

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

S.F. No. 3838

(SENATE AUTHORS: TOMASSONI and Senjem)

DATE	D-PG	OFFICIAL STATUS
03/09/2022	5254	Introduction and first reading
		Referred to Energy and Utilities Finance and Policy
03/10/2022	5290	Author added Senjem
03/30/2022		Comm report: To pass as amended and re-refer to Taxes

1.1 A bill for an act

1.2 relating to energy; responding to the polar vortex in February 2021; allowing a

1.3 refundable tax credit for excess energy costs due to extreme cold weather in

1.4 February 2021; requiring utilities to disclose certain information; appropriating

1.5 money.

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

1.7 Section 1. **POLAR VORTEX RESPONSE; DISCLOSURE OF COSTS;**

1.8 **REIMBURSEMENT FOR RESERVE FUNDS.**

1.9 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have

1.10 the meanings given.

1.11 (b) "Critical period" means the period beginning February 12, 2021, and ending February

1.12 17, 2021.

1.13 (c) "Incremental cost" means the incremental cost of natural gas purchased during the

1.14 critical period, calculated by multiplying the utility's incremental price by its incremental

1.15 volume.

1.16 (d) "Incremental price" means the average unit price a utility paid for natural gas

1.17 purchased for immediate delivery during the critical period, minus the average natural gas

1.18 unit price for wholesale natural gas the utility paid during the period between February 5,

1.19 2021, and February 10, 2021.

1.20 (e) "Incremental volume" means the difference between the volume of gas a utility

1.21 purchased for immediate delivery in Minnesota during the critical period and the volume

1.22 of gas a utility distributed in Minnesota between February 5, 2021, and February 10, 2021.

2.1 (f) "Utility" means a nonprofit municipal utility established under Minnesota Statutes,
 2.2 chapter 412, that (1) is owned by the city to which it provides service, and (2) sells natural
 2.3 gas to retail customers in Minnesota.

2.4 Subd. 2. **Utilities must disclose increased energy costs.** No later than July 1, 2022, a
 2.5 utility must calculate, for each of its customers that received natural gas service during the
 2.6 critical period, the difference between the customer's total natural gas bill during the billing
 2.7 cycle that contained the critical period and the same customer's total natural gas bill during
 2.8 the same billing cycle in 2020. The utility must certify and forward that differential amount
 2.9 in a written notice to each customer.

2.10 Subd. 3. **Reimbursement for reserve revenues.** A utility that paid for wholesale natural
 2.11 gas purchased during the critical period, in whole or in part, by drawing down accumulated
 2.12 reserve revenues may apply to the commissioner of commerce for a rebate equal to its
 2.13 incremental cost minus any payment of its incremental cost by natural gas customers. The
 2.14 commissioner shall require a utility to submit evidence supporting the rebate request amount
 2.15 with a rebate application.

2.16 Subd. 4. **Appropriation.** \$..... in fiscal year 2023 is appropriated from the general fund
 2.17 to the commissioner of commerce for the purpose of making rebates to municipal utilities
 2.18 under subdivision 3. This is a onetime appropriation. Any unexpended funds remaining on
 2.19 December 31, 2022, cancel to the general fund.

2.20 Sec. 2. **TAX CREDIT FOR EXCESS ENERGY COSTS DUE TO THE POLAR**
 2.21 **VORTEX.**

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

2.24 (b) "Excess energy costs" means the amount of energy costs disclosed to a taxpayer by
 2.25 a utility under section 1, subdivision 2.

2.26 (c) The definitions in section 1, subdivision 1, and Minnesota Statutes, section 290.01,
 2.27 apply for this section.

2.28 Subd. 2. **Credit allowed.** (a) An individual income taxpayer is allowed a credit against
 2.29 the tax due under Minnesota Statutes, chapter 290, equal to the amount of the taxpayer's
 2.30 excess energy costs.

2.31 (b) Credits allowed to a partnership, a limited liability company taxed as a partnership,
 2.32 or an S corporation are passed through pro rata to the partners, members, or shareholders
 2.33 based on their share of the entity's income for the taxable year.

3.1 Subd. 3. **Credit refundable.** (a) If the amount of credit which a taxpayer would be
3.2 eligible to receive under this section exceeds the claimant's tax liability under Minnesota
3.3 Statutes, chapter 290, the excess amount of the credit shall be refunded to the claimant by
3.4 the commissioner of revenue.

3.5 (b) An amount sufficient to pay the refunds required by this section is appropriated to
3.6 the commissioner of revenue from the general fund.

3.7 Subd. 4. **Denial of double benefit.** For a taxpayer who deducted excess energy costs in
3.8 calculating adjusted gross income and claimed the credit under this section, the amount of
3.9 excess energy costs is an addition, as defined in Minnesota Statutes, section 290.0131,
3.10 subdivision 1. The rules governing additions in that section apply for this subdivision.

3.11 **EFFECTIVE DATE.** This section is effective retroactively for taxable years beginning
3.12 after December 31, 2020, and before January 1, 2022.