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S.F. No. 4784 – Minnesota Energy Infrastructure Permitting Act (3rd Engrossment)

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Article 1 Minnesota Energy Infrastructure Permitting Act

Section 1. [216L.01 Citation] This chapter is cited as the Minnesota Energy Infrastructure Permitting Act.

Section 2. [216L.02 Definitions.] Defines terms.

Section 3. [216L.03 Siting authority.] Gives authority to the commission to provide for site and route selection and to issue permits for large energy infrastructure facilities. The bill also gives the commission authority to work jointly with other states who may be affected by routes.

Section 4. [216L.04 Applicability determination.] Outlines what should be considered when determining whether a proposal meets the definition of large energy infrastructure facility, or which review process is applicable. The commission must provide forms and assistance to applicants.

Section 5. [216L.05 Designating sites and routes.] This section requires site and route permits prior to construction of any large energy infrastructure, which are designated by the commission. It outlines the requirements and procedures which includes but is not limited to application requirements, environmental information requirements, notice requirements, and commission considerations.

Section 6. [216L.06 Applications; Major Review] The commission must prepare an environmental impact statement that makes a finding on whether the proposed project will result in a net reduction of carbon dioxide emissions.

Section 7. [216L.07 Applications; Standard Review] Applicants applying for permits for certain projects may apply following alternative procedures. Applicants who apply under this section must complete an environment assessment.

Section 8. [216L.08 Applications; Local Review] Applicants applying for permits for certain projects may submit an application to the local units of government who have jurisdiction over the site or route. If an application is approved under this section, the applicant does not need a permit from the commission.

Section 9 [216L.09 Minor Alterations; Permit Amendments] This section applies to upgrades or rebuilds to existing electrical lines and associated facilities; reroutes of high transmission lines; repowers or refurbishes a large electric power generating plant, a large wind energy conversion system, a solar energy generating system, or an energy storage system; a project that is requested by the owner of a large energy infrastructure facility; and any changes to a large energy infrastructure facility does is not significant.

Section 10 [216L.10 Exempt Projects] Several projects are exempt from requiring a permit by the commission.

Section 11 [216L.11 Permitting Requirements; Exceptions for Certain Facilities] Certain projects are not deemed to be the construction of a large energy infrastructure facilities but only changes or modifications, and may be done without a permit.

Article 2 - Certificates of Need

Section 1 (216B.2421, subdivision 2) The definition of large energy facility is amended.

Section 2 (216B.243, subdivision 3) Applications must describe the relationship between the proposed facility and state and regional energy needs.

Section 3 (216B.243, subdivision 3a) Removes the provision that the commission may not issue a certificate of need for a large energy facility that transmits electric power generated by a nonrenewable source.

Section 4 (216B.243, subdivision 4) Makes conforming changes to the references made in this subdivision. When a joint hearing is authorized, only the environmental requirements and review apply to the certificate of need process.

Section 5 (216B.243, subdivision 8) Makes conforming changes to the references made in this subdivision. Adds additional exemptions.

Section 6 (216B.243, subdivision 9) The certificate of need section does not apply to carbon free technology or eligible energy technology.

Article 3 - Conforming Changes

Sections 1 to 14 include only conforming and technical changes.

Section 15 (Administrative Rulemaking) Requires the commissioner of commerce and commissioner of the Pollution Control Agency to adopt rules to conform to the changes being made in this act.

Article 4 - Environmental Review and Permitting

Section 1 [84.0265 Environmental Review and Permitting; Coordinated Project Plans] defines “commissioner,” “coordinated project plan,” “eligible project,” and “state agency.”

This section states that the goal of the state is to maximize the coordination, effectiveness, transparency, and accountability of environmental review. The commissioner is required to establish and provide a process for a person to confer with the department regarding eligible projects. The department must provide information about issues that could delay a state agency from completing agency decisions and issues that must be addressed before an environmental impact statement can be started.

The commissioner must prepare a coordinated project plan when requested by a person who submits an application for an eligible project. A coordinated project plan must include a list of all state agencies known to have authority over the eligible project, a schedule for any formal public meetings, and a comprehensive schedule of deadlines.

The commissioner must report on the required actions under this section.

Section 2 [116.035 Environmental Review and Permitting; Coordinated Project Plans] defines the same terms and establishes the same requirements as section 1 in this article.