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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 392

01/23/2017 Authored by Newberger The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance

1.1 A bill for an act
1.2 relating to energy; providing for local authority over permit applications by large
1.3 energy facilities powered by solar generating systems; proposing coding for new
1.4 law in Minnesota Statutes, chapter 216B.

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

1.6 Section 1. [216B.2435] SOLAR FACILITY PERMIT AUTHORITY; ASSUMPTION
1.7 BY COUNTIES.

1.8 (a) A county board may, by resolution and upon written notice to the Public Utilities
1.9 Commission, assume responsibility for processing applications for permits required under
1.10 this chapter for large energy facilities, as defined by section 216B.2421, powered by solar
1.11 energy generating systems. The responsibility for permit application processing, if assumed
1.12 by a county, may be delegated by the county board to an appropriate county officer or
1.13 employee. Processing by a county must comply with procedures and processes established
1.14 under chapter 394.

1.15 (b) A county board that exercises its option under paragraph (a) may issue, deny, modify,
1.16 impose conditions upon, or revoke permits pursuant to this section. The action of the county
1.17 board regarding a permit application is final, subject to appeal as provided under section
1.18 394.27.

1.19 (c) The commission must, by order, establish general permit standards, including
1.20 appropriate property line set-backs, governing site permits for large energy facilities powered
1.21 by solar energy generating systems under this section. The order must consider existing and
1.22 historic commission standards for solar permits issued by the commission. The general
1.23 permit standards apply to permits issued by counties and to permits issued by the commission

2.1 for large energy facilities powered by solar energy generating systems. The commission or
2.2 a county may grant a variance from a general permit standard if the variance is found to be
2.3 in the public interest.

2.4 (d) The commission and the commissioner of commerce must provide technical assistance
2.5 to a county with respect to the processing of site permit applications for large energy facilities
2.6 powered by solar energy generating systems.

2.7 (e) This section does not apply to construction of solar energy generating systems that
2.8 are intended solely for private use.

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