

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 299**

(SENATE AUTHORS: EICHORN, Koran and Mathews)

DATE  
01/17/2023

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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; modifying the hydroelectric capacity that qualifies as an eligible  
1.3 energy technology under the renewable energy standard; amending Minnesota  
1.4 Statutes 2022, section 216B.1691, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2022, section 216B.1691, subdivision 1, is amended to read:

1.7 Subdivision 1. **Definitions.** (a) Unless otherwise specified in law, "eligible energy  
1.8 technology" means an energy technology that generates electricity from the following  
1.9 renewable energy sources:

1.10 (1) solar;

1.11 (2) wind;

1.12 (3) hydroelectric ~~with a capacity of less than 100 megawatts;~~

1.13 (4) hydrogen, provided that after January 1, 2010, the hydrogen must be generated from  
1.14 the resources listed in this paragraph; or

1.15 (5) biomass, which includes, without limitation, landfill gas; an anaerobic digester  
1.16 system; the predominantly organic components of wastewater effluent, sludge, or related  
1.17 by-products from publicly owned treatment works, but not including incineration of  
1.18 wastewater sludge to produce electricity; and an energy recovery facility used to capture  
1.19 the heat value of mixed municipal solid waste or refuse-derived fuel from mixed municipal  
1.20 solid waste as a primary fuel.

1.21 (b) "Electric utility" means a public utility providing electric service, a generation and  
1.22 transmission cooperative electric association, a municipal power agency, or a power district.

2.1 (c) "Total retail electric sales" means the kilowatt-hours of electricity sold in a year by  
2.2 an electric utility to retail customers of the electric utility or to a distribution utility for  
2.3 distribution to the retail customers of the distribution utility. "Total retail electric sales"  
2.4 does not include the sale of hydroelectricity supplied by a federal power marketing  
2.5 administration or other federal agency, regardless of whether the sales are directly to a  
2.6 distribution utility or are made to a generation and transmission utility and pooled for further  
2.7 allocation to a distribution utility.

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