

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) A hydroelectric facility that (1) meets the definition of an eligible energy technology under section 216B.1691, subdivision 1, paragraph (a) clause (3), (2) is located in a city of the first class, and (3) has been granted a license or amended license by the Federal Energy Regulatory Commission under the Federal Power Act, United States Code, title 16, chapter 12, subchapter 1, does not require any permit, entitlement, license, easement, authorization, or consent of any kind from the city, a municipal board, or any other political subdivision, and municipal or town approval under paragraph (a) is not required. Municipal land use rules, regulations, ordinances, authorizations, or consents do not apply to the hydroelectric facility. If the hydroelectric facility uses property owned by or under the control of a municipal board or political subdivision, that municipal board or political subdivision may impose a reasonable annual fee for use by the facility of the property. The fee must be based on the facility's annual energy production and not exceed

H.F. No. 1440, 2nd Engrossment - 87th Legislative Session (2011-2012) [H1440-2]

- 2.1 four percent of the facility's annual gross revenue. The facility's gross revenue is subject
- 2.2 to verification by the municipal board or political subdivision.
- 2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.