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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 439

02/11/2013 Authored by Howe, Dorholt, Gruenhagen and Bly  
The bill was read for the first time and referred to the Committee on Energy Policy

1.1 A bill for an act  
1.2 relating to energy; regulating the routing of high-voltage transmission lines;  
1.3 amending Minnesota Statutes 2012, sections 216E.03, subdivision 7; 216E.12,  
1.4 by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2012, section 216E.03, subdivision 7, is amended to read:

1.7 Subd. 7. **Considerations in designating sites and routes.** (a) The commission's  
1.8 site and route permit determinations must be guided by the state's goals to conserve  
1.9 resources, minimize environmental impacts, minimize human settlement and other land  
1.10 use conflicts, and ensure the state's electric energy security through efficient, cost-effective  
1.11 power supply and electric transmission infrastructure.

1.12 (b) To facilitate the study, research, evaluation, and designation of sites and routes,  
1.13 the commission shall be guided by, but not limited to, the following considerations:

1.14 (1) evaluation of research and investigations relating to the effects on land, water  
1.15 and air resources of large electric power generating plants and high-voltage transmission  
1.16 lines and the effects of water and air discharges and electric and magnetic fields resulting  
1.17 from such facilities on public health and welfare, vegetation, animals, materials and  
1.18 aesthetic values, including baseline studies, predictive modeling, and evaluation of new or  
1.19 improved methods for minimizing adverse impacts of water and air discharges and other  
1.20 matters pertaining to the effects of power plants on the water and air environment;

1.21 (2) environmental evaluation of sites and routes proposed for future development and  
1.22 expansion and their relationship to the land, water, air and human resources of the state;

2.1 (3) evaluation of the effects of new electric power generation and transmission  
2.2 technologies and systems related to power plants designed to minimize adverse  
2.3 environmental effects;

2.4 (4) evaluation of the potential for beneficial uses of waste energy from proposed  
2.5 large electric power generating plants;

2.6 (5) analysis of the direct and indirect economic impact of proposed sites and routes  
2.7 including, but not limited to, productive agricultural land lost or impaired and reduction in  
2.8 value of land adjoining and in proximity to a route;

2.9 (6) evaluation of adverse direct and indirect environmental effects that cannot be  
2.10 avoided should the proposed site and route be accepted;

2.11 (7) evaluation of alternatives to the applicant's proposed site or route proposed  
2.12 pursuant to subdivisions 1 and 2;

2.13 (8) evaluation of potential routes that would use or parallel existing railroad and  
2.14 highway rights-of-way;

2.15 (9) evaluation of governmental survey lines and other natural division lines of  
2.16 agricultural land so as to minimize interference with agricultural operations;

2.17 (10) evaluation of the future needs for additional high-voltage transmission lines  
2.18 in the same general area as any proposed route, and the advisability of ordering the  
2.19 construction of structures capable of expansion in transmission capacity through multiple  
2.20 circuiting or design modifications;

2.21 (11) evaluation of irreversible and irretrievable commitments of resources should the  
2.22 proposed site or route be approved; and

2.23 (12) when appropriate, consideration of problems raised by other state and federal  
2.24 agencies ~~and~~, local entities, and affected landowners.

2.25 (c) If the commission's rules are substantially similar to existing regulations of a  
2.26 federal agency to which the utility in the state is subject, the federal regulations must  
2.27 be applied by the commission.

2.28 (d) No site or route shall be designated which violates state agency rules.

2.29 (e) The commission must make specific findings that it has considered locating a  
2.30 route for a high-voltage transmission line on an existing high-voltage transmission route  
2.31 and the use of parallel existing highway right-of-way and, to the extent those are not used  
2.32 for the route, the commission must state the reasons.

2.33 Sec. 2. Minnesota Statutes 2012, section 216E.12, is amended by adding a subdivision  
2.34 to read:

3.1            Subd. 4a. **Adjoining land.** An owner of land that is not included in a route but  
3.2            which is in proximity to the route has the same right as a fee owner under subdivision  
3.3            4 to require condemnation by the utility as if part of the land was taken for the route by  
3.4            eminent domain, if the owner's land will be diminished in value by 50 percent or more  
3.5            because of the construction of a high-voltage transmission line in the route.