

CHAPTER 203—S.F.No. 1076

An act relating to energy; exempting wind energy conversion systems siting from the power plant siting act; authorizing rulemaking; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

SITING OF WIND ENERGY CONVERSION SYSTEMS**Section 1. [116C.691] DEFINITIONS.**

Subdivision 1. SCOPE. As used in sections 116C.691 to 116C.697, the terms defined in section 116C.52 and this section have the meanings given them, unless otherwise provided or indicated by the context or by this section.

Subd. 2. LARGE WIND ENERGY CONVERSION SYSTEM OR LWECs. "Large wind energy conversion system" or "LWECs" means any combination of WECS with a combined nameplate capacity of 5,000 kilowatts or more.

Subd. 3. SMALL WIND ENERGY CONVERSION SYSTEM OR SWECS. "Small wind energy conversion system" or "SWECS" means any combination of WECS with a combined nameplate capacity of less than 5,000 kilowatts.

Subd. 4. WIND ENERGY CONVERSION SYSTEM OR WECS. "Wind energy conversion system" or "WECS" means any device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electrical energy.

Sec. 2. [116C.692] EXEMPTIONS.

(a) The requirements of sections 116C.51 to 116C.69 do not apply to the siting of LWECs, except for sections 116C.52; 116C.57, subdivision 4; 116C.59; 116C.62; 116C.63; 116C.645; 116C.65; 116C.68; and 116C.69, subdivision 3, which do apply.

(b) Any person may construct an SWECS without complying with sections 116C.51 to 116C.69 and 116C.691 to 116C.697.

(c) Nothing in sections 116C.691 to 116C.697 shall preclude a local governmental unit from establishing requirements for the siting and construction of SWECS.

Sec. 3. [116C.693] SITING OF LWECs.

The legislature declares it to be the policy of the state to site LWECs in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 4. [116C.694] SITE PERMIT.

(a) No person may construct an LWECS without a site permit issued by the environmental quality board.

(b) Any person seeking to construct an LWECS shall submit an application to the board for a site permit in accordance with sections 116C.691 to 116C.697 and any rules adopted by the board. The permitted site need not be contiguous land.

(c) The board shall make a final decision on an application for a site permit for an LWECS within 180 days after acceptance of a complete application by the chair of the board. The board may extend this deadline for cause.

(d) The board may place conditions in a permit and may deny, modify, suspend, or revoke a permit.

Sec. 5. [116C.695] RULES.

The board shall adopt rules governing the consideration of an application for a site permit for an LWECS that address the following:

(1) criteria that the board shall use to designate LWECS sites, which must include the impact of LWECS on humans and the environment;

(2) procedures that the board will follow in acting on an application for a LWECS;

(3) procedures for notification to the public of the application and for the conduct of a public information meeting and a public hearing on the proposed LWECS;

(4) requirements for environmental review of the LWECS;

(5) conditions in the site permit for turbine type and designs; site layout and construction; and operation and maintenance of the LWECS, including the requirement to restore, to the extent possible, the area affected by construction of the LWECS to the natural conditions that existed immediately before construction of the LWECS;

(6) revocation or suspension of a site permit when violations of the permit or other requirements occur; and

(7) payment of fees for the necessary and reasonable costs of the board in acting on a permit application and carrying out the requirements of sections 116C.691 to 116C.697.

Sec. 6. [116C.696] MODEL ORDINANCE.

The board may assist local governmental units in adopting ordinances and other requirements to regulate the siting, construction, and operation of SWECS, including the development of a model ordinance.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 7. **[116C.697] PREEMPTION.**

A permit under sections 116C.691 to 116C.697 is the only site approval required for the location of an LWECs. The site permit supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances adopted by regional, county, local, and special purpose governments.

Presented to the governor May 22, 1995

Signed by the governor May 22, 1995, 7:15 p.m.

CHAPTER 204—H.F.No. 2

An act relating to the environment; automobile emissions; providing that a vehicle need not be inspected until the year of its registration is five years more than its model year; changing the inspection fee; providing for advertising restrictions and temporary registrations; requiring a report; amending Minnesota Statutes 1994, sections 116.61, subdivision 1, and by adding a subdivision; 116.62, by adding subdivisions; and 116.64, subdivision 1.

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

Section 1. Minnesota Statutes 1994, section 116.61, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** (a) ~~Beginning no later than July 1, 1991~~ Except as described in subdivision 1a, each motor vehicle registered to an owner residing in the metropolitan area and each motor vehicle customarily domiciled in the metropolitan area but exempt from registration under section 168.012 or 473.448 must be inspected annually for air pollution emissions as provided in sections 116.60 to 116.65.

(b) The inspections must take place at a public or fleet inspection station. The inspections must take place within 90 days prior to the registration deadline for the vehicle or, for vehicles that are exempt from license fees under section 168.012 or 473.448, at a time set by the agency.

(c) The registration on a motor vehicle subject to paragraph (a) may not be renewed unless the vehicle has been inspected for air pollution emissions as provided in sections 116.60 to 116.65 and received a certificate of compliance or a certificate of waiver.

Sec. 2. Minnesota Statutes 1994, section 116.61, is amended by adding a subdivision to read:

Subd. 1a. EXCEPTION FOR NEW VEHICLES. A vehicle need not be inspected until the year in which it is being registered is five years more than its model year.

New language is indicated by underline, deletions by ~~strikeout~~.