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April 28, 2023

The Honorable Jennifer McEwen Chair  
 Senate Labor Committee  
 3217 Minnesota Senate Building  
 95 University Ave W  
 St Paul, MN 55155

The Honorable Michael Nelson Chair  
 House Labor and Industry Committee  
 585 State Office Building  
 100 Rev. Dr. Martin Luther King Jr. Blvd.  
 St. Paul, MN 55155

**RE: New commercial construction codes language**

Chair McEwen, Chair Nelson, and members of the Labor Conference Committee,

Our organizations thank bill authors Senator Port and Representative Kraft for their committed work on new commercial construction codes. Through continued conversations, we believe there is consensus language that is broadly supported, encompasses code statute intent, and moves Minnesota forward to achieve highly efficient new construction buildings.

**Article 10 Labor Policy/Article 11 Miscellaneous. Adoption of code. Page R12 – R14.** The language that we believe reflects the best path would be the removal of right side lines 162.7 beginning with ‘The’ to the period on 162.11<sup>1</sup> and removing left side lines 155.2 after the period through 155.6<sup>ii</sup>. Doing so provides consensus language that is common to both bills:

(e) Beginning in 2024, the commissioner shall act on the new model commercial energy code by adopting each new published edition of ASHRAE 90.1 or a more efficient standard. The commercial energy code in effect in 2036 and thereafter must achieve an 80 percent reduction in annual net energy consumption or greater, using the ASHRAE 90.1-2004 as a baseline. The commissioner shall adopt commercial energy codes from 2024 to 2036 that incrementally move toward achieving the 80 percent reduction in annual net energy consumption. By January 15 of the year following each new code adoption, the commissioner shall make a report on progress under this section to the legislative committees with jurisdiction over the energy code.

(f) Nothing in this section shall be interpreted to limit the ability of a public utility to offer code support programs, or to claim energy savings resulting from such programs, through its energy conservation and optimization plans approved by the commissioner of commerce under section 216B.241 or an energy conservation and optimization plan filed by a consumer-owned utility under section 216B.2403.

We ask conference committee members for their support of this consensus language and resolution through the committee process.

Sincerely,

Andy Snope  
Legislative Director  
IBEW 292

Audrey Partridge  
Director of Policy  
Center for Energy and Environment

John Pollard  
Legislative Director  
International Union of Operating Engineers  
Local 49

George Damian  
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Jamie Fitzke  
Director of Government Affairs  
CenterPoint Energy

Rick Evans  
Regional Director of Government Affairs  
Xcel Energy

cc: Sen. Lindsey Port  
Rep. Larry Kraft  
Sen. Nick Frenztz, Chair of Energy, Utilities, Environment and Climate Committee  
Rep. Patty Acomb, Chair of Climate and Energy Committee  
Kate Perushek, Deputy Commissioner, Department of Labor and Industry

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<sup>i</sup>The commissioner shall consider amendments to the model energy codes that mitigate the impact of climate change and reduce greenhouse gas emissions by increasing and optimizing energy efficiency and improving resiliency of new buildings and existing buildings undergoing additions, alterations, and changes of use.

<sup>ii</sup> The commissioner may adjust the standard as necessary upon consideration of the impact to building affordability, energy reliability, and other factors deemed appropriate. Nothing in this paragraph shall be construed to limit the installation, operation, or use of a system, appliance, or other equipment based on the energy source used to power the system, appliance, or other equipment.