

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 5173

(SENATE AUTHORS: JOHNSON STEWART)

DATE
04/20/2026

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8521 Introduction and first reading
Referred to Transportation

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to state government; expanding the scope of vehicles requiring an
1.3 overweight vehicle special permit; restricting local ordinances affecting aggregate
1.4 mining or production facilities; requiring a legislative audit of the aggregate
1.5 production tax; appropriating money for aggregate resource inventory; amending
1.6 Minnesota Statutes 2024, section 169.869, subdivisions 1, 2, 3; proposing coding
1.7 for new law in Minnesota Statutes, chapter 471.

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

1.9 Section 1. Minnesota Statutes 2024, section 169.869, subdivision 1, is amended to read:

1.10 Subdivision 1. **Definition.** For purposes of this section, "road construction materials"
1.11 means ~~street or highway construction materials, including but not limited to aggregate~~
1.12 ~~material as defined in section 298.75, subdivision 1, paragraph (a), hot mix asphalt, plastic~~
1.13 ~~concrete, cementitious materials, concrete admixtures, asphalt cement, and recycled road~~
1.14 materials and supplies used or consumed in and equipment incorporated into the construction
1.15 of real property, including but not limited to a building, facility, or street or highway.

1.16 Sec. 2. Minnesota Statutes 2024, section 169.869, subdivision 2, is amended to read:

1.17 Subd. 2. **Six-axle vehicles.** (a) A road authority may issue an annual permit authorizing
1.18 a vehicle or combination of vehicles with a total of six or more axles to haul road construction
1.19 materials and be operated with a gross vehicle weight of up to:

1.20 (1) 90,000 pounds; and

1.21 (2) 99,000 pounds during the period set by the commissioner under section 169.826,
1.22 subdivision 1.

2.1 (b) The fee for a permit issued under this subdivision is \$300, or a proportional amount
2.2 as provided in section 169.86, subdivision 5.

2.3 Sec. 3. Minnesota Statutes 2024, section 169.869, subdivision 3, is amended to read:

2.4 Subd. 3. **Seven-axle vehicles.** (a) A road authority may issue an annual permit authorizing
2.5 a vehicle or combination of vehicles with a total of seven or more axles to haul road
2.6 construction materials and be operated with a gross vehicle weight of up to:

2.7 (1) 97,000 pounds; and

2.8 (2) 99,000 pounds during the period set by the commissioner under section 169.826,
2.9 subdivision 1.

2.10 (b) The fee for a permit issued under this subdivision is \$500, or a proportional amount
2.11 as provided in section 169.86, subdivision 5.

2.12 Sec. 4. **[471.9999] ORDINANCE RESTRICTIONS; AGGREGATE MINING.**

2.13 (a) A county, home rule charter or statutory city, or town is prohibited from adopting
2.14 an ordinance affecting an aggregate mining or production facility if one or both of the
2.15 following circumstances are present:

2.16 (1) an application for a required permit from a county, home rule charter or statutory
2.17 city, or town has been submitted by an aggregate mining or production facility but has not
2.18 yet been approved or denied; or

2.19 (2) an environmental impact statement related to the aggregate mining or production
2.20 facility is in the process of being prepared.

2.21 (b) A county, home rule charter or statutory city, or town ordinance, permit, or regulation
2.22 must not include conditions on an aggregate mining or production facility that are more
2.23 restrictive than the conditions imposed by the state or federal government.

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

2.25 Sec. 5. **AUDIT OF AGGREGATE TAX AND USE OF REVENUES COLLECTED**
2.26 **BY COUNTIES.**

2.27 The Office of the Legislative Auditor is directed to conduct a program audit of the
2.28 aggregate production tax established in Minnesota Statutes, section 298.75, to include the
2.29 following, by individual participating county, and covering all fiscal years since the county
2.30 established the tax:

- 3.1 (1) a report on total revenues collected by fiscal year;
- 3.2 (2) a report on how revenues are distributed among maintenance, construction, and
3.3 reconstruction of roads, highways, and bridges;
- 3.4 (3) a report as to the funding priority given to roads, highways, and bridges that service
3.5 or are impacted by aggregate operations;
- 3.6 (4) a report as to whether the county distributes aggregate tax revenues on a project or
3.7 formula basis;
- 3.8 (5) a report as to the distribution and expenditure of money for aggregate mine
3.9 reclamation activities; and
- 3.10 (6) a report on how tax revenue deposited in the special reserve fund established in
3.11 Minnesota Statutes, section 298.75, subdivision 7, paragraph (c), clause (3), has been
3.12 expended since each county began collecting the tax.

3.13 **Sec. 6. APPROPRIATION; AGGREGATE RESOURCE INVENTORY.**

3.14 \$250,000 in fiscal year 2027 is appropriated from the general fund to the commissioner
3.15 of natural resources for the aggregate resource mapping program to update Information
3.16 Circular 46, Aggregate Resources Inventory of the Seven-County Metropolitan Area,
3.17 Minnesota (Minnesota Geological Survey 2000), with particular emphasis on projected
3.18 needs and the estimated time until the aggregate resource is exhausted, and to perform duties
3.19 under Minnesota Statutes, section 84.94. This is a onetime appropriation.