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June 14, 2016

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VIA CM/ECF

Michael E. Gans, Esq.  
United States Court of Appeals for the Eighth Circuit  
U.S. Courthouse, Rm. 24.329  
111 South Tenth Street  
St. Louis, MO 63102

Re: State of North Dakota, et al. v. Beverly Heydinger, et al.  
Case Nos.: 14-2156 and 14-2251

Dear Mr. Gans:

Pursuant to Rule 28(j), Appellees/Cross-Appellants write to advise the Court of a recent amendment to the Minnesota Next Generation Energy Act (“NGEA”) that further demonstrates the statute at issue in this appeal benefits in-state interests while disadvantaging out-of-state parties in violation of the Dormant Commerce Clause.

Minnesota’s 2016 Omnibus Supplemental Budget Bill (2016 Minnesota Session Laws, Chapter 189, Article 6, Sections 10-12), *inter alia*, amends the NGEA’s definition of “new large energy facility” effective June 2, 2016. A copy of the relevant text is attached. This amendment expressly excludes from the definition of a new large energy facility “a co-generation facility or combined heat and power facility located in the electric service area of a public utility, as defined in section 216B.02, subd. 4 . . .” (emphasis added). “Public Utility” is defined under Minnesota law to mean “persons, corporations, or other legal entities, their lessees, trustees, and receivers, now or hereafter operating, maintaining or controlling in this state equipment or facilities for furnishing at retail natural, manufactured, or mixed gas or electric service to or for the public who are engaged in the production and retail sale thereof . . .” Minn. Stat. § 216B.02, subd. 4 (emphasis added).

This newly enacted exemption exclusively protects in-state facilities from the prohibitions imposed by the NGEA, while providing no exemption for identical out-of-state co-generation facilities. Thus, while in-state co-generation facilities proposed by Minnesota public utilities are exempt, out-of-state co-generation facilities would be subject to the daunting and uncertain prospects of demonstrating to the Minnesota Public Utilities Commission’s satisfaction they will offset carbon emissions through the illusory offset options under Minn. Stat. § 216H.03, subd. 4.

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This recent amendment to the NGEA further illustrates that the statute unconstitutionally favors in-state interests in clear violation of the Dormant Commerce Clause. *See Bacchus Imports, Ltd. v. Dias*, 468 U.S. 263, 270-72 (1984); *see also W. Lynn Creamery, Inc. v. Healy*, 512 U.S. 186, 190-91&194 (1994).

Very truly yours,

WINTHROP & WEINSTINE, P.A.

  
s/Thomas H. Boyd

Thomas H. Boyd

THB:ehm/Enclosure  
12004106v1

cc: All Counsel of Record via CM/ECF

## 2016 Minnesota Session Laws

Key: (1) language to be deleted (2) new language

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### CHAPTER 189--H.F.No. 2749

*An act relating to state government; providing supplemental appropriations and policy for higher education, agriculture, broadband development, state agencies, the courts, public safety, corrections, environment, natural resources, state government, veterans, jobs, economic development, labor and industry, commerce, housing finance, health and human services, early childhood education, voluntary prekindergarten, kindergarten through grade 12 education, and community and adult education; providing for the James Metzen Mighty Ducks Ice Center Development Act; providing policy initiatives for state government programs; making policy, technical, and conforming changes to various provisions, including provisions governing broadband development, state broadband goals, postsecondary student aid programs, agriculture, driver's licenses, identification cards, predatory offender registration, prostitution, game and fish, natural resources, state lands, watercraft, recreational vehicles, energy, utilities, state agencies, the Board of Barbers, veterans, economic development, labor and industry, housing, the Public Employment Relations Board, Explore Minnesota Tourism, commerce, children and family services, mental and chemical health services, direct care and treatment, continuing care, health care programs, Department of Health programs, and health-related licensing; making forecast adjustments; making adjustments to certain appropriations; specifying requirements for construction of highways on tribal lands; creating a surrogacy commission; modifying state procurement contracts; establishing certain programs and incentives; providing an income tax subtraction for military retirement pay; providing an income tax credit for parents of stillborn children; modifying the sales and use tax rate for retail sales of modular homes; increasing maximum sentence for felony assault motivated by bias; permitting the purchase and possession of alcohol by sensory testing firms; authorizing the issuance of certain liquor licenses; authorizing transfers; creating accounts; creating task forces; requiring reports; authorizing rulemaking; providing criminal penalties; amending Minnesota Statutes 2014, sections 3.3005, subdivisions 3, 3b, 4, 5, 6, by adding subdivisions; 13.3805, by adding a subdivision; 16A.103, by adding a subdivision; 16C.10, subdivision 6; 16C.16, subdivisions 6, 7, 11, by adding a subdivision; 16E.0466; 16E.21, subdivision 2, by adding subdivisions; 17.117, subdivisions 4, 11a; 17.4982, subdivision 18a; 18B.26, subdivision 3; 41A.12, subdivision 2; 61A.24, by adding a subdivision; 61A.25, by adding a subdivision; 62D.04, subdivision 1; 62D.08, subdivision 3; 62J.495, subdivision 4; 62J.496, subdivision 1; 62V.05, by adding a subdivision; 84.027, subdivision 13; 84.091, subdivision 2; 84.798, subdivision 2; 84.8035; 84D.01, subdivision 2; 84D.05, subdivision 1; 84D.09, subdivision 2; 84D.10, subdivision 4; 84D.108, by adding a subdivision; 84D.13, subdivision 4; 85.015, subdivision 13; 86B.005, by adding subdivisions; 88.01, by adding a subdivision; 88.22, subdivision 1; 89.0385; 93.0015, subdivision 3; 93.2236; 94.3495, subdivisions 2, 3, 7; 97A.075, subdivision 7; 97A.405, subdivision 2; 97A.465, by adding a subdivision; 115C.09, subdivisions 1, 3; 115C.13; 116J.395, subdivisions 4, 5, by adding subdivisions; 116J.423; 116J.424; 116J.431, subdivisions 1, 2, 4, 6; 116J.68; 116J.8737, subdivisions 2, 3, 5, 12; 116J.8747, subdivisions 1, 2; 116L.99; 116M.14,*

subdivisions 2, 4, by adding subdivisions; 116M.15, subdivision 1, by adding a subdivision; 116M.17, subdivisions 2, 4; 116M.18; 120A.42; 120B.02, by adding a subdivision; 120B.021, subdivisions 1, 3; 120B.11, subdivisions 1a, 2, 3, 4, 5; 120B.12, subdivision 2; 120B.15; 120B.232; 120B.30, subdivision 2, by adding a subdivision; 120B.31, subdivision 5, by adding subdivisions; 120B.35; 120B.36, as amended; 121A.53; 121A.61, subdivision 3; 121A.64; 122A.09, as amended; 122A.16; 122A.18, as amended; 122A.21, as amended; 122A.245, as amended; 122A.31, subdivision 3; 122A.4144; 122A.416; 122A.42; 122A.63, subdivision 1; 122A.72, subdivision 5; 123A.24, subdivision 2; 123B.045, by adding a subdivision; 123B.52, subdivision 1; 123B.53, subdivision 5; 123B.571, subdivision 2; 123B.60, subdivision 1; 123B.71, subdivision 8; 123B.79, subdivisions 5, 8, 9; 124D.03, subdivision 5a; 124D.111, by adding a subdivision; 124D.1158, subdivisions 3, 4; 124D.135, subdivision 6, by adding subdivisions; 124D.15, subdivisions 3a, 15; 124D.52, subdivisions 1, 2; 124D.55; 124D.59, by adding a subdivision; 124D.68, subdivision 2; 124D.861, as amended; 125A.091, subdivision 11; 125A.0942, subdivision 4; 125A.56, subdivision 1; 126C.05, subdivision 3; 126C.10, subdivisions 2d, 24; 126C.40, subdivision 5; 126C.63, subdivision 7; 127A.095; 127A.353, subdivision 4; 127A.45, subdivision 6a; 127A.51; 129C.10, subdivision 1; 136A.101, subdivisions 5a, 10; 144.05, by adding a subdivision; 144A.073, subdivisions 13, 14, by adding a subdivision; 144A.611, subdivisions 1, 2, by adding a subdivision; 144A.75, subdivisions 5, 6, 8, by adding a subdivision; 145.4716, subdivision 2, by adding a subdivision; 149A.50, subdivision 2; 154.001, subdivision 2; 154.002; 154.01; 154.02; 154.04; 154.05; 154.065, subdivisions 2, 4; 154.07; 154.08; 154.09; 154.10, subdivision 2; 154.11, subdivision 1; 154.14; 154.15; 154.161, subdivision 7; 154.162; 154.19; 154.21; 154.24; 154.25; 161.368; 171.07, subdivisions 6, 7, 15, by adding a subdivision; 197.455, subdivision 1; 214.075, subdivision 3; 216B.16, subdivision 12; 216B.1691, subdivision 10; 216B.241, subdivision 1c; 216B.243, subdivision 8; 216C.20, subdivision 3; 216E.03, subdivision 5; 216H.01, by adding a subdivision; 216H.03, subdivision 1; 237.012; 243.166, subdivision 1b; 245.92; 245.94; 245.95, subdivision 1; 245.97, subdivision 5; 245.99, subdivision 2; 245A.11, subdivision 2a, as amended; 246.50, subdivision 7; 246.54, as amended; 246B.01, subdivision 1b; 246B.035; 254B.01, subdivision 4a; 254B.03, subdivision 4; 254B.04, subdivision 2a; 254B.06, subdivision 2, by adding a subdivision; 256.01, by adding a subdivision; 256B.059, subdivisions 1, 2, 3, by adding a subdivision; 256B.06, subdivision 4; 256B.0622, by adding a subdivision; 256B.0625, subdivisions 30, 34, by adding a subdivision; 256B.15, subdivisions 1, 1a, 2; 256D.051, subdivision 6b; 256L.01, subdivision 1a; 256L.04, subdivisions 1a, 2; 256L.07, subdivision 1; 256L.11, subdivision 7; 256N.26, subdivision 3; 260C.451, by adding a subdivision; 268.035, subdivisions 12, 20, 23a, 29, by adding subdivisions; 268.051, subdivision 5; 268.085, subdivisions 4, 5; 268.0865, subdivisions 3, 4; 268.095, subdivisions 1, 2, 5; 268.101, subdivision 2; 268.18; 268.182, subdivision 2; 290.01, subdivision 19b; 297A.62, subdivision 3; 299A.41, subdivisions 3, 4; 326B.439; 326B.49, subdivision 1; 327.14, subdivision 8; 327C.03, subdivision 6; 327C.095, subdivisions 12, 13; 373.48, subdivision 3; 462A.204, subdivisions 1, 3; 484.90, subdivision 6; 518.175, subdivision 5; 518A.34; 518A.35, subdivision 1; 518A.36; 609.3241; 626.556, subdivision 3e; 626.558, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2015 Supplement, sections 16A.152, subdivision 2; 16A.724, subdivision 2; 16C.073, subdivision 2; 16C.16, subdivision 6a; 41A.14; 41A.15, subdivision 10, by adding subdivisions; 41A.16, subdivision 1; 41A.17, subdivisions 1, 2; 41A.18, subdivision 1; 84.027, subdivision 13a; 84D.11, subdivision 1; 84D.13, subdivision 5; 116D.04,

subdivision 2a; 116J.394; 120A.41; 120B.021, subdivision 4; 120B.125; 120B.30, subdivision 1; 120B.301; 120B.31, subdivision 4; 122A.23; 122A.40, subdivision 8; 122A.41, subdivision 5; 122A.414, subdivisions 1, 2, 2b, 3; 122A.415, subdivision 4; 122A.60, subdivision 4; 123B.53, subdivision 1; 123B.595, subdivisions 1, 4, 7, 8, 9, 10, 11, by adding a subdivision; 124D.231, subdivision 2; 124D.59, subdivision 2; 124D.73, subdivision 4; 124E.01; 124E.02; 124E.03; 124E.05; 124E.06; 124E.07; 124E.08; 124E.10; 124E.12; 124E.13; 124E.15; 124E.16; 124E.17; 124E.22; 124E.24; 124E.25; 124E.26; 125A.08; 125A.083; 125A.0942, subdivision 3; 125A.11, subdivision 1; 125A.21, subdivision 3; 125A.63, subdivision 4; 125A.76, subdivision 2c; 125A.79, subdivision 1; 126C.05, subdivision 1; 126C.10, subdivision 13a; 126C.48, subdivision 8; 127A.05, subdivision 6; 127A.47, subdivision 7; 136A.121, subdivision 7a; 136A.125, subdivisions 2, 4; 136A.1791, subdivisions 4, 5, 6; 136A.246, by adding subdivisions; 136A.87; 136F.302, subdivision 1; 144.4961, subdivisions 3, 4, 5, 6, 8, by adding subdivisions; 144A.75, subdivision 13; 149A.92, subdivision 1; 154.003; 154.11, subdivision 3; 154.161, subdivision 4; 197.46; 245.735, subdivisions 3, 4; 254B.05, subdivision 5; 256B.059, subdivision 5; 256B.0625, subdivision 17a; 256B.431, subdivision 36; 256B.76, subdivisions 2, 4; 256B.766; 256L.01, subdivision 5; 256L.04, subdivision 7b; 256L.05, subdivision 3a; 256L.06, subdivision 3; 256L.15, subdivision 1; 256P.06, subdivision 3; 260C.203; 260C.212, subdivisions 1, 14; 260C.215, subdivision 4; 260C.451, subdivision 6; 260C.521, subdivision 1; 268.07, subdivision 3b; 268.085, subdivision 2; 326B.13, subdivision 8; 326B.988; 518A.26, subdivision 14; 518A.39, subdivision 2; 583.215; 609.324, subdivision 1; 626.556, subdivision 2; Laws 2001, chapter 130, section 3; Laws 2011, First Special Session chapter 11, article 4, section 8; Laws 2014, chapter 198, article 2, section 2; Laws 2014, chapter 211, section 13; Laws 2014, chapter 312, article 2, sections 14; 15; article 12, section 6, subdivision 5, as amended; Laws 2015, chapter 65, article 1, section 18; Laws 2015, chapter 69, article 1, section 3, subdivision 28; article 3, sections 20, subdivision 15; 24, subdivision 1; Laws 2015, chapter 71, article 8, section 24; article 14, section 4, subdivision 3; Laws 2015, First Special Session chapter 1, article 1, sections 2, subdivision 3; 4; 6; article 6, section 16; Laws 2015, First Special Session chapter 3, article 1, sections 24; 27, subdivisions 2, 4, 5, 6, 7, 9; article 2, section 70, subdivisions 2, 3, 4, 5, 6, 7, 11, 12, 15, 19, 21, 24, 26; article 4, sections 4; 9, subdivision 2; article 5, section 30, subdivisions 2, 3, 5; article 6, section 13, subdivisions 2, 3, 6, 7; article 7, section 7, subdivisions 2, 3, 4; article 9, section 8, subdivisions 5, 6, 7, 9; article 10, section 3, subdivisions 2, 6, 7; article 11, section 3, subdivisions 2, 3; article 12, section 4, subdivision 2; Laws 2015, First Special Session chapter 4, article 1, sections 2, subdivisions 2, 4; 5; article 3, section 3, subdivisions 2, 5; article 4, section 131; proposing coding for new law in Minnesota Statutes, chapters 17; 41A; 62D; 84D; 86B; 116J; 116L; 119A; 120B; 121A; 123B; 124D; 136A; 136F; 144; 145; 216B; 240A; 254B; 260C; 260D; 290; 325E; 462A; 518A; 609; proposing coding for new law as Minnesota Statutes, chapters 147F; 153B; repealing Minnesota Statutes 2014, sections 116P.13; 122A.413, subdivision 3; 122A.43, subdivision 6; 123B.60, subdivision 2; 123B.79, subdivisions 2, 6; 149A.92, subdivision 11; 154.03; 154.06; 154.11, subdivision 2; 154.12; 216B.1612; 216C.39; 256B.059, subdivision 1a; 256L.04, subdivisions 2a, 8; 256L.22; 256L.24; 256L.26; 256L.28; Minnesota Statutes 2015 Supplement, section 122A.413, subdivisions 1, 2; Special Laws 1891, chapter 57, chapter XII, section 5; Laws 2015, First Special Session chapter 4, article 2, section 81.

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

(2) a high-voltage transmission line proposed primarily to distribute electricity to serve the demand of a single customer at a single location, unless the applicant opts to request that the commission determine need under this section or section [216B.2425](#);

(3) the upgrade to a higher voltage of an existing transmission line that serves the demand of a single customer that primarily uses existing rights-of-way, unless the applicant opts to request that the commission determine need under this section or section [216B.2425](#);

(4) a high-voltage transmission line of one mile or less required to connect a new or upgraded substation to an existing, new, or upgraded high-voltage transmission line;

(5) conversion of the fuel source of an existing electric generating plant to using natural gas;

(6) the modification of an existing electric generating plant to increase efficiency, as long as the capacity of the plant is not increased more than ten percent or more than 100 megawatts, whichever is greater; or

(7) a wind energy conversion system or solar electric generation facility if the system or facility is owned and operated by an independent power producer and the electric output of the system or facility is not sold to an entity that provides retail service in Minnesota or wholesale electric service to another entity in Minnesota other than an entity that is a federally recognized regional transmission organization or independent system operator; or

(8) a large wind energy conversion system, as defined in section 216F.01, subdivision 2, or a solar energy generating large energy facility, as defined in section 216B.2421, subdivision 2, engaging in a repowering project that:

(i) will not result in the facility exceeding the nameplate capacity under its most recent interconnection agreement; or

(ii) will result in the facility exceeding the nameplate capacity under its most recent interconnection agreement, provided that the Midcontinent Independent System Operator has provided a signed generator interconnection agreement that reflects the expected net power increase.

(b) For the purpose of this subdivision, "repowering project" means:

(1) modifying a large wind energy conversion system or a solar energy generating large energy facility to increase its efficiency without increasing its nameplate capacity;

(2) replacing turbines in a large wind energy conversion system without increasing the nameplate capacity of the system; or

(3) increasing the nameplate capacity of a large wind energy conversion system.

Sec. 9. Minnesota Statutes 2014, section 216C.20, subdivision 3, is amended to read:

**Subd. 3. Parking ramp.** No enclosed structure or portion of an enclosed structure constructed after January 1, 1978, and used primarily as a commercial parking facility for three or more motor vehicles shall be heated. Incidental heating resulting from building exhaust air passing through a parking facility shall not be prohibited, provided that substantially all useful heat has previously been removed from the air. The commissioner of commerce may grant an exemption from this subdivision if the commercial parking is integrated within a facility that has both public and private uses, the benefits of the exemption to taxpayers exceed the costs, and all appropriate energy efficiency measures have been considered.

Sec. 10. Minnesota Statutes 2014, section 216E.03, subdivision 5, is amended to read:

**Subd. 5. Environmental review.** (a) The commissioner of the Department of Commerce shall prepare for the commission an environmental impact statement on each proposed large electric generating plant or high-voltage transmission line for which a complete application has been submitted. The commissioner shall not consider whether or not the project is needed. No other state environmental review documents shall be required. The commissioner shall study and evaluate any site or route proposed by an applicant and any other site or route the commission deems necessary that was proposed in a manner consistent with rules concerning the form, content, and timeliness of proposals for alternate sites or routes.

(b) For a cogeneration facility as defined in section 216H.01, subdivision 1a, that is a large electric power generating plant and is not proposed by a utility, the commissioner must make a finding in the environmental impact statement whether the project is likely to result in a net reduction of carbon dioxide emissions, considering both the utility providing electric service to the proposed cogeneration facility and any reduction in carbon dioxide emissions as a result of increased efficiency from the production of thermal energy on the part of the customer operating or owning the proposed cogeneration facility.

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

Sec. 11. Minnesota Statutes 2014, section 216H.01, is amended by adding a subdivision to read:

**Subd. 1a. Cogeneration facility or combined heat and power facility.**

"Cogeneration facility" or "combined heat and power facility" means a facility that:

(1) has the meaning given in United States Code, title 16, section 796, clause (18), paragraph (A); and

(2) meets the applicable operating and efficiency standards contained in Code of Federal Regulations, title 18, part 292.205.

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

Sec. 12. Minnesota Statutes 2014, section 216H.03, subdivision 1, is amended to read:

**Subdivision 1. Definition; new large energy facility.** For the purpose of this section, "new large energy facility" means a large energy facility, as defined in section 216B.2421, subdivision 2, clause (1), that is not in operation as of January 1, 2007, but does not include a facility that (1) uses natural gas as a primary fuel, (2) is a cogeneration facility or combined heat and power facility located in the electric service area of a public utility, as defined in section 216B.02, subdivision 4, or is designed to provide peaking, intermediate, emergency backup, or contingency services, (3) uses a simple cycle or combined cycle turbine technology, and (4) is capable of achieving full load operations within 45 minutes of startup for a simple cycle facility, or is capable of achieving minimum load operations within 185 minutes of startup for a combined cycle facility.

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

Sec. 13. Minnesota Statutes 2014, section 373.48, subdivision 3, is amended to read:

**Subd. 3. Joint purchase of energy and acquisition of generation projects; financing.** (a) A county may enter into agreements under section 471.59 with other counties for joint purchase of energy or joint acquisition of interests in projects. A county that enters into a multiyear agreement for purchase of energy or acquires an interest in a project, including C-BED projects pursuant to section 216B.1612, subdivision 9, may finance the estimated cost of the energy to be purchased during the term of the agreement

or the cost to the county of the interest in the project by the issuance of revenue bonds of the county, including clean renewable energy revenue bonds, provided that the annual debt service on all bonds issued under this section, together with the amounts to be paid by the county in any year for the purchase of energy under agreements entered into under this section, must not exceed the estimated revenues of the project.

(b) An agreement entered into under section 471.59 as provided by this section may provide that:

(1) each county issues bonds to pay their respective shares of the cost of the projects;

(2) one of the counties issues bonds to pay the full costs of the project and that the other participating counties pay any available revenues of the project and pledge the revenues to the county that issues the bonds; or

(3) the joint powers board issues revenue bonds to pay the full costs of the project and that the participating counties pay any available revenues of the project under this subdivision and pledge the revenues to the joint powers entity for payment of the revenue bonds.

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

Sec. 14. Laws 2001, chapter 130, section 3, is amended to read:

Sec. 3. **ASSESSMENT.** A propane education and research council, established and certified pursuant to section 2, may assess propane producers and retail marketers an amount not to exceed ~~one mill~~ the maximum assessment authorized in United States Code, title 15, section 6405(a), per gallon of odorized propane in a manner established by the council in compliance with United States Code, title 15, section 6405, subsections (a) to (c). Propane producers and retail marketers shall be responsible for the amounts assessed.

Sec. 15. Laws 2014, chapter 198, article 2, section 2, the effective date, is amended to read:

**EFFECTIVE DATE; APPLICATION.** This section is effective ~~July 1, 2015~~ January 1, 2016, and applies to applications for reimbursement on or after that date.

**EFFECTIVE DATE.** This section is effective retroactively from May 5, 2014.

Sec. 16. **REPEALER.**

Minnesota Statutes 2014, sections 216B.1612; and 216C.39, are repealed.

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

## ARTICLE 7

### ECONOMIC DEVELOPMENT

#### Section 1. **APPROPRIATIONS**

The sums shown in the columns under "Appropriations" are added to or, if shown in parentheses, subtracted from the appropriations in Laws 2015, First Special Session, chapter 1, or other law to the specified agencies. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2016" and "2017" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2016, or June 30, 2017, respectively. Appropriations for the fiscal year ending June 30, 2016, are effective the day following final enactment. Reductions may be taken in either fiscal year.

|    |                  |       |      |
|----|------------------|-------|------|
|    | <u>3,363,000</u> |       |      |
|    | <u>3,477,000</u> |       |      |
| \$ | <u>3,369,000</u> | ..... | 2017 |
|    | <u>3,488,000</u> |       |      |

The 2016 appropriation includes \$338,000 for 2015 and ~~\$3,025,000~~ \$3,139,000 for 2016.

The 2017 appropriation includes ~~\$336,000~~ \$348,000 for 2016 and ~~\$3,033,000~~ \$3,140,000 for 2017.

Sec. 18. Laws 2015, First Special Session chapter 3, article 10, section 3, subdivision 2, is amended to read:

**Subd. 2. Community education aid.** For community education aid under Minnesota Statutes, section 124D.20:

|    |                |       |      |
|----|----------------|-------|------|
| \$ | <u>788,000</u> | ..... | 2016 |
|    | <u>790,000</u> |       |      |
| \$ | <u>554,000</u> | ..... | 2017 |
|    | <u>553,000</u> |       |      |

The 2016 appropriation includes \$107,000 for 2015 and ~~\$681,000~~ \$683,000 for 2016.

The 2017 appropriation includes \$75,000 for 2016 and ~~\$479,000~~ \$478,000 for 2017.

Sec. 19. Laws 2015, First Special Session chapter 3, article 11, section 3, subdivision 2, is amended to read:

**Subd. 2. Adult basic education aid.** For adult basic education aid under Minnesota Statutes, section 124D.531:

|    |                   |       |      |
|----|-------------------|-------|------|
| \$ | <u>49,118,000</u> | ..... | 2016 |
|    | <u>48,231,000</u> |       |      |
| \$ | <u>50,592,000</u> | ..... | 2017 |
|    | <u>49,683,000</u> |       |      |

The 2016 appropriation includes \$4,782,000 for 2015 and ~~\$44,336,000~~ \$43,449,000 for 2016.

The 2017 appropriation includes ~~\$4,926,000~~ \$4,827,000 for 2016 and ~~\$45,666,000~~ \$44,856,000 for 2017.

Presented to the governor May 24, 2016

Signed by the governor June 1, 2016, 11:04 a.m.

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