

State of Minnesota

H. F. No. **3000**

~~(b) The minimum content levels in paragraph (a), clauses (3) and (4), become effective on the date specified only if the commissioners of agriculture, commerce, and pollution control publish notice in the State Register and provide written notice to the chairs of the house of representatives and senate committees with jurisdiction over agriculture, commerce, and transportation policy and finance, at least 270 days prior to the date of each scheduled increase, that all of the following conditions have been met and the state is prepared to move to the next scheduled minimum content level:~~

~~(1) an American Society for Testing and Materials specification or equivalent federal standard exists for the next minimum diesel-biodiesel blend;~~

~~(2) a sufficient supply of biodiesel is available and the amount of biodiesel produced in this state from feedstock with at least 75 percent that is produced in the United States and Canada is equal to at least 50 percent of anticipated demand at the next minimum content level;~~

~~(3) adequate blending infrastructure and regulatory protocol are in place in order to promote biodiesel quality and avoid any potential economic disruption; and~~

~~(4) at least five percent of the amount of biodiesel necessary for that minimum content level will be produced from a biological resource other than an agricultural resource traditionally grown or raised in the state, including, but not limited to, algae cultivated for biofuels production, waste oils, and tallow.~~

~~The condition in clause (2) may be waived if the commissioner finds that, due to weather-related conditions, the necessary feed stock is unavailable.~~

~~The condition in clause (4) may be waived if the commissioners find that the use of these nontraditional feedstocks would be uneconomic under market conditions existing at the time notice is given under this paragraph.~~

~~(c) The commissioners of agriculture, commerce, and pollution control must consult with the biodiesel task force when assessing and certifying conditions in paragraph (b), and in general must seek the guidance of the biodiesel task force regarding biodiesel labeling, enforcement, and other related issues.~~

~~(d)~~ (b) During a period of biodiesel fuel shortage or a problem with biodiesel quality that negatively affects the availability of biodiesel fuel, the commissioner of commerce may temporarily suspend the minimum content requirement in ~~subdivision 2~~ paragraph (a) until there is sufficient biodiesel fuel, as defined in subdivision 1, available to fulfill the minimum content requirement.

(c) The minimum content requirement in paragraph (a) is temporarily suspended statewide during any period of time that the ambient air temperature in any part of the state is forecasted, as determined by the commissioner of commerce in consultation with the commissioner of transportation, to be:

(1) below zero degrees Celsius for 24 consecutive hours or more; or

(2) below negative ten degrees Celsius.

The commissioner of commerce must adequately notify the public when a suspension required under this paragraph is in effect.

~~(e)~~ (d) By February 1, 2012, and periodically thereafter, the commissioner of commerce shall determine the wholesale diesel price at various pipeline and refinery terminals in the region, and the biodiesel price determined after credits and incentives are subtracted at biodiesel plants in the region. The commissioner shall report wholesale price differences to the governor who, after consultation with the commissioners of commerce and agriculture, may by executive order adjust the biodiesel mandate if a price disparity reported by the commissioner will cause economic hardship to retailers of diesel fuel in this state. Any adjustment must be for a specified period of time, after which the percentage of biodiesel fuel to be blended into diesel fuel returns to the amount required in subdivision 2. The biodiesel mandate must not be adjusted to less than five percent.

Sec. 2. Minnesota Statutes 2016, section 239.77, subdivision 3a, is amended to read:

Subd. 3a. **Number 1 diesel fuel exempt.** (a) The minimum content requirements of subdivision 2 do not apply to Number 1 diesel fuel.

~~(b) This subdivision expires May 1, 2020.~~

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.