

1.1 moves to amend H.F. No. 3907 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[116C.7793] SOLAR ENERGY; CONTINGENCY ACCOUNT.**

1.4 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
1.5 the meanings given.

1.6 (b) "Agency" means the Minnesota Pollution Control Agency.

1.7 (c) "Area C" means the site located west of Mississippi River Boulevard in St. Paul that
1.8 served as an industrial waste dump for the former Ford Twin Cities Assembly Plant.

1.9 (d) "Corrective action determination" means a decision by the agency regarding actions
1.10 to be taken to remediate contaminated soil and groundwater at Area C.

1.11 (e) "Owner" means the owner of solar energy generating system planned to be deployed
1.12 at Area C.

1.13 (f) "Solar energy generating system" has the meaning given in section 216E.01,
1.14 subdivision 9a.

1.15 Subd. 2. **Account established.** The Area C contingency account is established as a
1.16 separate account in the special revenue fund in the state treasury. Transfers and appropriations
1.17 to the account, and any earnings or dividends accruing to assets in the account, must be
1.18 credited to the account. The commissioner shall serve as fiscal agent and shall manage the
1.19 account.

1.20 Subd. 3. **Distribution of funds; conditions.** Money from the account may be distributed
1.21 by the commissioner to the owner of solar energy generating system planned to be deployed
1.22 on Area C under the following conditions:

2.1 (1) the agency issues a corrective action determination after the owner has begun to
2.2 design or construct the project, and the nature of the corrective action determination requires
2.3 the project to be redesigned or construction to be interrupted or altered; or

2.4 (2) the agency issues a corrective action determination whose work plan requires
2.5 temporary cessation or partial or complete removal of the solar energy generating system
2.6 after it has become operational.

2.7 Subd. 4. **Distribution of funds; process.** (a) The owner may file a request for distribution
2.8 of funds from the commissioner if either of the conditions in subdivision 2 occur. The filing
2.9 must describe the nature of the impact of the agency's work plan that results in economic
2.10 losses to the owner, and a reasonable estimate of the amount of those losses.

2.11 (b) The owner must provide the commissioner with information the commissioner
2.12 determines to be necessary to assist in the review of the filing required under this subdivision.

2.13 (c) The commissioner shall review the owner's filing within 60 days of submission and
2.14 shall approve a request the commissioner determines to be reasonable.

2.15 Subd. 5. **Expenditures.** Money distributed by the commissioner to the owner under this
2.16 section may be used by the owner only to pay for:

2.17 (1) removal, storage, and transportation costs incurred for equipment removed, and any
2.18 costs to reinstall equipment;

2.19 (2) costs of redesign or new equipment made necessary by the activities of the agency's
2.20 work plan;

2.21 (3) lost revenues resulting from the inability of the solar energy generating system to
2.22 generate sufficient electricity to fulfill the terms of the power purchase agreement between
2.23 the owner and the purchaser of electricity generated by the solar energy generating system;

2.24 (4) other damages incurred under the power purchase agreement resulting from the
2.25 cessation of operations made necessary by the activities of the agency's work plan; and

2.26 (5) the cost of energy required to replace the energy that was to be generated by the solar
2.27 energy generating system and purchased under the power purchase agreement.

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

2.29 Sec. 2. **APPROPRIATION.**

2.30 Notwithstanding the provisions of Minnesota Statutes, section 116C.779, subdivision
2.31 1, paragraph (j), \$3,000,000 in fiscal year 2023 is appropriated from the renewable

3.1 development account established in Minnesota Statutes, section 116C.779, subdivision 1,
3.2 to the commissioner of commerce for deposit in the Area C contingency account for the
3.3 purposes of Minnesota Statutes, section 116C.7793. This appropriation is available until
3.4 five years after the Pollution Control Agency issues a corrective action determination
3.5 regarding the remediation of Area C. Any unexpended funds remaining in the account as
3.6 of that date cancels to the renewable development account.

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

3.8 Amend the title accordingly