

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1778

(SENATE AUTHORS: MURPHY and Hoffman)

DATE
02/16/2023

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OFFICIAL STATUS
Introduction and first reading
Referred to Energy, Utilities, Environment, and Climate

1.1 A bill for an act
 1.2 relating to energy; establishing a contingency fund to pay certain costs associated
 1.3 with installation of a solar photovoltaic array; amending Minnesota Statutes 2022,
 1.4 section 116C.779, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2022, section 116C.779, is amended by adding a subdivision
 1.7 to read:

1.8 Subd. 4. **Contingent liability.** (a) Notwithstanding subdivision 1, paragraph (j), beginning
 1.9 August 1, 2023, an amount from the renewable development account not to exceed
 1.10 \$3,000,000 must be withheld to serve as a contingency fund to facilitate the installation of
 1.11 a solar photovoltaic array within the city of St. Paul on property identified as Area C.

1.12 (b) The commissioner may distribute money from the contingency fund established in
 1.13 paragraph (a) to the owner of the solar array if:

1.14 (1) the solar photovoltaic array has started design or construction, or is constructed and
 1.15 put in service, prior to a corrective action determination made by the Pollution Control
 1.16 Agency;

1.17 (2) the corrective action determination approved by the Pollution Control Agency requires
 1.18 the solar photovoltaic array to temporarily cease operations, or be partially or entirely
 1.19 removed for a period of time, in order to complete the agency-required corrective action
 1.20 work plan; and

1.21 (3) the photovoltaic solar array is otherwise operating as required and is fulfilling the
 1.22 terms of the solar photovoltaic array's contract.

- 2.1 (c) The owner of the solar array may use money distributed under paragraph (b) to pay
2.2 for:
- 2.3 (1) storage and transportation costs incurred for equipment removed;
2.4 (2) any costs incurred should reinstallation necessitate redesign or new equipment;
2.5 (3) lost revenue or any damages incurred under the power purchase agreement from not
2.6 selling energy during the solar array's removal and reinstallation; and
2.7 (4) replacement energy costs during the disruption period.