

CHAPTER 20—H.F.No. 472

An act relating to energy; extending eligibility period for certain renewable energy production incentives; amending Laws 2005, chapter 40, section 2, subdivision 4.

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

Section 1. Laws 2005, chapter 40, section 2, subdivision 4, is amended to read:

Subd. 4. **Previously unapproved projects.** An applicant who filed an application prior to ~~January~~ March 1, 2005, but who has not received a letter of approval may qualify to receive the incentive by making the submissions described in subdivision 3, clauses (1) and (2), to the commissioner by ~~December~~ July 31, ~~2005~~ 2007. If the commissioner determines that an applicant has complied with subdivision 3, clauses (1) and (2), the commissioner shall, within 30 days of receiving the submission, notify the applicant that the project qualifies to receive the incentive and shall provide the applicant with a letter of approval.

An applicant receiving a letter of approval dated January 1, 2005, or later, must first offer for sale to the public utility the electricity generated by the project and associated renewable energy credits. The parties shall negotiate a price within 120 days. The public utility shall provide its last best price offer to the applicant in writing, which is binding for no less than 120 days. The applicant may negotiate with any other utility and may accept a price higher than the binding price offered by the public utility. If another utility offers a price equal to or lower than the binding price offered by the public utility, the applicant must contract with the public utility at the binding price. For the purpose of this subdivision, "public utility" means any utility operating a nuclear power plant in this state.

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

Presented to the governor April 17, 2007

Signed by the governor April 20, 2007, 4:30 p.m.