

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

**S.F. No. 3320**

(SENATE AUTHORS: JOHNSON STEWART and Marty)

DATE	D-PG	OFFICIAL STATUS
04/07/2025	1712	Introduction and first reading
		Referred to Environment, Climate, and Legacy
04/09/2025	1731	Author added Marty

1.1 A bill for an act

1.2 relating to natural resources; providing for evaluation and permitting of projects

1.3 requiring large water appropriations; amending Minnesota Statutes 2024, sections

1.4 103G.265, by adding a subdivision; 103G.271, by adding a subdivision; 116D.04,

1.5 by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2024, section 103G.265, is amended by adding a subdivision

1.8 to read:

1.9 Subd. 5. Preapplication evaluation of large water appropriation projects. (a) This

1.10 subdivision applies to a project for which the proposed consumptive use exceeds 100,000,000

1.11 gallons per year or 250,000 gallons per day, whether under an existing permit, as the result

1.12 of a permit amendment, or under a new individual permit.

1.13 (b) To ensure that a project is compatible with the needs of other current and future

1.14 water users, to help maintain the water allocation priorities established under section

1.15 103G.261, to ensure adequate water supply in areas of the state with limited water

1.16 availability, and to promote a more efficient and timely permitting process, potential

1.17 applicants or persons working on behalf of potential applicants are encouraged to discuss

1.18 the project with the commissioner as early in the project development process as possible,

1.19 preferably before a final project site has been selected, project design has been finalized,

1.20 or land has been acquired.

1.21 (c) A city or county employee who has been contacted by a person regarding a project

1.22 that is likely to be subject to this subdivision must, even if no final decision has been made

1.23 on the project's location, notify the commissioner in writing within ten business days of the

2.1 contact, providing the name of and contact information for the person and potential project  
2.2 locations.

2.3 (d) In response to a contact from a potential applicant, the commissioner may request  
2.4 preapplication information that is helpful in assisting the commissioner to assess the factors  
2.5 affecting the ability of a water source to meet a project's water use needs at potential  
2.6 locations, including:

2.7 (1) a project description, including all potential locations;

2.8 (2) the project's estimated maximum daily, seasonal, and annual water use rates and  
2.9 volumes;

2.10 (3) the anticipated source of water;

2.11 (4) water quality or temperature requirements; and

2.12 (5) any additional information the commissioner requires to assist in assessing the ability  
2.13 of a water source to meet a project's water use needs.

2.14 (e) The commissioner must evaluate the information supplied by a potential applicant  
2.15 under this subdivision and must respond in writing, which may be electronically transmitted,  
2.16 describing potential water availability constraints at each potential project location.

2.17 (f) In determining the impact of a potential project on water quality and quantity, the  
2.18 commissioner may consult with the commissioners of health, agriculture, the Pollution  
2.19 Control Agency, and other state agencies.

2.20 (g) Any communication made or information exchanged under this subdivision between  
2.21 a potential applicant and a government agency, or between government agencies, is nonpublic  
2.22 data, as defined in section 13.02, until the project is either abandoned or the applicant files  
2.23 an application for a water use permit under section 103G.285 or 103G.287, after which the  
2.24 data is public.

2.25 (h) None of the discussions, filings, or evaluations made under this subdivision preclude  
2.26 or supplant environmental review, preliminary well construction approval, appropriation  
2.27 permit review, or any other requirements under federal, state, or local law.

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

3.1 Sec. 2. Minnesota Statutes 2024, section 103G.271, is amended by adding a subdivision  
3.2 to read:

3.3 Subd. 5b. **Large water appropriation projects; permit conditions.** In issuing water-use  
3.4 permits to applicants that meet the criteria in section 103G.265, subdivision 5, the  
3.5 commissioner must ensure that:

3.6 (1) water resources of the state are used in the public interest and public health, safety,  
3.7 and welfare are adequately protected;

3.8 (2) technologies that promote water conservation and the efficient use of water are fully  
3.9 considered; and

3.10 (3) water use conflicts are addressed as prescribed in Minnesota Rules, part 6115.0740.

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

3.12 Sec. 3. Minnesota Statutes 2024, section 116D.04, is amended by adding a subdivision to  
3.13 read:

3.14 Subd. 18. **Data centers; environmental review.** (a) Notwithstanding any law to the  
3.15 contrary, the proposed construction of a data center or the expansion of the average hourly  
3.16 load of an existing data center by 100 megawatts or more requires preparation of an  
3.17 environmental impact statement according to subdivision 2a. The responsible governmental  
3.18 unit for the environmental impact statement is the Public Utilities Commission.

3.19 (b) For purposes of this subdivision, "average hourly load" means the amount of electricity  
3.20 consumed by a facility each hour, averaged over an entire year.

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