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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **2240**

04/17/2015 Authored by Swedzinski, Johnson, B., and Barrett

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; requiring the Public Utilities Commission to provide a
1.3 property rights ombudsman to assist landowners affected by the construction
1.4 of large energy facilities; providing for an assessment by the commission to
1.5 reimburse the costs of the property rights ombudsman; amending Minnesota
1.6 Statutes 2014, section 216B.62, by adding a subdivision; proposing coding for
1.7 new law in Minnesota Statutes, chapter 216E.

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

1.9 Section 1. Minnesota Statutes 2014, section 216B.62, is amended by adding a
1.10 subdivision to read:

1.11 Subd. 9. **Assessment for property rights ombudsman.** The commission may
1.12 assess any public utility, cooperative electric association, generation and transmission
1.13 cooperative electric association, municipal electric or natural gas utility, municipal power
1.14 agency, transmission company, or other entity that proposes the construction of a large
1.15 energy facility, as defined in section 216B.2421, or files an application for a site or route
1.16 permit under chapter 216E, the proportional costs incurred by the commission's property
1.17 rights ombudsman in responding to inquiries from landowners affected by the proposed
1.18 project, as described in section 216E.085.

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

1.20 Sec. 2. **[216E.085] PROPERTY RIGHTS OMBUDSMAN.**

1.21 (a) The commission shall provide a property rights ombudsman to assist landowners
1.22 who may be affected by the construction of a large energy facility, as defined in section
1.23 216B.2421, or by the construction of a large electric power facility, as defined in section
1.24 216E.01, that requires a site or route permit under chapter 216E.

2.1 (b) The ombudsman shall provide impartial information to landowners owning
2.2 property at or near a proposed facility identified in paragraph (a), including but not
2.3 limited to:

2.4 (1) the steps and procedures an acquiring authority must comply with when
2.5 attempting to acquire a right-of-way or site by negotiation or eminent domain;

2.6 (2) the timelines and procedures associated with the various procedures under
2.7 clause (1);

2.8 (3) legal options and rights of property owners faced with a right-of-way acquisition,
2.9 including rights for reimbursement of appraisal and relocation costs;

2.10 (4) information on how to find appraisers and attorneys specializing in right-of-way
2.11 acquisition to assist landowners; and

2.12 (5) the steps and procedures a proposer must comply with when seeking a certificate
2.13 of need under chapter 216B or a site or route permit under chapter 216E.

2.14 (c) The commission's cost of providing a property rights ombudsman shall be
2.15 reimbursed on a prorated basis by the proposers of a project that generates inquiries to the
2.16 property rights ombudsman, as specified in section 216B.62, subdivision 9.

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