

1.1 Senator ..... moves to amend S.F. No. 3949 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2022, section 161.45, is amended by adding a subdivision  
1.4 to read:

1.5 Subd. 4. **High voltage transmission; placement in right-of-way.** (a) For purposes of  
1.6 this subdivision and subdivisions 5 to 7, "high voltage transmission line" has the meaning  
1.7 given in sections 216B.246, subdivision 1, paragraph (b), and 216E.01, subdivision 4.

1.8 (b) Notwithstanding subdivision 1, paragraph (a), high voltage transmission lines, under  
1.9 the laws of this state or the ordinance of any city or county may be constructed, placed, or  
1.10 maintained across any public right-of-way or along any trunk highway, federally aided state  
1.11 trunk highway, controlled access highway, interstate highway, or roadway, except as deemed  
1.12 necessary by the commissioner of transportation to protect public safety or ensure the proper  
1.13 function of the trunk highway system.

1.14 (c) If the commissioner denies a high voltage electric line colocation request, the reasons  
1.15 for the denial must be submitted for review to the chairs and ranking minority members of  
1.16 the committees with jurisdiction over energy and transportation, the Public Utilities  
1.17 Commission executive secretary, and the commissioner of commerce within 90 days of the  
1.18 commissioner's denial.

1.19 Sec. 2. Minnesota Statutes 2022, section 161.45, is amended by adding a subdivision to  
1.20 read:

1.21 Subd. 5. **High voltage transmission; coordination required.** Upon written request,  
1.22 the commissioner must engage in coordination activities with a utility or transmission line  
1.23 developer to review requested highway corridors for potential permitted locations for  
1.24 transmission lines. The commissioner must assign a project coordinator within 30 days of  
1.25 receiving the written request. The commissioner must share all known plans with affected  
1.26 utilities or transmission line developers on potential future projects in the highway corridor  
1.27 if the potential highway project impacts the placement or siting of high voltage transmission  
1.28 lines.

1.29 Sec. 3. Minnesota Statutes 2022, section 161.45, is amended by adding a subdivision to  
1.30 read:

1.31 Subd. 6. **High voltage transmission; constructability report; advance notice.** (a) If  
1.32 the commissioner and a utility or transmission line developer identify a permissible route

along a highway corridor for possible colocation of transmission lines, a constructability report must be prepared by the utility or transmission line developer in consultation with the commissioner. A constructability report developed under this subdivision must be utilized by both parties to plan and approve colocation projects.

(b) A constructability report developed under this section between the commissioner and the parties seeking colocation must include terms and conditions for building the colocation project. Notwithstanding the requirements in subdivision 1, the report must be approved by the commissioner and the party or parties seeking colocation prior to the commissioner approving and issuing a permit for use of the highway right-of-way.

(c) A constructability report must include an agreed upon timeframe for which there will not be a request from the commissioner for relocation of the transmission line. If the commissioner determines that relocation of a transmission line in the right-of-way is necessary, the commissioner must give a ten-year advance notice.

(d) Notwithstanding the requirements of subdivision 7 and section 161.46, subdivision 2, if the commissioner requires the relocation of a transmission line in the highway right-of-way earlier than what was agreed upon in paragraph (c) in the constructability report or provides less than a ten-year notice of relocation in the agreed upon constructability report, the commissioner is responsible for 75 percent of the relocation costs.

Sec. 4. Minnesota Statutes 2022, section 161.45, is amended by adding a subdivision to read:

Subd. 7. **High voltage transmission; relocation reimbursement prohibited.** On or after July 1, 2024, a high voltage transmission line receiving a route permit under chapter 216E is not eligible for relocation reimbursement under section 161.46, subdivision 2. Potential relocation costs that the Public Utilities Commission deems prudently incurred are recoverable in the transmission cost adjustment provided in section 216B.16, subdivision 7b.

Sec. 5. Minnesota Statutes 2022, section 161.46, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section the following terms shall have the meanings ascribed to given them:

~~(+)~~ (b) "Utility" means all publicly, privately, and cooperatively owned systems for supplying power, light, gas, telegraph, telephone, water, pipeline, or sewer service if such systems be authorized by law to use public highways for the location of its facilities.

(2) (c) "Cost of relocation" means the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

(d) "High voltage transmission line" has the meaning given in sections 216B.246, subdivision 1, paragraph (b), and 216E.01, subdivision 4.

Sec. 6. Minnesota Statutes 2023 Supplement, section 161.46, subdivision 2, is amended to read:

Subd. 2. **Relocation of facilities; reimbursement.** (a) Whenever the commissioner ~~shall determine~~ determines the relocation of any utility facility is necessitated by the construction of a project on the routes of federally aided state trunk highways, including urban extensions thereof, which routes are included within the National System of Interstate Highways, the owner or operator of such utility facility ~~shall~~ must relocate the same in accordance with the order of the commissioner. ~~After the completion of such relocation the cost thereof shall be ascertained and paid by the state out of trunk highway funds; provided, however, the amount to be paid by the state for such reimbursement shall not exceed the amount on which the federal government bases its reimbursement for said interstate system. Except as provided in section 161.45, subdivision 7, upon the completion of relocation of a utility facility, the cost of relocation must be ascertained and paid out of the trunk highway fund by the commissioner, provided the amount paid by the commissioner for reimbursement to a utility does not exceed the amount on which the federal government bases its reimbursement for the interstate highway system.~~

~~(b) Notwithstanding paragraph (a), on or after January 1, 2024, any entity that receives a route permit under chapter 216E for a high voltage transmission line necessary to interconnect an electric power generating facility is not eligible for relocation reimbursement unless the entity directly, or through its members or agents, provides retail electric service in this state.~~

Sec. 7. Minnesota Statutes 2022, section 216E.02, subdivision 1, is amended to read:

Subdivision 1. **Policy.** The legislature hereby declares it to be the policy of the state to locate large electric power facilities and high voltage transmission lines in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy the commission shall choose locations that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion.

4.1 **Sec. 8. EFFECTIVE DATE.**