

A bill for an act
relating to energy; providing for exception to municipal approval for
hydroelectric facility; amending Minnesota Statutes 2010, section 103G.535,
subdivision 4.

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

Section 1. Minnesota Statutes 2010, section 103G.535, subdivision 4, is amended to
read:

Subd. 4. **Municipality or town approval.** (a) If the dam, dam site, or power
generation plant is located in or contiguous to a municipality or town, other than the lessor
political subdivision, the lease or agreement is not effective unless it is approved by the
governing body of the municipality or town.

(b) If a pending or proposed hydroelectric facility meets the definition of an eligible
energy technology under section 216B.1691, subdivision 1, paragraph (a), clause (3), and
has been granted a license, or amended license, under the Federal Power Act, United States
Code, title 16, chapter 12, subchapter I, by the Federal Energy Regulatory Commission
for a facility located on land owned by or under control of a municipal board or political
subdivision of the state, the municipal board or political subdivision shall provide not later
than May 31, 2011, all permits, entitlements, authorizations, or consents of any kind
necessary for the development and operation of the facility. Municipal approval under
paragraph (a) is not required for projects meeting the requirements of this paragraph.

(c) If authorization is not provided in accordance with paragraph (b), the remedy for
the holder of Federal Energy Regulatory Commission License No. 11175 may be, but is
not limited to, mandamus in district court.

2.1 (d) If authorization is provided under paragraph (b), the Minneapolis Park and
2.2 Recreation Board may by resolution impose a fee upon the holder of Federal Energy
2.3 Regulatory Commission License No. 11175 based upon the annual energy production of
2.4 the hydroelectric facility. The amount of the fee may not exceed four percent of the license
2.5 holder's gross electric production revenues.

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