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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 891

02/16/2015 Authored by Newberger, O'Neill, Swedzinski, Metsa, Dill and others

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; requiring surety bonds for
1.4 certain solar generating facilities; proposing coding for new law in Minnesota
1.5 Statutes, chapter 216B.

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

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

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

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

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

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

2.4 (e) This section does not apply to construction of solar energy generating systems
 2.5 that are intended solely for private, nonindustrial, noncommercial use.

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

2.7 **Sec. 2. [216B.495] SURETY BONDS; LARGE SOLAR ENERGY FACILITIES.**

2.8 (a) A large energy facility, as defined in section 216B.2421, that is powered by a
 2.9 solar energy generating system must maintain a current, valid corporate surety bond issued
 2.10 by a surety company admitted to do business in Minnesota in an amount sufficient to pay
 2.11 the entire cost of (1) disassembling and removing the solar energy generating system, and
 2.12 (2) land reclamation, in the event the large energy facility discontinues operations.

2.13 (b) The commission or a county board may not approve an application for a
 2.14 certificate of need under section 216B.243 or 216B.2435 unless the applicant demonstrates
 2.15 it meets the requirements of paragraph (a).

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