

**Senator Frentz from the Committee on Energy, Utilities, Environment, and Climate,
to which was re-referred**

S.F. No. 4784: A bill for an act relating to energy; establishing the Minnesota Energy Infrastructure Permitting Act; modifying provisions governing certificates of need; making conforming and technical changes; authorizing administrative rulemaking; amending Minnesota Statutes 2022, sections 216A.037, subdivision 1; 216B.2421, subdivision 2; 216B.243, subdivisions 3, 3a, 4, 9; 216E.08, subdivision 2; 216E.11; 216E.13; 216E.14; 216E.15; 216E.16; 216E.18, subdivision 2a; Minnesota Statutes 2023 Supplement, sections 216B.243, subdivision 8; 216E.06; 216E.07; 216E.10, subdivisions 1, 2, 3; proposing coding for new law as Minnesota Statutes, chapter 216I; repealing Minnesota Statutes 2022, sections 216E.001; 216E.01, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10; 216E.02; 216E.03, subdivisions 2, 3a, 3b, 4, 9; 216E.04, subdivisions 1, 3, 4, 5, 6, 7, 8, 9; 216E.05, subdivisions 1, 3; 216E.08, subdivisions 1, 4; 216E.18, subdivisions 1, 2; 216F.01; 216F.011; 216F.012; 216F.015; 216F.02; 216F.03; 216F.05; 216F.06; 216F.07; 216F.08; 216F.081; Minnesota Statutes 2023 Supplement, sections 216E.01, subdivisions 3a, 6, 9a; 216E.03, subdivisions 1, 3, 5, 6, 7, 10, 11; 216E.04, subdivision 2; 216E.05, subdivision 2; 216F.04; Minnesota Rules, parts 7850.1000; 7850.1100; 7850.1200; 7850.1300; 7850.1400; 7850.1500; 7850.1600; 7850.1700; 7850.1800; 7850.1900; 7850.2000; 7850.2100; 7850.2200; 7850.2300; 7850.2400; 7850.2500; 7850.2600; 7850.2700; 7850.2800; 7850.2900; 7850.3000; 7850.3100; 7850.3200; 7850.3300; 7850.3400; 7850.3500; 7850.3600; 7850.3700; 7850.3800; 7850.3900; 7850.4000; 7850.4100; 7850.4200; 7850.4500; 7850.4600; 7850.4700; 7850.4800; 7850.4900; 7850.5000; 7850.5100; 7850.5200; 7850.5300; 7850.5400; 7850.5500; 7850.5600; 7854.0100; 7854.0200; 7854.0300; 7854.0400; 7854.0500; 7854.0600; 7854.0700; 7854.0800; 7854.0900; 7854.1000; 7854.1100; 7854.1200; 7854.1300; 7854.1400; 7854.1500.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete subdivision 6

Page 5, line 17, after "commission" insert "or its designee"

Page 5, line 18, after "commission" insert "or its designee"

Page 5, line 21, after the period, insert "This written determination constitutes a final decision of the commission."

Page 5, line 32, after "or" insert "large"

Page 6, line 13, after "facilities" insert ", including size, type, and timing of the facility"

Page 7, line 13, before "cultural" insert "environmental justice impacts, "

Page 7, after line 18, insert:

"(6) a description of the greenhouse gas emissions associated with construction and operation of the facility;

(7) a description of the climate change resilience of the facility;"

Page 7, line 19, delete "(6)" and insert "(8)"

Page 7, line 20, delete "(7)" and insert "(9)"

- 2.1 Page 7, line 22, delete "(8)" and insert "(10)"
- 2.2 Page 8, line 14, after "ten" insert "working"
- 2.3 Page 8, line 19, delete everything after "(a)" and insert "Upon finding"
- 2.4 Page 8, line 24, after "government" insert "as defined under section 10.65, subdivision
2.5 2"
- 2.6 Page 9, line 12, delete everything after "(a)"
- 2.7 Page 9, line 13, delete everything before "the"
- 2.8 Page 9, line 20, delete "Within 30 days after the date" and insert "Upon close of"
- 2.9 Page 9, line 21, delete "closes"
- 2.10 Page 9, line 28, delete everything after "identify" and insert "the scope of the"
- 2.11 Page 11, line 21, after "(a)" insert "The commission shall issue a site or route permit
2.12 that is demonstrated to be in the public interest pursuant to this chapter. The commission
2.13 may require any reasonable conditions in the site or route permit that are necessary to protect
2.14 the public interest. The commission maintains continuing jurisdiction over the route and
2.15 site permits and any conditions therein. (b)"
- 2.16 Page 11, line 27, delete "(b)" and insert "(c)"
- 2.17 Page 12, line 4, delete "(c)" and insert "(d)"
- 2.18 Page 12, line 6, delete "a large" and insert "an"
- 2.19 Page 12, line 11, before "The" insert "(a)"
- 2.20 Page 12, after line 13, insert:
- 2.21 "(b) Notwithstanding the requirements of section 216B.33, employees of the commission
2.22 may take any action related to the requirements of this chapter immediately following a
2.23 hearing and vote by the commission, prior to issuing a written order, finding, authorization,
2.24 or certification."
- 2.25 Page 12, line 21, after "10" insert ", clause (2)"
- 2.26 Page 12, line 29, delete everything after "statement"
- 2.27 Page 12, line 30, delete everything before "in"
- 2.28 Page 13, line 3, delete "scoping decision" and insert "scope approved by the commission
2.29 under section 216I.05, subdivision 10, clause (2)"

- 3.1 Page 13, line 10, delete "ten" and insert "15"
- 3.2 Page 13, line 14, delete everything after "Hearings"
- 3.3 Page 13, line 15, delete everything before the period
- 3.4 Page 13, line 18, delete "and"
- 3.5 Page 13, line 20, after "proposed" insert ", and (3) Tribal governments as defined by
- 3.6 section 10.65, subdivision 2"
- 3.7 Page 13, line 28, after "after" insert "completion of post-hearing briefing or"
- 3.8 Page 13, line 29, after "closes" insert ", whichever is later"
- 3.9 Page 14, line 2, after "for" insert "which the applicant's proposal is"
- 3.10 Page 14, line 7, after "to" insert "projects for which the applicant's proposal is"
- 3.11 Page 14, line 30, after "impacts" insert "consistent with the scoping decision made
- 3.12 pursuant to section 216I.06, subdivision 10, clause (2)" and delete everything after the period
- 3.13 and insert "The public may provide comments on the environmental assessment and any
- 3.14 addendum to the environmental assessment at the public hearing and comment period under
- 3.15 subdivision 4."
- 3.16 Page 14, delete line 31
- 3.17 Page 14, line 32, delete everything before "When"
- 3.18 Page 15, line 4, delete everything after "hearing." and insert "After the commission
- 3.19 issues any environmental assessment addendum and a draft permit under section 216I.05,
- 3.20 subdivision 10."
- 3.21 Page 15, line 5, delete everything before "the"
- 3.22 Page 15, line 10, after "hearing" insert "and prepare a report"
- 3.23 Page 17, line 10, delete "MINOR ALTERATIONS;"
- 3.24 Page 17, line 11, delete "a project that" and insert "a request by the owner of the large
- 3.25 energy infrastructure facility to modify any provision or condition of a site or route permit
- 3.26 issued by the commission, including the following"
- 3.27 Page 17, line 14, after the semicolon, insert "or"
- 3.28 Page 17, delete lines 15 to 17
- 3.29 Page 17, line 18, delete "(3)" and insert "(2)"

- 4.1 Page 17, line 24, delete the semicolon and insert a period
- 4.2 Page 17, delete lines 25 to 28
- 4.3 Page 17, line 29, delete "make a minor alteration in" and insert "amend"
- 4.4 Page 18, line 27, after "solar" insert "energy"
- 4.5 Page 20, line 27, after "216E.02;" insert "216E.021;"
- 4.6 Page 29, line 28, delete "must comply with the requirements" and insert "shall participate
- 4.7 in the commission's siting and routing activities as described in"
- 4.8 Page 29, line 29, delete the first "of" and after "consideration" insert "and resolution"
- 4.9 Page 32, line 9, delete "of commerce"
- 4.10 Page 32, line 10, delete "7849" and insert "7850"
- 4.11 Renumber the subdivisions in sequence
- 4.12 And when so amended the bill do pass and be re-referred to the Committee on
- 4.13 Environment, Climate, and Legacy. Amendments adopted. Report adopted.

4.14

Nich A. Funtz

4.15 (Committee Chair)

4.16 March 20, 2024.....

4.17 (Date of Committee recommendation)