

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 86**

(SENATE AUTHORS: ROSEN, Stumpf, Saxhaug, Benson and Koch)

DATE	D-PG	OFFICIAL STATUS
01/24/2011	72	Introduction and first reading Referred to Energy, Utilities and Telecommunications
03/09/2011	442	Comm report: To pass
	442	Second reading
04/14/2011	1362	Special Order
	1365	Third reading Passed
05/12/2011	1985	Returned from House with amendment
	1986	Laid on table
	2007	Taken from table Senate not concur, conference committee of 3 requested
05/13/2011	2035	Senate conferees Rosen; Stumpf; Magnus
05/16/2011	2056	House conferees Beard; O'Driscoll; Koenen
05/21/2011	3048c	Conference committee report, delete everything Senate adopted CC report and repassed bill
	3049	Third reading
05/22/2011	3264	House adopted SCC report and repassed bill Presentment date 05/24/11
	3595	Governor's action Veto Chapter 96 05/27/11
	3600	Veto message laid on table

A bill for an act

relating to energy; modifying ban on increased carbon dioxide emissions by utilities; amending Minnesota Statutes 2010, section 216H.03, subdivision 7.

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

Section 1. Minnesota Statutes 2010, section 216H.03, subdivision 7, is amended to read:

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

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

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

(3) a new large energy facility or a power purchase agreement between a Minnesota utility and a new large energy facility located outside Minnesota that the Public Utilities Commission has determined is essential to ensure the long-term reliability of Minnesota's electric system, to allow electric service for increased industrial demand, or to avoid placing a substantial financial burden on Minnesota ratepayers. An order of the commission granting an exemption under this clause is stayed until the June 1

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2.1 following the next regular or annual session of the legislature that begins after the date of
2.2 the commission's final order; or

2.3 (4) 1,500 megawatts of electric generating capacity, in aggregate, from new large
2.4 energy facilities or power purchase agreements with those new large energy facilities that:

2.5 (i) are fueled by feedstock coal; and

2.6 (ii) began construction after April 1, 2007.

2.7 Projects will receive priority for exemption under this clause based on the shortest amount
2.8 of time after April 1, 2007, and the date construction of a new large energy facility begins.

2.9 Power purchase agreements with new large energy facilities that are exempt from the
2.10 prohibitions in subdivision 3 pursuant to this clause are also exempt from the prohibitions
2.11 in subdivision 3. An exemption under this clause is not valid unless certified by the Public
2.12 Utilities Commission. The commission must certify a request for an exemption if it finds
2.13 the request and the grant of the exemption is in compliance with this clause.

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