

1.1 Senator ..... moves to amend S.F. No. 3852 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2025 Supplement, section 103G.271, subdivision 5b, is  
1.4 amended to read:

1.5 Subd. 5b. **Large water appropriation projects; permit conditions.** (a) A user that  
1.6 applies for a water use permit for a new or additional industrial or commercial consumptive  
1.7 use is subject to the requirements of paragraph (b) if the use will:

1.8 (1) exceed 100,000,000 gallons per year; or

1.9 (2) is located in a municipality and will exceed an amount equal to 50 percent or more  
1.10 of the municipality's current authorized annual appropriation volume.

1.11 (b) In issuing new or modified water-use permits to applicants that meet the definition  
1.12 of a data center, as defined in section 216B.02, subdivision 11, whose proposed new or  
1.13 additional consumptive use exceeds 100,000,000 gallons per year, or for existing permits  
1.14 where the permittee intends to provide more than 100,000,000 gallons of water per year to  
1.15 a data center, the department shall that are subject to this paragraph, the commissioner must  
1.16 ensure that:

1.17 (1) public health, safety, and welfare are adequately protected;

1.18 (2) technologies or measures that promote water conservation, the efficient use of water,  
1.19 and watershed health, are reasonably considered, including but not limited to using water  
1.20 efficient fixtures and practices, recycling water before discharging, partnering with local  
1.21 water utilities to use discharged water ~~from the data center~~, using reclaimed water, installing  
1.22 closed-loop systems, and supporting water restoration and replenishment in local watersheds;  
1.23 ~~and~~

1.24 (3) water use conflicts are addressed as prescribed in Minnesota Rules, part 6115.0740;  
1.25 and

1.26 (4) the user applies for its own water use permit and does not rely on the modification  
1.27 of a municipal permit.

1.28 ~~(b)~~ (c) The commissioner shall require an applicant to conduct an aquifer test as provided  
1.29 under section 103G.287, if the commissioner determines that the test results are necessary  
1.30 in order to ensure compliance with paragraph ~~(a)~~ (b), clause (1).

1.31 (d) Before issuing a permit under this section, the commissioner must prepare a draft  
1.32 permit and provide a notice and comment period. The commissioner must:

- 2.1 (1) post the draft permit on the department's website;
- 2.2 (2) provide at least 30 days for public comment on the draft permit;
- 2.3 (3) provide notice of the draft permit and comment period to the applicant, all persons
- 2.4 who have registered with the agency to receive notice of permit actions, all municipalities
- 2.5 located within the same United States Geological Survey Hydrologic Unit Code 8 level
- 2.6 watershed as the proposed appropriation, and any other interested person upon request; and
- 2.7 (4) consider the comments received during the comment period in determining whether
- 2.8 to issue the permit and what terms to include in the permit if issued.
- 2.9 (e) In reviewing a permit application that is subject to the requirements of paragraph
- 2.10 (b), the commissioner must prioritize the review and issuance of permits for projects that
- 2.11 incorporate water circularity or water reuse technologies in the project design.

2.12 Sec. 2. Minnesota Statutes 2024, section 103G.281, subdivision 3, is amended to read:

2.13 Subd. 3. **Report.** (a) Records of the amount of water appropriated or used must be kept

2.14 for each installation. The readings and the total amount of water appropriated must be

2.15 reported to the commissioner on forms provided by the commissioner as follows:

2.16 (1) for a use that exceeds the thresholds set in section 103G.271, subdivision 5b,

2.17 paragraph (a), by the 15th of each month for water appropriations during the previous month;

2.18 and

2.19 (2) for all other uses, annually to the commissioner on or before February 15 of the

2.20 following year on forms provided by the commissioner.

2.21 (b) The records must be submitted with the annual water-use permit processing fee in

2.22 section 103G.271.

2.23 Sec. 3. Minnesota Statutes 2024, section 116D.04, subdivision 16, is amended to read:

2.24 Subd. 16. **Groundwater; environmental assessment worksheets review.** (a) When

2.25 an environmental assessment worksheet is required for a proposed action that has the

2.26 potential to require a groundwater appropriation permit from the commissioner of natural

2.27 resources, the board shall require that the environmental assessment worksheet include an

2.28 assessment of the water resources available for appropriation.

2.29 (b) When an aquifer test is conducted under section 103G.271, subdivision 5b, paragraph

2.30 (c), clause (2), for a water-use permit identified in an environmental assessment worksheet

- 3.1 or environmental impact statement, the results of the test must be included and considered
- 3.2 as part of the environmental review process under this chapter."
- 3.3 Amend the title accordingly