

THIRTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, April 14, 2021

The Senate met at 12:00 noon and was called to order by the President.

Prayer was offered by the Chaplain, Pastor Tanner Howard.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators were present:

Abeler	Draheim	Howe	Marty	Rest
Anderson	Duckworth	Ingebrigtsen	Mathews	Rosen
Bakk	Dziedzic	Isaacson	McEwen	Ruud
Benson	Eaton	Jasinski	Miller	Senjem
Bigham	Eichorn	Johnson	Murphy	Tomassoni
Carlson	Eken	Johnson Stewart	Nelson	Torres Ray
Chamberlain	Fateh	Kent	Newman	Utke
Champion	Franzen	Kiffmeyer	Newton	Weber
Clausen	Frentz	Klein	Osmek	Westrom
Coleman	Gazelka	Koran	Pappas	Wiger
Cwodzinski	Goggin	Kunesh	Port	Wiklund
Dahms	Hawj	Lang	Pratt	
Dibble	Hoffman	Latz	Putnam	
Dornink	Housley	Limmer	Rarick	

Pursuant to Rule 14.1, the President announced the following members intend to vote under Rule 40.7: Anderson, Carlson, Champion, Coleman, Duckworth, Eaton, Eichorn, Fateh, Howe, Isaacson, Klein, Kunesh, Latz, Newman, Newton, Osmek, and Wiklund.

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

REPORTS OF COMMITTEES

Senator Johnson moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Rosen from the Committee on Finance, to which was re-referred

S.F. No. 1098: A bill for an act relating to economic development; labor and industry; appropriating money for jobs and economic growth finance; classifying apprenticeship data on

minors; modifying employee notice requirements; modifying state building code applicability and fire sprinkler requirements for public places of accommodation; authorizing the continued operation of businesses during the COVID-19 pandemic with the use of a COVID-19 safety plan; modifying the Minnesota business development public infrastructure grant program; extending certain job creation goals for Minnesota investment fund grants during the COVID-19 pandemic; modifying certain unemployment benefits provisions; amending Minnesota Statutes 2020, sections 12.32; 13.7905, by adding a subdivision; 116J.431, subdivisions 2, 3, by adding a subdivision; 178.012, subdivision 1; 181.032; 181.101; 181.939; 268.035, subdivision 21c; 268.085, subdivisions 2, 4a; 268.133; 268.136, subdivision 1; 326B.07, subdivision 1; 326B.106, subdivision 4; 326B.108, subdivisions 1, 3, by adding a subdivision; 326B.121, subdivision 2; 326B.133, subdivision 8; 326B.89, subdivision 4; Laws 2017, chapter 94, article 1, section 2, subdivision 2, as amended; Laws 2019, First Special Session chapter 7, article 1, sections 2, subdivision 2, as amended; 3, subdivision 4; Laws 2020, chapter 71, article 2, sections 20; 22; 23; proposing coding for new law in Minnesota Statutes, chapters 12; 181A; repealing Minnesota Statutes 2020, sections 181.9414; 268.085, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 11, delete "220,824,000" and insert "220,949,000" and delete "115,374,000" and insert "115,499,000"

Page 2, line 14, delete "187,749,000" and insert "187,874,000" and delete "83,549,000" and insert "83,674,000"

Page 2, line 21, delete "142,254,000" and insert "142,379,000" and delete "38,054,000" and insert "38,179,000"

Page 2, line 23, delete "139,204,000" and insert "139,329,000" and delete "35,004,000" and insert "35,129,000"

Page 5, line 15, delete "\$11,231,000" and insert "\$11,356,000"

Page 5, line 22, delete "\$12,370,000" and insert "\$12,495,000"

Page 23, line 29, delete "2,290,000" and insert "2,165,000" and delete "2,290,000" and insert "2,165,000"

Page 23, line 30, delete "(a)"

Page 24, delete lines 3 to 5

Page 31, after line 5, insert:

"Sec. 7. Minnesota Statutes 2020, section 182.666, subdivision 3, is amended to read:

Subd. 3. **Nonserious violations.** The commissioner shall issue a written warning to an employer upon the first finding of a violation determined not to be of a serious nature. Thereafter, any employer who has received a citation for a violation of its duties under section 182.653, subdivisions 2 to 4, where the violation is specifically determined not to be of a serious nature as provided in section 182.651, subdivision 12, may be assessed a fine of up to \$7,000 for each violation.

EFFECTIVE DATE. The amendments to this section are effective retroactively from August 1, 2020, and expire the day following termination or rescission of any executive order that requires mandatory wearing of face coverings as it relates to the infectious disease known as COVID-19 and businesses closed or limited to ingress, egress, use, and occupancy by members of the public pursuant to executive orders related to the infectious disease known as COVID-19 are allowed to fully operate with no capacity limitations."

Page 38, after line 8, insert:

"Sec. 15. Laws 2014, chapter 211, section 13, as amended by Laws 2015, First Special Session chapter 1, article 7, section 1, Laws 2016, chapter 189, article 7, section 42, and Laws 2017, chapter 94, article 12, section 1, is amended to read:

Sec. 13. **EFFECTIVE DATE.**

Sections 1 to 3 and 6 to 11 are effective July 1, 2020, to June 1, 2021, and after July 1, 2023. Sections 4, 5, and 12 are effective July 1, 2014.

EFFECTIVE DATE. The amendments to this section are effective retroactively from June 30, 2020, except that any investigation and proceedings related to an unfair labor practice charge currently pending before the Public Employee Relations Board as of the date of enactment of this section shall be conducted according to the process in place under Minnesota Statutes, section 179A.13, as of July 1, 2020. Following enactment of this section and until July 1, 2023, any employee, employer, employee or employer organization, exclusive representative, or any other person or organization aggrieved by an unfair labor practice as defined in Minnesota Statutes, section 179A.13, shall bring an action for injunctive relief and for damages caused by the unfair labor practice in the district court of the county in which the practice is alleged to have occurred."

Page 66, line 11, after "a" insert "\$750,000,000"

Page 67, lines 3 and 28, after "a" insert "\$750,000,000"

Page 68, line 12, after "a" insert "\$750,000,000"

Page 71, line 6, after "a" insert "\$750,000,000"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring a written warning upon the first finding of a violation determined not to be of a serious nature;"

Page 1, line 5, after the semicolon, insert "delaying implementation of the Public Employment Relations Board;"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Nelson from the Committee on Taxes, to which was referred

S.F. No. 2206: A bill for an act relating to national criminal history record checks; providing for compliance with section 6103 of the Internal Revenue Code and IRS Publication 1075 for certain individuals with access to federal tax information; classifying data; amending Minnesota Statutes 2020, section 270B.13, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299C.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Civil Law and Data Practices Policy. Report adopted.

Senator Nelson from the Committee on Taxes, to which was re-referred

S.F. No. 960: A bill for an act relating to education and education finance; general education; education excellence; teachers; special education; health and safety; facilities, fund transfers, and accounting; nutrition and libraries; early childhood; community education and lifelong learning; state agencies; and forecast; amending Minnesota Statutes 2020, sections 12.21, subdivision 3; 43A.08, subdivisions 1, 1a; 120A.35; 120A.40; 120A.41; 120A.414; 120A.42; 120B.021, subdivision 4; 120B.11, subdivisions 1, 1a; 120B.132, subdivisions 1, 3; 121A.04, subdivision 4; 121A.21; 121A.45, by adding a subdivision; 121A.53, subdivision 2; 121A.55; 121A.61, subdivision 3; 121A.64; 122A.06, subdivision 4, by adding a subdivision; 122A.092, by adding a subdivision; 122A.181, subdivisions 1, 3; 122A.40, subdivisions 3, 10; 122A.41, subdivision 14a, by adding a subdivision; 122A.416; 122A.61, subdivision 1; 122A.635, subdivisions 1, 2; 122A.70; 122A.76; 123A.05, subdivision 1; 123A.30, subdivision 6; 123B.10, by adding a subdivision; 123B.44, subdivisions 1, 5, 6; 123B.595, subdivision 3; 123B.86, subdivision 3; 124D.05, subdivision 3; 124D.09, subdivisions 5a, 7, 9, 11, 12, 22; 124D.111; 124D.12; 124D.121; 124D.122; 124D.126, subdivision 1; 124D.127; 124D.19, subdivision 2; 124D.20, subdivisions 3, 7, 8; 124D.531, subdivision 1; 124E.05, subdivisions 5, 6; 126C.01, subdivision 8; 126C.05, subdivision 8; 126C.10, subdivisions 2a, 18a; 126C.15, subdivisions 1, 5; 126C.17, subdivision 6; 126C.40, subdivision 1; 126C.44; 127A.49, subdivision 3; 128C.01, subdivision 4; 134.355, subdivisions 5, 6, 7; 297A.70, subdivision 2; 352.01, subdivision 2a; 354.05, subdivision 2; 469.176, subdivision 2; 609A.03, subdivision 7a; Laws 2017, First Special Session chapter 5, article 2, section 52; Laws 2019, First Special Session chapter 11, article 1, section 25, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, as amended, 7, as amended, 9, as amended; article 2, section 33, subdivisions 2, as amended, 3, as amended, 5, as amended, 6, as amended, 16, as amended; article 3, section 23, subdivision 3, as amended; article 4, section 11, subdivisions 2, as amended, 3, as amended, 4, as amended, 5, as amended; article 6, section 7, subdivisions 2, as amended, 3, as amended; article 7, section 1, subdivisions 2, as amended, 3, as amended, 4, as amended; article 8, section 13, subdivisions 5, as amended, 14, as amended; article 9, section 3, subdivision 2, as amended; article 10, section 5, subdivision 2, as amended; Laws 2020, chapter 116, article 3, section 8; proposing coding for new law in Minnesota Statutes, chapters 121A; 122A; 124D; 127A; repealing Minnesota Statutes 2020, sections 124D.8957, subdivision 30; 129C.10, subdivisions 1, 2, 3, 3a, 3b, 4, 4a, 6, 7, 8; 129C.105; 129C.15; 129C.20; 129C.25; 129C.26; 129C.27; Minnesota Rules, parts 3500.1000; 3600.0010, subparts 1, 2, 2a, 2b, 3, 6; 3600.0020; 3600.0030, subparts 1, 2, 4, 6; 3600.0045, subparts 1, 2; 3600.0055; 3600.0065; 3600.0075; 3600.0085.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance without recommendation. Report adopted.

Senator Nelson from the Committee on Taxes, to which was re-referred

S.F. No. 1159: A bill for an act relating to transportation; establishing a budget for transportation; appropriating money for transportation purposes, including Department of Transportation, Metropolitan Council, and Department of Public Safety; appropriating money for specific projects; limiting uses of the highway user tax distribution fund and trunk highway fund; amending various provisions relating to bicycles; amending project selection processes; amending procedures for disposing of property; amending regulation of small unmanned aircraft; dedicating a percentage of the auto parts sales taxes for transportation purposes; authorizing special vehicle permits; making various changes to vehicle registration, vehicle titles, license plates, and drivers' licenses procedures and fees; amending laws relating to animal-drawn vehicles; modifying school bus inspection criteria; authorizing online driver education; authorizing third-party driver's license testing; amending funding for guideways and busways; requiring Metro Mobility to be included in the forecast; establishing a process to terminate Northstar commuter rail; making various policy, technical, and conforming changes; amending Minnesota Statutes 2020, sections 16E.15, subdivision 2; 84.787, subdivision 7; 84.797, subdivision 7; 84.92, subdivision 8; 117.075, subdivisions 2, 3; 160.02, by adding subdivisions; 160.262, subdivision 1; 160.263, subdivision 3; 160.264; 160.266, by adding a subdivision; 160.93, subdivisions 1, 2, 4; 161.088, subdivision 5; 161.11, subdivision 2; 161.115, subdivision 27; 161.14, by adding subdivisions; 161.167; 161.19; 161.20, subdivision 3; 161.23, subdivisions 2, 2a; 161.44, subdivisions 6a, 6b; 161.465; 162.145, subdivisions 2, 3; 163.07, subdivision 2; 167.45; 168.002, subdivision 18; 168.013, subdivision 1m, by adding subdivisions; 168.12, subdivisions 1, 5; 168.183; 168.301, subdivision 1; 168.31, subdivision 4; 168.327, subdivision 6, by adding subdivisions; 168.33, subdivision 7; 168.63, subdivision 5; 168A.11, subdivisions 1, 2; 168A.151, subdivision 1; 169.011, subdivisions 27, 42, by adding subdivisions; 169.035, subdivision 3; 169.09, subdivision 13; 169.18, subdivision 10; 169.222, subdivisions 4, 6a, by adding a subdivision; 169.451, subdivision 3; 169.522, subdivision 1; 169.58, by adding a subdivision; 169.812, subdivision 2; 169.864, subdivision 4; 169.866, subdivision 3; 169.869, subdivision 1; 171.05, subdivision 2; 171.06, subdivisions 2a, 3; 171.061, subdivision 4; 171.071, by adding a subdivision; 171.12, subdivision 7b; 171.13, subdivisions 1, 6, 7, 9; 171.27; 171.29, subdivision 2; 174.03, subdivisions 1b, 8; 174.185, subdivision 3; 174.24, subdivision 7; 174.285, subdivision 5; 174.40, subdivision 5; 174.50, subdivisions 6d, 7, by adding a subdivision; 174.52, subdivision 5; 174.56, subdivision 1; 174.75, by adding a subdivision; 221.83; 296A.083, subdivision 2; 297A.94; 297A.993, by adding a subdivision; 299D.03, subdivision 2a; 325E.15; 360.012, by adding a subdivision; 360.013, by adding subdivisions; 360.55, by adding a subdivision; 360.59, subdivision 10; 473.386, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 161; 168; 169; 171; 174; 345; 473; 476; repealing Minnesota Statutes 2020, sections 16A.60; 160.93, subdivisions 2a, 3; 168.327, subdivision 5; 169.09, subdivision 7; 473.13, subdivision 1b; 473.4051, subdivisions 2, 3; Laws 2000, chapter 479, article 2, section 1, as amended; Minnesota Rules, parts 7410.2610, subparts 1, 2, 3, 3a, 5a, 5b, 6; 7411.0535; 7414.1490; 7470.0300; 7470.0400; 7470.0500; 7470.0600; 7470.0700.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 32, delete "3,216,091,000" and insert "3,193,754,000" and delete "3,314,557,000" and insert "3,291,227,000"

Page 2, line 37, delete "888,830,000" and insert "871,805,000" and delete "913,246,000" and insert "895,463,000"

Page 2, line 38, delete "219,613,000" and insert "214,301,000" and delete "225,984,000" and insert "220,437,000"

Page 6, line 6, after "available" insert "from the trunk highway fund"

Page 6, line 16, after the period, insert "This appropriation is notwithstanding the prohibition on trunk highway fund spending by the Office of Environmental Stewardship in subdivision 2 of this section, and notwithstanding Minnesota Statutes, section 161.20."

Page 8, line 18, delete "888,830,000" and insert "871,805,000" and delete "913,246,000" and insert "895,463,000"

Page 9, line 12, delete "219,613,000" and insert "214,301,000" and delete "225,984,000" and insert "220,437,000"

Page 27, line 5, delete everything after "to" and insert "the 494 Corridor Commission"

Page 27, delete line 6

Page 27, line 7, delete everything before the period

Page 53, after line 24, insert:

"Sec. 49. Minnesota Statutes 2020, section 174.70, subdivision 3, is amended to read:

Subd. 3. **Deposit of fees; appropriation.** Fees collected under subdivision 2 must be deposited in the trunk highway fund. The fees collected are appropriated to the commissioner to pay for developing and maintaining the communications systems that serve state agencies. This appropriation is notwithstanding prohibitions on trunk highway funding for statewide radio communication under section 161.20."

Page 74, after line 25, insert:

"Sec. 15. Minnesota Statutes 2020, section 168.187, subdivision 17, is amended to read:

Subd. 17. **Trip permit.** Subject to agreements or arrangements made or entered into pursuant to subdivision 7, the commissioner may issue trip permits for use of Minnesota highways by individual vehicles, on an occasional basis, for periods not to exceed 120 hours in compliance with rules promulgated pursuant to subdivision 23 ~~and upon payment of a fee of \$15.~~ The fee for the trip permit is calculated as one-twelfth of the amount determined under section 168.013, subdivision 1e, rounded to the nearest whole dollar. For the purposes of this subdivision, "on an occasional basis" means no more than one permit per vehicle within a 30-day period, which begins the day a permit is effective."

Page 121, line 6, delete "2023" and insert "2024"

Page 121, after line 14, insert:

"EFFECTIVE DATE. This section is effective on October 1, 2022, and applies to applications received on or after that date."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rosen from the Committee on Finance, to which was re-referred

S.F. No. 970: A bill for an act relating to public safety; amending law and appropriating money for courts, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, human rights, Sentencing Guidelines Commission, public safety, Peace Officers Standards and Training Board, Private Detective Board, corrections, ombudsperson for corrections, and other related matters; authorizing the placement of pregnant and postpartum female inmates in community-based programs; expanding the duties of the commissioner of corrections relating to releasing offenders; reestablishing a Legislative Commission on Data Practices and Personal Data Privacy; establishing a 911 telecommunicator working group to establish statewide standards for training and certification; directing the Sentencing Guidelines Commission to increase the rankings for certain child pornography crimes in a specified manner; establishing the crime of child torture; increasing penalties for certain human trafficking offenses; increasing penalties for patrons of prostitutes; increasing penalties for certain trespassing offenses; modifying and clarifying criminal sexual conduct provisions; creating a new crime of sexual extortion; imposing criminal penalties; requiring reports and studies; amending Minnesota Statutes 2020, sections 2.722, subdivision 1; 243.166, subdivision 1b; 244.065; 299A.52, subdivision 2; 299C.80, subdivision 3; 340A.504, subdivision 7; 363A.36, subdivision 2; 363A.44, subdivision 2; 403.11, subdivision 1; 477A.03, subdivision 2b; 609.1095, subdivision 1; 609.131, subdivision 2; 609.2325; 609.322, subdivisions 1, 1a; 609.324, subdivisions 2, 4; 609.3241; 609.341, subdivisions 3, 7, 11, 12, 14, 15, by adding subdivisions; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3455; 609.3459; 609.347, by adding a subdivision; 609.352, subdivision 4; 609.605, subdivision 2; 611.27, subdivisions 9, 10, 11, 13, 15; Laws 2017, chapter 95, article 3, section 30; Laws 2020, Seventh Special Session chapter 2, article 2, section 4; proposing coding for new law in Minnesota Statutes, chapters 3; 241; 609; repealing Minnesota Statutes 2020, section 609.324, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 21, insert:

"(b) **Justices' Compensation.** Justices' compensation is increased by 2.5 percent in the first year."

Page 2, line 22, delete "(b)" and insert "(c)"

Page 2, line 26, delete "(c)" and insert "(d)"

Page 2, line 29, delete "(d)" and insert "(e)"

Page 3, line 5, delete "(e)" and insert "(f)"

Page 3, after line 22, insert:

Judges' Compensation. Judges' compensation is increased by 2.5 percent in the first year."

Page 3, after line 23, insert:

(a) Judges' Compensation. Judges' compensation is increased by 2.5 percent in the first year."

Page 3, line 24, before "New" insert "(b)"

Page 10, delete lines 20 to 23 and insert:

"Of the grant funds appropriated in this subdivision, up to \$1,026,000 each year may be used by the commissioner to administer the grant programs."

Page 16, line 5, delete "new"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Gazelka, from the Committee on Rules and Administration, to which was referred

H.F. No. 164 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
164	227				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 164 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 164, the first engrossment; and insert the language after the enacting clause of S.F. No. 227, the first engrossment; further, delete the title of H.F. No. 164, the first engrossment; and insert the title of S.F. No. 227, the first engrossment.

And when so amended H.F. No. 164 will be identical to S.F. No. 227, and further recommends that H.F. No. 164 be given its second reading and substituted for S.F. No. 227, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Gazelka, from the Committee on Rules and Administration, to which was referred

H.F. No. 609 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
609	353				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Gazelka, from the Committee on Rules and Administration, to which was referred

H.F. No. 1913 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1913	1606				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1913 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1913, the second engrossment; and insert the language after the enacting clause of S.F. No. 1606, the first engrossment; further, delete the title of H.F. No. 1913, the second engrossment; and insert the title of S.F. No. 1606, the first engrossment.

And when so amended H.F. No. 1913 will be identical to S.F. No. 1606, and further recommends that H.F. No. 1913 be given its second reading and substituted for S.F. No. 1606, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1098 and 970 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 164, 609, and 1913 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Champion introduced--

S.F. No. 2411: A bill for an act relating to taxation; tax expenditures; providing purpose statements for certain past tax expenditures.

Referred to the Committee on Taxes.

Senator Kunesh introduced--

S.F. No. 2412: A bill for an act relating to health care; recognizing Tribal medical cannabis programs and coordinating Tribal medical cannabis programs with the state medical cannabis program; amending Minnesota Statutes 2020, sections 152.22, by adding a subdivision; 152.25, by adding a subdivision; 152.27, subdivision 6; 152.32, subdivision 3.

Referred to the Committee on Health and Human Services Finance and Policy.

Senators Senjem and Bakk introduced--

S.F. No. 2413: A bill for an act relating to capital investment; appropriating money for improvements at state historic sites; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Johnson Stewart introduced--

S.F. No. 2414: A bill for an act relating to highways; amending requirements and appropriating money for the local bridge replacement program; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2020, section 174.50, subdivision 7.

Referred to the Committee on Transportation Finance and Policy.

Senator Dziejczak introduced--

S.F. No. 2415: A bill for an act relating to state government; appropriating money for a velodrome.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Housley introduced--

S.F. No. 2416: A bill for an act relating to electric vehicles; requiring installation of electric vehicle charging stations at county government centers; appropriating money.

Referred to the Committee on Energy and Utilities Finance and Policy.

Senator Rosen introduced--

S.F. No. 2417: A bill for an act relating to retirement; Minnesota State Retirement System; extending eligibility for a Rule of 90 unreduced early retirement benefit by one month to members hired after June 30, 1989, and before August 1, 1989; amending Minnesota Statutes 2020, sections 352.01, subdivision 25; 352.115, subdivision 3; 352.116, subdivisions 1, 1a.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Rosen introduced--

S.F. No. 2418: A bill for an act relating to retirement; Minnesota State Retirement System; extending eligibility for a Rule of 90 unreduced early retirement benefit by one month to members hired after June 30, 1989, and before August 1, 1989, upon payment of the actuarial cost of the increased benefit; amending Minnesota Statutes 2020, section 352.116, subdivision 1.

Referred to the Committee on State Government Finance and Policy and Elections.

Senator Rosen introduced--

S.F. No. 2419: A bill for an act relating to taxation; sales and use; expanding the exemption on precious metal bullion to include coins and other forms of currency; amending Minnesota Statutes 2020, section 297A.67, subdivision 34.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Senjem moved that the name of Senator Bigham be added as a co-author to S.F. No. 313. The motion prevailed.

Senator Osmek moved that the names of Senators Rarick, Limmer, and Marty be added as co-authors to S.F. No. 519. The motion prevailed.

Senator Newton moved that the name of Senator Lang be added as a co-author to S.F. No. 2406. The motion prevailed.

Senator Eken moved that the names of Senators Koran and Johnson Stewart be added as co-authors to S.F. No. 2408. The motion prevailed.

SPECIAL ORDERS

Pursuant to Rule 26, Senator Johnson, designee of the Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 975, 972, and 958.

SPECIAL ORDER

S.F. No. 975: A bill for an act relating to higher education; providing funding and related policy changes for the Office of Higher Education, Minnesota State Colleges and Universities, the University of Minnesota, and the Mayo Clinic; creating and modifying certain student aid programs; creating a direct admissions pilot program; requiring reports; appropriating money; amending Minnesota Statutes 2020, sections 136A.101, subdivision 5a; 136A.121, subdivisions 2, 6, 9; 136A.125, subdivisions 2, 4; 136A.126, subdivisions 1, 4; 136A.1275; 136A.1791; 136A.246, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, by adding a subdivision; 136A.63, subdivision 2; 136A.645; 136A.653, subdivision 5; 136A.68; 136A.822, subdivision 12; 136A.8225; 136A.823, by adding a subdivision; 136A.827, subdivisions 4, 8; 136F.20, by adding a subdivision; 136F.245, subdivisions 1, 2, by adding a subdivision; 136F.305, subdivisions 2, 3, 4; 136F.38, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; 136F; 137; repealing Minnesota Statutes 2020, sections 136A.1703; 136A.823, subdivision 2; 136F.245, subdivision 3; Laws 2014, chapter 312, article 1, section 4, subdivision 2; Minnesota Rules, parts 4830.9050; 4830.9060; 4830.9070; 4830.9080; 4830.9090.

Senator Draheim moved to amend S.F. No. 975 as follows:

Page 13, line 27, before the period, insert "except that a university may change base tuition to adjust for the reduction of online differential charges provided the change is revenue-neutral"

The motion prevailed. So the amendment was adopted.

Senator Nelson moved to amend S.F. No. 975 as follows:

Page 62, after line 5, insert:

"ARTICLE 3**MINNESOTA HEALTH AND EDUCATION FACILITIES AUTHORITY**

Section 1. Minnesota Statutes 2020, section 136A.25, is amended to read:

136A.25 CREATION.

A state agency known as the Minnesota ~~Higher~~ Health and Education Facilities Authority is hereby created.

Sec. 2. Minnesota Statutes 2020, section 136A.26, is amended to read:

136A.26 MEMBERSHIPS; OFFICERS; COMPENSATION; REMOVAL.

Subdivision 1. **Membership.** The Minnesota ~~Higher~~ Health and Education Facilities Authority shall consist of ~~eight~~ nine members appointed by the governor with the advice and consent of the senate, and a representative of the ~~office~~ Office of Higher Education.

All members to be appointed by the governor shall be residents of the state. At least two members must reside outside the metropolitan area as defined in section 473.121, subdivision 2. At least one of the members shall be a person having a favorable reputation for skill, knowledge, and experience

in the field of state and municipal finance; ~~and~~ at least one shall be a person having a favorable reputation for skill, knowledge, and experience in the building construction field; ~~and~~ at least one of the members shall be a trustee, director, officer, or employee of an institution of higher education; and at least one of the members shall be a trustee, director, officer, or employee of a health care organization.

Subd. 1a. **Private College Council member.** The president of the Minnesota Private College Council, or the president's designee, shall serve without compensation as an advisory, nonvoting member of the authority.

Subd. 1b. **Nonprofit health care association member.** The chief executive officer of a Minnesota nonprofit membership association whose members are primarily nonprofit health care organizations, or the chief executive officer's designee, shall serve without compensation as an advisory, nonvoting member of the authority. The identity of the Minnesota nonprofit membership association shall be determined and may be changed from time to time by the members of the authority in accordance with and as shall be provided in the bylaws of the authority.

Subd. 2. **Term; compensation; removal.** The membership terms, compensation, removal of members, and filling of vacancies for authority members other than the representative of the office, ~~and~~ the president of the Private College Council, or the chief executive officer of the Minnesota nonprofit membership association described in subdivision 1b shall be as provided in section 15.0575.

Sec. 3. Minnesota Statutes 2020, section 136A.27, is amended to read:

136A.27 POLICY.

It is hereby declared that for the benefit of the people of the state, the increase of their commerce, welfare and prosperity and the improvement of their health and living conditions it is essential that health care organizations within the state be provided with appropriate additional means to establish, acquire, construct, improve, and expand health care facilities in furtherance of their purposes; that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities; ~~that it is essential~~ that institutions of higher education within the state be provided with appropriate additional means to assist such youth in achieving the required levels of learning and development of their intellectual and mental capacities; and that health care organizations and institutions of higher education be enabled to refinance outstanding indebtedness incurred to provide existing facilities used for such purposes in order to preserve and enhance the utilization of facilities for purposes of health care and higher education, to extend or adjust maturities in relation to the resources available for their payment, and to save interest costs and thereby reduce health care costs or higher education tuition, fees, and charges; ~~and~~. It is hereby further declared that it is the purpose of sections 136A.25 to 136A.42 to provide a measure of assistance and an alternative method to enable health care organizations and institutions of higher education in the state to provide the facilities and structures which are sorely needed to accomplish the purposes of sections 136A.25 to 136A.42, all to the public benefit and good, to the extent and manner provided herein.

Sec. 4. Minnesota Statutes 2020, section 136A.28, is amended to read:

136A.28 DEFINITIONS.

Subdivision 1. **Scope.** In sections 136A.25 to 136A.42, the following words and terms shall, unless the context otherwise requires, have the meanings ascribed to them.

Subd. 1a. **Affiliate.** "Affiliate" means an entity that directly or indirectly controls, is controlled by, or is under common control with, another entity. For the purposes of this paragraph, "control" means either the power to elect a majority of the members of the governing body of an entity or the power, whether by contract or otherwise, to direct the management and policies of the entity. Affiliate also means an entity whose business or substantially all of whose property is operated under a lease, management agreement, or operating agreement by another entity, or an entity who operates the business or substantially all of the property of another entity under a lease, management agreement, or operating agreement.

Subd. 2. **Authority.** "Authority" means the ~~Higher~~ Health and Education Facilities Authority created by sections 136A.25 to 136A.42.

~~Subd. 3. **Project.** "Project" means a structure or structures available for use as a dormitory or other student housing facility, a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, child care facility, and maintenance, storage, or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution of higher education, whether proposed, under construction, or completed, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, and shall also include landscaping, site preparation, furniture, equipment and machinery, and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include such items as books, fuel, supplies, or other items the costs of which are customarily deemed to result in a current operating charge, and shall~~ include a health care facility or an education facility whether proposed, under construction, or completed, and includes land or interests in land, appurtenances, site preparation, landscaping, buildings and structures, systems, fixtures, furniture, machinery, equipment, and parking. Project also includes other structures, facilities, improvements, machinery, equipment, and means of transport of a capital nature that are necessary or convenient for the operation of the facility. Project does not include: (1) any facility used or to be used for sectarian instruction or as a place of religious worship nor; (2) any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination; nor (3) any books, supplies, medicine, medical supplies, fuel, or other items, the cost of which are customarily deemed to result in a current operating charge.

Subd. 4. **Cost.** "Cost," as applied to a project or any portion thereof financed under the provisions of sections 136A.25 to 136A.42, means all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a project including all lands, structures, real or personal property, rights, rights-of-way, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which ~~such~~ buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to

determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation.

Subd. 5. **Bonds.** "Bonds," or "revenue bonds" means revenue bonds of the authority issued under the provisions of sections 136A.25 to 136A.42, including revenue refunding bonds, notwithstanding that the same may be secured by mortgage or the full faith and credit of a participating institution for higher education or any other lawfully pledged security of a participating institution for higher education.

Subd. 6. **Institution of higher education.** "Institution of higher education" means a nonprofit educational institution within the state authorized to provide a program of education beyond the high school level.

Subd. 6a. **Health care organization.** (a) "Health care organization" means a nonprofit organization located within the state and authorized by law to operate a nonprofit health care facility in the state. Health care organization also means a nonprofit affiliate of a health care organization as defined under this paragraph, provided the affiliate is located within the state or within a state that is geographically contiguous to Minnesota.

(b) Health care organization also means a nonprofit organization located within another state that is geographically contiguous to Minnesota and authorized by law to operate a nonprofit health care facility in that state, provided that the nonprofit organization located within the contiguous state is an affiliate of a health care organization located within the state.

Subd. 6b. **Education facility.** "Education facility" means a structure or structures available for use as a dormitory or other student housing facility, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, student health care facility, or child care facility, and includes other facilities or structures related thereto essential or convenient for the orderly conduct of an institution of higher education.

Subd. 6c. **Health care facility.** (a) "Health care facility" means a structure or structures available for use within this state as a hospital, clinic, psychiatric residential treatment facility, birth center, outpatient surgical center, comprehensive outpatient rehabilitation facility, outpatient physical therapy or speech pathology facility, end-stage renal dialysis facility, medical laboratory, pharmacy, radiation therapy facility, diagnostic imaging facility, medical office building, residence for nurses or interns, nursing home, boarding care home, assisted living facility, residential hospice, intermediate care facility for persons with developmental disabilities, supervised living facility, housing with services establishment, board and lodging establishment with special services, adult day care center, day services facility, prescribed pediatric extended care facility, community residential setting, adult foster home, or other facility related to medical or health care research, or the delivery or administration of health care services, and includes other structures or facilities related thereto essential or convenient for the orderly conduct of a health care organization.

(b) Health care facility also means a facility in a state that is geographically contiguous to Minnesota operated by a health care organization that corresponds by purpose, function, or use with a facility listed in paragraph (a).

Subd. 7. **Participating institution of higher education.** "~~Participating institution of higher education~~" means a health care organization or an institution of higher education that, under the provisions of sections 136A.25 to 136A.42, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in sections 136A.25 to 136A.42. Community colleges and technical colleges may be considered participating institutions of higher education for the purpose of financing and constructing child care facilities and parking facilities.

Sec. 5. Minnesota Statutes 2020, section 136A.29, subdivision 1, is amended to read:

Subdivision 1. **Purpose.** The purpose of the authority shall be to assist health care organizations and institutions of higher education in the construction, financing, and refinancing of projects. The exercise by the authority of the powers conferred by sections 136A.25 to 136A.42, shall be deemed and held to be the performance of an essential public function. For the purpose of sections 136A.25 to 136A.42, the authority shall have the powers and duties set forth in subdivisions 2 to 23.

Sec. 6. Minnesota Statutes 2020, section 136A.29, subdivision 3, is amended to read:

Subd. 3. **Employees.** The authority is authorized and empowered to appoint and employ employees as it may deem necessary to carry out its duties, determine the title of the employees so employed, and fix the salary of ~~said~~ its employees. Employees of the authority shall participate in retirement and other benefits in the same manner that employees in the ~~unclassified service of the office~~ managerial plan under section 43A.18, subdivision 3, participate.

Sec. 7. Minnesota Statutes 2020, section 136A.29, subdivision 6, is amended to read:

Subd. 6. **Projects; generally.** (a) The authority is authorized and empowered to determine the location and character of any project to be financed under the provisions of sections 136A.25 to 136A.42, and to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, to enter into contracts for any or all of such purposes, to enter into contracts for the management and operation of a project, and to designate a participating institution of ~~higher education~~ as its agent to determine the location and character of a project undertaken by such participating institution of ~~higher education~~ under the provisions of sections 136A.25 to 136A.42 and as the agent of the authority, to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, and as the agent of the authority, to enter into contracts for any or all of such purposes, including contracts for the management and operation of such project.

(b) Notwithstanding paragraph (a), a project involving a health care facility within the state financed under sections 136A.25 to 136A.42, must comply with all applicable requirements in state law related to authorizing construction of or modifications to a health care facility, including the requirements of sections 144.5509, 144.551, 144A.071, and 252.291.

(c) Contracts of the authority or of a participating institution of ~~higher education~~ to acquire or to construct, reconstruct, remodel, maintain, enlarge, alter, add to, or repair projects shall not be subject to the provisions of chapter 16C or section 574.26, or any other public contract or competitive bid law.

Sec. 8. Minnesota Statutes 2020, section 136A.29, subdivision 9, is amended to read:

Subd. 9. **Revenue bonds; limit.** The authority is authorized and empowered to issue revenue bonds whose aggregate principal amount at any time shall not exceed ~~\$1,300,000,000~~ \$4,000,000,000 and to issue notes, bond anticipation notes, and revenue refunding bonds of the authority under the provisions of sections 136A.25 to 136A.42, to provide funds for acquiring, constructing, reconstructing, enlarging, remodeling, renovating, improving, furnishing, or equipping one or more projects or parts thereof.

Sec. 9. Minnesota Statutes 2020, section 136A.29, subdivision 10, is amended to read:

Subd. 10. **Revenue bonds; issuance, purpose, conditions.** The authority is authorized and empowered to issue revenue bonds to acquire projects from or to make loans to participating institutions ~~of higher education~~ and thereby refinance outstanding indebtedness incurred by participating institutions ~~of higher education~~ to provide funds for the acquisition, construction or improvement of a facility before or after the enactment of sections 136A.25 to 136A.42, but otherwise eligible to be and being a project thereunder, whenever the authority finds that such refinancing will enhance or preserve such participating institutions and such facilities or utilization thereof for health care or educational purposes or extend or adjust maturities to correspond to the resources available for their payment, or reduce charges or fees imposed on patients or occupants, or the tuition, charges, or fees imposed on students for the use or occupancy of the facilities of such participating institutions of higher education or costs met by federal or state public funds, or enhance or preserve health care or educational programs and research or the acquisition or improvement of other facilities eligible to be a project or part thereof by the participating institution ~~of higher education~~. The amount of revenue bonds to be issued to refinance outstanding indebtedness of a participating institution ~~of higher education~~ shall not exceed the lesser of (a) the fair value of the project to be acquired by the authority from the institution or mortgaged to the authority by the institution or (b) the amount of the outstanding indebtedness including any premium thereon and any interest accrued or to accrue to the date of redemption and any legal, fiscal and related costs in connection with such refinancing and reasonable reserves, as determined by the authority. The provisions of this subdivision do not prohibit the authority from issuing revenue bonds within and charged against the limitations provided in subdivision 9 to provide funds for improvements, alteration, renovation, or extension of the project refinanced.

Sec. 10. Minnesota Statutes 2020, section 136A.29, subdivision 14, is amended to read:

Subd. 14. **Rules for use of projects.** The authority is authorized and empowered to establish rules for the use of a project or any portion thereof and to designate a participating institution ~~of higher education~~ as its agent to establish rules for the use of a project undertaken for such participating institution ~~of higher education~~.

Sec. 11. Minnesota Statutes 2020, section 136A.29, subdivision 19, is amended to read:

Subd. 19. **Surety.** Before the issuance of any revenue bonds under the provisions of sections 136A.25 to 136A.42, any member or officer of the authority authorized by resolution of the authority to handle funds or sign checks of the authority shall be covered under a surety or fidelity bond in an amount to be determined by the authority. Each such bond shall be conditioned upon the faithful performance of the duties of the office of the member or officer, and shall be executed by a surety company authorized to transact business in the state of Minnesota as surety. The cost of each such bond shall be paid by the authority.

Sec. 12. Minnesota Statutes 2020, section 136A.29, subdivision 20, is amended to read:

Subd. 20. **Sale, lease, and disposal of property.** The authority is authorized and empowered to sell, lease, release, or otherwise dispose of real and personal property or interests therein, or a combination thereof, acquired by the authority under authority of sections 136A.25 to 136A.42 and no longer needed for the purposes of ~~such~~ this chapter or of the authority, and grant such easements and other rights in, over, under, or across a project as will not interfere with its use of ~~such~~ the property. ~~Such~~ The sale, lease, release, disposition, or grant may be made without competitive bidding and in ~~such~~ the manner and for such consideration as the authority in its judgment deems appropriate.

Sec. 13. Minnesota Statutes 2020, section 136A.29, subdivision 21, is amended to read:

Subd. 21. **Loans.** The authority is authorized and empowered to make loans to any participating institution of ~~higher education~~ for the cost of a project in accordance with an agreement between the authority and the participating institution of ~~higher education~~; provided that no ~~such~~ loan shall exceed the total cost of the project as determined by the participating institution of ~~higher education~~ and approved by the authority.

Sec. 14. Minnesota Statutes 2020, section 136A.29, subdivision 22, is amended to read:

Subd. 22. **Costs, expenses, and other charges.** The authority is authorized and empowered to charge to and apportion among participating institutions of ~~higher education~~ its administrative costs and expenses incurred in the exercise of the powers and duties conferred by sections 136A.25 to 136A.42 in the manner as the authority in its judgment deems appropriate.

Sec. 15. Minnesota Statutes 2020, section 136A.29, is amended by adding a subdivision to read:

Subd. 24. **Determination of affiliate status.** The authority is authorized and empowered to determine whether an entity is an affiliate as defined in section 136A.28, subdivision 1a. A determination by the authority of affiliate status shall be deemed conclusive for the purposes of sections 136A.25 to 136A.42.

Sec. 16. Minnesota Statutes 2020, section 136A.32, subdivision 4, is amended to read:

Subd. 4. **Provisions of resolution authorizing bonds.** Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions, which shall be a part of the contract with the holders of the revenue bonds to be authorized, as to:

(1) pledging all or any part of the revenues of a project or projects, any revenue producing contract or contracts made by the authority with ~~any individual partnership, corporation or association or other body~~ one or more partnerships, corporations or associations, or other bodies, public or private, to secure the payment of the revenue bonds or of any particular issue of revenue bonds, subject to such agreements with bondholders as may then exist;

(2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;

(3) the setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(4) limitations on the right of the authority or its agent to restrict and regulate the use of the project;

(5) limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds;

(6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds;

(7) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(8) limitations on the amount of moneys derived from the project to be expended for operating, administrative or other expenses of the authority;

(9) defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default; or

(10) the mortgaging of a project and the site thereof for the purpose of securing the bondholders.

Sec. 17. Minnesota Statutes 2020, section 136A.33, is amended to read:

136A.33 TRUST AGREEMENT.

In the discretion of the authority any revenue bonds issued under the provisions of sections 136A.25 to 136A.42, may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within the state. ~~Such~~ The trust agreement or the resolution providing for the issuance of ~~such~~ revenue bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion thereof. ~~Such~~ The trust agreement or resolution providing for the issuance of ~~such~~ revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of laws, including particularly such provisions as have hereinabove been specifically authorized to be included in any resolution or resolutions of the authority authorizing revenue bonds thereof. Any bank or trust company incorporated under the laws of the state ~~which~~ that may act as depository of the proceeds of bonds or of revenues or other moneys may furnish ~~such~~ indemnifying bonds or ~~pledges such~~ pledge securities as may be required by the authority. Any ~~such~~ trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees and may restrict the individual right of action by bondholders. In addition to the foregoing, any ~~such~~ trust agreement or resolution may contain ~~such~~ other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of ~~such~~ the trust agreement or resolution may be treated as a part of the cost of the operation of a project.

Sec. 18. Minnesota Statutes 2020, section 136A.34, subdivision 3, is amended to read:

Subd. 3. **Investment.** Any ~~such~~ escrowed proceeds, pending such use, may be invested and reinvested in direct obligations of the United States of America, or in certificates of deposit or time deposits secured by direct obligations of the United States of America, or in shares or units in any money market mutual fund whose investment portfolio consists solely of direct obligations of the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding revenue bonds to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding revenue bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the authority for use by it in any lawful manner.

Sec. 19. Minnesota Statutes 2020, section 136A.34, subdivision 4, is amended to read:

Subd. 4. **Additional purpose; improvements.** The portion of the proceeds of any ~~such~~ revenue bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project may be invested or deposited ~~in time deposits~~ as provided in section 136A.32, subdivision 7.

Sec. 20. Minnesota Statutes 2020, section 136A.36, is amended to read:

136A.36 REVENUES.

The authority may fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and ~~to~~ may contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. ~~Such~~ The rates, rents, fees, and charges may vary between projects involving an education facility and projects involving a health care facility and shall be fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from ~~such~~ the project so as to provide funds sufficient with other revenues, if any:

(1) to pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for;

(2) to pay the principal of and the interest on outstanding revenue bonds of the authority issued in respect of such project as the same shall become due and payable; and

(3) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, ~~such~~ revenue bonds of the authority. ~~Such~~ The rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this state other than the authority. A sufficient amount of the revenues derived in respect of a project, except ~~such~~ part of ~~such~~ the revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any revenue bonds of the authority or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in ~~such~~ the resolution or trust agreement in a sinking or other similar fund ~~which~~ that is hereby pledged to, and charged with, the payment of the principal of and the interest on ~~such~~ revenue bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. ~~Such~~ The pledge shall be

valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of ~~such~~ the pledge without physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in ~~such~~ the resolution or ~~such~~ trust agreement, ~~such~~ the sinking or other similar fund shall be a fund for all ~~such~~ revenue bonds issued to finance a project or projects at one or more participating institutions of ~~higher education~~ without distinction or priority of one over another; provided the authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project at ~~an~~ a participating institution of higher education and for the revenue bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security herein authorized to other revenue bonds of the authority and, in such case, the authority may create separate or other similar funds in respect of ~~such~~ the subordinate lien bonds.

Sec. 21. Minnesota Statutes 2020, section 136A.38, is amended to read:

136A.38 BONDS ELIGIBLE FOR INVESTMENT.

Bonds issued by the authority under the provisions of sections 136A.25 to 136A.42, are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them; it being the purpose of this section to authorize the investment in such bonds of all sinking, insurance, retirement, compensation, pension and trust funds, whether owned or controlled by private or public persons or officers; provided, however, that nothing contained in this section may be construed as relieving any person, firm, or corporation from any duty of exercising due care in selecting securities for purchase or investment; and provide further, that in no event shall assets of pension funds of public employees of the state of Minnesota or any of its agencies, boards or subdivisions, whether publicly or privately administered, be invested in bonds issued under the provisions of sections 136A.25 to 136A.42. Such bonds are hereby constituted "authorized securities" within the meaning and for the purposes of Minnesota Statutes 1969, section 50.14. ~~Such~~ The bonds are hereby made securities ~~which~~ that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state now or may hereafter be authorized by law.

Sec. 22. Minnesota Statutes 2020, section 136A.41, is amended to read:

136A.41 CONFLICT OF INTEREST.

Notwithstanding any other law to the contrary it shall not be or constitute a conflict of interest for a trustee, director, officer or employee of any participating institution of ~~higher education~~, financial institution, investment banking firm, brokerage firm, commercial bank or trust company,

architecture firm, insurance company, construction company, or any other firm, person or corporation to serve as a member of the authority, provided such trustee, director, officer or employee shall abstain from deliberation, action and vote by the authority in each instance where the business affiliation of any such trustee, director, officer or employee is involved.

Sec. 23. Minnesota Statutes 2020, section 136A.42, is amended to read:

136A.42 ANNUAL REPORT.

The authority shall keep an accurate account of all of its activities and all of its receipts and expenditures ~~and shall annually report to the office.~~ Each year, the authority shall submit to the Minnesota Historical Society and the Legislative Reference Library a report of the authority's activities in the previous year, including all financial activities.

Sec. 24. **REVISOR INSTRUCTION.**

The revisor of statutes shall renumber the law establishing and governing the Minnesota Higher Education Facilities Authority, renamed the Minnesota Health and Education Facilities Authority in this act, as Minnesota Statutes, chapter 16F, coded in Minnesota Statutes 2020, sections 136A.25 to 136A.42, as amended or repealed in this act. The revisor of statutes shall also duplicate any required definitions from Minnesota Statutes, chapter 136A, revise any statutory cross-references consistent with the recoding, and report the history in Minnesota Statutes, chapter 16F.

Sec. 25. **REPEALER.**

Minnesota Statutes 2020, section 136A.29, subdivision 4, is repealed.

ARTICLE 4

MINNESOTA HEALTH AND EDUCATION FACILITIES AUTHORITY CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 2020, section 3.732, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) "State" includes each of the departments, boards, agencies, commissions, courts, and officers in the executive, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the Housing Finance Agency, the Minnesota Office of Higher Education, the ~~Higher Health and Education Facilities Authority~~, the Health Technology Advisory Committee, the Armory Building Commission, the Zoological Board, the Department of Iron Range Resources and Rehabilitation, the Minnesota Historical Society, the State Agricultural Society, the University of Minnesota, the Minnesota State Colleges and Universities, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors, or employees of the state, members of the Minnesota National Guard, members of a bomb disposal unit approved

by the commissioner of public safety and employed by a municipality defined in section 466.01 when engaged in the disposal or neutralization of bombs or other similar hazardous explosives, as defined in section 299C.063, outside the jurisdiction of the municipality but within the state, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation. It does not include either an independent contractor except, for purposes of this section and section 3.736 only, a guardian ad litem acting under court appointment, or members of the Minnesota National Guard while engaged in training or duty under United States Code, title 10, or title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983. Notwithstanding sections 43A.02 and 611.263, for purposes of this section and section 3.736 only, "employee of the state" includes a district public defender or assistant district public defender in the Second or Fourth Judicial District, a member of the Health Technology Advisory Committee, and any officer, agent, or employee of the state of Wisconsin performing work for the state of Minnesota pursuant to a joint state initiative.

(3) "Scope of office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

(4) "Judicial branch" has the meaning given in section 43A.02, subdivision 25.

Sec. 2. Minnesota Statutes 2020, section 10A.01, subdivision 35, is amended to read:

Subd. 35. **Public official.** "Public official" means any:

(1) member of the legislature;

(2) individual employed by the legislature as secretary of the senate, legislative auditor, director of the Legislative Budget Office, chief clerk of the house of representatives, revisor of statutes, or researcher, legislative analyst, fiscal analyst, or attorney in the Office of Senate Counsel, Research and Fiscal Analysis, House Research, or the House Fiscal Analysis Department;

(3) constitutional officer in the executive branch and the officer's chief administrative deputy;

(4) solicitor general or deputy, assistant, or special assistant attorney general;

(5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;

(6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

(7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

(8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or unemployment law judge in the Department of Employment and Economic Development;

(12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the ~~Higher~~ Health and Education Facilities Authority;

(16) member of the board of directors or president of Enterprise Minnesota, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

(18) member of the Minnesota Ballpark Authority established in section 473.755;

(19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

(20) manager of a watershed district, or member of a watershed management organization as defined under section 103B.205, subdivision 13;

(21) supervisor of a soil and water conservation district;

(22) director of Explore Minnesota Tourism;

(23) citizen member of the Lessard-Sams Outdoor Heritage Council established in section 97A.056;

(24) citizen member of the Clean Water Council established in section 114D.30;

(25) member or chief executive of the Minnesota Sports Facilities Authority established in section 473J.07;

(26) district court judge, appeals court judge, or supreme court justice;

(27) county commissioner;

(28) member of the Greater Minnesota Regional Parks and Trails Commission; or

(29) member of the Destination Medical Center Corporation established in section 469.41.

Sec. 3. Minnesota Statutes 2020, section 136F.67, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** A technical college or a community college must not seek financing for child care facilities or parking facilities through the ~~Higher~~ Health and Education Facilities Authority, as provided in section 136A.28, subdivision 7, without the explicit authorization of the board.

Sec. 4. Minnesota Statutes 2020, section 354B.20, subdivision 7, is amended to read:

Subd. 7. **Employing unit.** "Employing unit," if the agency employs any persons covered by the individual retirement account plan under section 354B.211, means:

- (1) the board;
- (2) the Minnesota Office of Higher Education; and
- (3) the ~~Higher~~ Health and Education Facilities Authority."

Amend the title accordingly

The motion did not prevail. So the amendment was not adopted.

RECESS

Senator Johnson moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

The Senate resumed consideration of S.F. No. 975.

Senator Putnam moved to amend S.F. No. 975 as follows:

Page 27, after line 7, insert:

"Sec. 2. [135A.144] TRANSCRIPT ACCESS.

Subdivision 1. **Definitions.** (a) The terms defined in this subdivision apply to this section.

(b) "Debt" means any money, obligation, claim, or sum, due or owed, or alleged to be due or owed, from a student that appears on the student account. Debt does not include the fee, if any, charged to all students for the actual costs of providing the transcripts.

(c) "School" means any public institution governed by the Board of Trustees of the Minnesota State Colleges and Universities, private postsecondary educational institution as defined under section 136A.62 or 136A.821, or any public or private entity responsible for providing transcripts to current or former students of an educational institution. Institutions governed by the Board of Regents of the University of Minnesota are requested to comply with this section.

(d) "Transcript" means the statement of an individual's academic record, including official transcripts or the certified statement of an individual's academic record provided by a school, and unofficial transcripts or the uncertified statement of an individual's academic record provided by a school.

Subd. 2. **Prohibited practices.** A school must not:

(1) refuse to provide a transcript for a current or former student because the student owes a debt to the school if the transcript request is made by a prospective employer or graduate school for the student; or

(2) charge an additional or a higher fee for obtaining a transcript or provide less favorable treatment of a transcript request because a student owes a debt to the originating school.

Subd. 3. **Institutional policy.** (a) Institutions that use transcript issuance as a tool for debt collection must have a policy which is accessible to students that outlines how they collect on debts owed to the institution.

(b) Institutions shall seek to use transcript issuance as a tool for debt collection for the fewest number of cases possible."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 975 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 38 and nays 29, as follows:

Those who voted in the affirmative were:

Abeler	Dornink	Howe	Mathews	Ruud
Anderson	Draheim	Ingebrigtsen	Miller	Senjem
Bakk	Duckworth	Jasinski	Nelson	Tomassoni
Benson	Eichorn	Johnson	Newman	Utke
Chamberlain	Gazelka	Kiffmeyer	Osmek	Weber
Clausen	Goggin	Koran	Pratt	Westrom
Coleman	Hoffman	Lang	Rarick	
Dahms	Housley	Limmer	Rosen	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Coleman, Duckworth, Eichorn, Gazelka, Howe, Limmer, Newman, and Osmek.

Those who voted in the negative were:

Bigham	Eaton	Isaacson	Marty	Putnam
Carlson	Eken	Johnson Stewart	McEwen	Rest
Champion	Fateh	Kent	Murphy	Torres Ray
Cwodzinski	Franzen	Klein	Newton	Wiger
Dibble	Frentz	Kunesh	Pappas	Wiklund
Dziedzic	Hawj	Latz	Port	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, and Wiklund.

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 972: A bill for an act relating to commerce and energy; appropriating money for the Department of Commerce; modifying the evaluation process for mandated health benefit proposals; requiring the commissioner of commerce to apply for continuation of the state innovation waiver; establishing a revolving loan fund for energy conservation improvements in state buildings; establishing the Minnesota efficient technology accelerator; authorizing a power purchase agreement for certain electric cogeneration activities; encouraging natural gas utilities to develop innovative resources; establishing a program to provide financial incentives for the production of wood pellets; abolishing prohibition on issuing certificate of need for new nuclear power plant; establishing a program to promote the use of solar energy on school buildings; establishing a process to compensate businesses for loss of business opportunity resulting from sale and closure of a biomass energy plant; authorizing a local exchange carrier to elect competitive market regulation under certain conditions; appropriating money; requiring reports; amending Minnesota Statutes 2020, sections 16B.86; 16B.87; 62J.03, subdivision 4; 62J.26, subdivisions 1, 2, 3, 4, 5; 116C.779, subdivision 1; 116C.7792; 216B.1691, subdivision 2f; 216B.241, by adding a subdivision; 216B.2422, by adding a subdivision; 216B.2424, by adding subdivisions; 216B.243, subdivision 3b; 237.025, subdivisions 6, 9; Laws 2017, chapter 13, article 1, section 15, as amended; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C; repealing Minnesota Statutes 2020, sections 115C.13; 216C.417; Laws 2005, chapter 97, article 10, section 3, as amended.

Senator Senjem moved to amend S.F. No. 972 as follows:

Page 45, after line 23, insert:

"Sec. 13. Minnesota Statutes 2020, section 216B.62, subdivision 3b, is amended to read:

Subd. 3b. **Assessment for department regional and national duties.** In addition to other assessments in subdivision 3, the department may assess up to \$500,000 per fiscal year for performing its duties under section 216A.07, subdivision 3a. The amount in this subdivision shall be assessed to energy utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year and shall be deposited into an account in the special revenue fund and is appropriated to the commissioner of commerce for the purposes of section 216A.07, subdivision 3a. An assessment made under this subdivision is not subject to the cap on assessments provided in subdivision 3 or any other law. For the purpose of this subdivision, an "energy utility" means public utilities, generation and transmission cooperative electric associations, and municipal power agencies providing natural gas or electric service in the state. This subdivision expires June 30, ~~2024~~ 2023."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Senjem moved to amend S.F. No. 972 as follows:

Page 9, line 19, delete "2,500,000" and insert "7,500,000"

Page 10, after line 30, insert:

"(f) Notwithstanding Minnesota Statutes, section 116C.779, subdivision 1, paragraph (j), \$5,000,000 the first year is to the commissioner of employment and economic development for a grant to the Mountain Iron Economic Development Authority to expand a city-owned solar module manufacturing plant building in the city's Renewable Energy Industrial Park. This is a onetime appropriation and any amount unexpended by June 30, 2022, must be returned to the renewable development account under Minnesota Statutes, section 116C.779, subdivision 1."

Page 10, line 32, delete "37,905,000" and insert "32,905,000"

Page 11, line 6, delete "\$26,155,000" and insert "\$21,155,000"

Correct the subdivision and section totals and the appropriations by fund

The motion prevailed. So the amendment was adopted.

Senator Franzen moved to amend S.F. No. 972 as follows:

Page 8, delete section 7

Page 17, delete article 4

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 37, as follows:

Those who voted in the affirmative were:

Bigham	Dziedzic	Hawj	Latz	Port
Carlson	Eaton	Hoffman	Marty	Putnam
Champion	Eken	Isaacson	McEwen	Rest
Clausen	Fateh	Johnson Stewart	Murphy	Torres Ray
Cwodzinski	Franzen	Kent	Newton	Wiger
Dibble	Frentz	Kunesh	Pappas	Wiklund

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Kunesh, Latz, Newton, and Wiklund.

Those who voted in the negative were:

Abeler	Draheim	Jasinski	Miller	Senjem
Anderson	Duckworth	Johnson	Nelson	Tomassoni
Bakk	Eichorn	Kiffmeyer	Newman	Utke
Benson	Gazelka	Klein	Osmek	Weber
Chamberlain	Goggin	Koran	Pratt	Westrom
Coleman	Housley	Lang	Rarick	
Dahms	Howe	Limmer	Rosen	
Dornink	Ingebrigtsen	Mathews	Ruud	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Anderson, Coleman, Duckworth, Eichorn, Howe, Limmer, Newman, and Osmek.

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senator: Klein.

The motion did not prevail. So the amendment was not adopted.

Senator Marty moved to amend S.F. No. 972 as follows:

Page 57, after line 10, insert:

"ARTICLE 7

CATALYTIC CONVERTERS

Section 1. Minnesota Statutes 2020, section 325E.21, subdivision 6, is amended to read:

Subd. 6. **Criminal penalty.** (a) A scrap metal dealer, or the agent, employee, or representative of the dealer, who intentionally violates a provision of this section, is guilty of a misdemeanor.

(b) A person who violates subdivision 11 or 12 is guilty of a misdemeanor for possession or purchase of one catalytic converter and a gross misdemeanor for possession or purchase of two or more catalytic converters.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision to read:

Subd. 11. **Prohibition on possessing catalytic converters; exception.** It is unlawful for any person to possess a used catalytic converter that is not attached to a motor vehicle unless the converter is marked with the date the converter was removed from the vehicle and the vehicle identification number of the vehicle from which the converter was removed or an alternative number to the vehicle identification number unless the converter has been EPA certified for reuse as a replacement part. If an alternative number is used, it must be under a numbering system that can be immediately linked to the vehicle identification number by law enforcement. This marking may be made in any permanent manner, including but not limited to an engraving or use of permanent ink. The marking must clearly and legibly indicate the date removed and the vehicle identification number or the alternative number and the method by which law enforcement can link the converter to the vehicle identification number.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision to read:

Subd. 12. **Prohibition.** An EPA compliant used catalytic converter may be sold as a vehicle repair part and can be sold to a person or business when the requirements of subdivision 11 are met. When a used catalytic converter is not EPA compliant, it is unlawful for any person other than a scrap metal dealer to purchase a used catalytic converter unless it is attached to a motor vehicle.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision to read:

Subd. 13. **Purchase of catalytic converters.** (a) It is unlawful for a scrap metal dealer to purchase a used catalytic converter not attached to a motor vehicle unless the converter is marked as required under subdivision 11 and the seller provides a copy of the vehicle's title or registration in order to demonstrate the seller's ownership interest in the property.

(b) Notwithstanding paragraph (a), a scrap metal dealer may purchase a catalytic converter from a person possessing an old vehicle that is no longer registered and titled without a copy of the registration or title, if the person has an affidavit from the local law enforcement agency that the agency has verified the person's ownership prior to the removal of the converter from the vehicle.

(c) A scrap metal dealer who purchases a used catalytic converter not attached to a motor vehicle must record the information received under this subdivision and subdivision 11 and make the information available upon request to law enforcement and effective beginning August 1, 2022, enter the information into an electronic database available to a law enforcement agency as approved by the commissioner of public safety.

(d) A scrap metal dealer is prohibited from processing, selling, or removing a catalytic converter from the dealer's premises for at least seven days after the catalytic converter acquisition by the scrap metal dealer.

(e) A payment for a catalytic converter must not be made until at least five days after sale to the scrap metal dealer. Payment must be sent by check to the seller's address or a bank account in the seller's name.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2020, section 609.5316, subdivision 3, is amended to read:

Subd. 3. Weapons, telephone cloning paraphernalia, automated sales suppression devices, catalytic converters, and bullet-resistant vests. Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime; for any offense of this chapter or chapter 624, or for a violation of an order for protection under section 518B.01, subdivision 14. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Telephone

cloning paraphernalia used in a violation of section 609.894, and automated sales suppression devices, phantom-ware, and other devices containing an automated sales suppression or phantom-ware device or software used in violation of section 289A.63, subdivision 12, are contraband and must be summarily forfeited to the appropriate agency upon a conviction. A catalytic converter possessed in violation of section 325E.21 is contraband and must be summarily forfeited to the appropriate agency upon a conviction.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date."

Amend the title accordingly

Senator Johnson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Marty appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 37 and nays 30, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Ingebrigtsen	Miller	Senjem
Anderson	Duckworth	Jasinski	Nelson	Tomassoni
Bakk	Eichorn	Johnson	Newman	Utke
Benson	Gazelka	Kiffmeyer	Osmek	Weber
Chamberlain	Goggin	Koran	Pratt	Westrom
Coleman	Hoffman	Lang	Rarick	
Dahms	Housley	Limmer	Rosen	
Dornink	Howe	Mathews	Ruud	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Coleman, Duckworth, Eichorn, Howe, Limmer, Newman, and Osmek.

Those who voted in the negative were:

Bigham	Dziedzic	Hawj	Latz	Port
Carlson	Eaton	Isaacson	Marty	Putnam
Champion	Eken	Johnson Stewart	McEwen	Rest
Clausen	Fateh	Kent	Murphy	Torres Ray
Cwodzinski	Franzen	Klein	Newton	Wiger
Dibble	Frentz	Kunesh	Pappas	Wiklund

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, and Wiklund.

So the decision of the President was sustained.

Senator Franzen moved to amend S.F. No. 972 as follows:

Page 2, line 12, delete "31,007,000" and insert "30,902,000" and delete "28,841,000" and insert "28,736,000"

Page 2, line 15, delete "27,130,000" and insert "27,025,000" and delete "26,020,000" and insert "25,915,000"

Page 6, delete subdivision 9

Page 6, line 7, delete "10" and insert "9"

Page 8, delete sections 4 and 5

Page 13, delete article 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Bigham	Eaton	Isaacson	McEwen	Torres Ray
Carlson	Eken	Johnson Stewart	Murphy	Wiger
Champion	Fateh	Kent	Newton	Wiklund
Clausen	Franzen	Klein	Pappas	
Cwodzinski	Frentz	Kunesh	Port	
Dibble	Hawj	Latz	Putnam	
Dziedzic	Hoffman	Marty	Rest	

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, and Wiklund.

Those who voted in the negative were:

Abeler	Draheim	Jasinski	Nelson	Tomassoni
Anderson	Duckworth	Johnson	Newman	Utke
Bakk	Eichorn	Kiffmeyer	Osmek	Weber
Benson	Gazelka	Koran	Pratt	Westrom
Chamberlain	Goggin	Lang	Rarick	
Coleman	Housley	Limmer	Rosen	
Dahms	Howe	Mathews	Ruud	
Dornink	Ingebrigtsen	Miller	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmek.

The motion did not prevail. So the amendment was not adopted.

Senator Port moved to amend S.F. No. 972 as follows:

Page 57, after line 10, insert:

"ARTICLE 7**PRICE GOUGING****Section 1. [325E.80] ABNORMAL MARKET DISRUPTIONS; UNCONSCIONABLY EXCESSIVE PRICES.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms in this subdivision have the meanings given.

(b) "Abnormal market disruption" means a change in the market resulting from a natural or man-made disaster, a national or local emergency, a public health emergency, or an event resulting in a declaration of a state of emergency by the governor or president. Abnormal market disruption also means an increase in the price for an essential consumer good or service that exceeds 30 percent within a seven-day period.

(c) "Essential consumer good or service" means a good or service vital and necessary for the health, safety, and welfare of the public, including without limitation: food, water, fuel, gasoline, shelter, transportation, health care services, pharmaceuticals, and medical supplies.

(d) "Unconscionably excessive" means:

(1) the amount charged represents a gross disparity between the price of the good or service and (i) the price the same good or service is sold or offered for sale in the usual course of business immediately prior to the onset of the abnormal market disruption, or (ii) the price the same or similar good or service is readily obtainable by other purchasers in the trade area; and

(2) the disparity (i) is not substantially attributable to significant additional costs outside of the seller's control, and (ii) does not increase the seller's profit.

Subd. 2. **Prohibition.** During an abnormal market disruption a person is prohibited from selling or offering to sell an essential consumer good or service for an amount that represents an unconscionably excessive price.

Subd. 3. **Civil penalty.** A person who is found to have violated this section is subject to a civil penalty of not more than \$10,000 per sale or transaction.

Subd. 4. **Enforcement authority.** The attorney general may investigate an alleged violation of this section. The authority of the attorney general under this section includes but is not limited to the authority provided under section 8.31.

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

Amend the title accordingly

Senator Johnson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Port appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Jasinski	Nelson	Tomassoni
Anderson	Duckworth	Johnson	Newman	Utke
Bakk	Eichorn	Kiffmeyer	Osmeck	Weber
Benson	Gazelka	Koran	Pratt	Westrom
Chamberlain	Goggin	Lang	Rarick	
Coleman	Housley	Limmer	Rosen	
Dahms	Howe	Mathews	Ruud	
Dornink	Ingebrigtsen	Miller	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmeck.

Those who voted in the negative were:

Bigham	Eaton	Isaacson	McEwen	Torres Ray
Carlson	Eken	Johnson Stewart	Murphy	Wiger
Champion	Fateh	Kent	Newton	Wiklund
Clausen	Franzen	Klein	Pappas	
Cwodzinski	Frentz	Kunesh	Port	
Dibble	Hawj	Latz	Putnam	
Dziedzic	Hoffman	Marty	Rest	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, and Wiklund.

So the decision of the President was sustained.

Senator Torres Ray moved to amend S.F. No. 972 as follows:

Page 45, delete section 12

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Hoffman	McEwen	Torres Ray
Bigham	Eaton	Isaacson	Murphy	Wiger
Carlson	Eken	Johnson Stewart	Newton	Wiklund
Champion	Fateh	Kent	Pappas	
Clausen	Franzen	Kunesh	Port	
Cwodzinski	Frentz	Latz	Putnam	
Dibble	Hawj	Marty	Rest	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Abeler.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Kunesh, Latz, Newton, and Wiklund.

Those who voted in the negative were:

Anderson	Duckworth	Johnson	Nelson	Tomassoni
Bakk	Eichorn	Kiffmeyer	Newman	Utke
Benson	Gazelka	Klein	Osmek	Weber
Chamberlain	Goggin	Koran	Pratt	Westrom
Coleman	Housley	Lang	Rarick	
Dahms	Howe	Limmer	Rosen	
Dornink	Ingebrigtsen	Mathews	Ruud	
Draheim	Jasinski	Miller	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmek.

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senator: Klein.

The motion did not prevail. So the amendment was not adopted.

Senator Torres Ray moved to amend S.F. No. 972 as follows:

Page 23, line 15, strike the second comma and insert ": (1)"

Page 23, line 16, before the period, insert "; and (2) the proposer's commitment to increasing the diversity of the proposer's workforce and vendors"

Page 24, line 19, after the period, insert "A project receiving funds from the account must submit a report that meets the requirements of section 216C.51, subdivisions 3 and 4, each year the project funded by the account is in progress."

Page 25, after line 32, insert:

"Sec. 5. Minnesota Statutes 2020, section 216B.1641, is amended to read:

216B.1641 COMMUNITY SOLAR GARDEN.

(a) The public utility subject to section 116C.779 shall file by September 30, 2013, a plan with the commission to operate a community solar garden program which shall begin operations within 90 days after commission approval of the plan. Other public utilities may file an application at their election. The community solar garden program must be designed to offset the energy use of not less than five subscribers in each community solar garden facility of which no single subscriber has more than a 40 percent interest. The owner of the community solar garden may be a public utility or any other entity or organization that contracts to sell the output from the community solar garden to the utility under section 216B.164. There shall be no limitation on the number or cumulative generating capacity of community solar garden facilities other than the limitations imposed under section 216B.164, subdivision 4c, or other limitations provided in law or regulations.

(b) A solar garden is a facility that generates electricity by means of a ground-mounted or roof-mounted solar photovoltaic device whereby subscribers receive a bill credit for the electricity

generated in proportion to the size of their subscription. The solar garden must have a nameplate capacity of no more than one megawatt. Each subscription shall be sized to represent at least 200 watts of the community solar garden's generating capacity and to supply, when combined with other distributed generation resources serving the premises, no more than 120 percent of the average annual consumption of electricity by each subscriber at the premises to which the subscription is attributed.

(c) The solar generation facility must be located in the service territory of the public utility filing the plan. Subscribers must be retail customers of the public utility located in the same county or a county contiguous to where the facility is located.

(d) The public utility must purchase from the community solar garden all energy generated by the solar garden. The purchase shall be at the rate calculated under section 216B.164, subdivision 10, or, until that rate for the public utility has been approved by the commission, the applicable retail rate. A solar garden is eligible for any incentive programs offered under section 116C.7792. A subscriber's portion of the purchase shall be provided by a credit on the subscriber's bill.

(e) The commission may approve, disapprove, or modify a community solar garden program. Any plan approved by the commission must:

- (1) reasonably allow for the creation, financing, and accessibility of community solar gardens;
- (2) establish uniform standards, fees, and processes for the interconnection of community solar garden facilities that allow the utility to recover reasonable interconnection costs for each community solar garden;
- (3) not apply different requirements to utility and nonutility community solar garden facilities;
- (4) be consistent with the public interest;
- (5) identify the information that must be provided to potential subscribers to ensure fair disclosure of future costs and benefits of subscriptions;
- (6) include a program implementation schedule;
- (7) identify all proposed rules, fees, and charges; ~~and~~
- (8) identify the means by which the program will be promoted; and
- (9) require an owner of a solar garden to submit a report that meets the requirements of section 216C.51, subdivisions 3 and 4, each year the solar garden is in operation.

(f) Notwithstanding any other law, neither the manager of nor the subscribers to a community solar garden facility shall be considered a utility solely as a result of their participation in the community solar garden facility.

(g) Within 180 days of commission approval of a plan under this section, a utility shall begin crediting subscriber accounts for each community solar garden facility in its service territory, and shall file with the commissioner of commerce a description of its crediting system.

(h) For the purposes of this section, the following terms have the meanings given:

(1) "subscriber" means a retail customer of a utility who owns one or more subscriptions of a community solar garden facility interconnected with that utility; and

(2) "subscription" means a contract between a subscriber and the owner of a solar garden."

Page 50, after line 31, insert:

"Sec. 16. **[216C.51] UTILITY DIVERSITY REPORTING.**

Subdivision 1. **Public policy.** It is the public policy of this state to encourage each utility that serves Minnesota residents to focus on and improve the diversity of the utility's workforce and suppliers.

Subd. 2. **Definition.** As used in this section, "utility" has the meaning given in section 216C.06, subdivision 18.

Subd. 3. **Annual report.** (a) Beginning March 15, 2022, and each March 15 thereafter, each utility authorized to do business in Minnesota must file an annual diversity report to the commissioner on:

(1) the utility's goals and efforts to increase diversity in the workplace, including current workforce representation numbers and percentages; and

(2) all procurement goals and actual spending for female-owned, minority-owned, veteran-owned, and small business enterprises during the previous calendar year.

(b) The goals under paragraph (a), clause (2), must be expressed as a percentage of the total work performed by the utility submitting the report. The actual spending for female-owned, minority-owned, veteran-owned, and small business enterprises must also be expressed as a percentage of the total work performed by the utility submitting the report.

Subd. 4. **Report elements.** Each utility required to report under this section must include the following in the annual report to the department:

(1) an explanation of the plan to increase diversity in the utility's workforce and suppliers during the next year;

(2) an explanation of the plan to increase the goals;

(3) an explanation of the challenges faced to increase workforce and supplier diversity, including suggestions regarding actions the department could take to help identify potential employees and vendors;

(4) a list of the certifications the company recognizes;

(5) a point of contact for a potential employee or vendor that wishes to work for or do business with the utility; and

(6) a list of successful actions taken to increase workforce and supplier diversity, to encourage other companies to emulate best practices.

Subd. 5. **State data.** Each annual report must include as much state-specific data as possible. If the submitting utility does not submit state-specific data, the utility must include any relevant national data it possesses, explain why it could not submit state-specific data, and detail how it intends to include state-specific data in future reports, if possible.

Subd. 6. **Publication; retention.** The department must publish an annual report on its website and must maintain each annual report for at least five years."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Bigham	Eaton	Isaacson	McEwen	Torres Ray
Carlson	Eken	Johnson Stewart	Murphy	Wiger
Champion	Fateh	Kent	Newton	Wiklund
Clausen	Franzen	Klein	Pappas	
Cwodzinski	Frentz	Kunesh	Port	
Dibble	Hawj	Latz	Putnam	
Dziedzic	Hoffman	Marty	Rest	

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, and Wiklund.

Those who voted in the negative were:

Abeler	Draheim	Jasinski	Nelson	Tomassoni
Anderson	Duckworth	Johnson	Newman	Utke
Bakk	Eichorn	Kiffmeyer	Osmek	Weber
Benson	Gazelka	Koran	Pratt	Westrom
Chamberlain	Goggin	Lang	Rarick	
Coleman	Housley	Limmer	Rosen	
Dahms	Howe	Mathews	Ruud	
Dornink	Ingebrigtsen	Miller	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmek.

The motion did not prevail. So the amendment was not adopted.

Senator Marty moved to amend S.F. No. 972 as follows:

Page 56, delete article 6

Amend the title accordingly

Senator Miller called Senator Mathews to preside.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 37, as follows:

Those who voted in the affirmative were:

Bigham	Dziedzic	Hawj	Latz	Port
Carlson	Eaton	Isaacson	Marty	Putnam
Champion	Eken	Johnson Stewart	McEwen	Rest
Clausen	Fateh	Kent	Murphy	Torres Ray
Cwodzinski	Franzen	Klein	Newton	Wiger
Dibble	Frentz	Kunesh	Pappas	Wiklund

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, Rest, Torres Ray, and Wiklund.

Those who voted in the negative were:

Abeler	Draheim	Ingebrigtsen	Miller	Senjem
Anderson	Duckworth	Jasinski	Nelson	Tomassoni
Bakk	Eichorn	Johnson	Newman	Utke
Benson	Gazelka	Kiffmeyer	Osmek	Weber
Chamberlain	Goggin	Koran	Pratt	Westrom
Coleman	Hoffman	Lang	Rarick	
Dahms	Housley	Limmer	Rosen	
Dornink	Howe	Mathews	Ruud	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmek.

The motion did not prevail. So the amendment was not adopted.

Senator Port moved to amend S.F. No. 972 as follows:

Page 25, after line 32, insert:

"Sec. 5. Minnesota Statutes 2020, section 216B.096, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) The terms used in this section have the meanings given them in this subdivision.

(b) "Cold weather period" means the period from October ~~15~~ 1 through April ~~15~~ 30 of the following year.

(c) "Customer" means a residential customer of a utility.

(d) "Disconnection" means the involuntary loss of utility heating service as a result of a physical act by a utility to discontinue service. Disconnection includes installation of a service or load limiter or any device that limits or interrupts utility service in any way.

(e) "Household income" means the combined income, as defined in section 290A.03, subdivision 3, of all residents of the customer's household, computed on an annual basis. Household income does not include any amount received for energy assistance.

(f) "Reasonably timely payment" means payment within five working days of agreed-upon due dates.

(g) "Reconnection" means the restoration of utility heating service after it has been disconnected.

(h) "Summary of rights and responsibilities" means a commission-approved notice that contains, at a minimum, the following:

(1) an explanation of the provisions of subdivision 5;

(2) an explanation of no-cost and low-cost methods to reduce the consumption of energy;

(3) a third-party notice;

(4) ways to avoid disconnection;

(5) information regarding payment agreements;

(6) an explanation of the customer's right to appeal a determination of income by the utility and the right to appeal if the utility and the customer cannot arrive at a mutually acceptable payment agreement; and

(7) a list of names and telephone numbers for county and local energy assistance and weatherization providers in each county served by the utility.

(i) "Third-party notice" means a commission-approved notice containing, at a minimum, the following information:

(1) a statement that the utility will send a copy of any future notice of proposed disconnection of utility heating service to a third party designated by the residential customer;

(2) instructions on how to request this service; and

(3) a statement that the residential customer should contact the person the customer intends to designate as the third-party contact before providing the utility with the party's name.

(j) "Utility" means a public utility as defined in section 216B.02, and a cooperative electric association electing to be a public utility under section 216B.026. Utility also means a municipally owned gas or electric utility for nonresident consumers of the municipally owned utility and a cooperative electric association when a complaint in connection with utility heating service during the cold weather period is filed under section 216B.17, subdivision 6 or 6a.

(k) "Utility heating service" means natural gas or electricity used as a primary heating source, including electricity service necessary to operate gas heating equipment, for the customer's primary residence.

(l) "Working days" means Mondays through Fridays, excluding legal holidays. The day of receipt of a personally served notice and the day of mailing of a notice shall not be counted in calculating working days.

Sec. 6. Minnesota Statutes 2020, section 216B.097, subdivision 1, is amended to read:

Subdivision 1. **Application; notice to residential customer.** (a) A municipal utility or a cooperative electric association must not disconnect and must reconnect the utility service of a residential customer during the period between October ~~15~~ 1 and April ~~15~~ 30 if the disconnection affects the primary heat source for the residential unit and all of the following conditions are met:

(1) The household income of the customer is at or below 50 percent of the state median household income. A municipal utility or cooperative electric association utility may (i) verify income on forms it provides or (ii) obtain verification of income from the local energy assistance provider. A customer is deemed to meet the income requirements of this clause if the customer receives any form of public assistance, including energy assistance, that uses an income eligibility threshold set at or below 50 percent of the state median household income.

(2) A customer enters into and makes reasonably timely payments under a payment agreement that considers the financial resources of the household.

(3) A customer receives referrals to energy assistance, weatherization, conservation, or other programs likely to reduce the customer's energy bills.

(b) A municipal utility or a cooperative electric association must, between August 15 and October 15 each year, notify all residential customers of the provisions of this section.

Sec. 7. Minnesota Statutes 2020, section 216B.097, subdivision 2, is amended to read:

Subd. 2. **Notice to residential customer facing disconnection.** Before disconnecting service to a residential customer during the period between October ~~15~~ 1 and April ~~15~~ 30, a municipal utility or cooperative electric association must provide the following information to a customer:

(1) a notice of proposed disconnection;

(2) a statement explaining the customer's rights and responsibilities;

(3) a list of local energy assistance providers;

(4) forms on which to declare inability to pay; and

(5) a statement explaining available time payment plans and other opportunities to secure continued utility service.

Sec. 8. Minnesota Statutes 2020, section 216B.097, subdivision 3, is amended to read:

Subd. 3. **Restrictions if disconnection necessary.** (a) If a residential customer must be involuntarily disconnected between October ~~15~~ 1 and April ~~15~~ 30 for failure to comply with subdivision 1, the disconnection must not occur:

(1) on a Friday, unless the customer declines to enter into a payment agreement offered that day in person or via personal contact by telephone by a municipal utility or cooperative electric association;

(2) on a weekend, holiday, or the day before a holiday;

(3) when utility offices are closed; or

(4) after the close of business on a day when disconnection is permitted, unless a field representative of a municipal utility or cooperative electric association who is authorized to enter into a payment agreement, accept payment, and continue service, offers a payment agreement to the customer.

Further, the disconnection must not occur until at least 20 days after the notice required in subdivision 2 has been mailed to the customer or 15 days after the notice has been personally delivered to the customer.

(b) If a customer does not respond to a disconnection notice, the customer must not be disconnected until the utility investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the utility must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the utility must give seven days' written notice of the proposed disconnection to the local energy assistance provider before making a disconnection.

(c) If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by the utility's established appeal procedure, the utility must not disconnect until the appeal is resolved."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Bigham	Eaton	Isaacson	McEwen	Torres Ray
Carlson	Eken	Johnson Stewart	Murphy	Wiger
Champion	Fateh	Kent	Newton	Wiklund
Clausen	Franzen	Klein	Pappas	
Cwodzinski	Frentz	Kunesh	Port	
Dibble	Hawj	Latz	Putnam	
Dziedzic	Hoffman	Marty	Rest	

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, Rest, Torres Ray, and Wiklund.

Those who voted in the negative were:

Abeler	Draheim	Jasinski	Nelson	Tomassoni
Anderson	Duckworth	Johnson	Newman	Utke
Bakk	Eichorn	Kiffmeyer	Osmek	Weber
Benson	Gazelka	Koran	Pratt	Westrom
Chamberlain	Goggin	Lang	Rarick	
Coleman	Housley	Limmer	Rosen	
Dahms	Howe	Mathews	Ruud	
Dornink	Ingebrigtsen	Miller	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmeck.

The motion did not prevail. So the amendment was not adopted.

President Miller resumed the Chair.

Senator Dibble moved to amend S.F. No. 972 as follows:

Page 57, after line 10, insert:

"ARTICLE 7

CLEAN ENERGY FIRST

Section 1. Minnesota Statutes 2020, section 216B.16, subdivision 6, is amended to read:

Subd. 6. **Factors considered, generally.** The commission, in the exercise of its powers under this chapter to determine just and reasonable rates for public utilities, shall give due consideration to the public need for adequate, efficient, and reasonable service and to the need of the public utility for revenue sufficient to enable it to meet the cost of furnishing the service, including adequate provision for depreciation of its utility property used and useful in rendering service to the public, and to earn a fair and reasonable return upon the investment in such property. In determining the rate base upon which the utility is to be allowed to earn a fair rate of return, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use, to prudent acquisition cost to the public utility less appropriate depreciation on each, to construction work in progress, to offsets in the nature of capital provided by sources other than the investors, and to other expenses of a capital nature. For purposes of determining rate base, the commission shall consider the original cost of utility property included in the base and shall make no allowance for its estimated current replacement value. If the commission orders a generating facility to terminate its operations before the end of the facility's physical life in order to comply with a specific state or federal energy statute or policy, the commission may allow the public utility to recover any positive net book value of the facility as determined by the commission.

Sec. 2. Minnesota Statutes 2020, section 216B.16, subdivision 13, is amended to read:

Subd. 13. **Economic and community development.** The commission may allow a public utility to recover from ratepayers the reasonable expenses incurred (1) for economic and community development, and (2) to employ local workers to construct and maintain generation facilities that supply power to the utility's customers.

Sec. 3. Minnesota Statutes 2020, section 216B.1645, subdivision 1, is amended to read:

Subdivision 1. **Commission authority.** Upon the petition of a public utility, the Public Utilities Commission shall approve or disapprove power purchase contracts, investments, or expenditures entered into or made by the utility to satisfy the wind and biomass mandates contained in sections 216B.169, 216B.2423, and 216B.2424, and to satisfy the renewable and solar energy objectives and standards set forth in section 216B.1691, and to provide additional clean energy resources beyond

the proportions required by the wind and biomass mandates and renewable and solar energy standards, including reasonable investments and expenditures, net of revenues, made to:

(1) transmit the electricity generated from sources developed under those sections that is ultimately used to provide service to the utility's retail customers, including studies necessary to identify new transmission facilities needed to transmit electricity to Minnesota retail customers from generating facilities constructed to satisfy the renewable energy objectives and standards, provided that the costs of the studies have not been recovered previously under existing tariffs and the utility has filed an application for a certificate of need or for certification as a priority project under section 216B.2425 for the new transmission facilities identified in the studies;

(2) provide storage facilities for renewable energy generation facilities that contribute to the reliability, efficiency, or cost-effectiveness of the renewable facilities; or

(3) develop renewable energy sources from the account required in section 116C.779.

Sec. 4. Minnesota Statutes 2020, section 216B.1645, subdivision 2, is amended to read:

Subd. 2. **Cost recovery.** The expenses incurred by the utility over the duration of the approved contract or useful life of the investment ~~and~~ expenditures made pursuant to section 116C.779 ~~shall be~~, and the expenses incurred to employ local workers to construct and maintain generation facilities that supply power to the utility's customers are recoverable from the ratepayers of the utility; to the extent ~~they~~ the expenses or expenditures are not offset by utility revenues attributable to the contracts, investments, or expenditures, and if the expenses or expenditures are deemed reasonable by the commission. Upon petition by a public utility, the commission shall approve or approve as modified a rate schedule providing for the automatic adjustment of charges to recover the expenses or costs approved by the commission under subdivision 1, which, in the case of transmission expenditures, are limited to the portion of actual transmission costs that are directly allocable to the need to transmit power from the renewable sources of energy. The commission may not approve recovery of the costs for that portion of the power generated from sources governed by this section that the utility sells into the wholesale market.

Sec. 5. Minnesota Statutes 2020, section 216B.1691, subdivision 9, is amended to read:

Subd. 9. **Local benefits.** The commission shall take all reasonable actions within its statutory authority to ensure this section is implemented to maximize benefits to Minnesota citizens and local workers, as defined in section 216B.2422, subdivision 1, balancing factors such as local ownership of or participation in energy production; local job impacts, as defined in section 216B.2422, subdivision 1; development and ownership of eligible energy technology facilities by independent power producers; Minnesota utility ownership of eligible energy technology facilities; the costs of energy generation to satisfy the renewable standard; and the reliability of electric service to Minnesotans.

Sec. 6. Minnesota Statutes 2020, section 216B.2422, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Utility" means an entity with the capability of generating 100,000 kilowatts or more of electric power and serving, either directly or indirectly, the needs of 10,000 retail customers in Minnesota. Utility does not include federal power agencies.

(c) "Renewable energy" means electricity generated through use of any of the following resources:

- (1) wind;
- (2) solar;
- (3) geothermal;
- (4) hydro;
- (5) trees or other vegetation;
- (6) landfill gas; or

(7) predominantly organic components of wastewater effluent, sludge, or related by-products from publicly owned treatment works, but not including incineration of wastewater sludge.

(d) "Resource plan" means a set of resource options that a utility could use to meet the service needs of its customers over a forecast period, including an explanation of the supply and demand circumstances under which, and the extent to which, each resource option would be used to meet those service needs. These resource options include using, refurbishing, and constructing utility plant and equipment, buying power generated by other entities, controlling customer loads, and implementing customer energy conservation.

(e) "Refurbish" means to rebuild or substantially modify an existing electricity generating resource of 30 megawatts or greater.

(f) "Energy storage system" means a commercially available technology that:

- (1) uses mechanical, chemical, or thermal processes to:
 - (i) store energy, ~~including energy generated from renewable resources and energy that would otherwise be wasted~~, and deliver the stored energy for use at a later time; or
 - (ii) store thermal energy for direct use for heating or cooling at a later time in a manner that reduces the demand for electricity at the later time;
- ~~(2) is composed of stationary equipment;~~
- ~~(3) (2) if being used for electric grid benefits, is (i) operationally visible to the distribution or transmission entity managing it, and (ii) capable of being controlled by the distribution or transmission entity managing it, to enable and optimize the safe and reliable operation of the electric system; and~~

~~(4) (3) achieves any of the following:~~

- ~~(i) reduces peak or electrical demand;~~

(ii) defers the need or substitutes for an investment in electric generation, transmission, or distribution assets;

(iii) improves the reliable operation of the electrical transmission or distribution systems, ~~while ensuring transmission or distribution needs are not created; or and~~

(iv) ~~lowers customer costs~~ produces a net ratepayer benefit by storing energy when the cost of generating or purchasing ~~it~~ energy is low and delivering ~~it~~ energy to customers when the costs are high.

(g) Clean energy resource means:

(1) renewable energy, as defined in section 216B.2422, subdivision 1, paragraph (c);

(2) an energy storage system storing energy generated by renewable energy or a carbon-free resource;

(3) energy efficiency, as defined in section 216B.241, subdivision 1;

(4) load management, as defined in section 216B.241, subdivision 1; or

(5) a carbon-free resource that the commission has determined is cost competitive under subdivision 4, paragraph (h).

(h) "Carbon-free resource" means a generation technology that, when operating, does not contribute to statewide greenhouse gas emissions, as defined in section 216H.01, subdivision 2.

(i) "Nonrenewable energy facility" means a generation facility that does not use a renewable energy or other clean energy resource. Nonrenewable facility does not include a nuclear facility.

(j) "Local job impacts" means the impacts of a certificate of need, a power purchase agreement, or commission approval of a new or refurbished energy facility on the availability of construction employment opportunities to local workers.

(k) "Local workers" means workers employed to construct and maintain energy infrastructure that are Minnesota residents, residents of the utility's service territory, or who permanently reside within 150 miles of a proposed new or refurbished energy facility.

(l) "Statewide greenhouse gas emissions" has the meaning given in section 216H.02, subdivision 1.

Sec. 7. Minnesota Statutes 2020, section 216B.2422, subdivision 2, is amended to read:

Subd. 2. **Resource plan filing and approval.** (a) A utility shall file a resource plan with the commission periodically in accordance with rules adopted by the commission. The commission shall approve, reject, or modify the plan of a public utility, as defined in section 216B.02, subdivision 4, consistent with the public interest.

(b) In the resource plan proceedings of all other utilities, the commission's order shall be advisory and the order's findings and conclusions shall constitute prima facie evidence which may be rebutted

by substantial evidence in all other proceedings. With respect to utilities other than those defined in section 216B.02, subdivision 4, the commission shall consider the filing requirements and decisions in any comparable proceedings in another jurisdiction.

(c) As a part of its resource plan filing, a utility shall include the least cost plan for meeting 50 ~~and~~, 75, and 100 percent of all energy needs from both new and refurbished generating facilities through a combination of ~~conservation and renewable~~ clean energy and carbon-free resources.

Sec. 8. Minnesota Statutes 2020, section 216B.2422, subdivision 3, is amended to read:

Subd. 3. **Environmental costs.** ~~(a)~~ The commission shall, to the extent practicable, quantify and establish a range of environmental costs associated with each method of electricity generation. A utility shall use the values established by the commission in conjunction with other external factors, including socioeconomic costs, when evaluating and selecting resource options in all proceedings before the commission, including but not limited to for power purchase agreement, resource plan, and certificate of need proceedings. When evaluating resource options, the commission must include and consider the environmental cost values adopted under this subdivision. When considering the costs of a nonrenewable energy facility under this section, the commission must consider only nonzero values for the environmental costs that must be analyzed under this subdivision, including both the low and high values of any cost range adopted by the commission.

~~(b) The commission shall establish interim environmental cost values associated with each method of electricity generation by March 1, 1994. These values expire on the date the commission establishes environmental cost values under paragraph (a).~~

Sec. 9. Minnesota Statutes 2020, section 216B.2422, is amended by adding a subdivision to read:

Subd. 3a. **Favored electric resources; state policy.** It is the policy of the state that: (1) in order to hasten the achievement of the greenhouse gas reduction goals under section 216H.02, the renewable energy standard under section 216B.1691, subdivision 2a, and the solar energy standard under section 216B.1691, subdivision 2f; and (2) given the significant and continuing reductions in the cost of wind technologies, solar technologies, energy storage systems, demand-response technologies, and energy efficiency technologies and strategies, the favored method to meet electricity demand in Minnesota is a combination of clean energy resources.

Sec. 10. Minnesota Statutes 2020, section 216B.2422, subdivision 4, is amended to read:

Subd. 4. **Preference for renewable clean energy facility resources.** (a) The commission shall not approve a new or refurbished nonrenewable energy facility in an integrated resource plan or a certificate of need, pursuant to section 216B.243, nor shall the commission approve a power purchase agreement or allow rate recovery pursuant to section 216B.16 for ~~such~~ a nonrenewable energy facility, unless the utility has demonstrated by clear and convincing evidence that a renewable energy facility, alone or in combination with other clean energy resources, is not in the public interest. ~~When making the public interest determination, the commission must consider:~~

~~(1) whether the resource plan helps the utility achieve the greenhouse gas reduction goals under section 216H.02, the renewable energy standard under section 216B.1691, or the solar energy standard under section 216B.1691, subdivision 2f;~~

~~(2) impacts on local and regional grid reliability;~~

~~(3) utility and ratepayer impacts resulting from the intermittent nature of renewable energy facilities, including but not limited to the costs of purchasing wholesale electricity in the market and the costs of providing ancillary services; and~~

~~(4) utility and ratepayer impacts resulting from reduced exposure to fuel price volatility, changes in transmission costs, portfolio diversification, and environmental compliance costs.~~

(b) In determining that a renewable energy facility, alone or in combination with other clean energy resources, is not in the public interest, the commission must find by clear and convincing evidence that using renewable or clean energy resources to meet the need for resources is not affordable or reliable when compared with a nonrenewable energy facility or nonclean energy resource.

(c) In determining whether a renewable or clean energy resource is not affordable, the commission must consider utility and ratepayer effects resulting from:

(1) the intermittent nature of renewable energy facilities, including but not limited to the cost to purchase wholesale electricity in the market and the cost to provide ancillary services;

(2) reduced exposure to fuel price volatility, changes in transmission and distribution costs, portfolio diversification, and environmental compliance costs; and

(3) other environmental costs resulting from a nonrenewable energy facility, as determined by the commission under subdivision 3.

(d) In order to determine whether a renewable or clean energy resource is reliable, the commission must consider, to the extent reasonable, the ability of the resources or facilities of the utility and the regional electric grid to provide essential reliability services, including frequency response, balancing services, and voltage control.

(e) The commission must make a written determination describing the commission's findings and the reasoning behind the conclusions regarding whether a renewable or clean energy resource is affordable and reliable under this subdivision. In making the public interest determination under paragraph (a), the commission must also consider and make a written determination as to whether the energy resources approved by the commission:

(1) help the state achieve the greenhouse gas reduction goals under section 216H.02; and

(2) help the utility achieve the renewable energy standard under section 216B.1691, subdivision 2a, or the solar energy standard under section 216B.1691, subdivision 2f.

(f) Nothing in this section impacts a decision to continue operating a nuclear facility that is generating energy in Minnesota as of June 1, 2020. If a decision is made to retire an existing nuclear electric generating unit, paragraphs (a) to (c) govern the process to identify replacement resources.

(g) The commission may, by order, add to the list of resources the commission determines are clean energy resources for the purposes of this section upon finding that the resource is carbon-free and cost competitive when compared with other carbon-free alternatives.

(h) If the commission approves a public utility's integrated resource plan that includes the retirement of a facility that contributes to statewide greenhouse gas emissions, the public utility is entitled to own at least a portion of the generation, transmission, and other facilities necessary to replace the accredited capacity and energy of the retiring facility, as determined by the commission, provided that:

(1) for a public utility with more than 200,000 retail electric customers in Minnesota, the approved resource plan projects that the public utility's contribution to statewide greenhouse gas emissions is reduced by 80 percent or more, measured from 2005 to 2030;

(2) for a public utility with more than 100,000 but fewer than 200,000 retail electric customers, the approved resource plan projects that the public utility's contribution to statewide greenhouse gas emissions is reduced by 80 percent or more, measured from 2005 to 2035;

(3) for a public utility with fewer than 100,000 retail electric customers in Minnesota, the approved resource plan projects that the public utility's contribution to statewide greenhouse gas emissions is reduced by 65 percent or more, measured from 2005 to 2030; and

(4) the commission determines that the public utility's ownership of clean energy and carbon-free resources that replace retired facilities is reasonable and in the public interest.

(i) Utility purchases or contracts to purchase capacity, energy, or ancillary services from an independent systems operator, an auction, or other market administered by an independent systems operator, and whose term is one year or less, are not subject to this subdivision.

Sec. 11. Minnesota Statutes 2020, section 216B.2422, is amended by adding a subdivision to read:

Subd. 4a. **Preference for local job creation.** As part of a resource plan filing, a utility must report on associated local job impacts and the steps the utility and the utility's energy suppliers and contractors are taking to maximize the availability of construction employment opportunities for local workers. The commission must consider local job impacts and give preference to proposals that maximize the creation of construction employment opportunities for local workers, consistent with the public interest, when evaluating any utility proposal that involves the selection or construction of facilities used to generate or deliver energy to serve the utility's customers, including but not limited to an integrated resource plan, a certificate of need, a power purchase agreement, or commission approval of a new or refurbished electric generation facility. The commission must, to the maximum extent possible, prioritize the hiring of workers from communities hosting retiring electric generation facilities, including workers previously employed at the retiring facilities.

Sec. 12. Minnesota Statutes 2020, section 216B.2422, subdivision 5, is amended to read:

Subd. 5. **Bidding; exemption from certificate of need proceeding.** (a) A utility may select resources to meet its projected energy demand through a bidding process approved or established by the commission. A utility shall use the environmental cost estimates determined under subdivision 3 ~~in~~ and consider local job impacts when evaluating bids submitted in a process established under this subdivision.

(b) Notwithstanding any other provision of this section, if an electric power generating plant, as described in section 216B.2421, subdivision 2, clause (1), is selected in a bidding process approved or established by the commission, a certificate of need proceeding under section 216B.243 is not required.

(c) A certificate of need proceeding is also not required for an electric power generating plant that has been selected in a bidding process approved or established by the commission, or such other selection process approved by the commission, to satisfy, in whole or in part, the wind power mandate of section 216B.2423 or the biomass mandate of section 216B.2424.

Sec. 13. Minnesota Statutes 2020, section 216B.2422, is amended by adding a subdivision to read:

Subd. 8. **Transmission planning in advance of generation retirement.** A utility must identify in a resource plan each nonrenewable energy facility on the utility's system that has a depreciation term, probable service life, or operating license term that ends within 15 years of the resource plan filing date. For each nonrenewable energy facility identified, the utility must include in the resource plan an initial plan to: (1) replace the nonrenewable energy facility; and (2) upgrade any transmission or other grid capabilities needed to support the retirement of that nonrenewable energy facility.

Sec. 14. Minnesota Statutes 2020, section 216E.03, subdivision 10, is amended to read:

Subd. 10. **Final decision.** (a) No site permit shall be issued in violation of the site selection standards and criteria established in this section and in rules adopted by the commission. When the commission designates a site, it shall issue a site permit to the applicant with any appropriate conditions. The commission shall publish a notice of its decision in the State Register within 30 days of issuance of the site permit.

(b) No route permit shall be issued in violation of the route selection standards and criteria established in this section and in rules adopted by the commission. When the commission designates a route, it shall issue a permit for the construction of a high-voltage transmission line specifying the design, routing, right-of-way preparation, and facility construction it deems necessary, and with any other appropriate conditions. The commission may order the construction of high-voltage transmission line facilities that are capable of expansion in transmission capacity through multiple circuiting or design modifications. The commission shall publish a notice of its decision in the State Register within 30 days of issuance of the permit.

(c) The commission shall require, as a condition of permit issuance, that the recipient of a site permit to construct a large electric power generating plant and all of the permit recipient's construction contractors and subcontractors on the project pay no less than the prevailing wage rate, as defined in section 177.42. The commission shall also require, as a condition of modifying a site permit for a large electric power generating plant repowering project, as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit and all of the permit recipient's construction contractors and subcontractors on the repowering project pay no less than the prevailing wage rate, as defined in section 177.42.

(d) The commission may require, as a condition of permit issuance, that the recipient of a site permit to construct a large electric power generating plant and all of the permit recipient's construction contractors and subcontractors on the project participate in apprenticeship programs that are registered

with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor for the work on the project. The commission may also require, as a condition of modifying a site permit for a large electric power generating plant repowering project as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit and all of the permit recipient's construction contractors and subcontractors on the repowering project participate in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor for the work on the project. In deciding whether to require participation in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor under this paragraph, the commission shall consider relevant factors, including the direct and indirect economic impact as well as the quality, efficiency, and safety of construction on the project.

Sec. 15. Minnesota Statutes 2020, section 216F.04, is amended to read:

216F.04 SITE PERMIT.

(a) No person may construct an LWECS without a site permit issued by the Public Utilities Commission.

(b) Any person seeking to construct an LWECS shall submit an application to the commission for a site permit in accordance with this chapter and any rules adopted by the commission. The permitted site need not be contiguous land.

(c) The commission shall make a final decision on an application for a site permit for an LWECS within 180 days after acceptance of a complete application by the commission. The commission may extend this deadline for cause.

(d) The commission may place conditions in a permit and may deny, modify, suspend, or revoke a permit.

(e) The commission shall require, as a condition of permit issuance, that the recipient of a site permit to construct an LWECS with a nameplate capacity above 25,000 kilowatts and all of the permit recipient's construction contractors and subcontractors on the project pay no less than the prevailing wage rate, as defined in section 177.42. The commission shall also require, as a condition of modifying a site permit for an LWECS repowering project, as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit and all of the permit recipient's construction contractors and subcontractors on the repowering project pay no less than the prevailing wage rate as defined in section 177.42.

(f) The commission may require, as a condition of permit issuance, that the recipient of a site permit to construct an LWECS with a nameplate capacity above 25,000 kilowatts and all of the permit recipient's construction contractors and subcontractors on the project participate in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor for the work on the project. The commission may also require, as a condition of modifying a site permit for an LWECS repowering project as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit and all of the permit recipient's construction contractors and subcontractors on the repowering project participate in apprenticeship programs that are registered with the Minnesota

Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor for the work on the project. In deciding whether to require participation in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor under this paragraph, the commission shall consider relevant factors, including the direct and indirect economic impact as well as the quality, efficiency, and safety of construction on the project.

Sec. 16. **EFFECTIVE DATE.**

This article is effective August 1, 2021, and applies to dockets initiated at the Public Utilities Commission on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 36, as follows:

Those who voted in the affirmative were:

Bigham	Dziedzic	Hawj	Kunesh	Pappas
Carlson	Eaton	Hoffman	Latz	Port
Champion	Eken	Isaacson	Marty	Putnam
Clausen	Fateh	Johnson Stewart	McEwen	Torres Ray
Cwodzinski	Franzen	Kent	Murphy	Wiger
Dibble	Frentz	Klein	Newton	Wiklund

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, Torres Ray, and Wiklund.

Those who voted in the negative were:

Abeler	Draheim	Jasinski	Nelson	Tomassoni
Anderson	Duckworth	Johnson	Newman	Utke
Bakk	Eichorn	Kiffmeyer	Osmek	Weber
Benson	Gazelka	Koran	Pratt	Westrom
Chamberlain	Goggin	Lang	Rarick	
Coleman	Housley	Limmer	Rosen	
Dahms	Howe	Mathews	Ruud	
Dornink	Ingebrigtsen	Miller	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmek.

The motion did not prevail. So the amendment was not adopted.

Senator Frentz moved to amend S.F. No. 972 as follows:

Page 50, after line 31, insert:

"Sec. 15. Minnesota Statutes 2020, section 216E.03, subdivision 10, is amended to read:

Subd. 10. **Final decision.** (a) No site permit shall be issued in violation of the site selection standards and criteria established in this section and in rules adopted by the commission. When the commission designates a site, it shall issue a site permit to the applicant with any appropriate conditions. The commission shall publish a notice of its decision in the State Register within 30 days of issuance of the site permit.

(b) No route permit shall be issued in violation of the route selection standards and criteria established in this section and in rules adopted by the commission. When the commission designates a route, it shall issue a permit for the construction of a high-voltage transmission line specifying the design, routing, right-of-way preparation, and facility construction it deems necessary, and with any other appropriate conditions. The commission may order the construction of high-voltage transmission line facilities that are capable of expansion in transmission capacity through multiple circuiting or design modifications. The commission shall publish a notice of its decision in the State Register within 30 days of issuance of the permit.

(c) The commission shall require, as a condition of permit issuance, that the recipient of a site permit to construct a large electric power generating plant and all of the permit recipient's construction contractors and subcontractors on the project pay no less than the prevailing wage rate, as defined in section 177.42. The commission shall also require, as a condition of modifying a site permit for a large electric power generating plant repowering project, as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit and all of the permit recipient's construction contractors and subcontractors on the repowering project pay no less than the prevailing wage rate, as defined in section 177.42.

(d) The commission may require, as a condition of permit issuance, that the recipient of a site permit to construct a large electric power generating plant and all of the permit recipient's construction contractors and subcontractors on the project participate in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor for the work on the project. The commission may also require, as a condition of modifying a site permit for a large electric power generating plant repowering project as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit and all of the permit recipient's construction contractors and subcontractors on the repowering project participate in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor for the work on the project. In deciding whether to require participation in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor under this paragraph, the commission shall consider relevant factors, including the direct and indirect economic impact as well as the quality, efficiency, and safety of construction on the project.

Sec. 16. Minnesota Statutes 2020, section 216F.04, is amended to read:

216F.04 SITE PERMIT.

(a) No person may construct an LWECS without a site permit issued by the Public Utilities Commission.

(b) Any person seeking to construct an LWECS shall submit an application to the commission for a site permit in accordance with this chapter and any rules adopted by the commission. The permitted site need not be contiguous land.

(c) The commission shall make a final decision on an application for a site permit for an LWECS within 180 days after acceptance of a complete application by the commission. The commission may extend this deadline for cause.

(d) The commission may place conditions in a permit and may deny, modify, suspend, or revoke a permit.

(e) The commission shall require, as a condition of permit issuance, that the recipient of a site permit to construct an LWECS with a nameplate capacity above 25,000 kilowatts and all of the permit recipient's construction contractors and subcontractors on the project pay no less than the prevailing wage rate, as defined in section 177.42. The commission shall also require, as a condition of modifying a site permit for an LWECS repowering project, as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit and all of the permit recipient's construction contractors and subcontractors on the repowering project pay no less than the prevailing wage rate as defined in section 177.42.

(f) The commission may require, as a condition of permit issuance, that the recipient of a site permit to construct an LWECS with a nameplate capacity above 25,000 kilowatts and all of the permit recipient's construction contractors and subcontractors on the project participate in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor for the work on the project. The commission may also require, as a condition of modifying a site permit for an LWECS repowering project as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit and all of the permit recipient's construction contractors and subcontractors on the repowering project participate in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor for the work on the project. In deciding whether to require participation in apprenticeship programs that are registered with the Minnesota Department of Labor and Industry or the Office of Apprenticeship of the United States Department of Labor under this paragraph, the commission shall consider relevant factors, including the direct and indirect economic impact as well as the quality, efficiency, and safety of construction on the project."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail. So the amendment was not adopted.

Senator Mathews moved to amend S.F. No. 972 as follows:

Page 45, after line 23, insert:

"Sec. 13. [216B.665] WHISTLEBLOWER PROTECTION.

The provisions of section 181.932 apply to current and former employees of a utility located in this state.

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

Amend the title accordingly

Renumber the sections in sequence and correct the internal references

Senator Dibble questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Dibble moved to amend S.F. No. 972 as follows:

Page 26, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 2020, section 216B.1691, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) Unless otherwise specified in law, "eligible energy technology" means an energy technology that generates electricity from the following renewable energy sources:

(1) solar;

(2) wind;

(3) hydroelectric with a capacity of less than 100 megawatts;

(4) hydrogen, ~~provided that after January 1, 2010, the hydrogen must be~~ generated from the resources listed in this paragraph; or

(5) biomass, which includes, without limitation, landfill gas; an anaerobic digester system; the predominantly organic components of wastewater effluent, sludge, or related by-products from publicly owned treatment works, but not including incineration of wastewater sludge to produce electricity; and an energy recovery facility used to capture the heat value of mixed municipal solid waste or refuse-derived fuel from mixed municipal solid waste as a primary fuel.

(b) "Electric utility" means a public utility providing electric service, a generation and transmission cooperative electric association, a municipal power agency, or a power district.

(c) "Total retail electric sales" means the kilowatt-hours of electricity sold in a year by an electric utility to retail customers of the electric utility or to a distribution utility for distribution to the retail customers of the distribution utility. "Total retail electric sales" does not include the sale of hydroelectricity supplied by a federal power marketing administration or other federal agency, regardless of whether the sales are directly to a distribution utility or are made to a generation and transmission utility and pooled for further allocation to a distribution utility.

(d) "Carbon-free" means a technology that generates electricity without emitting carbon dioxide.

(e) "Area of concern for environmental justice" means an area in Minnesota that, based on the most recent data published by the United States Census Bureau, meets one or more of the following conditions:

(1) 50 percent or more of the population is nonwhite;

(2) 40 percent or more of the households have an income at or below 185 percent of the federal poverty level; or

(3) is within Indian country, as defined in United State Code, title 18, section 1151.

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

Sec. 6. Minnesota Statutes 2020, section 216B.1691, subdivision 2a, is amended to read:

Subd. 2a. **Eligible energy technology standard.** ~~(a) Except as provided in paragraph (b),~~ Each electric utility shall generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota, or the retail customers of a distribution utility to which the electric utility provides wholesale electric service, so that at least the following standard percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:

- | | | |
|-----|-------------|----------------------------------|
| (1) | 2012 | 12 percent |
| (2) | 2016 | 17 percent |
| (3) | 2020 | 20 percent |
| (4) | 2025 | 25 <u>40</u> percent. |
| (5) | <u>2035</u> | <u>55</u> percent. |

~~(b) An electric utility that owned a nuclear generating facility as of January 1, 2007, must meet the requirements of this paragraph rather than paragraph (a). An electric utility subject to this paragraph must generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota or the retail customer of a distribution utility to which the electric utility provides wholesale electric service so that at least the following percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:~~

- | | | |
|-----|------|------------------------|
| (1) | 2010 | 15 percent |
| (2) | 2012 | 18 percent |
| (3) | 2016 | 25 percent |
| (4) | 2020 | 30 percent. |

~~Of the 30 percent in 2020, at least 25 percent must be generated by solar energy or wind energy conversion systems and the remaining five percent by other eligible energy technology. Of the 25 percent that must be generated by wind or solar, no more than one percent may be solar generated and the remaining 24 percent or greater must be wind generated.~~

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

Sec. 7. Minnesota Statutes 2020, section 216B.1691, subdivision 2b, is amended to read:

Subd. 2b. **Modification or delay of standard.** (a) The commission shall modify or delay the implementation of a standard obligation under subdivision 2a, 2f, or 2g, in whole or in part, if the commission determines it is in the public interest to do so. The commission, when requested to modify or delay implementation of a standard, must consider:

(1) the impact of implementing the standard on its customers' utility costs, including the economic and competitive pressure on the utility's customers;

(2) the environmental costs that would be incurred as a result of a delay or modification, based on the full range of environmental cost values established in section 216B.2422, subdivision 3;

~~(2)~~ (3) the effects of implementing the standard on the reliability of the electric system;

~~(3)~~ (4) technical advances or technical concerns;

~~(4)~~ (5) delays in acquiring sites or routes due to rejection or delays of necessary siting or other permitting approvals;

~~(5)~~ (6) delays, cancellations, or nondelivery of necessary equipment for construction or commercial operation of an eligible energy technology facility;

~~(6)~~ (7) transmission constraints preventing delivery of service; ~~and~~

~~(7)~~ (8) other statutory obligations imposed on the commission or a utility; and

(9) impacts on areas of concern for environmental justice.

The commission may modify or delay implementation of a standard obligation under clauses (1) to ~~(3)~~ (4) only if it finds implementation would cause significant rate impact, requires significant measures to address reliability, or raises significant technical issues. The commission may modify or delay implementation of a standard obligation under clauses ~~(4)~~ (5) to ~~(6)~~ (7) only if it finds that the circumstances described in those clauses were due to circumstances beyond an electric utility's control and make compliance not feasible.

(b) When evaluating transmission capacity constraints under paragraph (a), clause (7), the commission must consider whether the utility has:

(1) undertaken reasonable measures under the utility's control and consistent with the utility's obligations under local, state, and federal laws and regulations, and the utility's obligations as a member of a regional transmission organization or independent system operator, to acquire sites, necessary permit approvals, and necessary equipment to develop and construct new transmission lines or upgrade existing transmission lines to transmit electricity generated by eligible energy technologies; and

(2) taken all reasonable operational measures to maximize cost-effective electricity delivery from eligible energy technologies in advance of transmission availability.

~~(b)~~ (c) When considering whether to delay or modify implementation of a standard obligation, the commission must give due consideration to a preference for electric generation through use of eligible energy technology and to the achievement of the standards set by this section.

~~(e)~~ (d) An electric utility requesting a modification or delay in the implementation of a standard must file a plan to comply with its standard obligation in the same proceeding ~~that in which it is requesting requests~~ the delay.

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

Sec. 8. Minnesota Statutes 2020, section 216B.1691, subdivision 2d, is amended to read:

Subd. 2d. **Commission order.** The commission shall issue necessary orders detailing the criteria and standards ~~by which it will~~ used to measure an electric utility's efforts to meet the renewable energy objectives of subdivision 2 standards under subdivisions 2a, 2f, and 2g, and to determine whether the utility is making the required good faith effort achieving the standards. In this order, the commission shall include criteria and standards that protect against undesirable impacts on the reliability of the utility's system and economic impacts on the utility's ratepayers and that consider technical feasibility.

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

Sec. 9. Minnesota Statutes 2020, section 216B.1691, subdivision 2e, is amended to read:

Subd. 2e. **Rate impact of standard compliance; report.** Each electric utility must submit to the commission and the legislative committees with primary jurisdiction over energy policy a report containing an estimation of the rate impact of activities of the electric utility necessary to comply with this section. In consultation with the Department of Commerce, the commission shall determine a uniform reporting system to ensure that individual utility reports are consistent and comparable, and shall, by order, require each electric utility subject to this section to use that reporting system. The rate impact estimate must be for wholesale rates and, if the electric utility makes retail sales, the estimate shall also be for the impact on the electric utility's retail rates. Those activities include, without limitation, energy purchases, generation facility acquisition and construction, and transmission improvements. ~~An initial report must be submitted within 150 days of May 28, 2011. After the initial report,~~ A report must be updated and submitted as part of each integrated resource plan or plan modification filed by the electric utility under section 216B.2422. The reporting obligation of an electric utility under this subdivision expires December 31, 2025, for an electric utility subject to subdivision 2a, paragraph (a), and December 31, 2020, for an electric utility subject to subdivision 2a, paragraph (b) 2040.

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

Sec. 10. Minnesota Statutes 2020, section 216B.1691, subdivision 2f, is amended to read:

Subd. 2f. **Solar energy standard.** (a) In addition to the requirements of subdivisions 2a and ~~2b~~ 2g, each public utility shall generate or procure sufficient electricity generated by solar energy to serve its retail electricity customers in Minnesota so that by the end of 2020, at least 1.5 percent of the utility's total retail electric sales to retail customers in Minnesota is generated by solar energy.

(b) For a public utility with more than 200,000 retail electric customers, at least ten percent of the 1.5 percent goal must be met by solar energy generated by or procured from solar photovoltaic devices with a nameplate capacity of 40 kilowatts or less.

(c) A public utility with between 50,000 and 200,000 retail electric customers:

(1) must meet at least ten percent of the 1.5 percent goal with solar energy generated by or procured from solar photovoltaic devices with a nameplate capacity of 40 kilowatts or less; and

(2) may apply toward the ten percent goal in clause (1) individual customer subscriptions of 40 kilowatts or less to a community solar garden program operated by the public utility that has been approved by the commission.

(d) The solar energy standard established in this subdivision is subject to all the provisions of this section governing a utility's standard obligation under subdivision 2a.

(e) It is an energy goal of the state of Minnesota that, by 2030, ten percent of the retail electric sales in Minnesota be generated by solar energy.

(f) For the purposes of calculating the total retail electric sales of a public utility under this subdivision, there shall be excluded retail electric sales to customers that are:

(1) an iron mining extraction and processing facility, including a scam mining facility as defined in Minnesota Rules, part 6130.0100, subpart 16; or

(2) a paper mill, wood products manufacturer, sawmill, or oriented strand board manufacturer.

Those customers may not have included in the rates charged to them by the public utility any costs of satisfying the solar standard specified by this subdivision.

(g) A public utility may not use energy used to satisfy the solar energy standard under this subdivision to satisfy its standard obligation under subdivision 2a. A public utility may not use energy used to satisfy the standard obligation under subdivision 2a to satisfy the solar standard under this subdivision.

(h) Notwithstanding any law to the contrary, a solar renewable energy credit associated with a solar photovoltaic device installed and generating electricity in Minnesota after August 1, 2013, but before 2020 may be used to meet the solar energy standard established under this subdivision.

~~(i) Beginning July 1, 2014, and each July 1 through 2020, each public utility shall file a report with the commission reporting its progress in achieving the solar energy standard established under this subdivision.~~

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

Sec. 11. Minnesota Statutes 2020, section 216B.1691, is amended by adding a subdivision to read:

Subd. 2g. **Carbon-free standard.** In addition to the requirements under subdivisions 2a and 2f, each electric utility must generate or procure sufficient electricity generated from a carbon-free energy technology to provide its retail customers in Minnesota, or the retail customers of a distribution utility to which the electric utility provides wholesale electric service, so that at least the following standard percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated from carbon-free energy technologies by the end of the year indicated:

<u>(1)</u>	<u>2025</u>	<u>65 percent</u>
<u>(2)</u>	<u>2030</u>	<u>80 percent</u>
<u>(3)</u>	<u>2035</u>	<u>90 percent</u>
<u>(4)</u>	<u>2040</u>	<u>100 percent.</u>

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

Sec. 12. Minnesota Statutes 2020, section 216B.1691, subdivision 3, is amended to read:

Subd. 3. **Utility plans filed with commission.** (a) Each electric utility shall report on its plans, activities, and progress with regard to the ~~objectives and standards of~~ standard obligations under this section in its filings under section 216B.2422 or in a separate report submitted to the commission every two years, whichever is more frequent, demonstrating to the commission the utility's effort to comply with this section. In its resource plan or a separate report, each electric utility shall provide a description of:

(1) the status of the utility's renewable energy mix relative to the ~~objective and standards~~ standard obligations;

(2) efforts taken to meet the ~~objective and standards~~ standard obligations;

(3) any obstacles encountered or anticipated in meeting the ~~objective or standards; and~~ standard obligations;

(4) potential solutions to the obstacles;;

(5) the number of Minnesotans employed to construct facilities designed to meet the utility's standard obligations under this section;

(6) efforts taken to retain and retrain workers employed at electric generating facilities that the utility has ceased operating or designated to cease operating for new positions constructing or operating facilities to meet a utility's standard obligation;

(7) impacts of facilities designed to meet the utility's standard obligations under this section on areas of concern for environmental justice; and

(8) efforts to increase the diversity of both its workforce and vendors.

(b) The commissioner shall compile the information provided to the commission under paragraph (a), and report to the chairs of the house of representatives and senate committees with jurisdiction over energy and environment policy issues as to the progress of utilities in the state, including the progress of each individual electric utility, in increasing the amount of renewable energy provided to retail customers, with any recommendations for regulatory or legislative action, by January 15 of each odd-numbered year.

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

Sec. 13. Minnesota Statutes 2020, section 216B.1691, subdivision 4, is amended to read:

Subd. 4. **Renewable energy credits.** (a) To facilitate compliance with this section, the commission, by rule or order, shall establish by January 1, 2008, a program for tradable renewable energy credits for electricity generated by eligible energy technology. The credits must represent energy produced by an eligible energy technology, as defined in subdivision 1. Each kilowatt-hour of renewable energy credits must be treated the same as a kilowatt-hour of eligible energy technology generated or procured by an electric utility if it is produced by an eligible energy technology. The program must permit a credit to be used only once. The program must treat all eligible energy technology equally and shall not give more or less credit to energy based on the state where the energy was generated or the technology with which the energy was generated. The commission must determine the period in which the credits may be used for purposes of the program.

(b) In lieu of generating or procuring energy directly to satisfy ~~the eligible energy technology objective or~~ a standard of obligation under this section, an electric utility may utilize renewable energy credits allowed under the program to satisfy the ~~objective or~~ standard.

(c) The commission shall facilitate the trading of renewable energy credits between states.

(d) The commission shall require all electric utilities to participate in a commission-approved credit-tracking system or systems. Once a credit-tracking system is in operation, the commission shall issue an order establishing protocols for trading credits.

~~(e) An electric utility subject to subdivision 2a, paragraph (b), may not sell renewable energy credits to an electric utility subject to subdivision 2a, paragraph (a), until 2021.~~

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

Sec. 14. Minnesota Statutes 2020, section 216B.1691, subdivision 5, is amended to read:

Subd. 5. **Technology based on fuel combustion.** (a) Electricity produced by fuel combustion through fuel blending or co-firing under paragraph (b) may only count toward a utility's ~~objectives or standards~~ standard obligation if the generation facility:

(1) was constructed in compliance with new source performance standards promulgated under the federal Clean Air Act, United States Code, title 42, section 7401 et seq., for a generation facility of that type; or

(2) employs the maximum achievable or best available control technology available for a generation facility of that type.

(b) An eligible energy technology may blend or co-fire a fuel listed in subdivision 1, paragraph (a), clause (5), with other fuels in the generation facility, but only the percentage of electricity that is attributable to a fuel listed in that clause can be counted toward an electric utility's ~~renewable energy objectives~~ standard obligation.

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

Sec. 15. Minnesota Statutes 2020, section 216B.1691, subdivision 7, is amended to read:

Subd. 7. **Compliance.** The commission must regularly investigate whether an electric utility is in compliance with its ~~good faith objective under subdivision 2 and~~ standard obligation under

~~subdivision~~ subdivisions 2a, 2f, and 2g. If the commission finds noncompliance, it may order the electric utility to construct facilities, purchase energy generated by eligible energy technology, purchase renewable energy credits, or engage in other activities to achieve compliance. If an electric utility fails to comply with an order under this subdivision, the commission may impose a financial penalty on the electric utility in an amount not to exceed the estimated cost of the electric utility to achieve compliance. The penalty may not exceed the lesser of the cost of constructing facilities or purchasing credits. The commission must deposit financial penalties imposed under this subdivision in the energy and conservation account established in the special revenue fund under section 216B.241, subdivision 2a. This subdivision is in addition to and does not limit any other authority of the commission to enforce this section.

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

Sec. 16. Minnesota Statutes 2020, section 216B.1691, subdivision 9, is amended to read:

Subd. 9. **Local benefits.** (a) The commission shall take all reasonable actions within its statutory authority to ensure this section is implemented ~~to maximize~~ in a manner that maximizes net benefits to all Minnesota citizens, balancing throughout the state, including but not limited to:

(1) the creation of high-quality jobs in Minnesota paying wages that support families;

(2) recognition of the rights of workers to organize and unionize;

(3) ensuring that workers have the necessary tools, opportunities, and economic assistance to adapt successfully during the energy transition, particularly in areas of concern for environmental justice;

(4) ensuring that all Minnesotans share the benefits of clean and renewable energy, and the opportunity to participate fully in the clean energy economy;

(5) ensuring that statewide air emissions are reduced, particularly in areas of concern for environmental justice; and

(6) the provision of affordable electric service to Minnesotans, particularly to low-income consumers.

(b) The commission must also implement this section in a manner that balances factors such as local ownership of or participation in energy production, development and ownership of eligible energy technology facilities by independent power producers, Minnesota utility ownership of eligible energy technology facilities, the costs of energy generation to satisfy the renewable ~~standard~~ and carbon-free standards, and the reliability of electric service to Minnesotans.

(c) When making investments to meet the requirements under this section, utilities are encouraged to locate new energy generating facilities in Minnesota communities where fossil-fuel generating plants have been retired or are scheduled for retirement.

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

Sec. 17. Minnesota Statutes 2020, section 216B.1691, subdivision 10, is amended to read:

Subd. 10. **Utility acquisition of resources.** A competitive resource acquisition process established by the commission prior to June 1, 2007, shall not apply to a utility for the construction, ownership, and operation of generation facilities used to satisfy the requirements of this section unless, upon a finding that it is in the public interest, the commission issues an order on or after June 1, 2007, that requires compliance by a utility with a competitive resource acquisition process. A utility that owns a nuclear generation facility and intends to construct, own, or operate facilities under this section shall file with the commission ~~on or before March 1, 2008,~~ as part of the utility's filing under section 216B.2422 a renewable energy plan setting forth the manner in which the utility proposes to meet the requirements of this section. ~~The utility shall update the plan as necessary in its filing under section 216B.2422.~~ The commission shall approve the plan unless it determines, after public hearing and comment, that the plan is not in the public interest. As part of its determination of public interest, the commission shall consider the plan's impact on balancing the state's interest in:

- (1) promoting the policy of economic development in rural areas through the development of renewable energy projects, as expressed in subdivision 9;
- (2) maintaining the reliability of the state's electric power grid; and
- (3) minimizing cost impacts on ratepayers.

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

Page 50, after line 31, insert:

"Sec. 27. Minnesota Statutes 2020, section 216E.03, subdivision 10, is amended to read:

Subd. 10. **Final decision.** (a) No site permit shall be issued in violation of the site selection standards and criteria established in this section and in rules adopted by the commission. When the commission designates a site, it shall issue a site permit to the applicant with any appropriate conditions. The commission shall publish a notice of its decision in the State Register within 30 days of issuance of the site permit.

(b) No route permit shall be issued in violation of the route selection standards and criteria established in this section and in rules adopted by the commission. When the commission designates a route, it shall issue a permit for the construction of a high-voltage transmission line specifying the design, routing, right-of-way preparation, and facility construction it deems necessary, and with any other appropriate conditions. The commission may order the construction of high-voltage transmission line facilities that are capable of expansion in transmission capacity through multiple circuiting or design modifications. The commission shall publish a notice of its decision in the State Register within 30 days of issuance of the permit.

(c) The commission may require, as a condition of permit issuance, that the recipient of a site permit to construct a large electric power generating plant, including all of the permit recipient's construction contractors and subcontractors on the project, pay no less than the prevailing wage rate, as defined in section 177.42. The commission may also require, as a condition of modifying a site permit for a large electric power generating plant repowering project as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit, including all of the permit recipient's construction contractors and subcontractors on the repowering project, pay no less than the prevailing wage rate as defined in section 177.42.

(d) When deciding whether to require payment of no less than the prevailing wage rate under paragraph (c), the commission must consider relevant factors including:

- (1) the direct and indirect economic impact of construction; and
- (2) the quality, efficiency, and safety of construction.

Sec. 28. Minnesota Statutes 2020, section 216F.04, is amended to read:

216F.04 SITE PERMIT.

(a) No person may construct an LWECs without a site permit issued by the Public Utilities Commission.

(b) Any person seeking to construct an LWECs shall submit an application to the commission for a site permit in accordance with this chapter and any rules adopted by the commission. The permitted site need not be contiguous land.

(c) The commission shall make a final decision on an application for a site permit for an LWECs within 180 days after acceptance of a complete application by the commission. The commission may extend this deadline for cause.

(d) The commission may place conditions in a permit and may deny, modify, suspend, or revoke a permit.

(e) The commission may require, as a condition of permit issuance, that the recipient of a site permit to construct an LWECs with a nameplate capacity above 25,000 kilowatts, including all of the permit recipient's construction contractors and subcontractors on the project, pay no less than the prevailing wage rate, as defined in section 177.42. The commission may also require, as a condition of modifying a site permit for an LWECs repowering project as defined in section 216B.243, subdivision 8, paragraph (b), that the recipient of the site permit, including all of the permit recipient's construction contractors and subcontractors on the repowering project, pay no less than the prevailing wage rate as defined in section 177.42.

(f) When deciding whether to require payment of no less than the prevailing wage rate under paragraph (e), the commission must consider relevant factors including:

- (1) the direct and indirect economic impact of construction; and
- (2) the quality, efficiency, and safety of construction."

Page 56, delete section 19 and insert:

"Sec. 33. **REPEALER.**

(a) Laws 2005, chapter 97, article 10, section 3, as amended by Laws 2013, chapter 85, article 7, section 9, is repealed.

(b) Minnesota Statutes 2020, section 216C.417, is repealed.

(c) Minnesota Statutes 2020, section 115C.13, is repealed.

(d) Minnesota Statutes 2020, section 216B.1691, subdivision 2, is repealed.

EFFECTIVE DATE. Paragraphs (a), (c), and (d) are effective the day following final enactment. Paragraph (b) is effective October 16, 2021."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Bigham	Eaton	Isaacson	McEwen	Torres Ray
Carlson	Eken	Johnson Stewart	Murphy	Wiger
Champion	Fateh	Kent	Newton	Wiklund
Clausen	Franzen	Klein	Pappas	
Cwodzinski	Frentz	Kunesh	Port	
Dibble	Hawj	Latz	Putnam	
Dziedzic	Hoffman	Marty	Rest	

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, Rest, Torres Ray, and Wiklund.

Those who voted in the negative were:

Abeler	Draheim	Jasinski	Nelson	Tomassoni
Anderson	Duckworth	Johnson	Newman	Utke
Bakk	Eichorn	Kiffmeyer	Osmek	Weber
Benson	Gazelka	Koran	Pratt	Westrom
Chamberlain	Goggin	Lang	Rarick	
Coleman	Housley	Limmer	Rosen	
Dahms	Howe	Mathews	Ruud	
Dornink	Ingebrigtsen	Miller	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmek.

The motion did not prevail. So the amendment was not adopted.

Senator McEwen moved to amend S.F. No. 972 as follows:

Page 50, after line 31, insert:

"Sec. 15. Minnesota Statutes 2020, section 216H.01, is amended by adding a subdivision to read:

Subd. 1b. **Governmental action.** "Governmental action" means activities or projects wholly or partially conducted, permitted, assisted, financed, regulated, or approved by a governmental unit.

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

Sec. 16. Minnesota Statutes 2020, section 216H.01, is amended by adding a subdivision to read:

Subd. 1c. **Governmental unit.** "Governmental unit" has the meaning given in section 116D.04, subdivision 1a.

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

Sec. 17. Minnesota Statutes 2020, section 216H.01, is amended by adding a subdivision to read:

Subd. 1d. **Net zero.** "Net zero" means:

(1) statewide greenhouse gas emissions equal to zero; or

(2) the balance of annual statewide greenhouse gas emissions minus any terrestrial sequestration of those emissions equals zero or less.

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

Sec. 18. Minnesota Statutes 2020, section 216H.01, is amended by adding a subdivision to read:

Subd. 3. **Terrestrial sequestration.** "Terrestrial sequestration" means the amount of annual statewide greenhouse gas emissions that is removed from the atmosphere by plants and microorganisms located in Minnesota, excluding on active croplands, and stored in vegetation, biomass, and soils so as to prevent emissions from reaching the atmosphere, as estimated by the commissioner of the Pollution Control Agency.

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

Sec. 19. Minnesota Statutes 2020, section 216H.02, subdivision 1, is amended to read:

Subdivision 1. **Greenhouse gas emissions-reduction goal.** (a) It is the goal of the state to reduce statewide greenhouse gas emissions across all sectors producing those emissions ~~to a level at least 15 percent below 2005 levels by 2015, to a level at least 30 percent below 2005 levels by 2025, and to a level at least 80 percent below 2005 levels by 2050.~~ by at least the following amounts, compared with the level of emissions in 2005:

(1) 15 percent by 2015;

(2) 30 percent by 2025;

(3) 45 percent by 2030; and

(4) to net zero by 2050.

(b) ~~The levels shall targets must~~ be reviewed ~~based on the climate change action plan study.~~ annually by the commissioner of the Pollution Control Agency, taking into account the latest scientific research on the impacts of climate change and strategies to reduce greenhouse gas emissions published by the Intergovernmental Panel on Climate Change. The commissioner must forward any

recommended changes to the targets to the chairs and ranking minority members of legislative committees with primary jurisdiction over climate change and environmental policy.

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

Sec. 20. Minnesota Statutes 2020, section 216H.02, is amended by adding a subdivision to read:

Subd. 1a. Greenhouse gas emissions reductions; governmental actions. (a) Governmental units must incorporate the statewide greenhouse gas emissions reductions targets under subdivision 1 into all aspects of their activities, including but not limited to planning, regulating, funding, and permitting.

(b) Governmental actions must be consistent with the statewide greenhouse gas emissions reductions targets under subdivision 1.

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

Sec. 21. Minnesota Statutes 2020, section 216H.07, subdivision 3, is amended to read:

Subd. 3. Biennial Annual report. (a) By January 15 of each ~~odd-numbered~~ year, the commissioners of commerce and the Pollution Control Agency ~~shall~~ must jointly report to the chairs and ranking minority members of the legislative committees with primary policy jurisdiction over energy and environmental issues the most recent and best available evidence identifying the level of reductions already achieved and the level necessary to achieve the reductions timetable in section 216H.02.

(b) The report must be in easily understood nontechnical terms.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Bigham	Eaton	Isaacson	McEwen	Torres Ray
Carlson	Eken	Johnson Stewart	Murphy	Wiger
Champion	Fateh	Kent	Newton	Wiklund
Clausen	Franzen	Klein	Pappas	
Cwudzinski	Frentz	Kunesh	Port	
Dibble	Hawj	Latz	Putnam	
Dziedzic	Hoffman	Marty	Rest	

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, Rest, Torres Ray, and Wiklund.

Those who voted in the negative were:

Abeler	Draheim	Jasinski	Nelson	Tomassoni
Anderson	Duckworth	Johnson	Newman	Utke
Bakk	Eichorn	Kiffmeyer	Osmek	Weber
Benson	Gazelka	Koran	Pratt	Westrom
Chamberlain	Goggin	Lang	Rarick	
Coleman	Housley	Limmer	Rosen	
Dahms	Howe	Mathews	Ruud	
Dornink	Ingebrigtsen	Miller	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmek.

The motion did not prevail. So the amendment was not adopted.

Senator McEwen moved to amend S.F. No. 972 as follows:

Page 50, after line 31, insert:

"Sec. 15. [216H.011] GREENHOUSE GAS EMISSIONS; FINDING.

The legislature finds and declares that greenhouse gas emissions resulting from human activities are the leading cause of climate change."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Bigham	Eaton	Isaacson	McEwen	Torres Ray
Carlson	Eken	Johnson Stewart	Murphy	Wiger
Champion	Fateh	Kent	Newton	Wiklund
Clausen	Franzen	Klein	Pappas	
Cwodzinski	Frentz	Kunesh	Port	
Dibble	Hawj	Latz	Putnam	
Dziedzic	Hoffman	Marty	Rest	

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, Rest, Torres Ray, and Wiklund.

Those who voted in the negative were:

Abeler	Draheim	Jasinski	Nelson	Tomassoni
Anderson	Duckworth	Johnson	Newman	Utke
Bakk	Eichorn	Kiffmeyer	Osmek	Weber
Benson	Gazelka	Koran	Pratt	Westrom
Chamberlain	Goggin	Lang	Rarick	
Coleman	Housley	Limmer	Rosen	
Dahms	Howe	Mathews	Ruud	
Dornink	Ingebrigtsen	Miller	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Howe, Newman, and Osmek.

The motion did not prevail. So the amendment was not adopted.

S.F. No. 972 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 39 and nays 28, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Howe	Mathews	Rosen
Anderson	Duckworth	Ingebrigtsen	Miller	Ruud
Bakk	Eichorn	Jasinski	Nelson	Senjem
Benson	Frentz	Johnson	Newman	Tomassoni
Chamberlain	Gazelka	Kiffmeyer	Newton	Utke
Coleman	Goggin	Koran	Osmek	Weber
Dahms	Hoffman	Lang	Pratt	Westrom
Dornink	Housley	Limmer	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Goggin, Howe, Newman, and Osmek.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senator: Newton.

Those who voted in the negative were:

Bigham	Dziedzic	Isaacson	Marty	Rest
Carlson	Eaton	Johnson Stewart	McEwen	Torres Ray
Champion	Eken	Kent	Murphy	Wiger
Clausen	Fateh	Klein	Pappas	Wiklund
Cwodzinski	Franzen	Kunesh	Port	
Dibble	Hawj	Latz	Putnam	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Isaacson, Klein, Kunesh, Latz, Pappas, Rest, Torres Ray, and Wiklund.

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 958: A bill for an act relating to state government; establishing a budget for the Department of Agriculture, the Board of Animal Health, the Agricultural Utilization Research Institute, and broadband development; making policy and technical changes to various provisions related to agriculture, food, rural development, and broadband development, including provisions related to grants, loans, pesticides, feedlots, bioincentive programs, Cervidae, veterinary services, reports, and mapping; requiring reports; appropriating money; amending Minnesota Statutes 2020, sections 3.737, by adding a subdivision; 17.1017, subdivision 6; 18B.33, subdivision 1; 18E.04, subdivision 4; 28A.15, by adding a subdivision; 28A.152, subdivisions 1, 3, 4, 5; 31A.15, subdivision 1; 35.155, subdivisions 5, 11; 41A.16, subdivision 5; 41A.17, subdivision 4; 116.07, subdivision 7;

116J.394; 116J.397; 156.12, subdivision 2; Laws 2020, chapter 101, section 5, subdivisions 2, 7; proposing coding for new law in Minnesota Statutes, chapter 25.

President Miller called Senator Tomassoni to preside.

Senator Westrom moved to amend S.F. No. 958 as follows:

Page 35, line 16, delete "this" and after "paragraph" insert "(b)"

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 958 as follows:

Page 35, line 9, before the period, insert "and are available until June 30, 2025"

Page 35, line 11, after "commissioner" insert "and the commissioner of management and budget"

Page 35, line 17, delete "except that" and insert "including the"

Page 35, line 18, delete "the commissioner must not use"

Senator Westrom moved to amend the Murphy amendment to S.F. No. 958 as follows:

Page 1, delete lines 2 to 6 and insert:

"Page 35, after line 22, insert:

(d) By January 15, 2023, the commissioner must report to the chairs and ranking minority members of the legislative committees with jurisdiction over broadband regarding the maximum amount of money the office believes they could feasibly offer as grants per fiscal year and how much would be required to ensure all Minnesota households are considered served at the 2022 and 2026 universal access and high-speed goals as provided in Minnesota Statutes, section 237.012, subdivision 1."

The question was taken on the adoption of the Westrom amendment to the Murphy amendment.

The roll was called, and there were yeas 37 and nays 28, as follows:

Those who voted in the affirmative were:

Abeler	Dornink	Housley	Lang	Pratt
Anderson	Draheim	Howe	Limmer	Rarick
Bakk	Duckworth	Ingebrigtsen	Mathews	Rosen
Benson	Eichorn	Jasinski	Miller	Ruud
Chamberlain	Gazelka	Johnson	Nelson	Senjem
Coleman	Goggin	Kiffmeyer	Newman	Tomassoni
Dahms	Hoffman	Koran	Osmek	Utke

Weber

Westrom

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Goggin, Howe, Newman, and Osmek.

Those who voted in the negative were:

Bigham	Dziedzic	Isaacson	Marty	Rest
Carlson	Eken	Johnson Stewart	McEwen	Torres Ray
Champion	Fateh	Kent	Murphy	Wiger
Clausen	Franzen	Klein	Newton	Wiklund
Cwodzinski	Frentz	Kunesh	Port	
Dibble	Hawj	Latz	Putnam	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Champion, Fateh, Isaacson, Klein, Kunesh, Latz, Newton, Rest, Torres Ray, and Wiklund.

The motion prevailed. So the amendment to the amendment was adopted.

Senator Murphy withdrew her amendment, as amended.

S.F. No. 958 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 48 and nays 18, as follows:

Those who voted in the affirmative were:

Abeler	Duckworth	Jasinski	Miller	Rosen
Anderson	Eichorn	Johnson	Murphy	Ruud
Bakk	Eken	Kent	Nelson	Senjem
Benson	Frentz	Kiffmeyer	Newman	Tomassoni
Bigham	Gazelka	Klein	Newton	Utke
Chamberlain	Goggin	Koran	Osmek	Weber
Coleman	Hoffman	Kunesh	Pratt	Westrom
Dahms	Housley	Lang	Putnam	Wiger
Dornink	Howe	Limmer	Rarick	
Draheim	Ingebrigtsen	Mathews	Rest	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Abeler, Anderson, Coleman, Duckworth, Eichorn, Goggin, Howe, Lang, Limmer, Newman, and Osmek.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Klein, Kunesh, Newton, and Rest.

Those who voted in the negative were:

Carlson	Dibble	Hawj	Marty	Torres Ray
Champion	Dziedzic	Isaacson	McEwen	Wiklund
Clausen	Fateh	Johnson Stewart	Pappas	
Cwodzinski	Franzen	Latz	Port	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Champion, Fateh, Isaacson, Latz, Pappas, Torres Ray, and Wiklund.

So the bill, as amended, was passed and its title was agreed to.

MEMBERS EXCUSED

Senator Rest was excused from the Session of today from 5:15 to 5:30 p.m. Senator Eaton was excused from the Session of today at 7:00 p.m. Senator Pappas was excused from the Session of today from 7:35 to 7:55 p.m.

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 12:00 noon, Thursday, April 15, 2021. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate