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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2203

03/07/2019 Authored by Hornstein and Ecklund
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to state government; creating the Buy Clean Minnesota Act; requiring
1.3 reports; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

1.5 Section 1. 16C.0726] BUY CLEAN MINNESOTA ACT.

1.6 Subdivision 1. Legislative intent. The legislature finds and declares the following:

1.7 (1) climate change will have devastating global impacts;

1.8 (2) all scientific evidence points to the need for Minnesota and the world to reduce
1.9 greenhouse gas emissions to avert the worst effects of climate change. Climate change
1.10 impacts are already apparent in Minnesota, where scientists have determined that climate
1.11 change is impacting Minnesota's wildlife, plants, water, historic resources, and infrastructure;

1.12 (3) the legislature has committed to reducing greenhouse gas emissions, through numerous
1.13 statutes requiring regulatory and other actions by public agencies;

1.14 (4) state agencies must take climate change into account in their planning and investment
1.15 decisions and employ full life-cycle cost accounting to evaluate and compare infrastructure
1.16 investments and alternatives. Full life-cycle cost accounting includes accounting for the
1.17 impacts across the life cycle of a product or life-cycle assessment;

1.18 (5) large quantities of emissions are released during the manufacture and transport of
1.19 products used in public infrastructure projects;

1.20 (6) Minnesota, through its extensive purchasing power, can improve environmental
1.21 outcomes and accelerate necessary greenhouse gas reductions to protect public health, the

2.1 environment, and conserve a livable climate by incorporating emissions information
2.2 throughout the supply chain and product life cycle into procurement decisions, and using
2.3 that information to help direct expenditures; and

2.4 (7) incorporating emissions information will acknowledge those companies that have
2.5 invested in emissions reduction technologies and practices. It will encourage other companies
2.6 to take action to reduce emissions to become more competitive in Minnesota's bidding
2.7 process.

2.8 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
2.9 meanings given.

2.10 (b) "Awarding authority" means any of the following:

2.11 (1) the Department of Administration;

2.12 (2) institutions of higher education, including state colleges and universities and
2.13 community and technical colleges;

2.14 (3) natural resource agencies, including the Department of Natural Resources and the
2.15 Pollution Control Agency;

2.16 (4) any other state governmental entity that receives funding from capital appropriations
2.17 for a public works project; and

2.18 (5) any nonprofit organization receiving funding from capital appropriations for a public
2.19 works project.

2.20 (c) "Department" means the Department of Administration.

2.21 (d) "Eligible materials" include any of the following:

2.22 (1) carbon steel rebar;

2.23 (2) flat glass;

2.24 (3) mineral wool board insulation;

2.25 (4) structural steel;

2.26 (5) cement;

2.27 (6) structural timber;

2.28 (7) solar panels;

2.29 (8) refrigerants in new equipment;

2.30 (9) aluminum;

3.1 (10) gypsum; and

3.2 (11) concrete.

3.3 (e) "Eligible project" means:

3.4 (1) a construction project larger than 5,000 gross square feet of occupied or conditioned
3.5 space; or

3.6 (2) a building renovation project when the cost is greater than 50 percent of the assessed
3.7 value and the project is larger than 5,000 gross square feet.

3.8 (f) "Greenhouse gas" has the meaning given in section 216H.01.

3.9 Subd. 3. **Implementation.** (a) By January 1, 2019, the commissioner shall establish and
3.10 publish a maximum acceptable global warming potential for each category of eligible
3.11 materials in accordance with both of the following requirements:

3.12 (1) the commissioner shall set the maximum acceptable global warming potential at the
3.13 industry average of facility-specific global warming potential emissions for that material.
3.14 The department shall determine the industry average by consulting nationally or
3.15 internationally recognized databases of environmental product declaration; and

3.16 (2) the commissioner shall express the maximum acceptable global warming potential
3.17 as a number that states the maximum acceptable facility-specific global warming potential
3.18 for each category of eligible materials. The global warming potential shall be provided in
3.19 a manner that is consistent with criteria in an environmental product declaration.

3.20 (b) By January 1, 2020, the commissioner shall submit a report to the legislature that
3.21 describes the method that the commissioner used to develop the maximum global warming
3.22 potential for each category of eligible materials.

3.23 (c) By January 1, 2022, and every three years thereafter, the commissioner shall review
3.24 the maximum acceptable global warming potential for each category of eligible materials
3.25 established pursuant to paragraph (a), and may adjust that number downward for any eligible
3.26 material to reflect industry improvements if the commissioner, based on the process described
3.27 in paragraph (a), clause (1), determines that the industry average has changed, but the
3.28 commissioner may not adjust that number upward for any eligible material. At that time,
3.29 the commissioner shall update the requirements to reflect that adjustment.

3.30 (d) The awarding authorities may amend their fee schedule to accommodate this section.

3.31 Subd. 4. **Awarding authority.** (a) An awarding authority shall require the successful
3.32 bidder for a contract described in paragraph (c) to submit a current facility-specific

4.1 environmental product declaration, type III, as defined by the international organization for
4.2 standardization standard 14025, or similarly robust life-cycle assessment methods that have
4.3 uniform standards in data collection consistent with international organization for
4.4 standardization standard 14025, industry acceptance, and integrity for each eligible material
4.5 proposed to be used.

4.6 (b) An awarding authority shall include in a specification for bids for an eligible project
4.7 that the facility-specific global warming potential for any eligible material does not exceed
4.8 the maximum acceptable global warming potential for that material determined pursuant
4.9 to subdivision 3. An awarding authority may include in a specification for bids for an eligible
4.10 project a facility-specific global warming potential for any eligible material that is lower
4.11 than the maximum acceptable global warming potential for that material determined pursuant
4.12 to subdivision 3.

4.13 (c) A successful bidder for a contract described in paragraph (b) may not install any
4.14 eligible materials on the project until that bidder submits a facility-specific environmental
4.15 product declaration for that material pursuant to paragraph (a).

4.16 (d) This subdivision applies only to a contract entered into on or after July 1, 2019.

4.17 Subd. 5. **Reduction goal.** In carrying out its duties under this section, an awarding
4.18 authority shall strive to achieve a continuous reduction of emissions over time.

4.19 Subd. 6. **Report.** By January 1, 2022, the commissioner shall submit a report to the
4.20 chairs and ranking members of the legislative committees on energy and state government
4.21 on any obstacles to the implementation of this section, and the effectiveness of this section
4.22 to reduce global warming potential.

4.23 Subd. 7. **Citation.** This section may be known and cited as the Buy Clean Minnesota
4.24 Act.