

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 5154**

(SENATE AUTHORS: LUCERO, Gruenhagen, Green, Drazkowski and Bahr)

<b>DATE</b>	<b>D-PG</b>	<b>OFFICIAL STATUS</b>
03/21/2024		Introduction and first reading Referred to Commerce and Consumer Protection

1.1 A bill for an act

1.2 relating to consumer protection; requiring certain energy generating facilities to

1.3 be certified as child labor free; requiring certain products sold to be certified as

1.4 child labor free; amending Minnesota Statutes 2022, section 216F.08; Minnesota

1.5 Statutes 2023 Supplement, section 216F.04; proposing coding for new law in

1.6 Minnesota Statutes, chapters 216E; 325D.

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

1.8 Section 1. **[216E.065] PROHIBITION ON CHILD LABOR FOR CERTAIN**

1.9 **FACILITIES.**

1.10 The commission is prohibited from issuing a permit for a large electric power generating

1.11 plant powered by solar energy under this chapter unless the applicant has demonstrated to

1.12 the commission's satisfaction that no child labor, as defined under section 325D.75,

1.13 subdivision 1, is used to manufacture the equipment used to construct and operate the large

1.14 electric power generating plant powered by solar.

1.15 Sec. 2. Minnesota Statutes 2023 Supplement, section 216F.04, is amended to read:

1.16 **216F.04 SITE PERMIT.**

1.17 (a) No person may construct an LW ECS without a site permit issued by the Public

1.18 Utilities Commission.

1.19 (b) Any person seeking to construct an LW ECS shall submit an application to the

1.20 commission for a site permit in accordance with this chapter and any rules adopted by the

1.21 commission. The permitted site need not be contiguous land.

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

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

2.6 (e) The commission must require as a condition of permit issuance, including issuance  
2.7 of a modified permit for a repowering project, as defined in section 216B.243, subdivision  
2.8 8, paragraph (b), that the recipient of a site permit to construct an LWECS with a nameplate  
2.9 capacity above 25,000 kilowatts, including all of the permit recipient's construction  
2.10 contractors and subcontractors on the project: (1) pay no less than the prevailing wage rate,  
2.11 as defined in section 177.42; and (2) be subject to the requirements and enforcement  
2.12 provisions under sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45.

2.13 (f) The commission is prohibited from approving an application for an LWECS site  
2.14 permit unless the applicant has demonstrated to the commission's satisfaction that no child  
2.15 labor, as defined under section 325D.75, subdivision 1, was used to manufacture the  
2.16 equipment used to construct and operate the LWECS.

2.17 Sec. 3. Minnesota Statutes 2022, section 216F.08, is amended to read:

2.18 **216F.08 PERMIT AUTHORITY; ASSUMPTION BY COUNTIES.**

2.19 (a) A county board may, by resolution and upon written notice to the Public Utilities  
2.20 Commission, assume responsibility for processing applications for permits required under  
2.21 this chapter for LWECS with a combined nameplate capacity of less than 25,000 kilowatts.  
2.22 The responsibility for permit application processing, if assumed by a county, may be  
2.23 delegated by the county board to an appropriate county officer or employee. Processing by  
2.24 a county shall be done in accordance with procedures and processes established under  
2.25 chapter 394.

2.26 (b) A county board that exercises its option under paragraph (a) may issue, deny, modify,  
2.27 impose conditions upon, or revoke permits pursuant to this section. The action of the county  
2.28 board about a permit application is final, subject to appeal as provided in section 394.27.  
2.29 Section 216F.04, paragraph (f), applies to permit application approval under this section.

2.30 (c) The commission shall, by order, establish general permit standards, including  
2.31 appropriate property line set-backs, governing site permits for LWECS under this section.  
2.32 The order must consider existing and historic commission standards for wind permits issued  
2.33 by the commission. The general permit standards shall apply to permits issued by counties

3.1 and to permits issued by the commission for LWECS with a combined nameplate capacity  
3.2 of less than 25,000 kilowatts. The commission or a county may grant a variance from a  
3.3 general permit standard if the variance is found to be in the public interest.

3.4 (d) The commission and the commissioner of commerce shall provide technical assistance  
3.5 to a county with respect to the processing of LWECS site permit applications.

3.6 Sec. 4. **325D.75] CHILD LABOR FREE PRODUCTS.**

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

3.9 (b) "Child labor" has the meaning given in the International Labor Organization's  
3.10 Minimum Age Convention No. 138.

3.11 (c) "Solar photovoltaic device" has the meaning given in section 116C.7791.

3.12 (d) "Wind energy conversion system" has the meaning given in section 216F.01,  
3.13 subdivision 4.

3.14 Subd. 2. Prohibition. It is an unlawful trade practice to offer for sale in Minnesota any  
3.15 electric vehicle battery, solar photovoltaic device, or wind energy conversion system unless  
3.16 the electric vehicle battery, solar photovoltaic device, or wind energy conversion system's  
3.17 manufacturer certifies that no child labor was used to manufacture the electric vehicle  
3.18 battery, solar photovoltaic device, or wind energy conversion system.

3.19 Subd. 3. Remedies. A person that violates subdivision 2 is subject to the penalties  
3.20 established under section 325D.56.