to:

179.12 (1) an electric vehicle, as defined in section 169.011, subdivision 26a;

179.13 (2) an electric-assisted bicycle, as defined in section 169.011, subdivision 27;

179.14 (3) an off-road vehicle, as defined in section 84.797, subdivision 7;

179.15 (4) a motorboat, as defined in section 86B.005, subdivision 9; or

179.16 (5) an aircraft, as defined in section 360.013, subdivision 37.

179.17 (d) "Electric vehicle charging station" means a physical location deploying equipment  
179.18 that:

179.19 (1) transfers electricity to an electric vehicle battery;

179.20 (2) dispenses hydrogen into an electric vehicle powered by a fuel cell;

179.21 (3) exchanges electric vehicle batteries; or

179.22 (4) provides other equipment used to charge or fuel electric vehicles.

179.23 (e) "Electric vehicle infrastructure" means electric vehicle charging stations and any  
179.24 associated machinery, equipment, and infrastructure necessary for a public utility to supply  
179.25 electricity or hydrogen to an electric vehicle charging station and to support electric vehicle  
179.26 operation.

179.27 (f) "Fuel cell" means a cell that converts the chemical energy of hydrogen directly into  
179.28 electricity through electrochemical reactions.

179.29 (g) "Government entity" means the state, a state agency, or a political subdivision, as  
179.30 defined in section 13.02, subdivision 11.

180.1 (h) "Public utility" has the meaning given in section 216B.02, subdivision 4.

180.2 Subd. 2. **Transportation electrification plan; contents.** (a) By November 1, 2023, and  
180.3 periodically as ordered by the commission, a public utility must file a transportation  
180.4 electrification plan with the commission that is designed to:

180.5 (1) maximize the overall benefits of electric vehicles and other electrified transportation  
180.6 while minimizing overall costs; and

180.7 (2) promote the:

180.8 (i) purchase of electric vehicles by the public utility's customers; and

180.9 (ii) deployment of electric vehicle infrastructure in the public utility's service territory.

180.10 (b) A transportation electrification plan may include but is not limited to the following  
180.11 elements:

180.12 (1) programs to educate and increase the awareness and benefits of electric vehicles and  
180.13 electric vehicle charging equipment among individuals, electric vehicle dealers, single-family  
180.14 and multifamily housing developers and property management companies, building owners  
180.15 and tenants, vehicle service stations, vehicle fleet owners and managers, and other potential  
180.16 users of electric vehicles;

180.17 (2) utility investments to support transportation electrification across all customer classes,  
180.18 including but not limited to investments to facilitate:

180.19 (i) the deployment of electric vehicles for personal and commercial use; customer-owned,  
180.20 third-party-owned, and utility-owned electric vehicle charging stations; electric vehicle  
180.21 infrastructure to support light-duty, medium-duty, and heavy-duty vehicle electrification;  
180.22 and other electric utility infrastructure needed to support transportation electrification;

180.23 (ii) widespread access to publicly available electric vehicle charging stations; and

180.24 (iii) the electrification of public transit and vehicle fleets owned or operated by a  
180.25 government entity;

180.26 (3) research and demonstration projects to increase access to electricity as a transportation  
180.27 fuel, minimize the system costs of electric transportation, and inform future transportation  
180.28 electrification plans;

180.29 (4) rate structures or programs that encourage electric vehicle charging that optimizes  
180.30 electric grid operation, including time-varying rates and charging optimization programs;

181.1 (5) programs to increase access to the benefits of electricity as a transportation fuel for  
181.2 low- or moderate-income customers and communities and in neighborhoods most affected  
181.3 by transportation-related air emissions;

181.4 (6) proposals to expedite commission consideration of program adjustments requested  
181.5 during the term of an approved transportation electrification plan; and

181.6 (7) proposals to share information and results from transportation electrification projects  
181.7 with stakeholders to promote effective electrification in all areas of the state.

181.8 Subd. 3. **Transportation electrification plan; review and implementation.** The  
181.9 commission may approve, modify, or reject a transportation electrification plan. When  
181.10 reviewing a transportation electrification plan, the commission must consider whether the  
181.11 programs, investments, and expenditures as a whole are reasonable and in the public interest,  
181.12 and are reasonably expected to:

181.13 (1) improve the operation of the electric grid;

181.14 (2) increase access to the use of electricity as a transportation fuel for all customers,  
181.15 including those in low- or moderate-income communities, rural communities, and  
181.16 communities most affected by emissions from the transportation sector;

181.17 (3) increase access to publicly available electric vehicle charging and destination charging  
181.18 for all types of electric vehicles;

181.19 (4) support the electrification of medium-duty and heavy-duty vehicles and associated  
181.20 charging infrastructure;

181.21 (5) reduce statewide greenhouse gas emissions, as defined in section 216H.01, and  
181.22 emissions of other air pollutants that impair the environment and public health;

181.23 (6) stimulate nonutility investment and the creation of skilled jobs;

181.24 (7) maximize the overall benefits of electric vehicles and other electrified transportation  
181.25 investments while minimizing overall costs;

181.26 (8) educate the public about the benefits of electric vehicles and related infrastructure;

181.27 (9) be transparent and incorporate reasonable public reporting of program activities,  
181.28 consistent with existing technology and data capabilities, to inform program design and  
181.29 commission policy with respect to electric vehicles;

181.30 (10) reasonably balance the benefits of ratepayer-funded investments in transportation  
181.31 electrification against impacts on utility rates; and

182.1 (11) appropriately balance the participation of public utilities and private enterprise in  
182.2 the market for transportation electrification and related services.

182.3 Subd. 4. **Cost recovery.** (a) Notwithstanding any other provision of this chapter, the  
182.4 commission may approve, with respect to any prudent and reasonable investments made or  
182.5 expenses incurred by a public utility to administer and implement a transportation  
182.6 electrification plan approved under subdivision 3:

182.7 (1) performance-based incentives or penalties;

182.8 (2) placing the capital investment in the public utility's rate base and allowing the public  
182.9 utility to earn a rate of return on the investment at:

182.10 (i) the public utility's average weighted cost of capital, including the rate of return on  
182.11 equity, approved by the commission in the public utility's most recent general rate case; or

182.12 (ii) another rate determined by the commission; or

182.13 (3) any other recovery mechanism that the commission determines is fair, reasonable,  
182.14 and supports the objectives of this section.

182.15 (b) Notwithstanding section 216B.16, subdivision 8, paragraph (a), clause (3), the  
182.16 commission must approve recovery costs for expenses reasonably incurred by a public  
182.17 utility to provide public advertisement as part of a transportation electrification plan approved  
182.18 by the commission under subdivision 3.

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

182.20 Sec. 15. **[216B.1616] ELECTRIC SCHOOL BUS DEPLOYMENT PROGRAM.**

182.21 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
182.22 the meanings given.

182.23 (b) "Battery exchange station" means a physical location deploying equipment that  
182.24 enables a used electric vehicle battery to be removed and exchanged for a fresh electric  
182.25 vehicle battery.

182.26 (c) "Electric school bus" means a passenger motor vehicle:

182.27 (1) primarily used to transport preprimary, primary, and secondary students;

182.28 (2) designed to carry a driver and more than ten passengers; and

182.29 (3) whose primary propulsion and accessory power technologies produce zero carbon  
182.30 emissions in day-to-day operations.

- 183.1 (d) "Electric utility" means a public utility or a consumer-owned utility, as defined in  
183.2 section 216B.2402, subdivision 2.
- 183.3 (e) "Electric vehicle" has the meaning given in section 169.011, subdivision 26a.
- 183.4 (f) "Electric vehicle charging station" means a physical location deploying equipment  
183.5 that provides electricity to charge a battery in an electric vehicle.
- 183.6 (g) "Electric vehicle infrastructure" means electric vehicle charging stations and any  
183.7 associated electric panels, machinery, equipment, and infrastructure necessary for an electric  
183.8 utility to supply electricity or hydrogen to an electric vehicle charging station and to support  
183.9 electric vehicle operation.
- 183.10 (h) "Electric vehicle service provider" means an organization that installs, maintains, or  
183.11 otherwise services a battery exchange station, electric vehicle infrastructure, or electric  
183.12 vehicle charging station.
- 183.13 (i) "Poor air quality" means:
- 183.14 (1) ambient air levels that air monitoring data reveals approach or exceed state or federal  
183.15 air quality standards or chronic health inhalation risk benchmarks for total suspended  
183.16 particulates, particulate matter less than ten microns wide (PM-10), particulate matter less  
183.17 than 2.5 microns wide (PM-2.5), sulfur dioxide, or nitrogen dioxide; or
- 183.18 (2) levels of asthma among children that significantly exceed the statewide average.
- 183.19 (j) "Prioritized school district" means:
- 183.20 (1) a school district listed in the Small Area Income and Poverty Estimates (SAIPE)  
183.21 School District Estimates as having 7.5 percent or more students living in poverty based on  
183.22 the most recent decennial United States census;
- 183.23 (2) a school district identified with locale codes "43-Rural: Remote" and "42-Rural:  
183.24 Distant" by the National Center for Education Statistics (NCES); or
- 183.25 (3) a Bureau of Indian Affairs funded school district and a school district that receives  
183.26 basic support payments under United States Code, title 20, section 7703(b)(1), for children  
183.27 who reside on Indian land.
- 183.28 (k) "Public utility" has the meaning given in section 216B.02, subdivision 4.
- 183.29 (l) "School" means a school that operates as part of an independent or special school  
183.30 district.
- 183.31 (m) "School bus" has the meaning given in section 169.011, subdivision 71.

184.1 (n) "School district" means an independent or special school district.

184.2 (o) "Transportation service provider" means a transportation service provider that provides  
184.3 student transportation services and that has a contract to provide transportation services to  
184.4 a school.

184.5 Subd. 2. **Establishment; purpose.** An electric school bus deployment program is  
184.6 established in the Department of Commerce. The purpose of the program is to provide grants  
184.7 to accelerate the deployment of electric school buses by school districts and to encourage  
184.8 schools to use vehicle electrification as a teaching tool that can be integrated into the school's  
184.9 curriculum.

184.10 Subd. 3. **Establishment of account.** An electric school bus program account is established  
184.11 in the special revenue fund. The account consists of money received provided by law,  
184.12 donated, allotted, transferred, or otherwise provided to the account. Earnings including  
184.13 interest, dividends, and any other earnings arising from assets of the account must be credited  
184.14 to the account. Except as otherwise provided in this subdivision, money deposited in the  
184.15 account remains in the account until June 30, 2027.

184.16 Subd. 4. **Appropriation; expenditures.** (a) Money in the account is appropriated to the  
184.17 commissioner and must be used only:

184.18 (1) for grant awards made under this section; and

184.19 (2) to pay the reasonable costs incurred by the department to administer this section,  
184.20 including the cost of providing technical assistance to school districts, electric utilities,  
184.21 electric vehicle service providers, or transportation service providers, including but not  
184.22 limited to grant writing assistance for applications for federal vehicle electrification programs.

184.23 (b) Grant awards made with funds in the account must be used only for:

184.24 (1) grants for the deployment of electric school buses by school districts; and

184.25 (2) reasonable costs related to technical assistance for electric school bus deployment  
184.26 program planning and preparing applications for federal vehicle electrification programs.

184.27 Subd. 5. **Eligible programs.** (a) An electric school bus deployment grant may be awarded  
184.28 to a school district, electric utility, electric vehicle service provider, or transportation service  
184.29 provider under this section only if the electric school bus deployment program that is the  
184.30 subject of the grant includes but is not limited to the following elements:



185.1 (1) a school district or transportation service provider may (i) purchase one or more  
185.2 electric school buses, or (ii) convert or repower fossil-fuel-powered school buses to be  
185.3 electric;

185.4 (2) the grant may be used for up to 75 percent of the cost the school district or  
185.5 transportation service provider incurs to (i) purchase one or more electric school buses, or  
185.6 (ii) convert or repower fossil-fuel-powered school buses to be electric;

185.7 (3) for prioritized school districts, the grant may be used for up to 95 percent of the cost  
185.8 the school district or transportation service provider incurs to (i) purchase one or more  
185.9 electric school buses, or (ii) convert or repower fossil-fuel-powered school buses to be  
185.10 electric;

185.11 (4) the grant may be used for up to 75 percent of the cost of deploying on the school  
185.12 district or transportation service provider's real property infrastructure required to operate  
185.13 electric school buses, including but not limited to battery exchange stations, electric vehicle  
185.14 infrastructure, or electric vehicle charging stations;

185.15 (5) for prioritized school districts, the grant may be used for up to 95 percent of the cost  
185.16 of deploying on the school district or transportation service provider's real property  
185.17 infrastructure required to operate electric school buses, including but not limited to battery  
185.18 exchange stations, electric vehicle infrastructure, or electric vehicle charging stations;

185.19 (6) at the request of a school district or transportation service provider, an electric utility  
185.20 may deploy on the school district or transportation service provider's real property electric  
185.21 vehicle infrastructure required to operate electric school buses; and

185.22 (7) the school district prioritizes the deployment of electric school buses in areas of the  
185.23 school district that serve disadvantaged students, disproportionately experience poor air  
185.24 quality, or are environmental justice areas as defined in section 216B.1691, subdivision 1,  
185.25 paragraph (e).

185.26 (b) A technical assistance grant may be awarded to a school district, electric utility,  
185.27 electric vehicle service provider, or transportation service provider under this section for  
185.28 the reasonable costs related to electric school bus deployment program planning and for  
185.29 preparing applications for federal vehicle electrification programs.

185.30 Subd. 6. **Application process.** (a) The commissioner must issue a request for proposals  
185.31 to school districts, electric utilities, electric vehicle service providers, and transportation  
185.32 service providers that may wish to apply for an electric bus deployment or technical assistance  
185.33 grant under this section on behalf of a school.

186.1 (b) A school district, electric utility, electric vehicle service provider, or transportation  
186.2 service provider must submit an application for an electric school bus deployment grant to  
186.3 the commissioner on behalf of a school district on a form prescribed by the commissioner.  
186.4 The form must include, at a minimum, the following information:

186.5 (1) the number of and description of the electric school buses the school district or  
186.6 transportation service provider intends to purchase;

186.7 (2) the total cost to purchase the electric school buses and the incremental cost, if any,  
186.8 of the electric school buses when compared with fossil-fuel-powered school buses;

186.9 (3) a copy of the proposed contract agreement between the school district, the electric  
186.10 utility, the electric vehicle service provider, or the transportation service provider that  
186.11 includes provisions addressing responsibility for maintenance of the electric school buses  
186.12 and the infrastructure required to operate electric school buses, including but not limited to  
186.13 battery exchange stations, electric vehicle infrastructure, or electric vehicle charging stations;

186.14 (4) whether the school district is also a prioritized school district;

186.15 (5) the areas of the school district that (i) serve disadvantaged students; (ii)  
186.16 disproportionately experience poor air quality, as measured by indicators such as the  
186.17 Minnesota Pollution Control Agency's air quality monitoring network, the Minnesota  
186.18 Department of Health's air quality and health monitoring, or any other indicators applicants  
186.19 choose to include; or (iii) are environmental justice areas as defined in section 216B.1691,  
186.20 subdivision 1, paragraph (e);

186.21 (6) the school district's plan, if any, to make the electric school buses serve as a visible  
186.22 learning tool for students, teachers, and visitors to the school, including how vehicle  
186.23 electrification may be integrated into the school district's curriculum;

186.24 (7) information that demonstrates the school district's level of need for financial assistance  
186.25 available under this section;

186.26 (8) information that demonstrates the school district's readiness to implement the project  
186.27 and to operate the electric school buses for no less than five years;

186.28 (9) with respect to the installation and operation of the infrastructure required to operate  
186.29 electric school buses, the willingness and ability of the electric vehicle service provider or  
186.30 the electric utility to:

186.31 (i) pay employees and contractors a prevailing wage rate, as defined in section 177.42,  
186.32 subdivision 6; and

187.1 (ii) adhere to the provisions of section 177.43; and

187.2 (10) any other information deemed relevant by the commissioner.

187.3 (c) A school district, electric utility, electric vehicle service provider, or transportation  
187.4 service provider must submit an application for a technical assistance grant to the  
187.5 commissioner on behalf of a school district on a form prescribed by the commissioner. The  
187.6 form must include, at a minimum, the following information:

187.7 (1) the name of the federal programs to which the applicants intend to apply;

187.8 (2) a description of the technical assistance the applicants need in order to complete the  
187.9 federal application; and

187.10 (3) any other information deemed relevant by the commissioner.

187.11 (d) The commissioner shall prioritize making grant awards to prioritized school districts.  
187.12 On an annual basis, when prioritized school districts have applied for a grant, the  
187.13 commissioner shall have as a goal awarding no less than 40 percent of the state's total grant  
187.14 award amount to prioritized school districts.

187.15 (e) The commissioner must administer an open application process under this section  
187.16 at least twice annually.

187.17 (f) The commissioner must develop administrative procedures governing the application  
187.18 and grant award process.

187.19 Subd. 7. **Technical assistance.** The commissioner must provide technical assistance to  
187.20 school districts to develop and execute projects under this section.

187.21 Subd. 8. **Grant payments.** The commissioner must award a grant from the account  
187.22 established under subdivision 3 to a school district, the electric utility, electric vehicle service  
187.23 provider, or transportation service provider for necessary costs associated with deployment  
187.24 of electric buses. The amount of the grant must be based on the commissioner's assessment  
187.25 of the school district's need for financial assistance. For each award, the amount of the grant,  
187.26 in combination with any federal vehicle electrification program awards to the school district,  
187.27 the electric utility, the electric vehicle service provider, or the transportation service provider,  
187.28 shall not exceed the cost of the applicant's proposed electric school buses, electric vehicle  
187.29 charging stations, and electric vehicle infrastructure.

187.30 Subd. 9. **Application deadline.** No application may be submitted under this section  
187.31 after December 31, 2032.

188.1 Subd. 10. **Reporting.** Beginning January 15, 2024, and each year thereafter until January  
188.2 15, 2034, the commissioner must report to the chairs and ranking minority members of the  
188.3 legislative committees with jurisdiction over energy regarding: (1) grants and amounts  
188.4 awarded to school districts under this section during the previous year; and (2) any remaining  
188.5 balances available under this section.

188.6 Subd. 11. **Cost recovery.** (a) Any prudent and reasonable investment made by any public  
188.7 utility on electric vehicle infrastructure installed on a school district's real property may be  
188.8 placed in the public utility's rate base and earn a rate of return, as determined by the  
188.9 commission.

188.10 (b) Notwithstanding any other provision of this chapter, the commission may approve  
188.11 a tariff mechanism to automatically adjust annual charges for prudent and reasonable  
188.12 investments made by a public utility on electric vehicle infrastructure installed on a school  
188.13 district's real property.

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

188.15 Sec. 16. Minnesota Statutes 2022, section 216B.1641, is amended to read:

188.16 **216B.1641 COMMUNITY SOLAR GARDEN.**

188.17 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this  
188.18 subdivision have the meanings given.

188.19 (b) "Landlord" has the meaning given in section 504B.001, subdivision 7.

188.20 (c) "Residential tenant" has the meaning given in section 504B.001, subdivision 12.

188.21 (d) "Subscriber" means a retail customer who contracts for one or more subscriptions  
188.22 for a community solar garden interconnected with the retail customer's utility.

188.23 (e) "Subscription" means a contract between a subscriber and the owner of a community  
188.24 solar garden.

188.25 Subd. 2. **Solar garden program.** (a) The public utility subject to section 116C.779 shall  
188.26 file by September 30, 2013, a plan with the commission to operate a community solar garden  
188.27 program which shall begin operations within 90 days after commission approval of the plan.  
188.28 Other public utilities may file an application at their election. The community solar garden  
188.29 program must be designed to offset the energy use of not less than five subscribers in each  
188.30 community solar garden facility of which no single subscriber has more than a 40 percent  
188.31 interest. The owner of the community solar garden may be a public utility or any other entity  
188.32 or organization that contracts to sell the output from the community solar garden to the

189.1 utility under section 216B.164. There shall be no limitation on the number or cumulative  
189.2 generating capacity of community solar garden facilities other than the limitations imposed  
189.3 under section 216B.164, subdivision 4c, or other limitations provided in law or regulations.

189.4 (b) A solar garden is a facility that generates electricity by means of a ground-mounted  
189.5 or roof-mounted solar photovoltaic device whereby subscribers receive a bill credit for the  
189.6 electricity generated in proportion to the size of their subscription. The solar garden must  
189.7 have a nameplate capacity of no more than one megawatt. Each subscription shall be sized  
189.8 to represent at least 200 watts of the community solar garden's generating capacity and to  
189.9 supply, when combined with other distributed generation resources serving the premises,  
189.10 no more than 120 percent of the average annual consumption of electricity by each subscriber  
189.11 at the premises to which the subscription is attributed.

189.12 (c) The solar generation facility must be located in the service territory of the public  
189.13 utility filing the plan. Subscribers must be retail customers of the public utility ~~located in~~  
189.14 ~~the same county or a county contiguous to where the facility is located.~~

189.15 (d) The public utility must purchase from the community solar garden all energy generated  
189.16 by the solar garden. The purchase shall be at the rate calculated under section 216B.164,  
189.17 subdivision 10, or, until that rate for the public utility has been approved by the commission,  
189.18 the applicable retail rate. A solar garden is eligible for any incentive programs offered under  
189.19 section 116C.7792. A subscriber's portion of the purchase shall be provided by a credit on  
189.20 the subscriber's bill.

189.21 Subd. 3. Solar garden plan requirements. ~~(e)~~ (a) The commission may approve,  
189.22 disapprove, or modify a community solar garden ~~program~~ plan. Any plan approved by the  
189.23 commission must:

189.24 (1) reasonably allow for the creation, financing, and accessibility of community solar  
189.25 gardens;

189.26 (2) establish uniform standards, fees, and processes for the interconnection of community  
189.27 solar garden facilities that allow the utility to recover reasonable interconnection costs for  
189.28 each community solar garden;

189.29 (3) not apply different requirements to utility and nonutility community solar garden  
189.30 facilities;

189.31 (4) be consistent with the public interest;

189.32 (5) identify the information that must be provided to potential subscribers to ensure fair  
189.33 disclosure of future costs and benefits of subscriptions;

- 190.1 (6) include a program implementation schedule;
- 190.2 (7) identify all proposed rules, fees, and charges; ~~and~~
- 190.3 (8) identify the means by which the program will be promoted;
- 190.4 (9) require that participation by a subscriber must be strictly voluntary;
- 190.5 (10) prohibit a landlord from removing a residential tenant who is an existing retail
- 190.6 customer of the public utility from the utility account and subscribing to a community solar
- 190.7 garden on behalf of the tenant;
- 190.8 (11) ensure that contract terms are publicly available;
- 190.9 (12) allow subscribers to stop subscribing without charging a fee or other penalty-; and
- 190.10 (13) require an owner of a solar garden to submit a report that meets the requirements
- 190.11 of section 216C.51, subdivisions 3 and 4, each year the solar garden is in operation.
- 190.12 ~~(f)~~ (b) Notwithstanding any other law, neither the manager of nor the subscribers to a
- 190.13 community solar garden facility shall be considered a utility solely as a result of their
- 190.14 participation in the community solar garden facility.
- 190.15 ~~(g)~~ (c) Within 180 days of commission approval of a plan under this section, a utility
- 190.16 shall begin crediting subscriber accounts for each community solar garden facility in its
- 190.17 service territory, and shall file with the commissioner of commerce a description of its
- 190.18 crediting system.
- 190.19 ~~(h) For the purposes of this section, the following terms have the meanings given:~~
- 190.20 ~~(1) "subscriber" means a retail customer of a utility who owns one or more subscriptions~~
- 190.21 ~~of a community solar garden facility interconnected with that utility; and~~
- 190.22 ~~(2) "subscription" means a contract between a subscriber and the owner of a solar garden.~~
- 190.23 **Subd. 4. Low-income community solar gardens.** (a) The public utility subject to section
- 190.24 116C.779 must file by September 30, 2023, a plan with the commission to operate a
- 190.25 low-income community solar garden program in accordance with this subdivision, and must
- 190.26 begin operations within 90 days after commission approval of the plan. The program operated
- 190.27 under this subdivision:
- 190.28 (1) is subject to the other requirements of this section except as modified by this
- 190.29 subdivision;
- 190.30 (2) is limited in size to ten megawatts of solar photovoltaic capacity annually;

191.1 (3) must provide that renewable energy credits generated under the program are retained  
191.2 by the public utility; and

191.3 (4) must require the utility to purchase all energy generated by a low-income community  
191.4 solar garden. A subscriber's portion of the purchase shall be provided by a credit on the  
191.5 subscriber's bill at the average retail utility energy rate for the appropriate customer class.

191.6 (b) The owner of a solar project must apply to the utility to be designated as a low-income  
191.7 community solar garden before it is eligible to participate in the program. The utility must  
191.8 not designate a project a low-income community solar garden unless it is majority owned  
191.9 by a cooperative association, nonprofit organization, or federally recognized Indian Tribe.  
191.10 The utility may designate a project as a low-income community solar garden if the owner  
191.11 of the solar garden demonstrates it will meet the following conditions:

191.12 (1) the solar generation facilities of the solar garden meet the requirements of subdivision  
191.13 2, paragraph (b), except as modified by this paragraph;

191.14 (2) at least 50 percent of the solar garden's generating capacity is subscribed by residential  
191.15 customers;

191.16 (3) at least 25 percent of the solar garden's generating capacity is subscribed by residential  
191.17 customers whose household income:

191.18 (i) is 80 percent or less of the area median household income for the geographic area in  
191.19 which the low-income household is located, as calculated by the federal Department of  
191.20 Housing and Urban Development; or

191.21 (ii) meets the income eligibility standards, as determined by the commission, required  
191.22 for a household to receive financial assistance from a federal, state, municipal, or utility  
191.23 program administered or approved by the commission;

191.24 (4) eligible nonresidential subscribers consist of only the following, located on census  
191.25 tracts designated as low- or moderate-income by the federal Financial Institutions  
191.26 Examination Council:

191.27 (i) grocery stores;

191.28 (ii) clinics;

191.29 (iii) child care centers;

191.30 (iv) food shelves;

191.31 (v) libraries;

- 192.1 (vi) Tribal Nations;
- 192.2 (vii) shelters;
- 192.3 (viii) schools that are not enrolled in any other solar incentive program; or
- 192.4 (ix) houses of worship;
- 192.5 (5) the owner does not run credit score or credit history checks on residential subscribers;
- 192.6 (6) the solar garden has a nameplate capacity of no more than three megawatts alternating
- 192.7 current;
- 192.8 (7) the solar garden has no fewer than three subscribers and no subscriber accounts for
- 192.9 more than 40 percent of the solar garden's capacity;
- 192.10 (8) the solar garden is operated by an entity that maintains a physical address in Minnesota
- 192.11 and has designated a contact person in Minnesota who responds to subscriber inquiries; and
- 192.12 (9) the agreement between the owner of the solar garden and subscribers states that the
- 192.13 owner must adequately publicize and convene at least one in-person meeting annually to
- 192.14 provide an opportunity for subscribers to pose questions to the manager or owner.
- 192.15 Subd. 5. **New solar gardens must be low-income community solar gardens.** For
- 192.16 applications submitted after August 1, 2023, the public utility subject to section 116C.779
- 192.17 must not approve interconnection of new solar gardens or renew existing solar gardens for
- 192.18 inclusion in the community solar garden program unless the solar garden is accepted for
- 192.19 inclusion in the low-income community solar garden program under subdivision 4.
- 192.20 Subd. 6. **Low-income community solar gardens; reporting.** The owner of a low-income
- 192.21 community solar garden must include the following information in an annual report to the
- 192.22 low-income community solar garden subscribers and the utility:
- 192.23 (1) a description of the process by which subscribers may provide input regarding solar
- 192.24 garden policy and decision making;
- 192.25 (2) the amount of revenues received by the solar garden in the previous year that were
- 192.26 allocated to categories that include but are not limited to operating costs, debt service, profits
- 192.27 distributed to subscribers, and profits distributed to others;
- 192.28 (3) minutes from the most recent annual meeting; and
- 192.29 (4) the proportion of low- and moderate-income subscribers, and a description of how
- 192.30 the information was collected from subscribers and verified.



193.1 Subd. 7. **Noncompliance.** A low-income community solar garden that has begun  
 193.2 commercial operation must notify the commission in writing within 30 days if the solar  
 193.3 garden is not in compliance with subdivision 4, and must comply within 12 months or the  
 193.4 commission must revoke the solar garden's participation in the program. Nothing in this  
 193.5 subdivision prevents an owner from reapplying to participate in the program after revocation.

193.6 Sec. 17. Minnesota Statutes 2022, section 216B.1645, subdivision 4, is amended to read:

193.7 Subd. 4. ~~Settlement with Mdwakanton Dakota Tribal Council at~~ Payments to the  
 193.8 Prairie Island Indian Community. (a) The commission shall approve a rate schedule  
 193.9 providing for the automatic adjustment of charges to recover the costs or expenses of a  
 193.10 settlement between the public utility that owns the Prairie Island nuclear generation facility  
 193.11 and the ~~Mdwakanton Dakota Tribal Council~~ Prairie Island Indian Community at Prairie  
 193.12 Island, resolving outstanding disputes regarding the provisions of Laws 1994, chapter 641,  
 193.13 article 1, section 4. The settlement must provide for annual payments, not to exceed  
 193.14 \$2,500,000 annually, by the public utility to the Prairie Island Indian Community, to be  
 193.15 used for, among other purposes, acquiring ~~up to 1,500 contiguous or noncontiguous acres~~  
 193.16 ~~of land in Minnesota within 50 miles of the tribal community's reservation at Prairie Island~~  
 193.17 to be taken into trust by the federal government for the benefit of the tribal community for  
 193.18 housing and other residential purposes. The legislature acknowledges that the intent to  
 193.19 purchase land by the tribe for relocation purposes is part of the settlement agreement and  
 193.20 Laws 2003, First Special Session chapter 11. However, the state, through the governor,  
 193.21 reserves the right to support or oppose any particular application to place land in trust status.

193.22 (b) In addition to other payments provided under this section, the commission shall  
 193.23 approve a rate schedule providing for the automatic adjustment of charges to recover  
 193.24 payments under this paragraph. The public utility that owns the Prairie Island nuclear  
 193.25 generation facility must make annual payments to the Prairie Island Indian Community for  
 193.26 each dry cask or container containing spent fuel that is located at the Prairie Island power  
 193.27 plant for as long as the dry casks containing spent fuel are stored at the Prairie Island  
 193.28 Independent Spent Fuel Storage Installation. The payment per dry cask required under this  
 193.29 section is \$50,000 for each dry cask or container.

193.30 (c) In addition to other payments provided under this section, the commission shall  
 193.31 approve a rate schedule providing for the automatic adjustment of charges to recover  
 193.32 payments under this paragraph. The public utility that owns the Prairie Island nuclear  
 193.33 generation facility must make an annual lump sum payment to the Prairie Island Indian  
 193.34 Community in the amount of \$7,500,000 for each year the plant is in licensed operation.

194.1 (d) Paragraphs (b) and (c) apply only if the public utility that owns the Prairie Island  
194.2 nuclear generation facility enters into a new or amended settlement agreement with the  
194.3 Prairie Island Indian Community after the effective date of this section that resolves  
194.4 outstanding disputes regarding the extended operation of the Prairie Island nuclear generation  
194.5 facility. Payments required under those paragraphs are required only if and to the extent  
194.6 that they are required under the terms of the settlement. Payments made under this subdivision  
194.7 may be used by the Prairie Island Indian Community for any purpose benefitting the Prairie  
194.8 Island Indian Community.

194.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

194.10 Sec. 18. Minnesota Statutes 2022, section 216B.1691, subdivision 1, as amended by Laws  
194.11 2023, chapter 7, section 3, is amended to read:

194.12 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
194.13 the meaning given them.

194.14 (b) "Carbon-free" means a technology that generates electricity without emitting carbon  
194.15 dioxide.

194.16 (c) Unless otherwise specified in law, "eligible energy technology" means an energy  
194.17 technology that generates electricity from the following renewable energy sources:

194.18 (1) solar;

194.19 (2) wind;

194.20 (3) hydroelectric with a capacity of: (i) less than 100 megawatts; or (ii) 100 megawatts  
194.21 or more, provided that the facility is in operation as of the effective date of this act;

194.22 (4) hydrogen generated from the resources listed in this paragraph; or

194.23 (5) biomass, which includes, without limitation, wood waste and wood chip biomass;  
194.24 landfill gas; an anaerobic digester system; the predominantly organic components of  
194.25 wastewater effluent, sludge, or related by-products from publicly owned treatment works,  
194.26 but not including incineration of wastewater sludge to produce electricity; and, except as  
194.27 provided in subdivision 1a, an energy recovery facility used to capture the heat value of  
194.28 mixed municipal solid waste or refuse-derived fuel from mixed municipal solid waste as a  
194.29 primary fuel.

194.30 (d) "Electric utility" means: (1) a public utility providing electric service; (2) a generation  
194.31 and transmission cooperative electric association; (3) a municipal power agency; (4) a power

195.1 district; or (5) a cooperative electric association or municipal utility providing electric service  
195.2 that is not a member of an entity in clauses (2) to (4).

195.3 (e) "Environmental justice area" means an area in Minnesota that, based on the most  
195.4 recent data published by the United States Census Bureau, meets one or more of the following  
195.5 criteria:

195.6 (1) 40 percent or more of the area's total population is nonwhite;

195.7 (2) 35 percent or more of households in the area have an income that is at or below 200  
195.8 percent of the federal poverty level;

195.9 (3) 40 percent or more of the area's residents over the age of five have limited English  
195.10 proficiency; or

195.11 (4) the area is located within Indian country, as defined in United State Code, title 18,  
195.12 section 1151.

195.13 (f) "Total retail electric sales" means the kilowatt-hours of electricity sold in a year by  
195.14 an electric utility to retail customers of the electric utility or to a distribution utility for  
195.15 distribution to the retail customers of the distribution utility.

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

195.17 Sec. 19. Minnesota Statutes 2022, section 216B.1691, subdivision 2b, as amended by  
195.18 Laws 2023, chapter 7, section 6, is amended to read:

195.19 Subd. 2b. **Modification or delay of standard.** (a) The commission shall modify or delay  
195.20 the implementation of a standard obligation under subdivision 2a, 2f, or 2g, in whole or in  
195.21 part, if the commission determines that modifying or delaying the standard obligation is in  
195.22 the public interest. The commission, when evaluating a request to modify or delay  
195.23 implementation of a standard, must consider:

195.24 (1) the impact of implementing the standard on its customers' utility costs, including the  
195.25 economic and competitive pressure on the utility's customers;

195.26 (2) the environmental costs that would be incurred as a result of a delay or modification,  
195.27 based on the full range of environmental cost values established in section 216B.2422,  
195.28 subdivision 3;

195.29 (3) the effects of implementing the standard on the reliability of the electric system;

195.30 (4) technical advances or technical concerns;

196.1 (5) delays in acquiring sites or routes due to rejection or delays of necessary siting or  
196.2 other permitting approvals;

196.3 (6) delays, cancellations, or nondelivery of necessary equipment for construction or  
196.4 commercial operation of an eligible energy technology facility;

196.5 (7) transmission constraints preventing delivery of service;

196.6 (8) other statutory obligations imposed on the commission or a utility;

196.7 (9) impacts on environmental justice areas; and

196.8 (10) additional electric load from beneficial electrification and the greenhouse gas  
196.9 emissions savings associated with those loads as compared to serving the load with  
196.10 nonelectric energy sources.

196.11 For the purposes of this paragraph, "beneficial electrification" means the substitution of  
196.12 electricity for a fossil fuel, provided that the substitution meets at least one of the following  
196.13 conditions without adversely affecting either of the other two, as determined by the  
196.14 commission:

196.15 (i) saves a consumer money over the long run compared with continued use of the fossil  
196.16 fuel;

196.17 (ii) enables an electric utility to better manage the electric utility's electric grid network;  
196.18 or

196.19 (iii) reduces negative environmental impacts of fuel use, including but not limited to  
196.20 statewide greenhouse gas emissions.

196.21 (b) For a public utility, the commission may modify or delay implementation of a standard  
196.22 obligation under paragraph (a), clauses (1) to (4), only if ~~it~~ the commission finds  
196.23 implementation would cause significant rate impact, requires significant measures to address  
196.24 reliability, or raises significant technical issues. For a public utility, the commission may  
196.25 modify or delay implementation of a standard obligation under paragraph (a), clauses (5)  
196.26 to (7), only if ~~it~~ the commission finds that the circumstances described in ~~those~~ paragraph  
196.27 (a), clauses (5) to (7), were due to circumstances beyond ~~an electric~~ a public utility's control  
196.28 and make compliance ~~not feasible~~ infeasible.

196.29 (c) For an electric utility other than a public utility, the commission must modify or  
196.30 delay implementation of a standard obligation under paragraph (a), clauses (1) to (4), if the  
196.31 commission finds implementation would cause significant rate impact, requires significant  
196.32 measures to address reliability, or raises significant technical issues. For an electric utility

197.1 other than a public utility, the commission must modify or delay implementation of a standard  
 197.2 obligation under paragraph (a), clauses (5) to (7), if the commission finds that the  
 197.3 circumstances described in paragraph (a), clauses (5) to (7), were due to circumstances  
 197.4 beyond an electric utility's control and make compliance infeasible.

197.5 ~~(e)~~ (d) When evaluating transmission capacity constraints under paragraph (a), clause  
 197.6 (7), the commission must consider whether the utility has:

197.7 (1) taken reasonable measures that are under the utility's control and consistent with the  
 197.8 utility's obligations under local, state, and federal laws and regulations, and the utility's  
 197.9 obligations as a member of a regional transmission organization or independent system  
 197.10 operator, to acquire sites, necessary permit approvals, and necessary equipment to develop  
 197.11 and construct new transmission lines or upgrade existing transmission lines to transmit  
 197.12 electricity generated by eligible energy technologies; and

197.13 (2) taken all reasonable operational measures to maximize cost-effective electricity  
 197.14 delivery from eligible energy technologies in advance of transmission availability.

197.15 ~~(d)~~ (e) When considering whether to delay or modify implementation of a standard  
 197.16 obligation, the commission must give due consideration to a preference for electric generation  
 197.17 through use of eligible energy technology and to the achievement of the standards set by  
 197.18 this section.

197.19 ~~(e)~~ (f) An electric utility that requests a modification or delay to the implementation of  
 197.20 a standard must file a plan to comply with the electric utility's standard obligation as part  
 197.21 of the same proceeding in which the electric utility requests the modification or delay.

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

197.23 Sec. 20. Minnesota Statutes 2022, section 216B.1691, subdivision 2e, as amended by  
 197.24 Laws 2023, chapter 7, section 8, is amended to read:

197.25 Subd. 2e. **Rate impact of standard compliance; report.** (a) Each electric utility must  
 197.26 submit to the commission and the legislative committees with primary jurisdiction over  
 197.27 energy policy a report containing an estimation of the rate impact of activities of the electric  
 197.28 utility necessary to comply with this section. In consultation with the Department of  
 197.29 Commerce, the commission shall determine a uniform reporting system to ensure that  
 197.30 individual utility reports are consistent and comparable, and shall, by order, require each  
 197.31 electric utility subject to this section to use that reporting system. The rate impact estimate  
 197.32 must be for wholesale rates and, if the electric utility makes retail sales, the estimate shall  
 197.33 also be for the impact on the electric utility's retail rates. Those activities include, without

198.1 limitation, energy purchases, generation facility acquisition and construction, and  
198.2 transmission improvements. A report must be updated and submitted as part of each  
198.3 integrated resource plan or plan modification filed by the electric utility under section  
198.4 216B.2422. The reporting obligation of an electric utility under this subdivision expires  
198.5 December 31, 2040.

198.6 (b) In addition to the reporting required by paragraph (a), by April 1 of each year each  
198.7 electric utility must submit to the chairs and ranking minority members of the house of  
198.8 representatives and senate committees and divisions with jurisdiction over energy a report  
198.9 containing information about the reliability of electric service provided to customers and  
198.10 rates paid by customers during the year covered by the report compared to the three years  
198.11 prior to the reporting year.

198.12 Sec. 21. Minnesota Statutes 2022, section 216B.1691, is amended by adding a subdivision  
198.13 to read:

198.14 Subd. 2h. **Distributed solar energy standard.** (a) In addition to the other requirements  
198.15 of this section, for the public utility subject to section 116C.779, at least three percent of  
198.16 the utility's total retail electric sales to customers in Minnesota by the end of 2030 must be  
198.17 generated by solar photovoltaic devices:

198.18 (1) with a nameplate capacity of ten megawatts or less connected to the utility's  
198.19 distribution system;

198.20 (2) that are located in the service territory of the public utility; and

198.21 (3) that were constructed or procured after August 1, 2023.

198.22 (b) Generation with a nameplate capacity of 100 kilowatts or more does not count toward  
198.23 compliance with the standard established in this subdivision unless the public utility verifies  
198.24 that construction trades workers who constructed the generation resource were all paid no  
198.25 less than the prevailing wage rate, as defined in section 177.42.

198.26 (c) The public utility subject to section 116C.779 may own no more than 30 percent of  
198.27 the solar photovoltaic capacity used to satisfy the requirements of this subdivision.

198.28 (d) Compensation for solar photovoltaic projects procured to satisfy the standard  
198.29 established in this subdivision must be determined based on a competitive procurement  
198.30 process and standard contracts approved by the commission.

198.31 (e) After January 1, 2031, the commission may use the authority in subdivision 2b to  
198.32 increase or decrease the standard obligation established in paragraph (a). Prior to that date,

199.1 the commission may modify or delay the implementation of that standard obligation, in  
199.2 whole or in part, in accordance with subdivision 2b.

199.3 (f) An integrated distribution plan filed by a utility subject to this subdivision must  
199.4 describe investments in the distribution grid that facilitate the interconnection of sufficient  
199.5 distribution-connected solar energy to fulfill the requirements of this subdivision.

199.6 Sec. 22. Minnesota Statutes 2022, section 216B.17, subdivision 1, is amended to read:

199.7 Subdivision 1. **Investigation.** On its the commission's own motion or upon a complaint  
199.8 made against any public utility; by the governing body of any political subdivision, by  
199.9 another public utility, by the department, or by any 50 consumers of the a particular utility,  
199.10 or by a complainant under section 216B.172 that any of the rates, tolls, tariffs, charges, or  
199.11 schedules or any joint rate or any regulation, measurement, practice, act, or omission affecting  
199.12 or relating to the production, transmission, delivery, or furnishing of natural gas or electricity  
199.13 or any service in connection therewith is in any respect unreasonable, insufficient, or unjustly  
199.14 discriminatory, or that any service is inadequate or cannot be obtained, the commission  
199.15 shall proceed, with notice, to make such investigation as it may deem necessary. The  
199.16 commission may dismiss any complaint without a hearing if in its opinion a hearing is not  
199.17 in the public interest.

199.18 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
199.19 applies to any complaint filed with the commission on or after that date.

199.20 Sec. 23. **[216B.172] CONSUMER DISPUTES.**

199.21 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
199.22 the meanings given.

199.23 (b) "Appeal" means a request a complainant files with the commission to review and  
199.24 make a final decision regarding the resolution of the complainant's complaint by the consumer  
199.25 affairs office.

199.26 (c) "Complainant" means an individual residential customer who files with the consumer  
199.27 affairs office a complaint against a public utility.

199.28 (d) "Complaint" means an allegation submitted to the consumer affairs office by a  
199.29 complainant that a public utility's action or practice regarding billing or terms and conditions  
199.30 of service:

199.31 (1) violates a statute, rule, tariff, service contract, or other provision of law;

200.1 (2) is unreasonable; or

200.2 (3) has harmed or, if not addressed, harms a complainant.

200.3 Complaint does not include an objection to or a request to modify any natural gas or  
200.4 electricity rate contained in a tariff that has been approved by the commission. A complaint  
200.5 under this section is an informal complaint under Minnesota Rules, chapter 7829.

200.6 (e) "Consumer affairs office" means the staff unit of the commission that is organized  
200.7 to receive and respond to complaints.

200.8 (f) "Informal proceeding" has the meaning given in Minnesota Rules, part 7829.0100,  
200.9 subpart 8.

200.10 (g) "Public assistance" has the meaning given in section 550.37, subdivision 14.

200.11 (h) "Public utility" has the meaning given in section 216B.02, subdivision 4.

200.12 Subd. 2. **Complaint resolution procedure.** A complainant must first attempt to resolve  
200.13 a dispute with a public utility by filing a complaint with the consumer affairs office. The  
200.14 consumer affairs office must: (1) notify the complainant of the resolution of the complaint;  
200.15 and (2) provide written notice of (i) the complainant's right to appeal the resolution to the  
200.16 commission, and (ii) the steps the complainant may take to appeal the resolution. Upon  
200.17 request, the consumer affairs office must provide to the complainant a written notice  
200.18 containing the substance of and basis for the resolution. Nothing in this section affects any  
200.19 other rights existing under this chapter or other law.

200.20 Subd. 3. **Appeal; final commission decision.** (a) If a complainant is not satisfied with  
200.21 the resolution of a complaint by the consumer affairs office, the complainant may file an  
200.22 appeal with the commission requesting that the commission make a final decision on the  
200.23 complaint. The commission's response to an appeal filed under this subdivision must comply  
200.24 with the notice requirements under section 216B.17, subdivisions 2 to 5.

200.25 (b) Upon the commission's receipt of an appeal filed under paragraph (a), the chair of  
200.26 the commission or a subcommittee delegated under section 216A.03, subdivision 8, to  
200.27 review the resolution of the complaint must decide whether the complaint be:

200.28 (1) dismissed because there is no reasonable basis on which to proceed;

200.29 (2) resolved through an informal commission proceeding; or

200.30 (3) referred to the Office of Administrative Hearings for a contested case proceeding  
200.31 under chapter 14.



201.1 A decision made under this paragraph must be provided in writing to the complainant and  
201.2 the public utility.

201.3 (c) If the commission decides that the complaint be resolved through an informal  
201.4 proceeding before the commission or referred to the Office of Administrative Hearings for  
201.5 a contested case proceeding, the executive secretary must issue any procedural schedules,  
201.6 notices, or orders required to initiate an informal proceeding or a contested case.

201.7 (d) The commission's dismissal of an appeal request or a decision rendered after  
201.8 conducting an informal proceeding is a final decision constituting an order or determination  
201.9 of the commission.

201.10 Subd. 4. **Judicial review.** Notwithstanding section 216B.27, a complainant may seek  
201.11 judicial review in district court of an adverse final decision under subdivision 3, paragraph  
201.12 (b), clause (1) or (2). Judicial review of the commission's decision in a contested case referred  
201.13 under subdivision 3, paragraph (b), clause (3), is governed by chapter 14.

201.14 Subd. 5. **Right to service during pendency of dispute.** A public utility must continue  
201.15 or promptly restore service to a complainant during the pendency of an administrative or  
201.16 judicial procedure pursued by a complainant under this section, provided that the  
201.17 complainant:

201.18 (1) agrees to enter into a payment agreement under section 216B.098, subdivision 3;

201.19 (2) posts the full disputed payment in escrow;

201.20 (3) demonstrates receipt of public assistance or eligibility for legal aid services; or

201.21 (4) demonstrates the complainant's household income is at or below 50 percent of the  
201.22 median income in Minnesota.

201.23 Subd. 6. **Rulemaking authority.** The commission may adopt rules to carry out the  
201.24 purposes of this section.

201.25 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
201.26 applies to any complaint filed with the commission on or after that date.

201.27 Sec. 24. Minnesota Statutes 2022, section 216B.2422, subdivision 2, is amended to read:

201.28 Subd. 2. **Resource plan filing and approval.** (a) A utility shall file a resource plan with  
201.29 the commission periodically in accordance with rules adopted by the commission. The  
201.30 commission shall approve, reject, or modify the plan of a public utility, as defined in section  
201.31 216B.02, subdivision 4, consistent with the public interest.

202.1 (b) In the resource plan proceedings of all other utilities, the commission's order shall  
202.2 be advisory and the order's findings and conclusions shall constitute prima facie evidence  
202.3 which may be rebutted by substantial evidence in all other proceedings. With respect to  
202.4 utilities other than those defined in section 216B.02, subdivision 4, the commission shall  
202.5 consider the filing requirements and decisions in any comparable proceedings in another  
202.6 jurisdiction.

202.7 (c) As a part of its resource plan filing, a utility shall include the least cost plan for  
202.8 meeting 50 and 75 percent of all energy needs from both new and refurbished generating  
202.9 facilities through a combination of conservation and renewable energy resources.

202.10 (d) A public utility must include distributed energy resources among the options  
202.11 considered in the public utility's resource plan filing.

202.12 Sec. 25. Minnesota Statutes 2022, section 216B.62, subdivision 3b, is amended to read:

202.13 Subd. 3b. **Assessment for department regional and national duties.** ~~(a)~~ In addition  
202.14 to other assessments in subdivision 3, the department may assess up to ~~\$500,000~~ \$1,000,000  
202.15 per fiscal year to perform the duties under section 216A.07, subdivision 3a, and to conduct  
202.16 analysis that assesses energy grid reliability at state, regional, and national levels. The  
202.17 amount in this subdivision shall be assessed to energy utilities in proportion to their respective  
202.18 gross operating revenues from retail sales of gas or electric service within the state during  
202.19 the last calendar year and shall be deposited into an account in the special revenue fund and  
202.20 is appropriated to the commissioner of commerce for the purposes of section 216A.07,  
202.21 subdivision 3a. An assessment made under this subdivision is not subject to the cap on  
202.22 assessments provided in subdivision 3 or any other law. For the purpose of this subdivision,  
202.23 an "energy utility" means public utilities, generation and transmission cooperative electric  
202.24 associations, and municipal power agencies providing natural gas or electric service in the  
202.25 state.

202.26 ~~(b) By February 1, 2023, the commissioner of commerce must submit a written report~~  
202.27 ~~to the chairs and ranking minority members of the legislative committees with primary~~  
202.28 ~~jurisdiction over energy policy. The report must describe how the department has used~~  
202.29 ~~utility grid assessment funding under paragraph (a) and must explain the impact the grid~~  
202.30 ~~assessment funding has had on grid reliability in Minnesota.~~

202.31 ~~(c) This subdivision expires June 30, 2023.~~

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

203.1 Sec. 26. [216B.631] COMPENSATION FOR PARTICIPANTS IN PROCEEDINGS.

203.2 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have  
203.3 the meanings given.

203.4 (b) "Participant" means a person who files comments or appears in a commission  
203.5 proceeding concerning one or more public utilities, excluding public hearings held in  
203.6 contested cases and commission proceedings conducted to receive general public comments.

203.7 (c) "Party" means a person by or against whom a proceeding before the commission is  
203.8 commenced or a person permitted to intervene in a proceeding, other than public hearings,  
203.9 concerning one or more public utilities.

203.10 (d) "Proceeding" means:

203.11 (1) a rate change proceeding under section 216B.16, including a request to withdraw,  
203.12 defer, or modify a petition to change rates;

203.13 (2) a proceeding in which the commission considers a utility request for cost recovery  
203.14 through general rates or riders;

203.15 (3) a proceeding in which the commission considers a determination related to ratepayer  
203.16 protections, service quality, or disconnection policies and practices, including but not limited  
203.17 to utility compliance with the requirements of sections 216B.091 to 216B.0993;

203.18 (4) a proceeding in which the commission considers determinations directly related to  
203.19 low-income affordability programs, including but not limited to utility compliance with the  
203.20 requirements of section 216B.16, subdivisions 14, 15, and 19, paragraph (a), clause (3);

203.21 (5) a proceeding related to the design or approval of utility tariffs or rates;

203.22 (6) a proceeding related to utility performance measures or incentives, including but not  
203.23 limited to proceedings under sections 216B.16, subdivision 19, paragraph (h), 216B.167,  
203.24 and 216B.1675;

203.25 (7) proceedings related to distribution system planning and grid modernization, including  
203.26 but not limited to proceedings in compliance with the requirements in section 216B.2425,  
203.27 subdivision 2, paragraph (e);

203.28 (8) investigations or inquiries initiated by the commission or the Department of  
203.29 Commerce; or

203.30 (9) proceedings related to utility pilot programs in which the commission considers a  
203.31 proposal with a proposed cost of at least \$5,000,000.

204.1 (e) "Public utility" has the meaning given in section 216B.02, subdivision 4.

204.2 Subd. 2. **Participants; eligibility.** Any of the following participants is eligible to receive  
204.3 compensation under this section:

204.4 (1) a nonprofit organization that:

204.5 (i) is exempt from taxation under section 501(c)(3) of the Internal Revenue Code;

204.6 (ii) is incorporated or organized in Minnesota;

204.7 (iii) is governed under chapter 317A or section 322C.1101; and

204.8 (iv) the commission determines under subdivision 3, paragraph (c), would suffer financial  
204.9 hardship if not compensated for the nonprofit organization's participation in the applicable  
204.10 proceeding; or

204.11 (2) a Tribal government of a federally recognized Indian Tribe that is located in  
204.12 Minnesota.

204.13 Subd. 3. **Compensation; conditions.** (a) The commission may order a public utility to  
204.14 compensate all or part of a participant's reasonable costs incurred to participate in a  
204.15 proceeding before the commission if the participant is eligible under subdivision 2 and the  
204.16 commission finds:

204.17 (1) that the participant has materially assisted the commission's deliberation; and

204.18 (2) if the participant is a nonprofit organization, that the participant would suffer financial  
204.19 hardship if the nonprofit organization's participation in the proceeding was not compensated.

204.20 (b) In determining whether a participant has materially assisted the commission's  
204.21 deliberation, the commission must find that:

204.22 (1) the participant made a unique contribution to the record and represented an interest  
204.23 that would not otherwise have been adequately represented;

204.24 (2) the evidence or arguments presented or the positions taken by the participant were  
204.25 an important factor in producing a fair decision;

204.26 (3) the participant's position promoted a public purpose or policy;

204.27 (4) the evidence presented, arguments made, issues raised, or positions taken by the  
204.28 participant would not otherwise have been part of the record;

204.29 (5) the participant was active in any stakeholder process included in the proceeding; and

205.1 (6) the proceeding resulted in a commission order that adopted, in whole or in part, a  
205.2 position advocated by the participant.

205.3 (c) In determining whether a nonprofit participant has demonstrated that a lack of  
205.4 compensation would present financial hardship, the commission must find that the nonprofit  
205.5 participant:

205.6 (1) had an average annual payroll expense less than \$600,000 for participation in  
205.7 commission proceedings over the previous three years; and

205.8 (2) has fewer than 30 full-time equivalent employees.

205.9 (d) In reviewing a compensation request, the commission must consider whether the  
205.10 costs presented in the participant's claim are reasonable. If the commission determines that  
205.11 an eligible participant materially assisted the commission's deliberation, the commission  
205.12 may award all or part of the requested compensation, up to the maximum amounts provided  
205.13 under subdivision 4.

205.14 Subd. 4. **Compensation; amount.** (a) Compensation must not exceed \$35,000 for a  
205.15 single participant in any proceeding, except that:

205.16 (1) if a proceeding extends longer than 12 months, a participant may request and be  
205.17 awarded compensation of up to \$35,000 for costs incurred in each calendar year; and

205.18 (2) in a proceeding that has been referred to the Office of Administrative Hearings for  
205.19 a contested case proceeding, a participant may request and be awarded up to \$75,000.

205.20 (b) No single participant may be awarded more than \$175,000 under this section in a  
205.21 single calendar year.

205.22 (c) Total compensation awarded to all participants must not exceed \$125,000 in any  
205.23 single proceeding per-calendar year, excluding proceedings that have been referred to the  
205.24 Office of Administrative Hearings for contested case proceedings.

205.25 (d) Compensation requests from joint participants must be presented as a single request.

205.26 (e) Notwithstanding paragraphs (a), (b), and (c), the commission must not, in any calendar  
205.27 year, require a single public utility to pay aggregate compensation under this section that  
205.28 exceeds the following amounts:

205.29 (1) \$100,000, for a public utility with up to \$300,000,000 annual gross operating revenue  
205.30 in Minnesota;

205.31 (2) \$275,000, for a public utility with at least \$300,000,000 but less than \$900,000,000  
205.32 annual gross operating revenue in Minnesota;

206.1 (3) \$375,000, for a public utility with at least \$900,000,000 but less than \$2,000,000,000  
206.2 annual gross operating revenue in Minnesota; and

206.3 (4) \$1,250,000, for a public utility with \$2,000,000,000 or more annual gross operating  
206.4 revenue in Minnesota.

206.5 (f) When requests for compensation from any public utility approach the limits established  
206.6 in paragraphs (c) or (e), the commission may give priority to requests from participants that  
206.7 received less than \$150,000 in total compensation during the previous two years and from  
206.8 participants who represent residential ratepayers, particularly those residential ratepayers  
206.9 who the participant can demonstrate have been underrepresented in past commission  
206.10 proceedings.

206.11 Subd. 5. **Compensation; process.** (a) A participant seeking compensation must file a  
206.12 request and an affidavit of service with the commission, and serve a copy of the request on  
206.13 each party to the proceeding. The request must be filed no more than 30 days after the later  
206.14 of:

206.15 (1) the expiration of the period within which a petition for rehearing, amendment,  
206.16 vacation, reconsideration, or reargument must be filed; or

206.17 (2) the date the commission issues an order following rehearing, amendment, vacation,  
206.18 reconsideration, or reargument.

206.19 (b) A compensation request must include:

206.20 (1) the name and address of the participant or nonprofit organization the participant is  
206.21 representing;

206.22 (2) evidence of the organization's nonprofit, tax-exempt status, if applicable;

206.23 (3) the name and docket number of the proceeding for which compensation is requested;

206.24 (4) for a nonprofit participant, evidence supporting the nonprofit organization's eligibility  
206.25 for compensation under the financial hardship test under subdivision 3, paragraph (c);

206.26 (5) amounts of compensation awarded to the participant under this section during the  
206.27 current year and any pending requests for compensation, itemized by docket;

206.28 (6) an itemization of the participant's costs, not including overhead costs;

206.29 (7) participant revenues dedicated for the proceeding;

206.30 (8) the total compensation request; and

207.1 (9) a narrative describing the unique contribution made to the proceeding by the  
207.2 participant.

207.3 (c) A participant must comply with reasonable requests for information by the commission  
207.4 and other parties or participants. A participant must reply to information requests within  
207.5 ten calendar days of the date the request is received, unless doing so would place an extreme  
207.6 hardship upon the replying participant. The replying participant must provide a copy of the  
207.7 information to any other participant or interested person upon request. Disputes regarding  
207.8 information requests may be resolved by the commission.

207.9 (d) A party or participant objecting to a request for compensation must, within 30 days  
207.10 after service of the request for compensation, file a response and an affidavit of service with  
207.11 the commission. A copy of the response must be served on the requesting participant and  
207.12 all other parties to the proceeding.

207.13 (e) The requesting participant may file a reply with the commission within 15 days after  
207.14 a response is filed under paragraph (d). A copy of the reply and an affidavit of service must  
207.15 be served on all other parties to the proceeding.

207.16 (f) If additional costs are incurred by a participant as a result of additional proceedings  
207.17 following the commission's initial order, the participant may file an amended request within  
207.18 30 days after the commission issues an amended order. Paragraphs (b) to (e) apply to an  
207.19 amended request.

207.20 (g) The commission must issue a decision on participant compensation within 120 days  
207.21 of the date a request for compensation is filed by a participant.

207.22 (h) The commission may extend the deadlines in paragraphs (d), (e), and (g) for up to  
207.23 30 days upon the request of a participant or on the commission's own initiative.

207.24 (i) A participant may request reconsideration of the commission's compensation decision  
207.25 within 30 days of the decision date.

207.26 Subd. 6. **Compensation; orders.** (a) If the commission issues an order requiring payment  
207.27 of participant compensation, the public utility that was the subject of the proceeding must  
207.28 pay the full compensation to the participant and file proof of payment with the commission  
207.29 within 30 days after the later of:

207.30 (1) the expiration of the period within which a petition for reconsideration of the  
207.31 commission's compensation decision must be filed; or

207.32 (2) the date the commission issues an order following reconsideration of the commission's  
207.33 order on participant compensation.

208.1 (b) If the commission issues an order requiring payment of participant compensation in  
208.2 a proceeding involving multiple public utilities, the commission must apportion costs among  
208.3 the public utilities in proportion to each public utility's annual revenue.

208.4 (c) The commission may issue orders necessary to allow a public utility to recover the  
208.5 costs of participant compensation on a timely basis.

208.6 Subd. 7. **Report.** By July 1, 2026, the commission must report to the chairs and ranking  
208.7 minority members of the senate and house of representatives committees with primary  
208.8 jurisdiction over energy policy on the operation of this section. The report must include but  
208.9 is not limited to:

208.10 (1) the amount of compensation paid each year by each utility;

208.11 (2) each recipient of compensation, the commission dockets in which compensation was  
208.12 awarded, and the compensation amounts; and

208.13 (3) the impact of the participation of compensated participants.

208.14 Subd. 8. **Sunset.** This section expires on July 1, 2028.

208.15 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
208.16 applies to any proceeding in which the commission has not issued a final order as of that  
208.17 date.

208.18 Sec. 27. Minnesota Statutes 2022, section 216C.02, subdivision 1, is amended to read:

208.19 Subdivision 1. **Powers.** (a) The commissioner may:

208.20 (1) apply for, receive, and spend money received from federal, municipal, county,  
208.21 regional, and other government agencies and private sources;

208.22 (2) apply for, accept, and disburse grants and other aids from public and private sources;

208.23 (3) contract for professional services if work or services required or authorized to be  
208.24 carried out by the commissioner cannot be satisfactorily performed by employees of the  
208.25 department or by another state agency;

208.26 (4) enter into interstate compacts to carry out research and planning jointly with other  
208.27 states or the federal government when appropriate;

208.28 (5) upon reasonable request, distribute informational material at no cost to the public;  
208.29 and

208.30 (6) enter into contracts for the performance of the commissioner's duties with federal,  
208.31 state, regional, metropolitan, local, and other agencies or units of government and educational



209.1 institutions, including the University of Minnesota, without regard to the competitive bidding  
209.2 requirements of chapters 16A and 16C.

209.3 (b) The commissioner shall collect information on conservation and other energy-related  
209.4 programs carried on by other agencies, by public utilities, by cooperative electric associations,  
209.5 by municipal power agencies, by other fuel suppliers, by political subdivisions, and by  
209.6 private organizations. Other agencies, cooperative electric associations, municipal power  
209.7 agencies, and political subdivisions shall cooperate with the commissioner by providing  
209.8 information requested by the commissioner. The commissioner may by rule require the  
209.9 submission of information by other program operators. The commissioner shall make the  
209.10 information available to other agencies and to the public and, as necessary, shall recommend  
209.11 to the legislature changes in the laws governing conservation and other energy-related  
209.12 programs to ensure that:

209.13 (1) expenditures on the programs are adequate to meet identified needs;

209.14 (2) the needs of low-income energy users are being adequately addressed;

209.15 (3) duplication of effort is avoided or eliminated;

209.16 (4) a program that is ineffective is improved or eliminated; and

209.17 (5) voluntary efforts are encouraged through incentives for their operators.

209.18 (c) By January 15 of each year, the commissioner shall report to the legislature on the  
209.19 projected amount of federal money likely to be available to the state during the next fiscal  
209.20 year, including grant money and money received by the state as a result of litigation or  
209.21 settlements of alleged violations of federal petroleum-pricing regulations. The report must  
209.22 also estimate the amount of money projected as needed during the next fiscal year to finance  
209.23 a level of conservation and other energy-related programs adequate to meet projected needs,  
209.24 particularly the needs of low-income persons and households, and must recommend the  
209.25 amount of state appropriations needed to cover the difference between the projected  
209.26 availability of federal money and the projected needs.

209.27 (d) By January 15 of each year, the commissioner shall report to the chairs and ranking  
209.28 minority members of the legislative committees with jurisdiction over energy finance the  
209.29 following information for each account in the special revenue fund created in this chapter:

209.30 (1) the unobligated balance in the account from the most recent forecast listed separately  
209.31 by funding source;

209.32 (2) all expenditures, including grants and administrative costs over the last two fiscal  
209.33 years; and

210.1 (3) the date on which unobligated balances expire.

210.2 Sec. 28. Minnesota Statutes 2022, section 216C.264, is amended by adding a subdivision  
210.3 to read:

210.4 Subd. 1a. **Definitions.** (a) For purposes of this section, the following terms have the  
210.5 meanings given.

210.6 (b) "Low-income conservation program" means a utility program that offers energy  
210.7 conservation services to low-income households under sections 216B.2403, subdivision 5,  
210.8 and 216B.241, subdivision 7.

210.9 (c) "Preweatherization measure" has the meaning given in section 216B.2402, subdivision  
210.10 20.

210.11 (d) "Weatherization assistance program" means the federal program described in Code  
210.12 of Federal Regulations, title 10, part 440, et seq., designed to assist low-income households  
210.13 reduce energy use.

210.14 (e) "Weatherization assistance services" means the energy measures installed in  
210.15 households under the weatherization assistance program.

210.16 Sec. 29. Minnesota Statutes 2022, section 216C.264, is amended by adding a subdivision  
210.17 to read:

210.18 Subd. 1b. **Establishment; purpose.** A preweatherization program is established in the  
210.19 department. The purpose of the program is to provide grants for preweatherization services,  
210.20 as defined under section 216B.2402, subdivision 20, in order to expand the breadth and  
210.21 depth of services provided to income-eligible households in Minnesota.

210.22 Sec. 30. Minnesota Statutes 2022, section 216C.264, is amended by adding a subdivision  
210.23 to read:

210.24 Subd. 1c. **Preweatherization account.** (a) A preweatherization account is created as a  
210.25 separate account in the special revenue fund of the state treasury. The account consists of  
210.26 money provided by law, donated, allotted, transferred, or otherwise provided to the account.  
210.27 Earnings, including interest, dividends, and any other earnings arising from assets of the  
210.28 account, must be credited to the account. Money remaining in the account at the end of a  
210.29 fiscal year does not cancel to the general fund and remains in the account until expended.  
210.30 The commissioner must manage the account.

211.1 (b) Money in the account is appropriated to the commissioner to pay for (1) grants issued  
211.2 under the program, and (2) the reasonable costs incurred by the commissioner to administer  
211.3 the program.

211.4 Sec. 31. Minnesota Statutes 2022, section 216C.264, subdivision 5, is amended to read:

211.5 Subd. 5. **Grant allocation.** (a) The commissioner must distribute supplementary state  
211.6 grants in a manner consistent with the goal of producing the maximum number of weatherized  
211.7 units. Supplementary state grants are provided primarily for the payment of additional labor  
211.8 costs for the federal weatherization program, and as an incentive for the increased production  
211.9 of weatherized units. to pay for and may be used to:

211.10 (1) address physical deficiencies in a residence that increase heat loss, including  
211.11 deficiencies that prohibit the residence from being eligible to receive federal weatherization  
211.12 assistance;

211.13 (2) install eligible preweatherization measures established by the commissioner, as  
211.14 required under section 216B.241, subdivision 7, paragraph (g);

211.15 (3) increase the number of weatherized residences;

211.16 (4) conduct outreach activities to make income-eligible households aware of available  
211.17 weatherization services, to assist applicants in filling out applications for weatherization  
211.18 assistance, and to provide translation services when necessary;

211.19 (5) enable projects in multifamily buildings to proceed even if the project cannot comply  
211.20 with the federal requirement that projects must be completed within the same federal fiscal  
211.21 year in which the project is begun;

211.22 (6) expand weatherization training opportunities in existing and new training programs;

211.23 (7) pay additional labor costs for the federal weatherization program; and

211.24 (8) provide an incentive for the increased production of weatherized units.

211.25 (b) Criteria for the allocation of used to allocate state grants to local agencies include  
211.26 existing local agency production levels, emergency needs, and the potential for maintaining  
211.27 to maintain or increasing increase acceptable levels of production in the area.

211.28 (c) An eligible local agency may receive advance funding for 90 days' production, but  
211.29 thereafter must receive grants solely on the basis of the program criteria under this  
211.30 subdivision.

212.1 Sec. 32. Minnesota Statutes 2022, section 216C.264, is amended by adding a subdivision  
212.2 to read:

212.3 Subd. 7. **Supplemental weatherization assistance program.** The commissioner must  
212.4 provide grants to weatherization service providers to address physical deficiencies and  
212.5 install weatherization and preweatherization measures in residential buildings occupied by  
212.6 eligible low-income households.

212.7 Sec. 33. Minnesota Statutes 2022, section 216C.264, is amended by adding a subdivision  
212.8 to read:

212.9 Subd. 8. **Training grants program.** (a) The commissioner must establish a  
212.10 weatherization training grant program to award grants through a competitive process to  
212.11 educational institutions, certified training centers, labor organizations, and nonprofits to  
212.12 assist with the costs associated with training and developing programs for careers in the  
212.13 weatherization industry.

212.14 (b) In order to receive grant funds, a written application must be submitted to the  
212.15 commissioner on a form developed by the commissioner.

212.16 (c) When awarding grants under this subdivision, the commissioner must prioritize  
212.17 applications that:

212.18 (1) provide the highest quality training to prepare for in-demand careers;

212.19 (2) train workers to provide weatherization services that meet federal Building  
212.20 Performance Institute certification requirements or Standard Work Specification  
212.21 requirements, as required by the program; and

212.22 (3) leverage nonstate funds or in-kind contributions.

212.23 Sec. 34. **[216C.331] ENERGY BENCHMARKING.**

212.24 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
212.25 the meanings given.

212.26 (b) "Aggregated customer energy use data" means customer energy use data that is  
212.27 combined into one collective data point per time interval. Aggregated customer energy use  
212.28 data is data with any unique identifiers or other personal information removed that a  
212.29 qualifying utility collects and aggregates in at least monthly intervals for an entire building  
212.30 on a covered property.

213.1 (c) "Benchmark" means to electronically input into a benchmarking tool the total energy  
213.2 use data and other descriptive information about a building that is required by a benchmarking  
213.3 tool.

213.4 (d) "Benchmarking information" means data related to a building's energy use generated  
213.5 by a benchmarking tool, and other information about the building's physical and operational  
213.6 characteristics. Benchmarking information includes but is not limited to the building's:

213.7 (1) address;

213.8 (2) owner and, if applicable, the building manager responsible for operating the building's  
213.9 physical systems;

213.10 (3) total floor area, expressed in square feet;

213.11 (4) energy use intensity;

213.12 (5) greenhouse gas emissions; and

213.13 (6) energy performance score comparing the building's energy use with that of similar  
213.14 buildings.

213.15 (e) "Benchmarking tool" means the United States Environmental Protection Agency's  
213.16 Energy Star Portfolio Manager tool or an equivalent tool determined by the commissioner.

213.17 (f) "Covered property" means any property that is served by an investor-owned utility  
213.18 in the metropolitan area, as defined in section 473.121, subdivision 2, or in any city outside  
213.19 the metropolitan area with a population of over 50,000 residents served by a municipal  
213.20 energy utility or investor-owned utility, and that has one or more buildings containing in  
213.21 sum 50,000 gross square feet or greater. Covered property does not include:

213.22 (1) a residential property containing fewer than five dwelling units;

213.23 (2) a property that is: (i) classified as manufacturing under the North American Industrial  
213.24 Classification System; (ii) an energy-intensive trade-exposed customer, as defined in section  
213.25 216B.1696; (iii) an electric power generation facility; (iv) a mining facility; or (v) otherwise  
213.26 an industrial building incompatible with benchmarking in the benchmarking tool;

213.27 (3) an agricultural building; or

213.28 (4) a multitenant building that is served by a utility that cannot supply aggregated  
213.29 customer usage data, and other property types that do not meet the purposes of this section,  
213.30 as determined by the commissioner.

214.1 (g) "Customer energy use data" means data collected from the utility customer meters  
214.2 that reflect the quantity, quality, or timing of customers' usage.

214.3 (h) "Energy" means electricity, natural gas, steam, or another product used to: (1) provide  
214.4 heating, cooling, lighting, or water heating; or (2) power other end uses in a building.

214.5 (i) "Energy performance score" means a numerical value from one to 100 that the Energy  
214.6 Star Portfolio Manager tool calculates to rate a building's energy efficiency against that of  
214.7 comparable buildings nationwide.

214.8 (j) "Energy Star Portfolio Manager" means an interactive resource management tool  
214.9 developed by the United States Environmental Protection Agency that (1) enables the  
214.10 periodic entry of a building's energy use data and other descriptive information about a  
214.11 building, and (2) rates a building's energy efficiency against that of comparable buildings  
214.12 nationwide.

214.13 (k) "Energy use intensity" means the total annual energy consumed in a building divided  
214.14 by the building's total floor area.

214.15 (l) "Financial distress" means a covered property that, at the time benchmarking is  
214.16 conducted:

214.17 (1) is the subject of a qualified tax lien sale or public auction due to property tax  
214.18 arrears;

214.19 (2) is controlled by a court-appointed receiver based on financial distress;

214.20 (3) is owned by a financial institution through default by the borrower;

214.21 (4) has been acquired by deed in lieu of foreclosure; or

214.22 (5) has a senior mortgage that is subject to a notice of default.

214.23 (m) "Local government" means a statutory or home rule municipality or county.

214.24 (n) "Owner" means:

214.25 (1) an individual or entity that possesses title to a covered property; or

214.26 (2) an agent authorized to act on behalf of the covered property owner.

214.27 (o) "Qualifying utility" means a utility serving the covered property, including:

214.28 (1) an electric or gas utility, including:

214.29 (i) an investor-owned electric or gas utility; or

214.30 (ii) a municipally owned electric or gas utility;

215.1 (2) a natural gas supplier with five or more active commercial connections, accounts,  
215.2 or customers in the state; or

215.3 (3) a district steam, hot water, or chilled water provider.

215.4 (p) "Tenant" means a person that occupies or holds possession of a building or part of  
215.5 a building or premises pursuant to a lease agreement.

215.6 (q) "Total floor area" means the sum of gross square footage inside a building's envelope,  
215.7 measured between the outside exterior walls of the building. Total floor area includes covered  
215.8 parking structures.

215.9 (r) "Utility customer" means the building owner or tenant listed on the utility's records  
215.10 as the customer liable for payment of the utility service or additional charges assessed on  
215.11 the utility account.

215.12 Subd. 2. **Establishment.** The commissioner must establish and maintain a building  
215.13 energy benchmarking program. The purpose of the program is to:

215.14 (1) make a building's owners, tenants, and potential tenants aware of (i) the building's  
215.15 energy consumption levels and patterns, and (ii) how the building's energy use compares  
215.16 with that of similar buildings nationwide; and

215.17 (2) enhance the likelihood that an owner adopts energy conservation measures in the  
215.18 owner's building as a way to reduce energy use, operating costs, and greenhouse gas  
215.19 emissions.

215.20 Subd. 3. **Classification of covered properties.** For the purposes of this section, a covered  
215.21 property is classified as follows:

215.22	<u>Class</u>	<u>Total Floor Area (square feet)</u>
215.23	<u>1</u>	<u>100,000 or more</u>
215.24	<u>2</u>	<u>50,000 to 99,999</u>

215.25 Subd. 4. **Benchmarking requirement.** (a) An owner must annually benchmark all  
215.26 covered property owned as of December 31 in conformity with the schedule in subdivision  
215.27 7. Energy use data must be compiled by:

215.28 (1) obtaining the data from the utility providing the energy; or

215.29 (2) reading a master meter.

215.30 (b) Before entering information in a benchmarking tool, an owner must run all automated  
215.31 data quality assurance functions available within the benchmarking tool and must correct  
215.32 all data identified as missing or incorrect.

216.1 (c) An owner who becomes aware that any information entered into a benchmarking  
216.2 tool is inaccurate or incomplete must amend the information in the benchmarking tool within  
216.3 30 days of the date the owner learned of the inaccuracy.

216.4 (d) Nothing in this subdivision prohibits an owner of property that is not a covered  
216.5 property from voluntarily benchmarking a property under this section.

216.6 **Subd. 5. Exemption by individual building.** (a) The commissioner may exempt an  
216.7 owner of a covered property from the requirements of subdivision 4 if the owner provides  
216.8 evidence satisfactory to the commissioner that the covered property:

216.9 (1) is presently experiencing financial distress;

216.10 (2) has been less than 50 percent occupied during the previous calendar year;

216.11 (3) does not have a certificate of occupancy or temporary certificate of occupancy for  
216.12 the full previous calendar year;

216.13 (4) was issued a demolition permit during the previous calendar year that remains current;  
216.14 or

216.15 (5) received no energy services for at least 30 days during the previous calendar year.

216.16 (b) An exemption granted under this subdivision applies only to a single calendar year.  
216.17 An owner must reapply to the commissioner each year an extension is sought.

216.18 (c) Within 30 days of the date an owner makes a request under this paragraph, a tenant  
216.19 of a covered property subject to this section must provide the owner with any information  
216.20 regarding energy use of the tenant's rental unit that the property owner cannot otherwise  
216.21 obtain and that is needed by the owner to comply with this section. The tenant must provide  
216.22 the information required under this paragraph in a format approved by the commissioner.

216.23 **Subd. 6. Exemption by other government benchmarking program.** An owner is  
216.24 exempt from the requirements of subdivision 4 for a covered property if the property is  
216.25 subject to a benchmarking requirement by the state, a city, or other political subdivision  
216.26 with a benchmarking requirement that the commissioner determines is equivalent or more  
216.27 stringent, as determined under subdivision 11, paragraph (b), than the benchmarking  
216.28 requirement established in this section. The exemption under this subdivision applies in  
216.29 perpetuity unless or until the benchmarking requirement is changed or revoked and the  
216.30 commissioner determines the benchmarking requirement is no longer equivalent nor more  
216.31 stringent.



217.1 Subd. 7. **Benchmarking schedule.** (a) An owner must annually benchmark each covered  
217.2 property for the previous calendar year according to the following schedule:

217.3 (1) all Class 1 properties by June 1, 2025, and by every June 1 thereafter; and

217.4 (2) all Class 2 properties by June 1, 2026, and by every June 1 thereafter.

217.5 (b) Beginning June 1, 2025, for Class 1 properties, and June 1, 2026, for Class 2  
217.6 properties, an owner who is selling a covered property must provide the following to the  
217.7 new owner at the time of sale:

217.8 (1) benchmarking information for the most recent 12-month period, including monthly  
217.9 energy use by source; or

217.10 (2) ownership of the digital property record in the benchmarking tool through an online  
217.11 transfer.

217.12 Subd. 8. **Utility data requirements.** (a) In implementing this section, a qualifying utility  
217.13 shall only aggregate customer energy use data of covered properties, and on or before  
217.14 January 1, 2025, a qualifying utility shall:

217.15 (1) establish an aggregation standard whereby:

217.16 (i) an aggregated customer energy use data set may include customer energy use data  
217.17 from no fewer than four customers. A single customer's energy use must not constitute more  
217.18 than 50 percent of total energy consumption for the requested data set; and

217.19 (ii) customer energy use data sets containing three or fewer customers or with a single  
217.20 customer's energy use constituting more than 50 percent of total energy consumption may  
217.21 be provided upon the written consent of:

217.22 (A) all customers included in the requested data set, in cases of three or fewer customers;  
217.23 or

217.24 (B) any customer constituting more than 50 percent of total energy consumption for the  
217.25 requested data set; and

217.26 (2) prepare and make available customer energy use data and aggregated customer energy  
217.27 use data upon the request of an owner.

217.28 (b) Customer energy use data that a qualifying utility provides an owner pursuant to this  
217.29 subdivision must be:

217.30 (1) available on, or able to be requested through, an easily navigable web portal or online  
217.31 request form using up-to-date standards for digital authentication;

218.1 (2) provided to the owner within 30 days after receiving the owner's valid written or  
218.2 electronic request;

218.3 (3) provided for at least 24 consecutive months of energy consumption or as many  
218.4 months of consumption data that are available if the owner has owned the building for less  
218.5 than 24 months;

218.6 (4) directly uploaded to the owner's benchmarking tool account, delivered in the  
218.7 spreadsheet template specified by the benchmarking tool, or delivered in another format  
218.8 approved by the commissioner;

218.9 (5) provided to the owner on at least an annual basis until the owner revokes the request  
218.10 for energy use data or sells the covered property; and

218.11 (6) provided in monthly intervals, or the shortest available intervals based in billing.

218.12 (c) Data necessary to establish, utilize, or maintain information in the benchmarking  
218.13 tool under this section may be collected or shared as provided by this section and are  
218.14 considered public data whether or not the data have been aggregated.

218.15 (d) Notwithstanding any other provision of law, a qualifying utility shall not aggregate  
218.16 or anonymize customer energy use data of any customer exempted by the commissioner  
218.17 under section 216B.241 from contributing to investments and expenditures made by a  
218.18 qualifying utility under an energy and conservation optimization plan, unless the customer  
218.19 provides written consent to the qualifying utility.

218.20 (e) Except as provided in paragraph (d), qualifying utilities may aggregate the customer  
218.21 energy use data of properties with a total floor area of less than 50,000 square feet if the  
218.22 property otherwise meets the definition of a covered property.

218.23 **Subd. 9. Data collection and management.** (a) The commissioner must:

218.24 (1) collect benchmarking information generated by a benchmarking tool and other related  
218.25 information for each covered property;

218.26 (2) provide technical assistance to owners entering data into a benchmarking tool;

218.27 (3) collaborate with the Department of Revenue to collect the data necessary for  
218.28 establishing the covered property list annually; and

218.29 (4) provide technical guidance to utilities in the establishment of data aggregation and  
218.30 access tools.

219.1 (b) Upon request of the commissioner, a county assessor shall provide readily available  
219.2 property data necessary for the development of the covered property list, including but not  
219.3 limited to gross floor area, property type, and owner information by January 15 annually.

219.4 (c) The commissioner must:

219.5 (1) rank benchmarked covered properties in each property class from highest to lowest  
219.6 performance score or, if a performance score is unavailable for a covered property, from  
219.7 lowest to highest energy use intensity;

219.8 (2) divide covered properties in each property class into four quartiles based on the  
219.9 applicable measure in clause (1);

219.10 (3) assign four stars to each covered property in the quartile of each property class with  
219.11 the highest performance scores or lowest energy use intensities, as applicable;

219.12 (4) assign three stars to each covered property in the quartile of each property class with  
219.13 the second highest performance scores or second lowest energy use intensities, as applicable;

219.14 (5) assign two stars to each covered property in the quartile of each property class with  
219.15 the third highest performance scores or third lowest energy use intensities, as applicable;

219.16 (6) assign one star to each covered property in the quartile of each property class with  
219.17 the lowest performance scores or highest energy use intensities, as applicable; and

219.18 (7) serve notice in writing to each owner identifying the number of stars assigned by the  
219.19 commissioner to each of the owner's covered properties.

219.20 Subd. 10. **Data disclosure to public.** (a) The commissioner must post on the department's  
219.21 website and update by December 1 annually the following information for the previous  
219.22 calendar year:

219.23 (1) annual summary statistics on energy use for all covered properties;

219.24 (2) annual summary statistics on energy use for all covered properties, aggregated by  
219.25 covered property class, as defined in subdivision 3, city, and county;

219.26 (3) the percentage of covered properties in each building class listed in subdivision 3  
219.27 that are in compliance with the benchmarking requirements under subdivisions 4 to 7; and

219.28 (4) for each covered property, at a minimum, report the address, the total energy use,  
219.29 energy use intensity, annual greenhouse gas emissions, and an energy performance score,  
219.30 if available.

219.31 (b) The commissioner must post the information required under this subdivision for:

220.1 (1) all Class 1 properties by November 1, 2025, and by every November 1 thereafter;  
220.2 and

220.3 (2) all Class 2 properties by November 1, 2026, and by every November 1 thereafter.

220.4 Subd. 11. **Coordination with other benchmarking programs.** (a) The commissioner  
220.5 shall coordinate with any state agency or local government that implements an energy  
220.6 benchmarking program, including the coordination of reporting requirements.

220.7 (b) This section does not restrict a local government from adopting or implementing an  
220.8 ordinance or resolution that imposes more stringent benchmarking requirements. For purposes  
220.9 of this section, a local government benchmarking program is more stringent if the program  
220.10 requires:

220.11 (1) buildings to be benchmarked that are not required to be benchmarked under this  
220.12 section; or

220.13 (2) benchmarking of information that is not required to be benchmarked under this  
220.14 section.

220.15 (c) Benchmarking program requirements of local governments must:

220.16 (1) be at least as comprehensive in scope and application as the program operated under  
220.17 this section; and

220.18 (2) include annual enforcement of a penalty on covered properties that do not comply  
220.19 with the local government's benchmarking ordinance.

220.20 (d) Local governments must notify the commissioner of the local government's existing  
220.21 benchmarking ordinance requirements. Local governments must notify the commissioner  
220.22 of new, changed, or revoked ordinance requirements, which when made by December 31  
220.23 would apply to the benchmarking schedule for the following year.

220.24 (e) The commissioner shall make available for local governments upon request all  
220.25 benchmarking data for covered properties within the local government's jurisdiction by  
220.26 December 1, annually.

220.27 Subd. 12. **Building performance disclosure to occupants.** The commissioner must  
220.28 provide disclosure materials for public display within a building to building owners, so that  
220.29 building owners can prominently display the performance of the building. The materials  
220.30 must include the number of stars assigned to the building by the commissioner under  
220.31 subdivision 9, paragraph (c), and a relevant explanation of the rating.

221.1 Subd. 13. **Notifications.** By March 1 each year, the commissioner must notify the owner  
221.2 of each covered property required to benchmark for the previous calendar year of the  
221.3 requirement to benchmark by June 1 of the current year.

221.4 Subd. 14. **Program implementation.** The commissioner may contract with an  
221.5 independent third party to implement any or all of the commissioner's duties required under  
221.6 this section. To implement the benchmarking program, the commissioner shall assist building  
221.7 owners to increase energy efficiency and reduce greenhouse gas emissions from the owners'  
221.8 buildings, including by providing outreach, training, and technical assistance to building  
221.9 owners to help the owners' buildings come into compliance with the benchmarking program.

221.10 Subd. 15. **Enforcement.** By June 15 each year, the commissioner must notify the owner  
221.11 of each covered property required to comply with this section that has failed to comply that  
221.12 the owner has until July 15 to come into compliance, unless the owner requests an extension,  
221.13 in which case the owner has until August 15 to come into compliance. If an owner fails to  
221.14 comply with the requirements of this section by July 15 and fails to request an extension  
221.15 by that date, or is given an extension and fails to comply by August 15, the commissioner  
221.16 may impose a civil fine of \$1,000 on the owner. The commissioner may by rule increase  
221.17 the civil fine to adjust for inflation.

221.18 Subd. 16. **Recovery of expenses.** The commission shall allow a public utility to recover  
221.19 reasonable and prudent expenses of implementing this section under section 216B.16,  
221.20 subdivision 6b. The costs and benefits associated with implementing this section may, at  
221.21 the discretion of the utility, be excluded from the calculation of net economic benefits for  
221.22 purposes of calculating the financial incentive to the public utility under section 216B.16,  
221.23 subdivision 6c. The energy and demand savings may, at the discretion of the public utility,  
221.24 be applied toward the calculation of overall portfolio energy and demand savings for purposes  
221.25 of determining progress toward annual goals under section 216B.241, subdivision 1c, and  
221.26 in the financial incentive mechanism under section 216B.16, subdivision 6c.

221.27 **EFFECTIVE DATE.** This section is effective the day following final enactment, except  
221.28 that subdivision 15 is effective June 15, 2026.

221.29 Sec. 35. Minnesota Statutes 2022, section 216C.375, subdivision 1, is amended to read:

221.30 Subdivision 1. **Definitions.** (a) For the purposes of this section and section 216C.376,  
221.31 the following terms have the meanings given them.

221.32 (b) "Developer" means an entity that installs a solar energy system on a school building  
221.33 that has been awarded a grant under this section.

222.1 (c) "Photovoltaic device" has the meaning given in section 216C.06, subdivision 16.

222.2 (d) "School" means: (1) a school that operates as part of an independent or special school  
222.3 district; (2) a Tribal contract school; or ~~(2)~~ (3) a state college or university that is under the  
222.4 jurisdiction of the Board of Trustees of the Minnesota State Colleges and Universities.

222.5 (e) "School district" means: (1) an independent or special school district; or (2) any other  
222.6 public school district deemed appropriate by the commissioner, provided that at a minimum  
222.7 the school owns the building and instruction for students occurs.

222.8 (f) "Solar energy system" means photovoltaic or solar thermal devices.

222.9 (g) "Solar thermal" has the meaning given to "qualifying solar thermal project" in section  
222.10 216B.2411, subdivision 2, paragraph (d).

222.11 (h) "State colleges and universities" has the meaning given in section 136F.01, subdivision  
222.12 4.

222.13 Sec. 36. Minnesota Statutes 2022, section 216C.375, subdivision 3, is amended to read:

222.14 Subd. 3. **Establishment of account.** (a) A solar for schools program account is  
222.15 established in the special revenue fund. Money received from the general fund must be  
222.16 transferred to the commissioner of commerce and credited to the account. The account  
222.17 consists of money provided by law, donated, allocated, transferred, or otherwise provided  
222.18 to the account. Earnings, including interest, dividends, and any other earnings arising from  
222.19 the assets of the account, must be credited to the account.

222.20 (b) Money in the account is appropriated to the commissioner for the purposes of the  
222.21 program under this section. Except as otherwise provided in this paragraph, money deposited  
222.22 in the account remains in the account until expended. Any money that remains in the account  
222.23 on June 30, ~~2027~~ 2034, cancels to the general fund.

222.24 Sec. 37. Minnesota Statutes 2022, section 216C.375, subdivision 10, is amended to read:

222.25 Subd. 10. **Application deadline.** ~~Ne~~ An application ~~may~~ must not be submitted under  
222.26 this section after December 31, ~~2025~~ 2032.

222.27 Sec. 38. Minnesota Statutes 2022, section 216C.375, subdivision 11, is amended to read:

222.28 Subd. 11. **Reporting.** Beginning January 15, 2022, and each year thereafter until January  
222.29 15, ~~2028~~ 2035, the commissioner must report to the chairs and ranking minority members  
222.30 of the legislative committees with jurisdiction over energy regarding: (1) grants and amounts  
222.31 awarded to schools under this section during the previous year; (2) financial assistance,

223.1 including amounts per award, provided to schools under section 216C.376 during the  
223.2 previous year; and (3) any remaining balances available under this section and section  
223.3 216C.376.

223.4 Sec. 39. **[216C.377] DISTRIBUTED ENERGY RESOURCES SYSTEM UPGRADE**  
223.5 **PROGRAM.**

223.6 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
223.7 the meanings given.

223.8 (b) "Capacity constrained location" means a location on an electric utility's distribution  
223.9 system that the utility has reasonably determined requires significant distribution or network  
223.10 upgrades before additional distributed energy resources can interconnect.

223.11 (c) "DER Technical Planning Standard" means an engineering practice that limits the  
223.12 total aggregate distributed energy resource capacity that may interconnect to a particular  
223.13 location on the utility's distribution system.

223.14 (d) "Distributed energy resources" means distributed generation, as defined in section  
223.15 216B.164, and energy storage systems, as defined in section 216B.2422.

223.16 (e) "Distribution upgrades" means the additions, modifications, and upgrades made to  
223.17 an electric utility's distribution system to facilitate interconnection of distributed energy  
223.18 resources.

223.19 (f) "Interconnection" means the process governed by section 216B.1611.

223.20 (g) "Net metered" has the meaning given in section 216B.164.

223.21 (h) "Network upgrades" means additions, modifications, and upgrades to the transmission  
223.22 system required at or beyond the point at which the distributed energy resource interconnects  
223.23 with an electric utility's distribution system to accommodate the interconnection of the  
223.24 distributed energy resource with the electric utility's distribution system. Network upgrades  
223.25 do not include distribution upgrades.

223.26 Subd. 2. **Establishment; purpose.** A distributed energy resources system upgrade  
223.27 program is established in the department. The purpose of the program is to provide funding  
223.28 to the utility subject to section 116C.779 to complete infrastructure investments necessary  
223.29 to enable electricity customers to interconnect distributed energy resources. The program  
223.30 must be designed to achieve the following goals to the maximum extent feasible:

223.31 (1) make upgrades at capacity constrained locations on the utility's distribution system  
223.32 that maximize the number and capacity of distributed energy resources projects with a

224.1 capacity of up to 40 kilowatts alternating current that can be interconnected sufficient to  
224.2 serve projected demand;

224.3 (2) enable all distributed energy resources projects with a nameplate capacity of up to  
224.4 40 kilowatts alternating current to be reviewed and approved by the utility within 43 business  
224.5 days;

224.6 (3) minimize interconnection barriers for electricity customers seeking to construct net  
224.7 metered facilities for on-site electricity use; and

224.8 (4) advance innovative solutions that can minimize the cost of distribution and network  
224.9 upgrades required for interconnection, including but not limited to energy storage, control  
224.10 technologies, smart inverters, distributed energy resources management systems, and other  
224.11 innovative technologies and programs.

224.12 Subd. 3. **Required plan.** (a) By November 1, 2023, the utility subject to section 116C.779  
224.13 must file with the commissioner a plan for the distributed energy resources system upgrade  
224.14 program. The plan must contain, at a minimum:

224.15 (1) a description of how the utility proposes to use money in the distributed energy  
224.16 resources system upgrade program account to upgrade the utility's distribution system to  
224.17 maximize the number and capacity of distributed energy resources that can be interconnected  
224.18 sufficient to serve projected demand;

224.19 (2) the locations where the utility proposes to make investments under the program;

224.20 (3) the number and capacity of distributed energy resources projects the utility expects  
224.21 to interconnect as a result of the program;

224.22 (4) a plan for reporting on the program's outcomes; and

224.23 (5) any additional information required by the commissioner.

224.24 (b) The utility subject to section 116C.779 is prohibited from implementing the program  
224.25 until the commissioner approves the plan submitted under this subdivision. No later than  
224.26 March 31, 2024, the commissioner must approve a plan under this subdivision that the  
224.27 commissioner determines is in the public interest. Any proposed modifications to the plan  
224.28 approved under this subdivision must be approved by the commissioner.

224.29 Subd. 4. **Project priorities.** In developing the plan required by subdivision 3, the utility  
224.30 must prioritize making investments:

224.31 (1) at capacity constrained locations on the distribution grid;



225.1 (2) in communities with demonstrated customer interest in distributed energy resources,  
225.2 as measured by anticipated, pending, and completed interconnection applications; and

225.3 (3) in communities with a climate action plan, clean energy goal, or policies that:

225.4 (i) seek to mitigate the impacts of climate change on the city; or

225.5 (ii) reduce the city's contributions to the causes of climate change.

225.6 Subd. 5. **Eligible costs.** The commissioner may pay the following reasonable costs of  
225.7 the utility subject to section 116C.779 under a plan approved in accordance with subdivision  
225.8 3 from money available in the distributed energy resources system upgrade program account:

225.9 (1) distribution upgrades and network upgrades;

225.10 (2) energy storage; control technologies, including but not limited to a distributed energy  
225.11 resources management system; or other innovative technology used to achieve the purposes  
225.12 of this section;

225.13 (3) pilot programs operated by the utility to implement innovative technology solutions;

225.14 and

225.15 (4) costs incurred by the department to administer this section.

225.16 Subd. 6. **Capacity reserved.** The utility subject to section 116C.779 must reserve any  
225.17 increase in the DER Technical Planning Standard made available by upgrades paid for under  
225.18 this section for net metered facilities and distributed energy resources with a nameplate  
225.19 capacity of up to 40 kilowatts alternating current. The commissioner may modify the  
225.20 requirements of this subdivision when the commissioner finds doing so is in the public  
225.21 interest.

225.22 Subd. 7. **Establishment of account.** (a) A distributed energy resources system upgrade  
225.23 program account is established in the special revenue fund. The account consists of money  
225.24 provided by law, and any other money donated, allotted, transferred, or otherwise provided  
225.25 to the account. Earnings, including interest, dividends, and any other earnings arising from  
225.26 the assets of the account, must be credited to the account. Earnings remaining in the account  
225.27 at the end of a fiscal year do not cancel to the general fund or renewable development  
225.28 account but remain in the account until expended.

225.29 (b) Money in the account is appropriated to the commissioner for eligible expenditures  
225.30 under this section.

225.31 Subd. 8. **Reporting of certain incidents.** The utility subject to section 116C.779 must  
225.32 report to the commissioner within 60 days if any distributed energy resources project with

226.1 a capacity of up to 40 kilowatts alternating current is unable to interconnect due to safety,  
226.2 reliability, or the cost of distribution or network upgrades required at a location for which  
226.3 upgrade funding was provided under this program. The utility must make available to the  
226.4 commissioner all engineering analyses, studies, and information related to any such instances.  
226.5 The commissioner may modify or waive this requirement after December 31, 2025.

226.6 Sec. 40. **[216C.378] SOLAR GRANT PROGRAM; PUBLIC BUILDINGS.**

226.7 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
226.8 the meanings given.

226.9 (b) "Cooperative electric association" means a cooperative association organized under  
226.10 chapter 308A for the purpose of providing rural electrification at retail.

226.11 (c) "Developer" means an entity that applies for a grant on behalf of a public building  
226.12 under this section to install a solar energy generating system on the public building.

226.13 (d) "Local unit of government" means:

226.14 (1) a county, statutory or home rule charter city, town, municipal utility, or other local  
226.15 government jurisdiction, excluding a school district eligible to receive financial assistance  
226.16 under section 216C.375 or 216C.376; or

226.17 (2) a federally recognized Indian Tribe in Minnesota.

226.18 (e) "Municipal electric utility" means a utility that (1) provides electric service to retail  
226.19 customers in Minnesota, and (2) is governed by a city council or a local utilities commission.

226.20 (f) "Public building" means:

226.21 (1) a building owned and operated by a local unit of government; or

226.22 (2) a building owned by a federally recognized Indian Tribe in Minnesota whose primary  
226.23 purpose is Tribal government operations.

226.24 (g) "Solar energy generating system" has the meaning given in section 216E.01,  
226.25 subdivision 9a.

226.26 Subd. 2. **Establishment; purpose.** A solar on public buildings grant program is  
226.27 established in the department. The purpose of the program is to provide grants to stimulate  
226.28 the installation of solar energy generating systems on public buildings.

226.29 Subd. 3. **Establishment of account.** A solar on public buildings grant program account  
226.30 is established in the special revenue fund. Any money received from state resources for the  
226.31 purposes of this section must be transferred to the commissioner of commerce and credited

227.1 to the account. Earnings, including interest, dividends, and any other earnings arising from  
227.2 the assets of the account, must be credited to the account. Earnings remaining in the account  
227.3 at the end of a fiscal year do not cancel to the general fund or renewable development  
227.4 account but remain in the account until expended. The commissioner must manage the  
227.5 account.

227.6 Subd. 4. **Appropriation; expenditures.** Money in the account established under  
227.7 subdivision 3 is appropriated to the commissioner for the purposes of this section and must  
227.8 be used only:

227.9 (1) for grant awards made under this section; and

227.10 (2) to pay the reasonable costs of the department to administer this section.

227.11 Subd. 5. **Eligible system.** (a) A grant may be awarded to a local unit of government  
227.12 under this section only if the solar energy generating system that is the subject of the grant:

227.13 (1) is installed (i) on or adjacent to a public building that consumes the electricity  
227.14 generated by the solar energy generating system, and (ii) on property within the service  
227.15 territory of the utility currently providing electric service to the public building; and

227.16 (2) has a capacity that does not exceed the lesser of 40 kilowatts or 120 percent of the  
227.17 average annual electricity consumption, measured over the most recent three calendar years,  
227.18 of the public building at which the solar energy generating system is installed.

227.19 (b) A public building that receives a rebate or other financial incentive under section  
227.20 216B.241 for a solar energy generating system is eligible for a grant under this section for  
227.21 the same solar energy generating system.

227.22 (c) Before filing an application for a grant under this section, a local unit of government  
227.23 or public building that is served by a municipal electric utility or cooperative electric  
227.24 association must inform the municipal electric utility or cooperative electric association of  
227.25 the local unit of government's or public building's intention to do so.

227.26 Subd. 6. **Application process.** (a) The commissioner must issue a request for proposals  
227.27 to utilities, local units of government, and developers who may wish to apply for a grant  
227.28 under this section on behalf of a public building.

227.29 (b) A utility or developer must submit an application to the commissioner on behalf of  
227.30 a public building on a form prescribed by the commissioner. The form must include, at a  
227.31 minimum, the following information:

228.1 (1) the capacity of the proposed solar energy generating system and the amount of  
228.2 electricity that is expected to be generated;

228.3 (2) the current energy demand of the public building on which the solar energy generating  
228.4 system is to be installed, information regarding any distributed energy resource that currently  
228.5 provides electricity to the public building, and the size of the public building's subscription  
228.6 to a community solar garden, if applicable;

228.7 (3) information sufficient to estimate the energy and monetary savings that are projected  
228.8 to result from installation of the solar energy generating system over the system's useful  
228.9 life;

228.10 (4) the total cost to purchase and install the solar energy system and the solar energy  
228.11 system's life cycle cost, including removal and disposal at the end of the system's life;

228.12 (5) a copy of the proposed contract agreement between the local unit of government and  
228.13 the utility or developer that includes provisions addressing responsibility for maintenance,  
228.14 removal, and disposal of the solar energy generating system; and

228.15 (6) if the applicant is other than the utility providing electric service to the public building  
228.16 at which the solar energy generating system is to be installed, a written statement or  
228.17 memorandum of understanding from that utility that the proposed financing arrangement  
228.18 presents no foreseeable issues that would prevent interconnection of the solar energy  
228.19 generating system.

228.20 (c) The commissioner must administer an open application process under this section  
228.21 at least twice annually.

228.22 (d) The commissioner must develop administrative procedures governing the application  
228.23 and grant award process under this section.

228.24 Subd. 7. **Energy conservation review.** At the commissioner's request, a local unit of  
228.25 government awarded a grant under this section must provide the commissioner with  
228.26 information regarding energy conservation measures implemented at the public building  
228.27 where the solar energy generating system is to be installed. The commissioner may make  
228.28 recommendations to the local unit of government regarding cost-effective conservation  
228.29 measures the local unit of government can implement and may provide technical assistance  
228.30 and direct the local unit of government to available financial assistance programs.

228.31 Subd. 8. **Technical assistance.** The commissioner must provide technical assistance to  
228.32 local units of government to develop and execute projects under this section.

229.1 Subd. 9. **Grant payments.** A grant awarded by the commissioner from the account  
229.2 established under subdivision 3 to a local unit of government must include the necessary  
229.3 and reasonable costs associated with the purchase and installation of a solar energy generating  
229.4 system. In determining the amount of a grant award, the commissioner shall take into  
229.5 consideration the financial capacity of the local unit of government awarded the grant.

229.6 Subd. 10. **Application deadline.** An application must not be submitted under this section  
229.7 after December 31, 2032.

229.8 Subd. 11. **Contractor conditions.** A contractor or subcontractor performing construction  
229.9 work on a project supported by a grant awarded under this section: (1) must pay employees  
229.10 working on the project no less than the prevailing wage rate, as defined in section 177.42;  
229.11 and (2) is subject to the requirements and enforcement provisions of sections 177.27, 177.30,  
229.12 177.32, 177.41 to 177.435, and 177.45.

229.13 Subd. 12. **Reporting.** Beginning January 15, 2024, and each year thereafter until January  
229.14 15, 2027, the commissioner must report to the chairs and ranking minority members of the  
229.15 legislative committees with primary jurisdiction over energy finance and policy regarding  
229.16 grants and amounts awarded to local units of government under this section during the  
229.17 previous year and any remaining balances available in the account established under this  
229.18 section.

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

229.20 Sec. 41. **[216C.379] ENERGY STORAGE INCENTIVE PROGRAM.**

229.21 (a) The electric utility subject to section 116C.779 must develop and operate a program  
229.22 to provide a lump-sum grant to customers to reduce the cost of purchasing and installing  
229.23 an on-site energy storage system, as defined in section 216B.2422, subdivision 1, paragraph  
229.24 (f). No later than October 1, 2023, the utility subject to this section must file a plan with the  
229.25 commissioner to operate the program. The utility must not operate the program until the  
229.26 program is approved by the commissioner. Any change to an operating program must be  
229.27 approved by the commissioner.

229.28 (b) In order to be eligible to receive a grant under this section, an energy storage system  
229.29 must:

229.30 (1) have a capacity no greater than 50 kilowatt hours; and

229.31 (2) be located within the electric service area of the utility subject to this section.

- 230.1 (c) An owner of an energy storage system is eligible to receive a grant under this section  
230.2 if:
- 230.3 (1) a solar energy generating system is operating at the same site as the proposed energy  
230.4 storage system; or
- 230.5 (2) the owner has filed an application with the utility subject to this section to interconnect  
230.6 a solar energy generating system at the same site as the proposed energy storage system.
- 230.7 (d) The commissioner must annually review and may adjust the amount of grants awarded  
230.8 under this section, but must not increase the amount over that awarded in previous years  
230.9 unless the commissioner demonstrates in writing that an upward adjustment is warranted  
230.10 by market conditions.
- 230.11 (e) A customer who receives a grant under this section is eligible to receive financial  
230.12 assistance under programs operated by the state or the utility for the solar energy generating  
230.13 system operating in conjunction with the energy storage system.
- 230.14 (f) For the purposes of this section, "solar energy generating system" has the meaning  
230.15 given in section 216E.01, subdivision 9a.
- 230.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 230.17 **Sec. 42. [216C.401] ELECTRIC VEHICLE REBATES.**
- 230.18 **Subdivision 1. Definitions.** (a) For purposes of this section and section 216C.402, the  
230.19 terms in this subdivision have the meanings given.
- 230.20 (b) "Dealer" means a person, firm, or corporation that:
- 230.21 (1) possesses a new motor vehicle license under chapter 168;
- 230.22 (2) regularly engages in the business of manufacturing or selling, purchasing, and  
230.23 generally dealing in new and unused motor vehicles;
- 230.24 (3) has an established place of business to sell, trade, and display new and unused motor  
230.25 vehicles; and
- 230.26 (4) possesses new and unused motor vehicles to sell or trade the motor vehicles.
- 230.27 (c) "Electric vehicle" has the meaning given in section 169.011, subdivision 26a,  
230.28 paragraphs (a) and (b), clause (3).
- 230.29 (d) "Eligible new electric vehicle" means an electric vehicle that meets the requirements  
230.30 of subdivision 2, paragraph (a).

231.1 (e) "Eligible used electric vehicle" means an electric vehicle that meets the requirements  
231.2 of subdivision 2, paragraph (b).

231.3 (f) "Lease" means a business transaction under which a dealer furnishes an eligible  
231.4 electric vehicle to a person for a fee under a bailor-bailee relationship where no incidences  
231.5 of ownership transferred, other than the right to use the vehicle for a term of at least 24  
231.6 months.

231.7 (g) "Lessee" means a person who leases an eligible electric vehicle from a dealer.

231.8 (h) "New eligible electric vehicle" means an eligible electric vehicle that has not been  
231.9 registered in any state.

231.10 Subd. 2. **Eligible vehicle.** (a) A new electric vehicle is eligible for a rebate under this  
231.11 section if the electric vehicle:

231.12 (1) has a base manufacturer's suggested retail price that does not exceed \$60,000;

231.13 (2) has not been previously owned;

231.14 (3) has not been modified from the original manufacturer's specifications;

231.15 (4) is purchased or leased from a dealer or directly from an original equipment  
231.16 manufacturer that does not have licensed franchised dealers in Minnesota;

231.17 (5) is powered by a battery that contains applicable critical minerals in sufficient quantities  
231.18 to make the vehicle eligible for an electric vehicle rebate under the Inflation Reduction Act  
231.19 of 2022, Public Law 117-169; and

231.20 (6) is purchased or leased after the effective date of this section for use by the purchaser  
231.21 and not for resale.

231.22 (b) A used electric vehicle is eligible for an electric vehicle rebate under this section if  
231.23 the electric vehicle had a base manufacturer's suggested retail price that did not exceed  
231.24 \$60,000 when purchased, has previously been owned in Minnesota or another state, and  
231.25 has not been modified from the original manufacturer's specifications.

231.26 (c) For purposes of paragraph (a), a vehicle has not been previously owned if it:

231.27 (1) is used by a dealer as a floor model or test drive vehicle and has not been previously  
231.28 registered in Minnesota or any other state prior to purchase or lease; or

231.29 (2) is returned to a dealer by a purchaser or lessee:

231.30 (i) within two weeks of purchase or leasing or when a purchaser's or lessee's financing  
231.31 for the electric vehicle has been disapproved; or

232.1 (ii) before the purchaser or lessee takes delivery, even if the electric vehicle is registered  
232.2 in Minnesota.

232.3 Subd. 3. **Eligible purchaser or lessee.** A person who purchases or leases an eligible  
232.4 new or used electric vehicle is eligible for a rebate under this section if the purchaser or  
232.5 lessee:

232.6 (1) is one of the following:

232.7 (i) a resident of Minnesota, as defined in section 290.01, subdivision 7, paragraph (a),  
232.8 when the electric vehicle is purchased or leased;

232.9 (ii) a business that has a valid address in Minnesota from which business is conducted;

232.10 (iii) a nonprofit corporation incorporated under chapter 317A; or

232.11 (iv) a political subdivision of the state;

232.12 (2) has not received a rebate or tax credit for the purchase or lease of an electric vehicle  
232.13 from the state of Minnesota;

232.14 (3) has a household income below 300 percent of the federal poverty guidelines  
232.15 established by the United States Department of Health and Human Services; and

232.16 (4) registers the electric vehicle in Minnesota.

232.17 Subd. 4. **Rebate amounts.** (a) A \$2,500 rebate may be issued under this section to an  
232.18 eligible purchaser to purchase or lease an eligible new electric vehicle.

232.19 (b) A \$500 rebate may be issued under this section to an eligible purchaser or lessee of  
232.20 an eligible used electric vehicle.

232.21 (c) A purchaser or lessee whose household income at the time the eligible electric vehicle  
232.22 is purchased or leased is less than 150 percent of the current federal poverty guidelines  
232.23 established by the Department of Health and Human Services is eligible for a rebate of \$500  
232.24 to purchase or lease an eligible new electric vehicle and \$100 to purchase or lease an eligible  
232.25 used electric vehicle. The rebate under this paragraph is in addition to the rebate under  
232.26 paragraph (a) or (b), as applicable.

232.27 Subd. 5. **Limits.** The number of rebates allowed under this section is limited to:

232.28 (1) no more than one rebate per resident; and

232.29 (2) no more than one rebate per business entity per year.

232.30 Subd. 6. **Program administration.** (a) A rebate application under this section must be  
232.31 filed with the commissioner on a form developed by the commissioner.



233.1 (b) The commissioner must develop administrative procedures governing the application  
233.2 and rebate award process. Applications must be reviewed and rebates awarded by the  
233.3 commissioner on a first-come, first-served basis.

233.4 (c) The commissioner must, in coordination with dealers and other state agencies as  
233.5 applicable, develop a procedure to allow a rebate to be used by an eligible purchaser or  
233.6 lessee at the point of sale so that the rebate amount may be subtracted from the selling price  
233.7 of the eligible electric vehicle.

233.8 (d) The commissioner may reduce the rebate amounts provided under subdivision 4 or  
233.9 restrict program eligibility based on the availability of money to award rebates or other  
233.10 factors.

233.11 Subd. 7. **Expiration.** This section expires June 30, 2027.

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

233.13 Sec. 43. **[216C.402] GRANT PROGRAM; MANUFACTURERS' CERTIFICATION**  
233.14 **OF AUTO DEALERS TO SELL ELECTRIC VEHICLES.**

233.15 Subdivision 1. **Establishment.** A grant program is established in the department to  
233.16 award grants to dealers to offset the costs of obtaining the necessary training and equipment  
233.17 that is required by electric vehicle manufacturers in order to certify a dealer to sell electric  
233.18 vehicles produced by the manufacturer.

233.19 Subd. 2. **Application.** An application for a grant under this section must be made to the  
233.20 commissioner on a form developed by the commissioner. The commissioner must develop  
233.21 administrative procedures and processes to review applications and award grants under this  
233.22 section.

233.23 Subd. 3. **Eligible applicants.** An applicant for a grant awarded under this section must  
233.24 be a dealer of new motor vehicles licensed under chapter 168 operating under a franchise  
233.25 from a manufacturer of electric vehicles.

233.26 Subd. 4. **Eligible expenditures.** Appropriations made to support the activities of this  
233.27 section must be used only to reimburse:

233.28 (1) a dealer for the reasonable costs to obtain training and certification for the dealer's  
233.29 employees from the electric vehicle manufacturer that awarded the franchise to the dealer;

233.30 (2) a dealer for the reasonable costs to purchase and install equipment to service and  
233.31 repair electric vehicles, as required by the electric vehicle manufacturer that awarded the  
233.32 franchise to the dealer; and

234.1 (3) the department for the reasonable costs to administer this section.

234.2 Subd. 5. **Limitation.** A grant awarded under this section to a single dealer must not  
234.3 exceed \$40,000.

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

234.5 Sec. 44. **[216C.441] MINNESOTA CLIMATE INNOVATION FINANCE**

234.6 **AUTHORITY.**

234.7 Subdivision 1. **Establishment; purpose.** (a) There is created a public body corporate  
234.8 and politic to be known as the "Minnesota Climate Innovation Finance Authority," whose  
234.9 purpose is to accelerate the deployment of clean energy projects, greenhouse gas emissions  
234.10 reduction projects, and other qualified projects through the strategic deployment of public  
234.11 funds in the form of grants, loans, credit enhancements, and other financing mechanisms  
234.12 in order to leverage existing public and private sources of capital to reduce the upfront and  
234.13 total cost of qualified projects and to overcome financial barriers to project adoption,  
234.14 especially in low-income communities.

234.15 (b) The goals of the authority include but are not limited to:

234.16 (1) reducing Minnesota's contributions to climate change by accelerating the deployment  
234.17 of clean energy projects;

234.18 (2) ensuring that all Minnesotans share the benefits of clean and renewable energy and  
234.19 the opportunity to fully participate in the clean energy economy by promoting:

234.20 (i) the creation of clean energy jobs for Minnesota workers, particularly in environmental  
234.21 justice communities and communities in which fossil fuel electric generating plants are  
234.22 retiring; and

234.23 (ii) the principles of environmental justice in the authority's operations and funding  
234.24 decisions;

234.25 (3) maintaining energy reliability while reducing the economic burden of energy costs,  
234.26 especially on low-income households; and

234.27 (4) eliminating the use of materials and components of clean energy technologies that  
234.28 are procured from countries that are known to utilize slave labor.

234.29 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the  
234.30 meanings given.

234.31 (b) "Authority" means the Minnesota Climate Innovation Finance Authority.

235.1 (c) "Board" means the Minnesota Climate Innovation Finance Authority's board of  
235.2 directors established in subdivision 10.

235.3 (d) "Clean energy project" has the meaning given to "qualified project" in paragraph  
235.4 (n).

235.5 (e) "Community navigator" means an organization that works to facilitate access to clean  
235.6 energy project financing by community groups.

235.7 (f) "Credit enhancement" means a pool of capital set aside to cover potential losses on  
235.8 loans and other investments made by financing entities. Credit enhancement includes but  
235.9 is not limited to loan loss reserves and loan guarantees.

235.10 (g) "Energy storage system" has the meaning given in section 216B.2422, subdivision  
235.11 1, paragraph (f).

235.12 (h) "Environmental justice" means that:

235.13 (1) communities of color, Indigenous communities, and low-income communities have  
235.14 a healthy environment and are treated fairly when environmental statutes, rules, and policies  
235.15 are developed, adopted, implemented, and enforced; and

235.16 (2) in all decisions that have the potential to affect the environment of an environmental  
235.17 justice community or the public health of an environmental justice community's residents,  
235.18 due consideration is given to the history of the area's and the area's residents' cumulative  
235.19 exposure to pollutants and to any current socioeconomic conditions that increase the physical  
235.20 sensitivity of the area's residents to additional exposure to pollutants.

235.21 (i) "Environmental justice community" means a community in Minnesota that, based  
235.22 on the most recent data published by the United States Census Bureau, meets one or more  
235.23 of the following criteria:

235.24 (1) 40 percent or more of the community's total population is nonwhite;

235.25 (2) 35 percent or more of households in the community have an income that is at or  
235.26 below 200 percent of the federal poverty level;

235.27 (3) 40 percent or more of the community's residents over the age of five have limited  
235.28 English proficiency; or

235.29 (4) the community is located within Indian country, as defined in United States Code,  
235.30 title 18, section 1151.

236.1 (j) "Greenhouse gas emissions" means emissions of carbon dioxide, methane, nitrous  
236.2 oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride emitted by  
236.3 anthropogenic sources.

236.4 (k) "Loan loss reserve" means a pool of capital set aside to reimburse a private lender  
236.5 if a customer defaults on a loan, up to an agreed-upon percentage of loans originated by the  
236.6 private lender.

236.7 (l) "Microgrid system" means an electrical grid that:

236.8 (1) serves a discrete geographical area from distributed energy resources; and

236.9 (2) can operate independently from the central electric grid on a temporary basis.

236.10 (m) "Project labor agreement" means a prehire collective bargaining agreement with a  
236.11 council of building and construction trades labor organizations (1) prohibiting strikes,  
236.12 lockouts, and similar disruptions, and (2) providing for a binding procedure to resolve labor  
236.13 disputes on the project.

236.14 (n) "Qualified project" means a project, technology, product, service, or measure  
236.15 promoting energy efficiency, clean energy, electrification, or water conservation and quality  
236.16 that:

236.17 (1) substantially reduces greenhouse gas emissions;

236.18 (2) reduces energy use without diminishing the level of service;

236.19 (3) increases the deployment of renewable energy projects, energy storage systems,  
236.20 district heating, smart grid technologies, or microgrid systems;

236.21 (4) replaces existing fossil-fuel-based technology with an end-use electric technology;

236.22 (5) supports the development and deployment of electric vehicle charging stations and  
236.23 associated infrastructure, electric buses, and electric fleet vehicles;

236.24 (6) reduces water use or protects, restores, or preserves the quality of surface waters; or

236.25 (7) incentivizes customers to shift demand in response to changes in the price of electricity  
236.26 or when system reliability is not jeopardized.

236.27 (o) "Renewable energy" has the meaning given in section 216B.1691, subdivision 1,  
236.28 paragraph (c), clauses (1), (2), and (4), and includes fuel cells generated from renewable  
236.29 energy.

236.30 (p) "Securitization" means the conversion of an asset composed of individual loans into  
236.31 marketable securities.

- 237.1 (q) "Smart grid" means a digital technology that:
- 237.2 (1) allows for two-way communication between a utility and the utility's customers; and
- 237.3 (2) enables the utility to control power flow and load in real time.
- 237.4 Subd. 3. **General powers.** (a) For the purpose of exercising the specific powers granted
- 237.5 in this section, the authority has the general powers granted in this subdivision.
- 237.6 (b) The authority may:
- 237.7 (1) hire an executive director and staff to conduct the authority's operations;
- 237.8 (2) sue and be sued;
- 237.9 (3) have a seal and alter the seal;
- 237.10 (4) acquire, hold, lease, manage, and dispose of real or personal property for the
- 237.11 authority's corporate purposes;
- 237.12 (5) enter into agreements, including cooperative financing agreements, contracts, or
- 237.13 other transactions, with any federal or state agency, county, local unit of government,
- 237.14 regional development commission, person, domestic or foreign partnership, corporation,
- 237.15 association, or organization;
- 237.16 (6) acquire by purchase real property, or an interest therein, in the authority's own name
- 237.17 where acquisition is necessary or appropriate;
- 237.18 (7) provide general technical and consultative services related to the authority's purpose;
- 237.19 (8) promote research and development in matters related to the authority's purpose;
- 237.20 (9) analyze greenhouse gas emissions reduction project financing needs in the state and
- 237.21 recommend measures to alleviate any shortage of financing capacity;
- 237.22 (10) contract with any governmental or private agency or organization, legal counsel,
- 237.23 financial advisor, investment banker, or others to assist in the exercise of the authority's
- 237.24 powers;
- 237.25 (11) enter into agreements with qualified lenders or others insuring or guaranteeing to
- 237.26 the state the payment of qualified loans or other financing instruments; and
- 237.27 (12) accept on behalf of the state any gift, grant, or interest in money or personal property
- 237.28 tendered to the state for any purpose pertaining to the authority's activities.
- 237.29 Subd. 4. **Authority duties.** (a) The authority must:

- 238.1 (1) serve as a financial resource to reduce the upfront and total costs of implementing  
238.2 qualified projects;
- 238.3 (2) ensure that all financed projects reduce greenhouse gas emissions;
- 238.4 (3) ensure that financing terms and conditions offered are well-suited to qualified projects;
- 238.5 (4) strategically prioritize the use of the authority's funds to leverage private investment  
238.6 in qualified projects, with the aim of achieving a high ratio of private to public money  
238.7 invested through funding mechanisms that support, enhance, and complement private lending  
238.8 and investment;
- 238.9 (5) coordinate with existing federal, state, local, utility, and other programs to ensure  
238.10 that the authority's resources are being used most effectively to add to and complement  
238.11 those programs;
- 238.12 (6) stimulate demand for qualified projects by:
- 238.13 (i) contracting with the department's Energy Information Center and community  
238.14 navigators to provide information to project participants about federal, state, local, utility,  
238.15 and other authority financial assistance for qualifying projects, and technical information  
238.16 on energy conservation and renewable energy measures;
- 238.17 (ii) forming partnerships with contractors and informing contractors about the authority's  
238.18 financing programs;
- 238.19 (iii) developing innovative marketing strategies to stimulate project owner interest,  
238.20 especially in underserved communities; and
- 238.21 (iv) incentivizing financing entities to increase activity in underserved markets;
- 238.22 (7) finance projects in all regions of the state;
- 238.23 (8) develop participant eligibility standards and other terms and conditions for financial  
238.24 support provided by the authority;
- 238.25 (9) develop and administer:
- 238.26 (i) policies to collect reasonable fees for authority services; and
- 238.27 (ii) risk management activities to support ongoing authority activities;
- 238.28 (10) develop consumer protection standards governing the authority's investments to  
238.29 ensure that financial support is provided responsibly and transparently, and is in the financial  
238.30 interest of participating project owners;

239.1 (11) develop methods to accurately measure the impact of the authority's activities,  
239.2 particularly on low-income communities and on greenhouse gas emissions reductions;

239.3 (12) hire an executive director and sufficient staff with the appropriate skills and  
239.4 qualifications to carry out the authority's programs, making an affirmative effort to recruit  
239.5 and hire a director and staff who are from, or share the interests of, the communities the  
239.6 authority must serve;

239.7 (13) apply for, either as a direct or subgrantee applicant, and accept Greenhouse Gas  
239.8 Reduction Fund grants authorized by the federal Clean Air Act, United States Code, title  
239.9 42, section 7434(a). If the application deadlines for these grants are earlier than is practical  
239.10 for the authority to meet, the commissioner shall apply on behalf of the authority. In all  
239.11 cases, applications for these funds by or on behalf of the authority must be coordinated with  
239.12 all known Minnesota applicants; and

239.13 (14) ensure that authority contracts with all third-party administrators, contractors, and  
239.14 subcontractors contain required covenants, representations, and warranties specifying that  
239.15 contracted third parties are agents of the authority, and that all acts of contracted third parties  
239.16 are considered acts of the authority, provided that the act is within the contracted scope of  
239.17 work.

239.18 (b) The authority may:

239.19 (1) employ credit enhancement mechanisms that reduce financial risk for financing  
239.20 entities by providing assurance that a limited portion of a loan or other financial instrument  
239.21 is assumed by the authority via a loan loss reserve, loan guarantee, or other mechanism;

239.22 (2) co-invest in a qualified project by providing senior or subordinated debt, equity, or  
239.23 other mechanisms in conjunction with other investment, co-lending, or financing;

239.24 (3) aggregate small and geographically dispersed qualified projects in order to diversify  
239.25 risk or secure additional private investment through securitization or similar resale of the  
239.26 authority's interest in a completed qualified project;

239.27 (4) expend up to 25 percent of money appropriated to the authority for start-up purposes,  
239.28 which may be used for financing programs and project investments authorized under this  
239.29 section prior to adoption of the strategic plan required under subdivision 7 and the investment  
239.30 strategy under subdivision 8; and

239.31 (5) require a specific project to agree to implement a project labor agreement as a  
239.32 condition of receiving financing from the authority.

240.1 Subd. 5. Underserved market analysis. (a) Before developing a financing program,  
240.2 the authority must conduct an analysis of the financial market the authority is considering  
240.3 entering in order to determine the extent to which the market is underserved and to ensure  
240.4 that the authority's activities supplement, and do not duplicate or supplant, the efforts of  
240.5 financing entities currently serving the market. The analysis must address the nature and  
240.6 extent of any barriers or gaps that may be preventing financing entities from adequately  
240.7 serving the market, and must examine present and projected future efforts of existing  
240.8 financing entities, federal, state, and local governments, and of utilities and others to serve  
240.9 the market.

240.10 (b) In determining whether the authority should enter a market, the authority must  
240.11 consider:

240.12 (1) whether serving the market advances the authority's policy goals;

240.13 (2) the extent to which the market is currently underserved;

240.14 (3) the unique tools the authority would deploy to overcome existing market barriers or  
240.15 gaps;

240.16 (4) how the authority would market the program to potential participants; and

240.17 (5) potential financing partners and the role financing partners would play in  
240.18 complementing the authority's activities.

240.19 (c) Before providing any direct loans to residential borrowers, the authority must issue  
240.20 a request for information to existing known financing entities, specifying the market need  
240.21 and the authority's goals in meeting the underserved market segment, and soliciting each  
240.22 financing entity's:

240.23 (1) current financing offerings for that specific market;

240.24 (2) prior efforts to meet that specific market; and

240.25 (3) plans and capabilities to serve that specific market.

240.26 (d) The authority may only provide direct loans to residential borrowers if the authority  
240.27 certifies that no financing entity is currently able to meet the specific underserved market  
240.28 need and the authority's goals, and that the authority's entry into the market does not supplant  
240.29 or duplicate any existing financing activities in that specific market.

240.30 Subd. 6. Authority lending practices; labor and consumer protection standards. (a)  
240.31 In determining the projects in which the authority will participate, the authority must give  
240.32 preference to projects that:



241.1 (1) maximize the creation of high-quality employment and apprenticeship opportunities  
241.2 for local workers, consistent with the public interest, especially workers from environmental  
241.3 justice communities, labor organizations, and Minnesota communities hosting retired or  
241.4 retiring electric generation facilities, including workers previously employed at retiring  
241.5 facilities;

241.6 (2) utilize energy technologies produced domestically that received an advanced  
241.7 manufacturing tax credit under section 45X of the Internal Revenue Code, as allowed under  
241.8 the federal Inflation Reduction Act of 2022, Public Law 117-169;

241.9 (3) certify, for all contractors and subcontractors, that the rights of workers to organize  
241.10 and unionize are recognized; and

241.11 (4) agree to implement a project labor agreement.

241.12 (b) The authority must require, for all projects for which the authority provides financing,  
241.13 that:

241.14 (1) if the budget is \$100,000 or more, all contractors and subcontractors:

241.15 (i) must pay no less than the prevailing wage rate, as defined in section 177.42,  
241.16 subdivision 6; and

241.17 (ii) are subject to the requirements and enforcement provisions under sections 177.27,  
241.18 177.30, 177.32, 177.41 to 177.43, and 177.45, including the posting of prevailing wage  
241.19 rates, prevailing hours of labor, and hourly basic rates of pay for all trades on the project in  
241.20 at least one conspicuous location at the project site;

241.21 (2) financing is not offered without first ensuring that the participants meet the authority's  
241.22 underwriting criteria; and

241.23 (3) any loan made to a homeowner for a project on the homeowner's residence complies  
241.24 with section 47.59 and the following federal laws:

241.25 (i) the Truth in Lending Act, United States Code, title 15, section 1601 et seq.;

241.26 (ii) the Fair Credit Reporting Act, United States Code, title 15, section 1681;

241.27 (iii) the Equal Credit Opportunity Act, United States Code, title 15, section 1691 et seq.;  
241.28 and

241.29 (iv) the Fair Debt Collection Practices Act, United States Code, title 15, section 1692.

241.30 (c) The authority and any third-party administrator, contractor, subcontractor, or agent  
241.31 that conducts lending, financing, investment, marketing, administration, servicing, or

242.1 installation of measures in connection with a qualified project financed in whole or in part  
242.2 with authority funds is subject to sections 325D.43 to 325D.48; 325F.67 to 325F.71; 325G.06  
242.3 to 325G.14; 325G.29 to 325G.37; and 332.37.

242.4 (d) For the purposes of this section, "local workers" means Minnesota residents who  
242.5 permanently reside within 150 miles of the location of a proposed project in which the  
242.6 authority is considering to participate.

242.7 Subd. 7. **Strategic plan.** (a) By December 15, 2024, and each December 15 in  
242.8 even-numbered years thereafter, the authority must develop and adopt a strategic plan that  
242.9 prioritizes the authority's activities over the next two years. A strategic plan must:

242.10 (1) identify targeted underserved markets for qualified projects in Minnesota;

242.11 (2) develop specific programs to overcome market impediments through access to  
242.12 authority financing and technical assistance; and

242.13 (3) develop outreach and marketing strategies designed to make potential project  
242.14 developers, participants, and communities aware of financing and technical assistance  
242.15 available from the authority, including the deployment of community navigators.

242.16 (b) Elements of the strategic plan must be informed by the authority's analysis of the  
242.17 market for qualified projects and by the authority's experience under the previous strategic  
242.18 plan, including the degree to which performance targets were or were not achieved by each  
242.19 financing program. In addition, the authority must actively seek input regarding activities  
242.20 that should be included in the strategic plan from stakeholders, environmental justice  
242.21 communities, the general public, and participants, including via meetings required under  
242.22 subdivision 9.

242.23 (c) The authority must establish annual targets in a strategic plan for each financing  
242.24 program regarding the number of projects, level of authority investments, greenhouse gas  
242.25 emissions reductions, and installed generating capacity or energy savings the authority  
242.26 hopes to achieve, including separate targets for authority activities undertaken in  
242.27 environmental justice communities.

242.28 (d) The authority's targets and strategies must be designed to ensure that no less than 40  
242.29 percent of the direct benefits of authority activities flow to environmental justice communities  
242.30 as defined under subdivision 2, by the United States Department of Energy, or as modified  
242.31 by the department.

242.32 Subd. 8. **Investment strategy; content; process.** (a) No later than December 15, 2024,  
242.33 and every four years thereafter, the authority must adopt a long-term investment strategy

- 243.1 to ensure the authority's paramount goal to reduce greenhouse gas emissions is reflected in  
243.2 all of the authority's operations. The investment strategy must address:
- 243.3 (1) the types of qualified projects the authority should focus on;  
243.4 (2) gaps in current qualified project financing that present the greatest opportunities for  
243.5 successful action by the authority;  
243.6 (3) how the authority can best position itself to maximize its impact without displacing,  
243.7 subsidizing, or assuming risk that should be shared with financing entities;  
243.8 (4) financing tools that will be most effective in achieving the authority's goals;  
243.9 (5) partnerships the authority should establish with other organizations to increase the  
243.10 likelihood of success; and  
243.11 (6) how values of equity, environmental justice, and geographic balance can be integrated  
243.12 into all investment operations of the authority.
- 243.13 (b) In developing an investment strategy, the authority must consult, at a minimum, with  
243.14 similar organizations in other states, lending authorities, state agencies, utilities,  
243.15 environmental and energy policy nonprofits, labor organizations, and other organizations  
243.16 that can provide valuable advice on the authority's activities.
- 243.17 (c) The long-term investment strategy must contain provisions ensuring that:
- 243.18 (1) authority investments are not made solely to reduce private risk; and  
243.19 (2) private financing entities do not unilaterally control the terms of investments to which  
243.20 the authority is a party.
- 243.21 (d) The board must submit a draft long-term investment strategy for comment to each  
243.22 of the groups and individuals the board consults under paragraph (b) and to the chairs and  
243.23 ranking minority members of the senate and house of representatives committees with  
243.24 primary jurisdiction over energy finance and policy, and must post the draft strategy on the  
243.25 authority's website. The authority must accept written comments on the draft strategy for  
243.26 at least 30 days and must consider the comments in preparing the final long-term investment  
243.27 strategy.
- 243.28 **Subd. 9. Public communications and outreach.** The authority must:
- 243.29 (1) maintain a public website that provides information about the authority's operations,  
243.30 current financing programs, and practices, including rates, terms, and conditions; the number  
243.31 and amount of investments by project type; the number of jobs created; the financing  
243.32 application process; and other information;

244.1 (2) periodically issue an electronic newsletter to stakeholders and the public containing  
244.2 information on the authority's products, programs, and services and key authority events  
244.3 and decisions; and

244.4 (3) hold quarterly meetings accessible online to update the general public on the  
244.5 authority's activities, report progress being made in regard to the authority's strategic plan  
244.6 and long-term investment strategy, and invite audience questions regarding authority  
244.7 programs.

244.8 Subd. 10. **Board of directors.** (a) The Minnesota Climate Innovation Finance Authority  
244.9 Board of Directors shall consist of the following 11 members:

244.10 (1) the commissioner of commerce, or the commissioner's designee;

244.11 (2) the commissioner of labor and industry, or the commissioner's designee;

244.12 (3) the commissioner of the Minnesota Pollution Control Agency, or the commissioner's  
244.13 designee;

244.14 (4) the commissioner of employment and economic development, or the commissioner's  
244.15 designee;

244.16 (5) the chair of the Minnesota Indian Affairs Council, or the chair's designee; and

244.17 (6) six additional members appointed by the governor, as follows:

244.18 (i) one member, appointed after the governor consults with labor organizations in the  
244.19 state, must be a representative of a labor union with experience working on clean energy  
244.20 projects;

244.21 (ii) one member with expertise in the impact of climate change on Minnesota  
244.22 communities, particularly low-income communities;

244.23 (iii) one member with expertise in financing projects at a community bank, credit union,  
244.24 community development institution, or local government;

244.25 (iv) one member with expertise in sustainable development and energy conservation;

244.26 (v) one member with expertise in environmental justice; and

244.27 (vi) one member with expertise in investment fund management or financing and  
244.28 deploying clean energy technologies.

244.29 (b) At least two members appointed to the board must permanently reside outside the  
244.30 metropolitan area, as defined in section 473.121, subdivision 2. The board must collectively  
244.31 reflect the geographic and ethnic diversity of the state.

245.1 (c) Board members appointed under paragraph (a), clause (6), shall serve a term of four  
245.2 years.

245.3 (d) Members appointed to the board must:

245.4 (1) provide evidence of a commitment to the authority's purposes and goals; and

245.5 (2) not hold any personal or professional conflicts of interest related to the authority's  
245.6 activities, including with respect to the member's financial investments and employment or  
245.7 the financial investments and employment of the member's immediate family members.

245.8 (e) The authority shall contract with the department to provide administrative and  
245.9 technical services to the board and to prospective borrowers, especially those serving or  
245.10 located in environmental justice communities.

245.11 (f) Compensation of board members, removal of members, and filling of vacancies are  
245.12 governed by section 15.0575.

245.13 (g) Board members may be reappointed for up to two full terms.

245.14 (h) A majority of board members, excluding vacancies, constitutes a quorum for the  
245.15 purpose of conducting business and exercising powers, and for all other purposes. Action  
245.16 may be taken by the authority upon a vote of a majority of the quorum present.

245.17 (i) Board members and officers are not personally liable, either jointly or severally, for  
245.18 any debt or obligation created or incurred by the authority.

245.19 Subd. 11. **Report; audit.** Beginning February 1, 2024, the authority must annually  
245.20 submit a comprehensive report on the authority's activities during the previous year to the  
245.21 governor and the chairs and ranking minority members of the legislative committees with  
245.22 primary jurisdiction over energy policy. The report must contain, at a minimum, information  
245.23 on:

245.24 (1) the amount of authority capital invested, by project type;

245.25 (2) the amount of private and public capital leveraged by authority investments, by  
245.26 project type;

245.27 (3) the number of qualified projects supported, by project type and location within  
245.28 Minnesota, including in environmental justice communities;

245.29 (4) the estimated number of jobs created for local workers and nonlocal workers, the  
245.30 ratio of projects subject to and exempt from prevailing wage requirements under subdivision  
245.31 6, paragraph (b), and tax revenue generated as a result of the authority's activities;

246.1 (5) estimated reductions in greenhouse gas emissions resulting from the authority's  
246.2 activities;

246.3 (6) the number of clean energy projects financed in low- and moderate-income  
246.4 households;

246.5 (7) a narrative describing the progress made toward the authority's equity, social, and  
246.6 labor standards goals; and

246.7 (8) a financial audit conducted by an independent party.

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

246.9 **Sec. 45. [216C.45] RESIDENTIAL HEAT PUMP REBATE PROGRAM.**

246.10 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
246.11 the meanings given.

246.12 (b) "Eligible applicant" means a person who provides evidence to the commissioner's  
246.13 satisfaction demonstrating that the person has received or has applied for a heat pump rebate  
246.14 available from the federal Department of Energy under the Inflation Reduction Act of 2022,  
246.15 Public Law 117-189.

246.16 (c) "Heat pump" means a cold climate rated air-source heat pump composed of (1) a  
246.17 mechanism that heats and cools indoor air by transferring heat from outdoor or indoor air  
246.18 using a fan, (2) a refrigerant-filled heat exchanger, and (3) an inverter-driven compressor  
246.19 that varies the pressure of the refrigerant to warm or cool the refrigerant vapor.

246.20 Subd. 2. **Establishment.** A residential heat pump rebate program is established in the  
246.21 department to provide financial assistance to eligible applicants that purchase and install a  
246.22 heat pump in the applicant's Minnesota residence.

246.23 Subd. 3. **Application.** (a) An application for a rebate under this section must be made  
246.24 to the commissioner on a form developed by the commissioner. The application must be  
246.25 accompanied by documentation, as required by the commissioner, demonstrating that:

246.26 (1) the applicant is an eligible applicant;

246.27 (2) the applicant owns the Minnesota residence in which the heat pump is to be installed;

246.28 (3) the applicant has had an energy audit conducted of the residence in which the heat  
246.29 pump is to be installed within the last 18 months by a person with a Building Analyst  
246.30 Technician certification issued by the Building Performance Institute, Inc., or an equivalent  
246.31 certification, as determined by the commissioner;

247.1 (4) either:

247.2 (i) the applicant has installed in the applicant's residence, by a contractor with an Air  
247.3 Leakage Control Installer certification issued by the Building Performance Institute, Inc.,  
247.4 or an equivalent certification, as determined by the commissioner, the amount of insulation  
247.5 and the air sealing measures recommended by the auditor; or

247.6 (ii) the auditor has otherwise determined that the amount of insulation and air sealing  
247.7 measures in the residence are sufficient to enable effective heat pump performance;

247.8 (5) the applicant has purchased a heat pump of the capacity recommended by the auditor  
247.9 or contractor, and has had the heat pump installed by a contractor with sufficient training  
247.10 and experience in installing heat pumps, as determined by the commissioner; and

247.11 (6) the total cost to purchase and install the heat pump in the applicant's residence.

247.12 (b) The commissioner must develop administrative procedures governing the application  
247.13 and rebate award processes.

247.14 Subd. 4. **Rebate amount.** A rebate awarded under this section must not exceed the lesser  
247.15 of:

247.16 (1) \$4,000; or

247.17 (2) the total cost to purchase and install the heat pump in an eligible applicant's residence  
247.18 net of the rebate amount received for the heat pump from the federal Department of Energy  
247.19 under the Inflation Reduction Act of 2022, Public Law 117-189.

247.20 Subd. 5. **Assisting applicants.** The commissioner must issue a request for proposals  
247.21 seeking an entity to serve as an energy coordinator to interact directly with applicants and  
247.22 potential applicants to:

247.23 (1) explain the technical aspects of heat pumps, energy audits, and energy conservation  
247.24 measures, and the energy and financial savings that can result from implementing each;

247.25 (2) identify federal, state, and utility programs available to homeowners to reduce the  
247.26 costs of energy audits, energy conservation, and heat pumps;

247.27 (3) explain the requirements and scheduling of the application process;

247.28 (4) provide access to certified contractors who can perform energy audits, install  
247.29 insulation and air sealing measures, and install heat pumps; and

247.30 (5) conduct outreach to make potential applicants aware of the program.

248.1 Subd. 6. Contractor training and support. The commissioner must issue a request for  
248.2 proposals seeking an entity to develop and organize programs to train contractors with  
248.3 respect to the technical aspects and installation of heat pumps in residences. The training  
248.4 curriculum must be at a level sufficient to provide contractors who complete training with  
248.5 the knowledge and skills necessary to install heat pumps to industry best practice standards,  
248.6 as determined by the commissioner. Training programs must: (1) be accessible in all regions  
248.7 of the state; and (2) provide mentoring and ongoing support, including continuing education  
248.8 and financial assistance, to trainees.

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

248.10 Sec. 46. [216C.46] RESIDENTIAL ELECTRIC PANEL UPGRADE GRANT  
248.11 PROGRAM.

248.12 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have  
248.13 the meanings given.

248.14 (b) "Area median income" means the median income of the geographic area in which a  
248.15 single-family or multifamily building whose owner is applying for a grant under this section  
248.16 is located, as reported by the United States Department of Housing and Urban Development.

248.17 (c) "Electric panel" means a building's electric panel or group of panels, including any  
248.18 subpanels, consisting of buses and automatic overcurrent devices and equipment with or  
248.19 without switches for the control of light, heat, or power circuits placed in an enclosure,  
248.20 cabinet, or cutout box. Electric panel includes a smart panel.

248.21 (d) "Electrical work" has the meaning given in section 326B.31, subdivision 17.

248.22 (e) "Eligible applicant" means:

248.23 (1) an owner of a single-family building whose occupants have an annual household  
248.24 income no greater than 150 percent of the area median income; or

248.25 (2) an owner of a multifamily building in which at least 50 percent of the units are  
248.26 occupied by households whose annual income is no greater than 150 percent of the area  
248.27 median income.

248.28 (f) "Multifamily building" means a building containing two or more units.

248.29 (g) "Smart panel" means an electrical panel that may be electronically programmed to  
248.30 manage electricity use in a building automatically.

248.31 (h) "Unit" means a residential living space in a multifamily building occupied by an  
248.32 individual or a household.



249.1 (i) "Upgrade" means:

249.2 (1) for a single-family residence, the installation of equipment, devices, and wiring  
249.3 necessary to increase an electrical panel's capacity to a total rating of not less than 200  
249.4 amperes, or to a total rating that allows all the building's energy needs to be provided solely  
249.5 by electricity, as calculated using the most recent National Electrical Code as adopted in  
249.6 Minnesota;

249.7 (2) for a single-family residence, the installation of a smart panel; or

249.8 (3) for a multifamily building, the installation of equipment, devices, and wiring necessary  
249.9 to increase the capacity of an electric panel, including feeder panels, to a total rating that  
249.10 allows all the building's energy needs to be provided solely by electricity, as calculated  
249.11 using the National Electrical Code as adopted in Minnesota.

249.12 Subd. 2. **Program establishment.** A residential electric panel upgrade grant program  
249.13 is established in the Department of Commerce to provide financial assistance to owners of  
249.14 single-family residences and multifamily buildings to upgrade residential electric panels.

249.15 Subd. 3. **Application process.** An applicant seeking a grant under this section must  
249.16 submit an application to the commissioner on a form developed by the commissioner. The  
249.17 commissioner must develop administrative procedures to govern the application and grant  
249.18 award process. The commissioner may contract with a third party to conduct some or all of  
249.19 the program's operations.

249.20 Subd. 4. **Grant awards.** A grant may be awarded under this section to:

249.21 (1) an eligible applicant; or

249.22 (2) with the written permission of an eligible applicant submitted to the commissioner,  
249.23 a contractor performing an upgrade or a third party on behalf of the eligible applicant.

249.24 Subd. 5. **Grant amount.** (a) Subject to the limits of paragraphs (b) to (d), a grant awarded  
249.25 under this section may be used to pay 100 percent of the equipment and installation costs  
249.26 of an upgrade.

249.27 (b) The commissioner may not award a grant to an eligible applicant under this section  
249.28 which, in combination with a federal grant awarded to the eligible applicant under the federal  
249.29 Inflation Reduction Act of 2022, Public Law 117-189, for the same electric panel upgrade,  
249.30 exceeds 100 percent of the equipment and installation costs of the upgrade.

249.31 (c) The maximum grant amount under this section that may be awarded to an eligible  
249.32 applicant who owns a single-family residence is:

250.1 (1) \$3,000 for an owner whose annual household income is less than 80 percent of area  
250.2 median income; and

250.3 (2) \$2,000 for an owner whose annual household income exceeds 80 percent but is not  
250.4 greater than 150 percent of area median income.

250.5 (d) The maximum grant amount that may be awarded under this section to an eligible  
250.6 applicant who owns a multifamily building is the sum of \$5,000, plus \$500 multiplied by  
250.7 the number of units containing a separate electric panel receiving an upgrade in the  
250.8 multifamily building, not to exceed \$50,000 per multifamily building.

250.9 (e) The commissioner may approve grants over the maximum amounts in paragraphs  
250.10 (c) and (d) up to 100 percent of the equipment and installation costs of the upgrade if  
250.11 necessary to complete the upgrade.

250.12 Subd. 6. **Limitation.** No more than one grant may be awarded to an owner under this  
250.13 section for work conducted at the same single-family residence or multifamily building.

250.14 Subd. 7. **Outreach.** The department must publicize the availability of grants under this  
250.15 section to, at a minimum:

250.16 (1) income-eligible households;

250.17 (2) community action agencies and other public and private nonprofit organizations that  
250.18 provide weatherization and other energy services to income-eligible households; and

250.19 (3) multifamily property owners and property managers.

250.20 Subd. 8. **Contractor or subcontractor requirements.** Contractors and subcontractors  
250.21 performing electrical work under a grant awarded under this section:

250.22 (1) must comply with the provisions of sections 326B.31 to 326B.399;

250.23 (2) must certify that the electrical work is performed by a licensed journeyworker  
250.24 electrician or a registered unlicensed individual under the direct supervision of a licensed  
250.25 journeyworker electrician or master electrician employed by the same licensed electrical  
250.26 contractor; and

250.27 (3) must pay workers the prevailing wage rate, as defined in section 177.42, and are  
250.28 subject to the requirements and enforcement provisions in sections 177.27, 177.30, 177.32,  
250.29 177.41 to 177.435, and 177.45.

250.30 Subd. 9. **Report.** Beginning January 1, 2025, and each January 1 through 2033, the  
250.31 department must submit a report to the chairs and ranking minority members of the legislative  
250.32 committees with primary jurisdiction over climate and energy policy describing the activities

251.1 and expenditures under the program established in the section. The report must include, at  
251.2 a minimum:

251.3 (1) the number of units in multifamily buildings and the number of single-family  
251.4 residences whose owners received grants;

251.5 (2) the geographic distribution of grant recipients; and

251.6 (3) the average amount of grants awarded per building in multifamily buildings and in  
251.7 single-family residences.

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

251.9 Sec. 47. **[216C.51] UTILITY DIVERSITY REPORTING.**

251.10 Subdivision 1. **Public policy.** It is the public policy of this state to encourage each utility  
251.11 that serves Minnesota residents to focus on and improve the diversity of the utility's  
251.12 workforce and suppliers.

251.13 Subd. 2. **Definition.** As used in this section, "utility" has the meaning given to the term  
251.14 "public utility" in section 216B.02, subdivision 4.

251.15 Subd. 3. **Annual report.** (a) Beginning March 15, 2024, and each March 15 thereafter,  
251.16 each utility authorized to do business in Minnesota must file an annual diversity report to  
251.17 the commissioner that describes:

251.18 (1) the utility's goals and efforts to increase diversity in the workplace, including current  
251.19 workforce representation numbers and percentages; and

251.20 (2) all procurement goals and actual spending for female-owned, minority-owned,  
251.21 veteran-owned, and small business enterprises during the previous calendar year.

251.22 (b) The goals under paragraph (a), clause (2), must be expressed as a percentage of the  
251.23 total work performed by the utility submitting the report. The actual spending for  
251.24 female-owned, minority-owned, veteran-owned, and small business enterprises must also  
251.25 be expressed as a percentage of the total work performed by the utility submitting the report.

251.26 Subd. 4. **Report elements.** Each utility required to report under this section must include  
251.27 the following in the annual report to the department:

251.28 (1) an explanation of the plan to increase diversity in the utility's workforce and suppliers  
251.29 during the next year;

251.30 (2) an explanation of the plan to increase the goals;

252.1 (3) an explanation of the challenges faced to increase workforce and supplier diversity,  
252.2 including suggestions regarding actions the department could take to help identify potential  
252.3 employees and vendors;

252.4 (4) a list of the certifications the company recognizes;

252.5 (5) a point of contact for a potential employee or vendor that wishes to work for or do  
252.6 business with the utility; and

252.7 (6) a list of successful actions taken to increase workforce and supplier diversity, to  
252.8 encourage other companies to emulate best practices.

252.9 Subd. 5. **State data.** Each annual report must include as much state-specific data as  
252.10 possible. If the submitting utility does not submit state-specific data, the utility must include  
252.11 any relevant national data the utility possesses, explain why the utility could not submit  
252.12 state-specific data, and detail how the utility intends to include state-specific data in future  
252.13 reports, if possible.

252.14 Subd. 6. **Publication; retention.** The department must publish an annual report on the  
252.15 department's website and must maintain each annual report for at least five years.

252.16 Sec. 48. Laws 2023, chapter 7, section 10, is amended to read:

252.17 Sec. 10. Minnesota Statutes 2022, section 216B.1691, is amended by adding a subdivision  
252.18 to read:

252.19 Subd. 2g. **Carbon-free standard.** (a) In addition to the requirements under subdivisions  
252.20 2a and 2f, each electric utility must generate or procure sufficient electricity generated from  
252.21 a carbon-free energy technology to provide the electric utility's retail customers in Minnesota,  
252.22 or the retail customers of a distribution utility to which the electric utility provides wholesale  
252.23 electric service, so that the electric utility generates or procures an amount of electricity  
252.24 from carbon-free energy technologies that is equivalent to at least the following standard  
252.25 percentages of the electric utility's total retail electric sales to retail customers in Minnesota  
252.26 by the end of the year indicated:

252.27 (1) 2030 80 percent for public utilities; 60 percent for  
252.28 other electric utilities

252.29 (2) 2035 90 percent for all electric utilities

252.30 (3) 2040 100 percent for all electric utilities.

252.31 (b) For purposes of this section, electricity generated from a carbon-free technology  
252.32 includes electricity generated by a peaking facility that uses only biodiesel fuel, as defined

253.1 in section 239.77, subdivision 1, paragraph (b), for the first 400 hours each year in which  
253.2 the peaking facility uses only biodiesel fuel.

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

253.4 Sec. 49. Laws 2023, chapter 24, section 3, is amended to read:

253.5 Sec. 3. **APPROPRIATION.**

253.6 (a) \$115,000,000 in fiscal year 2023 is ~~appropriated~~ transferred from the general fund  
253.7 to the ~~commissioner of commerce for the purposes of~~ state competitiveness fund account  
253.8 under Minnesota Statutes, section 216C.391. This is a onetime ~~appropriation~~ transfer. Of  
253.9 this amount:

253.10 (1) \$100,000,000 is for grant awards made under Minnesota Statutes, section 216C.391,  
253.11 subdivision 3, of which at least \$75,000,000 is for grant awards of less than \$1,000,000;

253.12 (2) \$6,000,000 is for grant awards made under Minnesota Statutes, section 216C.391,  
253.13 subdivision 4;

253.14 (3) \$750,000 is for the reports and audits under Minnesota Statutes, section 216C.391,  
253.15 subdivision 7;

253.16 (4) \$1,500,000 is for information system development improvements necessary to carry  
253.17 out Minnesota Statutes, section 216C.391, and to improve digital access and reporting;

253.18 (5) \$6,750,000 is for technical assistance to applicants and administration of Minnesota  
253.19 Statutes, section 216C.391, by the Department of Commerce; and

253.20 (6) the commissioner may transfer money from clause (2) to clause (1) if less than 75  
253.21 percent of the money in clause (2) has been awarded by June 30, 2028.

253.22 (b) To the extent that federal funds for energy projects under the Infrastructure Investment  
253.23 and Jobs Act, Public Law 117-58, or the Inflation Reduction Act of 2022, Public Law  
253.24 117-169, become permanently unavailable to be matched with funds appropriated under  
253.25 this section, the commissioner of management and budget must certify the proportional  
253.26 amount of unencumbered funds remaining in the account established under Minnesota  
253.27 Statutes, section 216C.391, and those unencumbered funds cancel to the general fund.

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

254.1 Sec. 50. COMMISSION ORDER.

254.2 Within 180 days of the filing by the public utility subject to Minnesota Statutes, section  
254.3 116C.779, of the plan required by Minnesota Statutes, section 216B.1641, subdivision 4,  
254.4 as amended by this act, the Public Utilities Commission must issue an order addressing the  
254.5 requirements of Minnesota Statutes, section 216B.1641, as amended by this act.

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

254.7 Sec. 51. ADVANCED NUCLEAR STUDY.

254.8 Subdivision 1. Study required. (a) The commissioner of commerce must conduct a  
254.9 study evaluating the potential costs, benefits, and impacts of advanced nuclear technology  
254.10 reactor power generation in Minnesota.

254.11 (b) At a minimum, the study must address the potential costs, benefits, and impacts of  
254.12 advanced nuclear technology reactor power generation on:

254.13 (1) Minnesota's greenhouse gas emissions reduction goals under the Next Generation  
254.14 Energy Act, Laws 2007, chapter 136;

254.15 (2) system costs for ratepayers;

254.16 (3) system reliability;

254.17 (4) the environment;

254.18 (5) local jobs;

254.19 (6) local economic development;

254.20 (7) Minnesota's eligible energy technology standard under Minnesota Statutes, section  
254.21 216B.1691, subdivision 2a; and

254.22 (8) Minnesota's carbon-free standard under Minnesota Statutes, section 216B.1691,  
254.23 subdivision 2g.

254.24 (c) The study must also evaluate:

254.25 (1) current Minnesota statutes and administrative rules that would require modifications  
254.26 in order to enable the construction and operation of advanced nuclear reactors;

254.27 (2) the economic feasibility of replacing coal-fired boilers with advanced nuclear reactors,  
254.28 while accounting for the avoided costs that result from the closure of coal-fired plants; and

254.29 (3) the technologies and methods most likely to minimize the environmental impacts of  
254.30 nuclear waste and the costs of managing nuclear waste.

255.1 Subd. 2. **Report.** The commissioner of commerce must submit the results of the study  
255.2 under subdivision 1 to the chairs and ranking minority members of the legislative committees  
255.3 having jurisdiction over energy finance and policy no later than January 31, 2025.

255.4 Sec. 52. **TRIBAL ADVOCACY COUNCIL ON ENERGY; DEPARTMENT OF**  
255.5 **COMMERCE SUPPORT.**

255.6 (a) The Department of Commerce must provide technical support and subject matter  
255.7 expertise to assist and help facilitate any efforts taken by the 11 federally recognized Indian  
255.8 Tribes in Minnesota to establish a Tribal advocacy council on energy.

255.9 (b) When providing support to a Tribal advocacy council on energy, the Department of  
255.10 Commerce may assist the council to:

255.11 (1) assess and evaluate common Tribal energy issues, including (i) identifying and  
255.12 prioritizing energy issues, (ii) facilitating idea sharing between the Tribes to generate  
255.13 solutions to energy issues, and (iii) assisting decision making with respect to resolving  
255.14 energy issues;

255.15 (2) develop new statewide energy policies or proposed legislation, including (i) organizing  
255.16 stakeholder meetings, (ii) gathering input and other relevant information, (iii) assisting with  
255.17 policy proposal development, evaluation, and decision making, and (iv) helping facilitate  
255.18 actions taken to submit, and obtain approval for or have enacted, policies or legislation  
255.19 approved by the council;

255.20 (3) make efforts to raise awareness and provide educational opportunities with respect  
255.21 to Tribal energy issues by (i) identifying information resources, (ii) gathering feedback on  
255.22 issues and topics the council identifies as areas of interest, and (iii) identifying topics for  
255.23 educational forums and helping facilitate the forum process; and

255.24 (4) identify, evaluate, and disseminate successful energy-related practices, and develop  
255.25 mechanisms or opportunities to implement the successful practices.

255.26 (c) Nothing in this section requires or otherwise obligates the 11 federally recognized  
255.27 Indian Tribes in Minnesota to establish a Tribal advocacy council on energy, nor does it  
255.28 require or obligate any one of the 11 federally recognized Indian Tribes in Minnesota to  
255.29 participate in or implement a decision or support an effort made by an established Tribal  
255.30 advocacy council on energy.

255.31 (d) Any support provided by the Department of Commerce to a Tribal advocacy council  
255.32 on energy under this section may be provided only upon request of the council and is limited

256.1 to issues and areas where the Department of Commerce's expertise and assistance is  
256.2 requested.

256.3 **Sec. 53. ELECTRIC GRID RESILIENCY GRANTS.**

256.4 **Subdivision 1. Definitions.** (a) For the purposes of this section, the following terms have  
256.5 the meanings given.

256.6 (b) "Commissioner" means the commissioner of commerce.

256.7 (c) "Department" means the Department of Commerce.

256.8 (d) "Consumer-owned utility" has the meaning given in Minnesota Statutes, section  
256.9 216B.2402, subdivision 2.

256.10 **Subd. 2. Grant awards.** Grants may be awarded under this section to consumer-owned  
256.11 utilities or associated trade associations, or to generation and transmission cooperative  
256.12 electric associations, municipal power agencies, or power districts serving one or more  
256.13 consumer-owned utilities, for projects that:

256.14 (1) develop or improve distributed energy resources in the state;

256.15 (2) demonstrate the project helps provide flexibility to electric utilities or consumers,  
256.16 lead to lower rates, provide environmental benefits, or increase the resilience of an electric  
256.17 grid;

256.18 (3) are power generation or storage resources located near load centers; or

256.19 (4) develop programs to enhance the safety of personnel performing duties exposing the  
256.20 personnel to potential electrical hazards, including power system restoration, by incorporating  
256.21 whole person safety concepts into safety programs.

256.22 **Subd. 3. Grant awards; administration.** (a) An entity seeking a grant award under  
256.23 subdivision 2 must submit an application to the commissioner on a form prescribed by the  
256.24 commissioner. The commissioner is responsible for receiving and reviewing grant  
256.25 applications and awarding grants under this subdivision, and must develop administrative  
256.26 procedures governing the application, evaluation, and award process. In awarding grants  
256.27 under this subdivision, the commissioner must endeavor to make awards assisting entities  
256.28 from all regions of the state. The maximum grant award for each entity awarded a grant  
256.29 under this subdivision is \$250,000.

256.30 (b) The department must provide technical assistance to applicants.



257.1 Subd. 4. **Report.** Beginning February 15, 2024, and each February 15 thereafter until  
257.2 the appropriation under article 2, section 2, subdivision 2, paragraph (y), has been expended,  
257.3 the commissioner must submit a written report to the chairs and ranking minority members  
257.4 of the legislative committees with jurisdiction over energy policy and finance on the activities  
257.5 taken and expenditures made under this section. The report must, at a minimum, include  
257.6 each grant awarded in the most recent calendar year and the remaining balance of the  
257.7 appropriation under this section.

257.8 Sec. 54. **MINNESOTA CLIMATE INNOVATION FINANCE AUTHORITY.**

257.9 (a) The initial appointments made under Minnesota Statutes, section 216C.441,  
257.10 subdivision 10, paragraph (a), clause (6), items (i) to (iii), shall be for two-year terms, and  
257.11 the initial appointments made under Minnesota Statutes, section 216C.441, subdivision 10,  
257.12 paragraph (a), clause (6), items (iv) to (vi), shall be for three-year terms.

257.13 (b) The governor must make the appointments required under this section no later than  
257.14 July 30, 2023.

257.15 (c) The initial meeting of the board of directors must be held no later than September  
257.16 15, 2023. At the initial meeting, the board shall elect a chair and vice-chair by majority vote  
257.17 of the members present.

257.18 Sec. 55. **SUPPORTING INVESTMENT IN GREEN FERTILIZER PRODUCTION.**

257.19 (a) The commissioner of agriculture may award a grant under this section to a cooperative  
257.20 to invest in green fertilizer production facilities. A grant under this section must include a  
257.21 long-term agreement to purchase nitrogen fertilizer for cooperative members. Renewable  
257.22 energy, hydrogen, and ammonia may be produced elsewhere, but the final production of  
257.23 nitrogen fertilizer must occur within Minnesota.

257.24 (b) For purposes of this section:

257.25 (1) "cooperative" includes an agricultural or rural electric cooperative organized under  
257.26 Minnesota Statutes, chapter 308A or 308B;

257.27 (2) "green fertilizer production facilities" means facilities that use renewable energy to  
257.28 produce anhydrous ammonia, urea, or hydrogen;

257.29 (3) "green hydrogen" means hydrogen produced by splitting water molecules using:

257.30 (i) grid-based electrolyzers that have matched their electricity consumption with wind  
257.31 or solar; or

258.1 (ii) electrolyzers connected directly to a wind or solar facility; and

258.2 (4) "green fertilizer" means a nitrogen-based fertilizer produced from green hydrogen.

258.3 (c) The commissioner of agriculture must develop criteria and scoring procedures for  
258.4 evaluating and awarding grants. The maximum grant award for a cooperative is \$7,000,000.

258.5 (d) Up to five percent of the amount in paragraph (a) may be used by the Department  
258.6 of Agriculture to administer this section.

258.7 (e) By December 15 each year, the commissioner of agriculture must report to the chairs  
258.8 and ranking minority members of the legislative committees with jurisdiction over agriculture  
258.9 to provide an update on the progress of projects funded by this program. Each report must  
258.10 include how much of the amount appropriated has been used, including the amount used  
258.11 for administration. The commissioner may include additional information of interest or  
258.12 relevance to the legislature. This paragraph expires December 31, 2031.

258.13 (f) By December 15, 2032, the commissioner of agriculture must complete a final report  
258.14 to the chairs and ranking minority members of the legislative committees with jurisdiction  
258.15 over agriculture regarding the uses and impacts of this program. The final report must  
258.16 include a list of the grants awarded, the amount of the appropriation used for administration,  
258.17 the amount of green fertilizer produced, and a summary of the economic and environmental  
258.18 impacts of this production compared to the production and purchase of conventionally  
258.19 produced fertilizer. The commissioner of agriculture may include additional information  
258.20 of interest or relevance to the legislature. This paragraph expires December 31, 2032.

258.21 **Sec. 56. REPEALER.**

258.22 Minnesota Statutes 2022, section 16B.24, subdivision 13, is repealed.

258.23 **ARTICLE 8**

258.24 **FINANCIAL REVIEW OF GRANT AND BUSINESS SUBSIDY RECIPIENTS**

258.25 **Section 1. FINANCIAL REVIEW OF GRANT AND BUSINESS SUBSIDY**  
258.26 **RECIPIENTS.**

258.27 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the  
258.28 meanings given.

258.29 (b) "Grant" means a grant or business subsidy funded by an appropriation in this act.

258.30 (c) "Grantee" means a business entity as defined in Minnesota Statutes, section 5.001.

259.1 Subd. 2. **Financial information required; determination of ability to perform.** Before  
259.2 an agency awards a competitive, legislatively named, single-source, or sole-source grant,  
259.3 the agency must assess the risk that a grantee cannot or would not perform the required  
259.4 duties. In making this assessment, the agency must review the following information:

259.5 (1) the grantee's history of performing duties similar to those required by the grant,  
259.6 whether the size of the grant requires the grantee to perform services at a significantly  
259.7 increased scale, and whether the size of the grant will require significant changes to the  
259.8 operation of the grantee's organization;

259.9 (2) for a grantee that is a nonprofit organization, the grantee's Form 990 or Form 990-EZ  
259.10 filed with the Internal Revenue Service in each of the prior three years. If the grantee has  
259.11 not been in existence long enough or is not required to file Form 990 or Form 990-EZ, the  
259.12 grantee must demonstrate to the grantor's satisfaction that the grantee is exempt and must  
259.13 instead submit the grantee's most recent board-reviewed financial statements and  
259.14 documentation of internal controls;

259.15 (3) for a for-profit business, three years of federal and state tax returns, current financial  
259.16 statements, certification that the business is not under bankruptcy proceedings, and disclosure  
259.17 of any liens on its assets. If a business has not been in business long enough to have three  
259.18 years of tax returns, the grantee must demonstrate to the grantor's satisfaction that the grantee  
259.19 has appropriate internal financial controls;

259.20 (4) evidence of registration and good standing with the secretary of state under Minnesota  
259.21 Statutes, chapter 317A, or other applicable law;

259.22 (5) if the grantee's total annual revenue exceeds \$750,000, the grantee's most recent  
259.23 financial audit performed by an independent third party in accordance with generally accepted  
259.24 accounting principles; and

259.25 (6) certification, provided by the grantee, that none of its principals have been convicted  
259.26 of a financial crime.

259.27 Subd. 3. **Additional measures for some grantees.** The agency may require additional  
259.28 information and must provide enhanced oversight for grants that have not previously received  
259.29 state or federal grants for similar amounts or similar duties and so have not yet demonstrated  
259.30 the ability to perform the duties required under the grant on the scale required.

259.31 Subd. 4. **Assistance from administration.** An agency without adequate resources or  
259.32 experience to perform obligations under this section may contract with the commissioner  
259.33 of administration to perform the agency's duties under this section.

260.1 Subd. 5. **Agency authority to not award grant.** If an agency determines that there is  
260.2 an appreciable risk that a grantee receiving a competitive, single-source, or sole-source  
260.3 grant cannot or would not perform the required duties under the grant agreement, the agency  
260.4 must notify the grantee and the commissioner of administration and give the grantee an  
260.5 opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's  
260.6 concerns within 45 days, the agency must not award the grant.

260.7 Subd. 6. **Legislatively named grantees.** If an agency determines that there is an  
260.8 appreciable risk that a grantee receiving a legislatively named grant cannot or would not  
260.9 perform the required duties under the grant agreement, the agency must notify the grantee,  
260.10 the commissioner of administration, the chair and ranking minority member of the Ways  
260.11 and Means Committee in the house of representatives, the chair and ranking minority member  
260.12 of the Finance Committee in the senate, and the chairs and ranking minority members of  
260.13 the committees in the house of representatives and the senate with primary jurisdiction over  
260.14 the bill in which the money for the grant was appropriated. The agency must give the grantee  
260.15 an opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's  
260.16 concerns within 45 days, the agency must delay award of the grant until adjournment of the  
260.17 next regular or special legislative session.

260.18 Subd. 7. **Subgrants.** If a grantee will disburse the money received from the grant to  
260.19 other organizations to perform duties required under the grant agreement, the agency must  
260.20 be a party to agreements between the grantee and a subgrantee. Before entering agreements  
260.21 for subgrants, the agency must perform the financial review required under this section with  
260.22 respect to the subgrantees.

260.23 Subd. 8. **Effect.** The requirements of this section are in addition to other requirements  
260.24 imposed by law; the commissioner of administration under Minnesota Statutes, sections  
260.25 16B.97 and 16B.98; or agency grant policy.

### **16B.24 GENERAL AUTHORITY.**

Subd. 13. **Electric vehicle charging.** The commissioner shall require that a user of a charging station located on the State Capitol complex used to charge a private electric vehicle pay an electric service fee. The commissioner shall set the electric service fee rate to cover the electricity costs for charging an electric vehicle and for the administrative costs associated with providing electric charging stations.

### **35.155 FARMED CERVIDAE.**

Subd. 14. **Concurrent authority; regulating farmed white-tailed deer.** (a) The commissioner of natural resources and the Board of Animal Health possess concurrent authority to regulate farmed white-tailed deer under this section, sections 35.92 to 35.96, and any administrative rules adopted pursuant to this section or sections 35.92 to 35.96. This does not confer to the commissioner any additional authorities under chapter 35, other than those set forth in sections 35.155 and 35.92 to 35.96, and any administrative rules adopted thereto.

(b) By February 1, 2022, the commissioner of natural resources, in conjunction with the Board of Animal Health, must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment and natural resources and agriculture on the implementation of the concurrent authority under this section. The report must include:

- (1) a summary of how the agencies worked together under this section, including identification of any challenges;
- (2) an assessment of ongoing challenges to managing chronic wasting disease in this state; and
- (3) recommendations for statutory and programmatic changes to help the state better manage the disease.

### **86B.101 WATERCRAFT SAFETY PROGRAM.**

Subdivision 1. **Safety program.** The commissioner shall continue and expand the comprehensive boat safety and education program. The commissioner shall cooperate with boaters, governmental subdivisions, state agencies, other states, and the federal government in the operation of the program.

Subd. 2. **Youth watercraft safety course.** (a) The commissioner shall establish an educational course and a testing program for personal watercraft and watercraft operators and for persons age 12 or older but younger than age 18 required to take the watercraft safety course. The commissioner shall prescribe a written test as part of the course. A personal watercraft educational course and testing program that emphasizes safe and legal operation must be required for persons age 13 or older but younger than age 18 operating personal watercraft.

(b) The commissioner shall issue a watercraft operator's permit to a person age 12 or older but younger than age 18 who successfully completes the educational program and the written test.

Subd. 3. **Operator's permit.** The commissioner shall issue a watercraft operator's permit to a person who successfully qualifies for a watercraft operator's permit under the boat safety education program.

Subd. 4. **Boat safety education program; reciprocity with other states.** The commissioner may enter into reciprocity agreements or otherwise certify boat safety education programs from other states that are substantially similar to in-state programs. The commissioner shall issue a watercraft operator's permit to a person who provides proof of completion of a program subject to a reciprocity agreement or certified as substantially similar.

### **86B.305 YOUTH OPERATORS.**

Subdivision 1. **Under age 12.** (a) Except in case of an emergency, a person under age 12 may not operate or be allowed to operate a watercraft propelled by a motor with a factory rating of more than 25 horsepower unless there is present in the watercraft, in addition to the operator, at least one person age 21 or older who is within immediate reach of the controls of the motor. For purposes of section 169A.20, the person age 21 or older, as well as the actual operator, is in physical control of the motorboat.

(b) A person under age 12 may not operate or be allowed to operate a watercraft propelled by a motor with a factory rating of more than 75 horsepower.

Subd. 2. **Age 12 to 17; permit required.** Except as provided in this subdivision, a person age 12 or older and younger than age 18 may not operate a motorboat powered by a motor over 25

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horsepower without possessing a valid watercraft operator's permit from this state or from the operator's state of residence unless there is a person age 21 or older in the motorboat who is within immediate reach of the controls of the motor. For purposes of section 169A.20, the person age 21 or older, as well as the actual operator, is in physical control of the motorboat.

Subd. 3. **Owners may not allow certain uses.** An owner of a watercraft may not allow a watercraft to be operated contrary to the provisions of subdivision 2.

**86B.313 PERSONAL WATERCRAFT; REGULATIONS.**

Subd. 2. **Age of operator.** Except in the case of an emergency, a person under the age of 13 years may not operate or be permitted to operate a personal watercraft, regardless of horsepower. It is unlawful for the owner of a personal watercraft to permit the personal watercraft to be operated contrary to this subdivision.

Subd. 3. **Operator's permit; adult supervision.** Except in the case of an emergency, a person 13 years of age or over but less than 18 years of age may not operate a personal watercraft, regardless of horsepower, without possessing a valid watercraft operator's permit as required by section 86B.305, unless there is a person 21 years of age or older on board the craft. In addition to the permit requirement, a person 13 years of age operating a personal watercraft must remain under visual supervision by a person who is 21 years of age or older. An owner of a personal watercraft may not permit the personal watercraft to be operated contrary to this subdivision.

**97C.605 TURTLES.**

Subd. 2. **Turtle seller's license.** (a) A person may not take, possess, buy, or transport turtles for sale; sell turtles; or take turtles for sale using commercial equipment without a turtle seller's license, except as provided in subdivision 2c.

(b) Except for renewals, no new turtle seller's licenses may be issued after August 1, 2002.

(c) A turtle seller's license is transferable by the turtle seller licensee by making application to the commissioner. A turtle seller's license may be transferred only once under this paragraph and the transfer must be to a child of the person holding the turtle seller's license.

Subd. 2a. **Recreational turtle license.** A person who does not possess a turtle seller's license must obtain a recreational turtle license to take turtles for personal use with commercial equipment.

Subd. 2b. **Turtle seller's apprentice license.** (a) A person with a turtle seller's license may list one person as an apprentice on the license. A person acting as an apprentice for a turtle seller licensee must have an apprentice license and may assist the turtle licensee in all licensed activities.

(b) The turtle seller licensee or turtle seller's apprentice licensee must be present at all turtle operations conducted under the turtle seller's license. Turtle operations include going to and from turtle harvest locations; setting, lifting, and removing commercial turtle equipment; taking turtles out of equipment; and transporting turtles from harvest locations.

(c) A turtle seller's apprentice license is transferable by the turtle seller licensee by making application to the commissioner. A person listed as an apprentice by a turtle seller licensee must not be listed as an apprentice by another turtle seller licensee nor may an apprentice possess a turtle seller's license or a recreational turtle license.

Subd. 5. **Interfering with commercial or recreational turtle operations.** A person may not:

(1) knowingly place or maintain an obstruction that will hinder, prevent, or interfere with a licensed turtle operation;

(2) remove turtles, other wild animals, or fish from a floating or submerged trap licensed under the game and fish laws; or

(3) knowingly damage, disturb, or interfere with a licensed turtle operation.

**103C.501 COST-SHARING CONSERVATION CONTRACTS FOR EROSION CONTROL AND WATER MANAGEMENT.**

Subd. 2. **Request by district board.** A district board requesting funds of the state board must submit an application in a form prescribed by the board containing:

(1) a comprehensive plan;

(2) an annual work plan; and

(3) an application for cost-sharing funds.

Subd. 3. **Approving application.** If the state board approves the comprehensive plan, including the plan's most recent amendment, the annual work plan, and the application of the district, the state board shall determine the specific amount of funds to allocate to the district for cost-sharing contracts.

#### **115.44 CLASSIFICATION OF WATERS; STANDARDS OF QUALITY AND PURITY.**

Subd. 9. **Annual report.** (a) By January 15 each year, the commissioner shall post on the Pollution Control Agency's website a report on the agency's activities the previous calendar year to implement standards and classification requirements into national pollutant discharge elimination system and state disposal system permits held by municipalities. The report must include:

(1) a summary of permits issued or reissued over the previous calendar year, including any changes to permitted effluent limits due to water quality standards adopted or revised during the previous permit term;

(2) highlights of innovative approaches employed by the agency and municipalities to develop and achieve permit requirements in a cost-effective manner;

(3) a summary of standards development and water quality rulemaking activities over the previous calendar year, including economic analyses;

(4) a summary of standards development and water quality rulemaking activities anticipated for the next three years, including economic analyses;

(5) a process and timeframe for municipalities to provide input to the agency regarding their needs based on the information provided in the report; and

(6) a list of anticipated permitting initiatives in the next calendar year that may impact municipalities and the agency's plan for involving the municipalities throughout the planning and decision-making process. The plan must include opportunities for input and public comment from municipalities on rulemaking initiatives prior to preparation of a statement of need and reasonableness required under section 14.131. The commissioner must ensure the agency's plan under this clause is implemented.

(b) For the purposes of this section, "economic analyses" must include assessments of the potential costs to regulated municipalities associated with water quality standards or rules proposed by the agency.

#### **116.011 POLLUTION REPORT.**

A goal of the Pollution Control Agency is to reduce the amount of pollution that is emitted in the state. By April 1 of each even-numbered year, the Pollution Control Agency shall report the best estimate of the agency of the total volume of water and air pollution that was emitted in the state in the previous two calendar years for which data are available. The agency shall report its findings for both water and air pollution:

(1) in gross amounts, including the percentage increase or decrease over the previously reported two calendar years; and

(2) in a manner which will demonstrate the magnitude of the various sources of water and air pollution.

#### **325E.389 ITEMS CONTAINING LEAD PROHIBITED.**

Subdivision 1. **Definitions.** For purposes of this section, the following definitions apply.

(a) "Body piercing jewelry" means any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane, but does not include any part of that jewelry that is not placed within a new piercing or a mucous membrane.

(b) "Children" means children age six and younger.

(c) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children. For purposes of this section, children's jewelry includes, but is not limited to, jewelry that meets any of the following conditions:

(1) is represented in its packaging, display, or advertising as appropriate for use by children;

(2) is sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

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- (3) is sized for children and not intended for use by adults; or
- (4) is sold in any of the following:
  - (i) a vending machine;
  - (ii) retail store, catalog, or website in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or
  - (iii) a discrete portion of a retail store, catalog, or website in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.
- (d) "Class 1 material" means any of the following materials:
  - (1) stainless or surgical steel;
  - (2) karat gold;
  - (3) sterling silver;
  - (4) platinum, palladium, iridium, ruthenium, rhodium, or osmium;
  - (5) natural or cultured pearls;
  - (6) glass, ceramic, or crystal decorative components including cat's eye; cubic zirconia, including cubic zirconium or CZ; rhinestones; and cloisonne;
  - (7) a gemstone that is cut and polished for ornamental purposes, except that the following gemstones are not Class 1 materials: aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite;
  - (8) elastic, fabric, ribbon, rope, or string, unless it contains intentionally added lead and is listed as a Class 2 material;
  - (9) all natural decorative material including amber, bone, coral, feathers, fur, horn, leather, shell, and wood that is in its natural state and is not treated in a way that adds lead; or
  - (10) adhesive.
- (e) "Class 2 material" means any of the following materials:
  - (1) electroplated metal that meets the following standards:
    - (i) on and before August 30, 2009, a metal alloy with less than ten percent lead by weight that is electroplated with suitable under and finish coats; or
    - (ii) on and after August 31, 2009, a metal alloy with less than six percent lead by weight that is electroplated with suitable under and finish coats;
  - (2) unplated metal with less than 1.5 percent lead that is not otherwise listed as a Class 1 material;
  - (3) plastic or rubber including acrylic, polystyrene, plastic beads and stones, and polyvinyl chloride (PVC) that meets the following standards:
    - (i) on and before August 30, 2009, less than 0.06 percent (600 parts per million) lead by weight; and
    - (ii) on and after August 31, 2009, less than 0.02 percent (200 parts per million) lead by weight; and
  - (4) a dye or surface coating containing less than 0.06 percent (600 parts per million) lead by weight.
- (f) "Class 3 material" means any portion of jewelry that meets both of the following criteria:
  - (1) is not a Class 1 or Class 2 material; and
  - (2) contains less than 0.06 percent (600 parts per million) lead by weight.
- (g) "Component" means any part of jewelry.
- (h) "EPA reference methods 3050B (Acid Digestion of Sediments, Sludges, and Soils) or 3051 (Microwave Assisted Digestion/Sludge, Soils)" means those test methods incorporated by reference in Code of Federal Regulations, title 40, section 260.11, paragraph (11), subdivision (a).



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(i) "Jewelry" means:

(1) any of the following ornaments worn by a person: anklet, arm cuff, bracelet, brooch, chain, crown, cuff link, decorated hair accessories, earring, necklace, pin, ring, or body piercing jewelry; or

(2) any bead, chain, link, pendant, or other component of such an ornament.

(j) "Surface coating" means a fluid, semifluid, or other material, with or without a suspension of finely divided coloring matter, that changes to a solid film when a thin layer is applied to a metal, wood, stone, paper, leather, cloth, plastic, or other surface. Surface coating does not include a printing ink or a material that actually becomes a part of the substrate including, but not limited to, pigment in a plastic article or a material that is actually bonded to the substrate, such as by electroplating or ceramic glazing.

Subd. 2. **Sale prohibited.** (a) No person shall manufacture any jewelry that is offered for sale in Minnesota unless the jewelry is made entirely from a Class 1, Class 2, or Class 3 material, or any combination thereof.

(b) No person shall offer for sale, sell, label, or distribute for free any jewelry represented to contain safe levels of lead, unless the jewelry is made entirely from a Class 1, Class 2, or Class 3 material, or any combination thereof.

(c) Notwithstanding paragraph (a), no person shall manufacture any children's jewelry that is offered for sale in Minnesota unless the children's jewelry is made entirely from one or more of the following materials:

(1) a nonmetallic material that is a Class 1 material;

(2) a nonmetallic material that is a Class 2 material;

(3) a metallic material that is either a Class 1 material or contains less than 0.06 percent (600 parts per million) lead by weight;

(4) glass or crystal decorative components that weigh in total no more than one gram, excluding any glass or crystal decorative component that contains less than 0.02 percent (200 parts per million) lead by weight and has no intentionally added lead;

(5) printing ink or ceramic glaze that contains less than 0.06 percent (600 parts per million) lead by weight; or

(6) Class 3 material that contains less than 0.02 percent (200 parts per million) lead by weight.

(d) Notwithstanding paragraph (b), no person shall offer for sale, sell, distribute for free, or label any jewelry as children's jewelry represented to contain safe levels of lead, unless the jewelry is made entirely from one or more of the following materials:

(1) a nonmetallic material that is a Class 1 material;

(2) a nonmetallic material that is a Class 2 material;

(3) a metallic material that is either a Class 1 material or contains less than 0.06 percent (600 parts per million) lead by weight;

(4) glass or crystal decorative components that weigh in total no more than one gram, excluding any glass or crystal decorative component that contains less than 0.02 percent (200 parts per million) lead by weight and has no intentionally added lead;

(5) printing ink or ceramic glaze that contains less than 0.06 percent (600 parts per million) lead by weight; or

(6) Class 3 material that contains less than 0.02 percent (200 parts per million) lead by weight.

(e) Notwithstanding paragraph (a), no person shall manufacture any body piercing jewelry that is offered for sale in Minnesota unless the body piercing jewelry is made of one or more of the following materials:

(1) surgical implant stainless steel; or

(2) surgical implant grade of titanium, niobium (Nb), solid 14-karat or higher white or yellow nickel-free gold, solid platinum, or a dense low-porosity plastic including, but not limited to, Tygon or polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

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(f) No person shall offer for sale, sell, label, or distribute for free any body piercing jewelry represented to contain safe levels of lead unless the body piercing jewelry is made of one or more of the following materials:

(1) surgical implant stainless steel; or

(2) surgical implant grade of titanium, niobium (Nb), solid 14-karat or higher white or yellow nickel-free gold, solid platinum, or a dense low-porosity plastic including, but not limited to, Tygon or polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

(g) The prohibitions under this section do not apply to sales or free distribution of jewelry by a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code or to isolated and occasional sales of jewelry not made in the normal course of business.

Subd. 3. **Testing methods.** (a) The testing methods for determining compliance with this section must be conducted using EPA reference method 3050B or 3051 for the material being tested, except as otherwise provided in subdivision 4 and in accordance with all of the following procedures:

(1) when preparing a sample, the laboratory shall make every effort to ensure that the sample removed from a jewelry piece is representative of the component to be tested, and is free of contamination from extraneous dirt and material not related to the component to be tested;

(2) all component samples must be washed before testing using standard laboratory detergent, rinsed with laboratory reagent-grade deionized water, and dried in a clean ambient environment;

(3) if a component is required to be cut or scraped to obtain a sample, the metal snips, scissors, or other cutting tools used for the cutting or scraping must be made of stainless steel and washed and rinsed before each use and between samples;

(4) a sample must be digested in a container that is known to be free of lead and with the use of an acid that is not contaminated by lead, including analytical reagent-grade digestion acids and reagent-grade deionized water;

(5) method blanks, consisting of all reagents used in sample preparation handled, digested, and made to volume in the same exact manner and in the same container type as samples, must be tested with each group of 20 or fewer samples tested; and

(6) the results for the method blanks must be reported with each group of sample results and must be below the stated reporting limit for sample results to be considered valid.

(b) A material does not meet an applicable lead standard set forth in this section if any of the following occurs:

(1) the mean lead level of one or two samples of the material exceeds 300 percent of the applicable limit for a component;

(2) the mean lead level of three samples of the material exceeds 200 percent of the applicable limit for a component; or

(3) the mean lead level of four or more samples of the material exceeds the applicable limit for a component.

Subd. 4. **Additional testing procedures.** In addition to the requirements of subdivision 3, the following procedures must be used for testing the following materials:

(1) for testing a metal plated with suitable undercoats and finish coats, the following protocols must be observed:

(i) digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide;

(ii) the sample size must be 0.050 gram to one gram;

(iii) the digested sample may require dilution prior to analysis;

(iv) the digestion and analysis must achieve a reported detection limit no greater than 0.1 percent for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

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(2) for testing unplated metal and metal substrates that are not a Class 1 material, the following protocols must be observed:

(i) digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid and hydrogen peroxide;

(ii) the sample size must be 0.050 gram to one gram;

(iii) the digested sample may require dilution prior to analysis;

(iv) the digestion and analysis must achieve a reported detection limit no greater than 0.01 percent for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(3) for testing polyvinyl chloride (PVC), the following protocols must be observed:

(i) the digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid and hydrogen peroxide;

(ii) the sample size must be a minimum of 0.05 gram if using microwave digestion or 0.5 gram if using hotplate digestion, and must be chopped or comminuted prior to digestion;

(iii) digested samples may require dilution prior to analysis;

(iv) digestion and analysis must achieve a reported detection limit no greater than 0.001 percent (10 parts per million) for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(4) for testing plastic or rubber that is not polyvinyl chloride (PVC), including acrylic, polystyrene, plastic beads, or plastic stones, the following protocols must be observed:

(i) the digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide;

(ii) the sample size must be a minimum of 0.05 gram if using microwave digestion or 0.5 gram if using hotplate digestion, and must be chopped or comminuted prior to digestion;

(iii) plastic beads or stones must be crushed prior to digestion;

(iv) digested samples may require dilution prior to analysis;

(v) digestion and analysis must achieve a reported detection limit no greater than 0.001 percent (10 parts per million) for samples; and

(vi) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(5) for testing coatings on glass and plastic pearls, the following protocols must be observed:

(i) the coating of glass or plastic beads must be scraped onto a surface free of dust, including a clean weighing paper or pan, using a clean stainless steel razor blade or other clean sharp instrument that will not contaminate the sample with lead. The substrate pearl material must not be included in the scrapings;

(ii) the razor blade or sharp instrument must be rinsed with deionized water, wiped to remove particulate matter, rinsed again, and dried between samples;

(iii) the scrapings must be weighed and not less than 50 micrograms of scraped coating must be used for analysis. If less than 50 micrograms of scraped coating is obtained from an individual pearl, multiple pearls from that sample must be scraped and composited to obtain a sufficient sample amount;

(iv) the number of pearls used to make the composite must be noted;

(v) the scrapings must be digested according to EPA reference method 3050B or 3051 or an equivalent procedure for hot acid digestion in preparation for trace lead analysis;

(vi) the digestate must be diluted in the minimum volume practical for analysis;

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(vii) the digested sample must be analyzed according to specification of an approved and validated methodology for inductively coupled plasma mass spectrometry;

(viii) a reporting limit of 0.001 percent (10 parts per million) in the coating must be obtained for the analysis; and

(ix) the sample result must be reported within the calibrated range of the instrument. If the initial test of the sample is above the highest calibration standard, the sample must be diluted and reanalyzed within the calibrated range of the instrument;

(6) for testing dyes, paints, coatings, varnish, printing inks, ceramic glazes, glass, or crystal, the following testing protocols must be observed:

(i) the digestion must use hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide;

(ii) the sample size must be not less than 0.050 gram, and must be chopped or comminuted prior to digestion;

(iii) the digested sample may require dilution prior to analysis;

(iv) the digestion and analysis must achieve a reported detection limit no greater than 0.001 percent (10 parts per million) for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument; and

(7) for testing glass and crystal used in children's jewelry, the following testing protocols for determining weight must be used:

(i) a component must be free of any extraneous material, including adhesive, before it is weighed;

(ii) the scale used to weigh a component must be calibrated immediately before the components are weighed using S-class weights of one and two grams, as certified by the National Institute of Standards and Technology (NIST) of the United States Department of Commerce; and

(iii) the calibration of the scale must be accurate to within 0.01 gram.

**325E.3891 CADMIUM IN CHILDREN'S JEWELRY.**

Subdivision 1. **Definitions.** (a) As used in this section, the term:

(1) "accessible" has the meaning given in section 3.1.2 of the ASTM International Safety Specification on Toy Safety, F-963;

(2) "child" means an individual who is six years of age or younger; and

(3) "children's jewelry" shall have the meaning set forth in section 325E.389, subdivision 1, paragraph (c).

Subd. 2. **Prohibitions.** Cadmium in any surface coating or accessible substrate material of metal or plastic components of children's jewelry shall not exceed 75 parts per million, as determined through solubility testing for heavy metals defined in the ASTM International Safety Specification on Toy Safety, ASTM standard F-963 and subsequent versions of this standard, if the product is sold in this state unless this requirement is superseded by a federal standard regulating cadmium in children's jewelry. This section shall not regulate any product category for which an existing federal standard regulates cadmium exposure in surface coatings and accessible substrate materials as required under ASTM F-963.

Subd. 3. **Manufacturer or wholesaler.** No manufacturer or wholesaler may sell or offer for sale in this state children's jewelry that fails to meet the requirements of subdivision 2.

Subd. 4. **Retailer.** No retailer may sell or offer for sale in this state children's jewelry that fails to meet the requirements of subdivision 2. This subdivision does not apply to sales or free distribution of jewelry by a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code or to isolated and occasional sales of jewelry not made in the normal course of business.

Subd. 5. **Enforcement.** The attorney general shall enforce this section under section 8.31.

**6256.0500 TAKING TURTLES.**

Subp. 2. **Equipment.** Turtles may be taken by a person possessing a turtle seller's, turtle seller's apprentice, or recreational turtle license by means of floating or submerged turtle traps, turtle hooks, and other commercial fishing gear authorized by the commissioner. Traps must not exceed five feet in width, four feet in height, and eight feet in length.

Subp. 2a. **Submerged turtle traps.** Submerged traps must be constructed of either flexible webbing or wire. Flexible webbing traps must be of mesh size not less than 3-1/2 inches bar measure or seven inches stretch measure. Wire traps must be of mesh size not less than two inches by four inches bar measure and must have at least one square opening in the top panel measuring at least four inches on a side and two of the same dimension on each of the side panels near the top of the trap. A trap must be set in water shallow enough so that the top of the trap is at least level with the water surface.

Subp. 2b. **Floating turtle traps.** Floating traps must have: (1) one or more openings above the water surface that measure at least ten inches by four inches; and (2) a mesh size of not less than one-half inch bar measure.

Subp. 4. **Operation of turtle trap.** Each submerged trap must be checked and emptied at intervals not exceeding 48 hours and each floating trap must be checked and emptied at intervals not exceeding 120 hours. A turtle seller licensee or turtle seller's apprentice operating under a turtle seller's license may not operate more than 40 submerged turtle traps. A turtle seller's apprentice is not entitled to any traps in addition to those of the turtle seller. A recreational turtle licensee may not operate more than three turtle traps.

Subp. 5. **Required marking of turtle traps.**

A. When in use, each turtle trap must have affixed on it a tag of permanent material visible from above, legibly bearing the name, address, and license number of the operator. This information must be recorded in an indelible manner on the tag. The tag must be of dimensions not less than 2-1/2 inches in length by five-eighths inch in width.

B. The commissioner shall issue 40 submerged turtle trap identification tags to a turtle seller licensee and three recreational turtle trap identification tags to a recreational turtle licensee. Tags must be attached to submerged and recreational traps at all times. Lost tags must be reported within 48 hours to the local conservation officer or the commercial fisheries program consultant. The commissioner may reissue tags upon request.

Subp. 6. **Turtles taken incidental to other operations.** Turtles listed in subpart 1 that are taken incidental to other commercial fishing operations may be possessed, transported, and sold, provided the operator is a holder of a turtle seller's license.

Subp. 7. **Required reporting by turtle seller; record keeping.**

A. A holder of a turtle seller's license must submit reports, on forms provided by the commissioner, to the address identified on the form by the tenth day of each month for the preceding month for the months of March through November, whether or not any equipment was used to take turtles.

B. In the report required in item A, the licensee must record daily operations, including separate entries for each water body. The records must include water body location, equipment used, numbers and pounds of each species of turtles taken, numbers of each species of turtles released at that water body, and other information about the operation as specified on the form provided by the commissioner. The records must be kept current within 48 hours of the last daily operation.

C. A license shall not be renewed until all of the licensee's monthly reports for the previous calendar year are submitted and received at the address identified on the form.

Subp. 8. **Report on buying turtles for resale.** A licensee who buys turtles for resale or for processing and resale must keep a correct and complete book record of all transactions and activities covered in the license, not inconsistent with Minnesota Statutes, section

97A.425. Copies of the shipping documents for turtles being sent out of state must be part of and included with the monthly reports required under subpart 7.

**8400.0500 MAXIMUM COST-SHARE RATES.**

The maximum cost-share rates established by the state board represent the maximum percent or amount of the total cost of a conservation practice that may be funded using state cost-share funds.

**8400.0550 RECORDING CONSERVATION PRACTICES.**

The state board may determine that long-term maintenance of a conservation practice is desirable and may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this part shall be construed in the same manner as a conservation restriction under Minnesota Statutes, section 84.65.

**8400.0600 STATE BOARD ALLOCATION OF FUNDS TO DISTRICTS.**

Subp. 4. **Grants to districts.** The state board shall allocate cost-share funds to district boards that have fully complied with Minnesota Statutes, section 103C.501, subdivision 3; all erosion control and water management program rules; and program policies.

Subp. 5. **Other funds.** Other funds received by the state board may be allocated to districts for the treatment of erosion, sedimentation, water quality problems, or water quantity problems due to altered hydrology. These additional funds may be incorporated with existing erosion control and water management program funds and their use may be governed by the program policy or may be subject to other policies or guidelines required to fully implement the intent for which these additional funds were appropriated.

**8400.0900 DISTRICT ADMINISTRATION OF PROGRAM FUNDS.**

Subpart 1. **General.** Following receipt of grant funds from the state board, a district is responsible for administration of the funds in accordance with Minnesota Statutes, chapter 103C, parts 8400.0050 to 8400.1900, program policies, and all other applicable laws. All funds allocated to districts must be used for the purposes designated by the state board.

Subp. 2. **Maximum cost-share rate.** Prior to considering any applications from land occupiers for cost-share assistance, the district board shall establish cost-share rates for conservation practices to be installed under the program, up to the maximum rates established by the state board.

Subp. 4. **Criteria for district board review.** The district board shall use the factors in items A to D to determine practice eligibility and to review applications for conservation practice funding.

A. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:

(1) grant the district's representatives access to the parcel where the conservation practice will be located;

(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and

(3) be responsible for operation and maintenance of conservation practices applied under this program according to an operation and maintenance plan prepared or approved by a district technical representative or the district's delegate.

B. Costs to repair damage to conservation practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.

C. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost-share assistance.

D. Conservation practices where construction has begun prior to district approval are ineligible for financial assistance. The board may waive this requirement for emergency needs.

Subp. 5. **Entering into contract.** After review of practice eligibility, the district board, or its delegate, shall approve or deny the application. If the application is approved, the district board, or its delegate, may enter into a contract with the land occupier.

#### **8400.1650 RECORDING CONSERVATION PRACTICES.**

When a district board, or its delegate, determines that long-term maintenance of a conservation practice is desirable, the board, or its delegate, may require that maintenance be made a covenant upon the land for the effective life of the conservation practice. A covenant under this part shall be construed in the same manner as a conservation restriction under Minnesota Statutes, section 84.65.

#### **8400.1700 MAINTENANCE.**

Subpart 1. **Land occupier maintenance responsibilities.** The land occupier is responsible for operation and maintenance of conservation practices applied under this program to ensure that their conservation objective is met and the effective life is achieved. Should the land occupier fail to maintain the conservation practices during their effective life, the land occupier is liable to the district for up to 150 percent of financial assistance received to install and establish the conservation practice. The land occupier is not liable for cost-share assistance received if the failure was caused by reasons beyond the land occupier's control, or if conservation practices are applied at the land occupier's expense which provide equivalent protection of the soil and water resources.

Subp. 2. **Reapplication of conservation practices.** In no case shall a district provide cost-share assistance to a land occupier for the reapplication of conservation practices which were removed by the land occupier during their effective life or that failed due to improper maintenance.

#### **8400.1750 PRACTICE SITE INSPECTIONS.**

The district or the district's delegate shall conduct site inspections of conservation practices installed with cost-share funds to determine if the land occupier is in compliance with the operation and maintenance requirements under part 8400.1700 and the policy, guidelines, and requirements of the state board.

#### **8400.1800 APPEALS.**

Land occupiers may appeal a district's action within 60 days of receiving notice of the action by submitting a written request to the district board asking the board to reconsider its decision. Should the land occupier and the district board reach an impasse, the land occupier may petition to appeal the district board's decision to the state board within 60 days of receiving notice of the district board's final decision. The state board or its executive director, as delegated, shall review and grant the petition, unless it is deemed without sufficient merit, within 30 days of the receipt of the petition. The state board shall make its decision on the appeal, if granted, within 60 days of a hearing date. The state board's decision may uphold, remand, reverse, or amend the decision of the district board.

#### **8400.1900 REPORTS TO STATE BOARD.**

For the purpose of reporting and monitoring the progress of the program and use of funds, each district shall submit an accomplishments report according to the guidelines and requirements established by the state board.