

(6); and 4, clause (6), are effective August 1, 1997, for crimes committed on or after that date.

(e) The commissioner of public safety may consider violations occurring before August 1, 1997, as prior impaired driving convictions or prior license revocations under sections 9 and 16, except that violations of Minnesota Statutes, section 84.91 or 86B.331 occurring before August 1, 1994, may not be so considered.

(f) Notwithstanding Minnesota Statutes, section 645.26, subdivision 3, if appropriations for the same purposes as those described in section 36, subdivision 1, paragraphs (a) and (b) are enacted by another law during the 1996 legislative session, then section 36, subdivision 1, paragraphs (a) and (b) shall not take effect.

Presented to the governor April 4, 1996

Signed by the governor April 11, 1996, 11:54 a.m.

CHAPTER 443—H.F.No. 2332

An act relating to water; modifying permit requirements; approving a consumptive use of water; amending Minnesota Statutes 1995 Supplement, section 103G.245, subdivisions 3 and 5.

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

Section 1. Minnesota Statutes 1995 Supplement, section 103G.245, subdivision 3, is amended to read:

Subd. 3. **PERMIT APPLICATION.** Application for a public waters work permit must be in writing to the commissioner on forms prescribed by the commissioner. The commissioner may issue a state general permit to a governmental subdivision or to the general public for classes of activities having minimal impact upon public waters under which more than one project may be conducted under a single permit.

Sec. 2. Minnesota Statutes 1995 Supplement, section 103G.245, subdivision 5, is amended to read:

Subd. 5. **DELEGATION OF PERMIT AUTHORITY TO LOCAL UNITS OF GOVERNMENT.** The commissioner may adopt rules to identify classes of activities in waterbasins and classes of watercourses where the commissioner may delegate public waters work permit authority to the appropriate county or municipality or to watershed districts or watershed management organizations that have elected to assert local authority over protected waters. The public waters work permit authority must be delegated under guidelines of the commissioner and the delegation must be done by agreement with the involved county, municipality, watershed district, or water management organization and in compliance with section 103G.315.

Sec. 3. **LEGISLATIVE APPROVAL OF CONSUMPTIVE USE OF WATER.**

Pursuant to section 103G.265, subdivision 3, the legislature approves the consumptive use under a permit of more than 2,000,000 gallons per day average in a 30-day period

New language is indicated by underline, deletions by ~~strikeout~~.

in Rosemount and Inver Grove Heights, subject to the commissioner of natural resources making a determination that the water remaining in the basin of origin will be adequate to meet the basin's need for water and approval by the commissioner of natural resources.

Sec. 4. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor April 4, 1996

Signed by the governor April 11, 1996, 11:30 a.m.

CHAPTER 444—H.F.No. 637

An act relating to energy; allowing for a market value exclusion for electric power generation facilities based on facility efficiency; permitting certain consumptive use of water; providing for electric supply agreements; providing for an analysis of utility taxation; proposing coding for new law in Minnesota Statutes, chapters 216B; and 272.

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

Section 1. **[216B.1621] ELECTRIC SERVICE AGREEMENTS.**

Subdivision 1. AGREEMENT. When a retail customer of a public utility proposes to acquire power from or construct a new electric power generation facility in the assigned service area of the utility serving the retail customer to provide all or part of the customer's electric service needs, the public utility may negotiate with and enter into an agreement with the customer to supply electric power to the customer in order to defer construction of the facility until the utility has need of power generated by the proposed facility, if the public utilities commission approves the agreement under subdivision 2.

Subd. 2. COMMISSION APPROVAL. The commission shall approve an agreement under this section upon finding that:

(1) the proposed electric service power generation facility could reasonably be expected to qualify for a market value exclusion under section 272.0211;

(2) the public utility has a contractual option to purchase electric power from the proposed facility; and

(3) the public utility can use the output from the proposed facility to meet its future need for power as demonstrated in the most recent resource plan filed with and approved by the commission under section 216B.2422.

Sections 216B.03, 216B.05, 216B.06, 216B.07, 216B.16, 216B.162, and 216B.23 do not apply to an agreement under this section.

Sec. 2. **[272.0211] SLIDING SCALE MARKET VALUE EXCLUSION FOR ELECTRIC POWER GENERATION EFFICIENCY.**

Subdivision 1. EFFICIENCY DETERMINATION AND CERTIFICATION. An owner or operator of a new or existing electric power generation facility, excluding

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