

1.1 A bill for an act

1.2 relating to energy; providing for carbon sequestration exemption to greenhouse
1.3 gas control plan; amending Minnesota Statutes 2008, section 216H.03,
1.4 subdivision 7.

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

1.6 Section 1. Minnesota Statutes 2008, section 216H.03, subdivision 7, is amended to
1.7 read:

1.8 Subd. 7. **Other exemptions.** The prohibitions in subdivision 3 do not apply to:

1.9 (1) a new large energy facility under consideration by the Public Utilities
1.10 Commission pursuant to proposals or applications filed with the Public Utilities
1.11 Commission before April 1, 2007, or to any power purchase agreement related to a facility
1.12 described in this clause. The exclusion of pending proposals and applications from the
1.13 prohibitions in subdivision 3 does not limit the applicability of any other law and is not an
1.14 expression of legislative intent regarding whether any pending proposal or application
1.15 should be approved or denied;

1.16 (2) a contract not subject to commission approval that was entered into prior to
1.17 April 1, 2007, to purchase power from a new large energy facility that was approved by
1.18 a comparable authority in another state prior to that date, for which municipal or public
1.19 power district bonds have been issued, and on which construction has begun; ~~or~~

1.20 (3) a new large energy facility or a power purchase agreement between a Minnesota
1.21 utility and a new large energy facility located outside Minnesota that the Public
1.22 Utilities Commission has determined is essential to ensure the long-term reliability of
1.23 Minnesota's electric system, to allow electric service for increased industrial demand,
1.24 or to avoid placing a substantial financial burden on Minnesota ratepayers. An order

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2.1 of the commission granting an exemption under this clause is stayed until the June 1
2.2 following the next regular or annual session of the legislature that begins after the date of
2.3 the commission's final order; or

2.4 (4) electricity produced by a new large energy facility if a geologic or terrestrial
2.5 carbon capture, storage, or sequestration program is implemented at the Antelope Valley
2.6 power plant, to the extent that the electricity provides or supplants the power generated for
2.7 use in the program.