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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2441

03/02/2023 Authored by Berg; Nelson, M.; Acomb; Greenman; Hornstein and others
The bill was read for the first time and referred to the Committee on Labor and Industry Finance and Policy

1.1 A bill for an act
1.2 relating to energy; requiring payment of prevailing wage for construction of certain
1.3 electric transmission lines; eliminating certain incumbent electric transmission
1.4 owner rights; proposing coding for new law in Minnesota Statutes, chapter 216B;
1.5 repealing Minnesota Statutes 2022, section 216B.246.

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

1.7 Section 1. [216B.247] FEDERALLY APPROVED ELECTRIC TRANSMISSION
1.8 LINE PREVAILING WAGE REQUIREMENT.

1.9 Subdivision 1. Definition. For purposes of this section, "electric transmission line"
1.10 means a high-voltage transmission line with a capacity of at least 100 kilovolts and any
1.11 associated transmission facilities.

1.12 Subd. 2. Prevailing wage requirement. A person selected through a federally registered
1.13 planning authority competitive selection process to develop, construct, and own an electric
1.14 transmission line included in a federally registered planning authority transmission plan
1.15 must pay at least the prevailing wage rate, as defined in section 177.42, subdivision 6, to
1.16 the person's construction contractors and subcontractors working on the project.

1.17 Sec. 2. REPEALER.

1.18 Minnesota Statutes 2022, section 216B.246, is repealed.

216B.246 FEDERALLY APPROVED TRANSMISSION LINES; INCUMBENT TRANSMISSION LINEOWNER RIGHTS.

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Electric transmission line" means a high-voltage transmission line with a capacity of 100 kilovolts or more and associated transmission facilities.

(c) "Incumbent electric transmission owner" means any public utility that owns, operates, and maintains an electric transmission line in this state; any generation and transmission cooperative electric association; any municipal power agency; any power district; any municipal utility; or any transmission company as defined under section 216B.02, subdivision 10.

Subd. 2. **Incumbent electric transmission owner rights.** An incumbent electric transmission owner has the right to construct, own, and maintain an electric transmission line that has been approved for construction in a federally registered planning authority transmission plan and connects to facilities owned by that incumbent electric transmission owner. The right to construct, own, and maintain an electric transmission line that connects to facilities owned by two or more incumbent electric transmission owners belongs individually and proportionally to each incumbent electric transmission owner, unless otherwise agreed upon in writing. This section does not limit the right of any incumbent electric transmission owner to construct, own, and maintain any transmission equipment or facilities that have a capacity of less than 100 kilovolts.

Subd. 3. **Commission procedure.** (a) If an electric transmission line has been approved for construction in a federally registered planning authority transmission plan, the incumbent electric transmission owner, or owners if there is more than one owner, shall give notice to the commission, in writing, within 90 days of approval, regarding its intent to construct, own, and maintain the electric transmission line. If an incumbent electric transmission owner gives notice of intent to build the electric transmission line then, unless exempt from the requirements of section 216B.243, within 18 months from the date of the notice described in this paragraph or such longer time approved by the commission, the incumbent electric transmission owner shall file an application for a certificate of need under section 216B.243 or certification under section 216B.2425.

(b) If the incumbent electric transmission owner indicates that it does not intend to build the transmission line, such notice shall fully explain the basis for that decision. If the incumbent electric transmission owner, or owners, gives notice of intent not to build the electric transmission line, then the commission may determine whether the incumbent electric transmission owner or other entity will build the electric transmission line, taking into consideration issues such as cost, efficiency, reliability, and other factors identified in this chapter.