

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) Neither the commissioner of revenue nor the commissioner of management
and budget shall release or disburse any funds or state aids to the Minneapolis Park and
Recreation Board until the board has approved all permits, entitlements, authorizations, or

H.F. No. 1440, as introduced - 87th Legislative Session (2011-2012) [11-2472]

- 2.1 consents of any kind necessary for the development and operation of the hydroelectric
- 2.2 facility with a Federal Energy Regulatory Commission license No. 11175.
- 2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.