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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3802

- 02/26/2026 Authored by Hollins, Swedzinski, Igo, Long, Sexton and others
The bill was read for the first time and referred to the Committee on Energy Finance and Policy
- 03/12/2026 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 03/23/2026 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate
- 04/13/2026 Passed by the Senate and returned to the House
- 04/20/2026 Presented to Governor
- 04/21/2026 Governor Approval

1.1 A bill for an act

1.2 relating to energy; amending the exemptions to the certificate of need requirement;

1.3 amending Minnesota Statutes 2024, section 216B.243, subdivision 8.

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

1.5 Section 1. Minnesota Statutes 2024, section 216B.243, subdivision 8, is amended to read:

1.6 Subd. 8. **Exemptions.** (a) This section does not apply to:

1.7 (1) cogeneration or small power production facilities as defined in the Federal Power

1.8 Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and

1.9 paragraph (18), subparagraph (A), and having a combined capacity at a single site of less

1.10 than 80,000 kilowatts; plants or facilities for the production of ethanol or fuel alcohol; or

1.11 any case where the commission has determined after being advised by the attorney general

1.12 that its application has been preempted by federal law;

1.13 (2) a high-voltage transmission line proposed primarily to distribute electricity to serve

1.14 the demand of a single customer at a single location, unless the applicant opts to request

1.15 that the commission determine need under this section or section 216B.2425;

1.16 (3) the upgrade to a higher voltage of an existing transmission line that serves the demand

1.17 of a single customer that primarily uses existing rights-of-way, unless the applicant opts to

1.18 request that the commission determine need under this section or section 216B.2425;

1.19 (4) a high-voltage transmission line of one mile or less required to connect a new or

1.20 upgraded substation to an existing, new, or upgraded high-voltage transmission line;

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

1.22 gas;

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

2.4 (7) a large wind energy conversion system, as defined in section 216I.02, subdivision
2.5 12, or a solar energy generating system, as defined in section 216I.02, subdivision 18, for
2.6 which a site permit application is submitted by an independent power producer under chapter
2.7 216I;

2.8 (8) a large wind energy conversion system, as defined in section 216I.02, subdivision
2.9 12, or a solar energy generating system, as defined in section 216I.02, subdivision 18,
2.10 engaging in a repowering project that:

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

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

2.17 (9) energy storage systems, as defined in section 216I.02, subdivision 6;

2.18 (10) transmission lines that directly interconnect large wind energy conversion systems,
2.19 solar energy generating systems, or energy storage systems to the transmission system; or

2.20 (11) relocation of an existing ~~high-voltage~~ high-voltage transmission line to new
2.21 right-of-way, provided that any new structures that are installed are not designed for and
2.22 capable of operation at higher voltage; or

2.23 (12) an upgrade or rebuilding of an existing electric line and associated facilities with
2.24 a capacity of less than 100 kilovolts to a high-voltage transmission line with a capacity of
2.25 115 kilovolts, provided that at least 80 percent of the length of the upgraded or rebuilt
2.26 high-voltage transmission line in Minnesota is located along an existing electric line
2.27 right-of-way.

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

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

- 3.1 (2) replacing turbines in a large wind energy conversion system without increasing the
- 3.2 nameplate capacity of the system; or
- 3.3 (3) increasing the nameplate capacity of a large wind energy conversion system.
- 3.4 **EFFECTIVE DATE.** This section is effective the day following final enactment and
- 3.5 applies to any applicable project for which upgrading or rebuilding has begun on or after
- 3.6 that date.