

A bill for an act
relating to energy; allowing size election for certain wind energy conversion
systems; amending Minnesota Statutes 2008, section 216F.012.

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

Section 1. Minnesota Statutes 2008, section 216F.012, is amended to read:

216F.012 SIZE ELECTION.

(a) A wind energy conversion system of less than 25 megawatts of nameplate
capacity as determined under section 216F.011 is a small wind energy conversion system
if, ~~by July 1, 2009,~~ the owner so elects in writing and submits a completed application for
zoning approval and the written election to the county or counties in which the project is
proposed to be located. The owner must notify the Public Utilities Commission of the
election at the time the owner submits the election to the county.

(b) Notwithstanding paragraph (a), a wind energy conversion system with a
nameplate capacity exceeding five megawatts that is proposed to be located wholly or
partially within a wind access buffer adjacent to state lands that are part of the outdoor
recreation system, as enumerated in section 86A.05, is a large wind energy conversion
system. The Department of Natural Resources shall negotiate in good faith with a system
owner regarding siting and may support the system owner in seeking a variance from the
system setback requirements if it determines that a variance is in the public interest.

(c) The Public Utilities Commission shall issue an annual report to the chairs
and ranking minority members of the house of representatives and senate committees
with primary jurisdiction over energy policy and natural resource policy regarding any
variances applied for and not granted for systems subject to paragraph (b).

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