

# MINNESOTA STATUTES 1979 SUPPLEMENT

## MINNESOTA ENERGY AGENCY 116H.02

### CHAPTER 116H. MINNESOTA ENERGY AGENCY

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#### 116H.02 Definitions.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. "Earth sheltered" means constructed so that more than 50 percent of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth and the building code standards promulgated pursuant to section 16.85 are satisfied. Partially completed buildings shall not be considered earth sheltered.

[For text of subd 4, see M.S.1978]

Subd. 5. "Large energy facility" means:

(a) Any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more, or any facility of 5,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel and for which an installation permit has not been applied for by May 19, 1977 pursuant to Minn. Reg. APC 3(a);

(b) Any high voltage transmission line with a capacity of 200 kilovolts or more and with more than 50 miles of its length in Minnesota; or, any high voltage transmission line with a capacity of 300 kilovolts or more with more than 25 miles of its length in Minnesota;

(c) Any facility on a single site designed for or capable of storing more than one million gallons of crude petroleum or petroleum fuels or oil or their derivatives, unless the facility would be at an existing petroleum storage site and would constitute an increase of less than 20 percent in the storage capacity at that site;

(d) Any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil or their derivatives;

(e) Any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota;

(f) Any facility designed for or capable of storing on a single site more than 100,000 gallons of liquified natural gas or synthetic gas;

(g) Any underground gas storage facility requiring a permit pursuant to section 84.57;

(h) Any facility designed or capable of transferring more than 300 tons of coal per hour or with an annual throughput of more than 500,000 tons of coal from one mode of transportation to a similar or different mode of transportation;

(i) Any facility designed for or capable of storing more than 7,500 tons of coal or with an annual throughput of more than 125,000 tons of coal;

(j) Any petroleum refinery;

(k) Any nuclear fuel processing or nuclear waste storage or disposal facility; and

(l) Any facility intended to convert any material into any other combustible fuel and having the capacity to process in excess of 25 tons of the material per hour.

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[For text of subds 6 to 11, see M.S.1978]

Subd. 12. "Building energy report" means a questionnaire designed to collect information on a building concerning its energy use and other basic factors that relate to energy use.

Subd. 13. "Mini-audit" means a brief, on site, inspection designed to observe and record building energy use systems and related factors. The primary objective is to identify energy saving measures that can be implemented quickly and at low cost.

Subd. 14. "Maxi-audit" means a detailed engineering analysis of energy saving building improvements, including modifications to building structure; heating, ventilating and air conditioning systems; operation practices; lighting; and other factors that relate to energy use. The primary objective is to quantify the economic and engineering feasibility of energy saving improvements which require capital expenditures or major operational modifications.

[ Ex1979 c 2 s 10-12 ]

### 116H.08 Powers.

The director may:

(a) Adopt rules pursuant to chapter 15 as necessary to carry out the purposes of sections 116H.01 to 116H.15 and, when necessary for the purposes of section 116H.09, adopt temporary rules pursuant to section 15.0412, subdivision 5;

(b) Make all contracts pursuant to sections 116H.01 to 116H.15 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant intended for the administration of sections 116H.01 to 116H.15. Notwithstanding any other law the agency is designated the state agency to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116H.01 to 116H.15.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the agency or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request.

[ Ex1979 c 2 s 13 ]

### 116H.085 Energy conservation information center.

The director shall establish an energy conservation information center in the agency's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and the alternative sources of energy. The information center shall include information on the potential hazards of energy conservation techniques and improvements in the printed materials disseminated. The agency shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

[ Ex1979 c 2 s 14 ]

### 116H.088 Post-secondary energy education.

Subdivision 1. The director, in consultation with the state board of education, the higher education coordinating board, the state board for community colleges, the state university board, and the board of regents of the University of Minnesota, shall develop a plan for adult and post-secondary energy education.

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Subd. 2. The plan shall include:

- (a) An identification of adult and post-secondary energy education needs;
- (b) The development of adult and post-secondary energy education priorities;
- (c) A format for the delivery of adult and post-secondary energy education programs that minimizes duplication of effort by the agencies listed in subdivision 1;
- (d) A process for coordination of the acquisition, development, and dissemination of instructional materials and curricula that minimizes duplication of effort by the agencies listed in subdivision 1;
- (e) A review of the existing uses of state and federal money to address adult and post-secondary energy education, and a recommendation of future needs for money; and
- (f) A recommendation for a process to determine the effectiveness of the adult and post-secondary energy education efforts.

[ Ex1979 c 2 s 15 ]

**116H.09 Energy supply emergency conservation and allocation plan.**

Subdivision 1. Within nine months after March 29, 1974, the director shall prepare and issue an emergency conservation and allocation plan in the manner set forth in subdivision 2. Such plan shall provide a variety of strategies and staged conservation measures to reduce energy use and in the event of an energy supply emergency, shall establish guidelines and criteria for allocation of fuels to priority users. The plan shall contain alternative conservation actions and allocation plans to reasonably meet various foreseeable shortage circumstances and allow a choice of appropriate responses. The plan shall be consistent with requirements of federal emergency energy conservation and allocation laws and regulations, shall be based on reasonable energy savings or transfers from scarce energy resources and shall:

(a) Give priority to individuals, institutions, agriculture and businesses which demonstrate they have engaged in energy-saving measures and shall include provisions to insure that:

- (1) Immediate allocations to individuals, institutions, agriculture and businesses be based on needs at energy conservation levels;
- (2) Successive allocations to individuals, institutions, agriculture and businesses be based on needs after implementation of required action to increase energy conservation;
- (3) Needs of individuals and institutions are adjusted to insure the health and welfare of the young, old and infirm;

(b) Insure maintenance of reasonable job safety conditions and avoid environmental sacrifices;

(c) Establish programs, controls, standards, priorities or quotas for the allocation, conservation and consumption of energy resources; and for the suspension and modification of existing standards and the establishment of new standards affecting or affected by the use of energy resources, including those related to the type and composition of energy sources, and to the hours and days during which public buildings, commercial and industrial establishments, and other energy consuming facilities may or are required to remain open;

(d) Establish programs to control the use, sale or distribution of commodities, materials, goods or services;

(e) Establish regional programs and agreements for the purpose of coordinating the energy resources, programs and actions of the state with those of the federal government, of local governments, and of other states and localities; and

(f) Determine at what level of an energy supply emergency situation the pollution control agency shall be requested to ask the governor to petition the president for a temporary emergency suspension of air quality standards as required by the Clean Air Act, 42 U.S.C., Section 7410f;

(g) Establish procedures for fair and equitable review of complaints and requests for special exemptions regarding emergency conservation measures or allocations.

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[For text of subs 2 and 3, see M.S.1978]

Subd. 4. At least once every five years and whenever construction of a new large energy facility is completed which affects the supply of energy in Minnesota, the director shall review and if necessary revise the emergency conservation and allocation plan. Revisions of the emergency conservation and allocation plan shall be promulgated pursuant to the rulemaking procedures in chapter 15 and reviewed by the appropriate standing committees of the legislature. The director may also make revisions to the plan pursuant to section 15.0412, subdivision 5, and the temporary rules powers of section 116H.08, clause (a), when a declared or impending energy supply emergency requires.

Subd. 5. The executive council or the legislature may declare an energy supply emergency when an acute shortage of energy exists by issuing a declaration which indicates the nature of the emergency, the area or areas threatened if less than the whole state is threatened, and the conditions causing the emergency. The declaration shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and shall be promptly filed with the energy agency, the division of emergency services and the secretary of state. Upon a declaration of an energy supply emergency by the executive council or the legislature, the governor and the division of emergency services, in consultation with the director, shall implement and enforce the emergency conservation and allocation plan or any part thereof. Revisions of the plan shall be made by the director in accordance with subdivision 4. The executive council or the legislature may terminate an energy supply emergency at any time by issuing a declaration which terminates the energy supply emergency and indicates the conditions which make possible termination of the emergency, but no energy supply emergency may continue for longer than 30 days unless renewed by the legislature. Each renewed energy supply emergency may not continue for longer than 30 days, unless otherwise provided by law. Each person shall carry out the responsibilities specified in the emergency conservation allocation plan, and violation of any provision of such emergency conservation or allocation requirements shall be deemed a violation of sections 116H.01 to 116H.15 and the rules promulgated thereunder for purposes of enforcement pursuant to section 116H.15.

[ Ex1979 c 2 s 16-18 ]

## 116H.11 State energy policy and conservation report.

Subdivision 1. Beginning January 1, 1976, and at least every two years thereafter, the director shall transmit to the governor and the legislature a comprehensive report designed to identify emerging trends related to energy supply, demand, conservation, public health and safety factors, and to specify the level of statewide and geographical area energy need. The report shall include, but not be limited to, all of the following:

- (a) A final report on the accuracy and acceptability of the energy forecasts received under section 116H.10 and the alternatives to meeting that demand;
- (b) An estimate of statewide and geographical area energy need for the forthcoming five and ten year period which, in the judgment of the director, will reasonably balance requirements of state and geographical area growth and development, protection of public health and safety, preservation of environmental quality, and conservation of energy resources;
- (c) The anticipated level of statewide and geographical area energy demand for 20 years, which shall serve as the basis for long range action;
- (d) The identification of potential adverse social, economic, or environmental effects caused by a continuation of the present energy demand trends;
- (e) An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels;
- (f) The estimated reduction in annual energy consumption resulting from various energy conservation measures;
- (g) The cost of energy to residential and rental consumers in relation to their socio-economic status;

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(h) An assessment of the economic and employment implications of proposed state energy policies;

(i) The status of the department's ongoing studies;

(j) Recommendations to the governor and the legislature for administrative and legislative actions to accomplish the purposes of sections 116H.01 to 116H.15.

Subd. 2. Prior to the preparation of a final report, the director shall issue a draft report to the environmental quality board and any person, upon request, and shall hold a public meeting. Notice of the public meeting shall be provided to each regional development commission.

Subd. 3. The director shall distribute the final report to any person upon request.

[ *Ex1979 c 2 s 19* ]

### 116H.12 Energy conservation.

[*For text of subd 1, see M.S.1978*]

Subd. 1a. Beginning July 1, 1980, the use of outdoor display lighting shall be limited as provided in subdivision 1b. For purposes of this section, "outdoor display lighting" shall include building facade lighting, other decorative lighting, and all billboards and advertising signs except those which identify a commercial establishment which is open for business at that hour.

Subd. 1b. The director shall promulgate rules, pursuant to chapter 15, by July 1, 1979, setting standards covering permissible hours of operation, quantity and efficiency of outdoor display lighting and defining "outdoor display lighting".

[*For text of subds 2 and 3, see M.S.1978*]

Subd. 3a. Beginning April 20, 1977, no person shall use a decorative gas lamp in Minnesota except as provided in subdivision 3b.

Subd. 3b. The director may grant a variance where conversion is not possible with reasonable cost. All applications for a variance shall be received by the director before July 1, 1979.

[*For text of subds 4 to 9, see M.S.1978*]

Subd. 10. Beginning January 1, 1978, no new room air conditioner shall be sold or installed or transported for resale into Minnesota unless it has an energy efficiency ratio of 7.0 or higher. For purposes of this subdivision, "energy efficiency ratio" means the ratio of the cooling capacity of the air conditioner in British thermal units per hour to the electrical input in watts. To determine the energy efficiency ratio, all room air conditioner models shall be tested in accordance with the methods and conditions specified in American National Standard Z234.1, and American Society of Heating, Refrigerating, and Air Conditioning Engineers Standard 16-69. A new room air conditioner having dual voltage ratings shall conform to the energy efficiency ratio requirements at each rating. This subdivision shall not apply to air conditioners in Minnesota on October 1, 1977.

[*For text of subd 11, see M.S.1978*]

[ *Ex1979 c 2 s 20-24* ]

### 116H.122 Energy conservation in state owned buildings.

By June 30, 1982, the commissioner of administration, in cooperation with the director, shall complete a mini-audit or maxi-audit of all buildings which are heated and owned by the state of Minnesota, including buildings and associated facilities of the state university system, the state fairgrounds as defined in section 37.01, the Minnesota historical society building, and all buildings under the administration or supervision of

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the commissioners of natural resources, corrections, welfare, and transportation. The commissioner shall determine the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. The commissioner shall estimate the annual potential savings in units of fuel and fuel procurement costs which would be realized for each state owned building if its operating procedures were modified and it were improved to comply with each of the energy conservation standards promulgated pursuant to section 116H.121. If funds are inadequate to complete a mini-audit or maxi-audit of all state owned buildings, the commissioner shall give priority to buildings of 25,000 or more square feet. If the commissioner determines that a modification is economically feasible, in that savings in fuel procurement costs will exceed the cost of the modification amortized over the remaining useful life of the building, he shall recommend implementation of the modification to the legislature. The commissioner shall submit to the legislature an annual progress report on January 1 of each year and a final progress report by December 31, 1982, indicating the number and percentage of state owned buildings surveyed, the estimated costs of implementing the economically feasible modifications, the energy savings and costs resulting from implementing such modifications, and his findings, recommendations, and priorities for implementing economically feasible modifications.

[ Ex1979 c 2 s 25 ]

## 116H.123 Energy conservation in university buildings.

By June 30, 1982, the University of Minnesota, after consultation with the director, shall complete a mini-audit or a maxi-audit of all buildings and associated facilities of the University of Minnesota which are heated. The university shall determine the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. The university shall estimate the annual potential savings in units of fuel and fuel procurement costs for existing heating and cooling systems, which savings would be realized for each university owned building if its operating procedures were modified and it were improved to comply with each of the energy conservation standards promulgated pursuant to section 116H.121. If funds are inadequate to complete a mini-audit or maxi-audit of all university owned buildings, the university shall give priority to buildings of 25,000 or more square feet. If the university determines that a modification is economically feasible, in that estimated savings in fuel procurement costs will exceed the cost of the modification amortized over the remaining useful life of the building, it shall implement the modification in a manner designed to maximize the reduction in costs resulting from the modification. The university shall submit to the legislature an annual progress report on January 1 of each year and a final report by December 31, 1982, indicating the number and percentage of university owned buildings surveyed, the estimated costs of implementing the economically feasible modifications, the energy savings and costs resulting from implementing such modifications, and its preliminary findings, recommendations, and priorities for implementing economically feasible modifications.

[ Ex1979 c 2 s 25 ]

## 116H.124 Local governmental surveys and fuel cost estimates.

Subdivision 1. **Building energy report.** The governing body of each city and county shall complete a building energy report for all existing city owned or county owned buildings within their respective jurisdictions which are heated. The building energy report shall be recorded on a form furnished by the director. Each governing body shall file the building energy report with the director by December 31, 1979, for his review and analysis.

Subd. 2. **Mini-audits and maxi-audits.** On or before June 30, 1980, based upon analysis of the building energy reports, the director shall indicate to the governing body of each city and county those buildings upon which a mini-audit, a maxi-audit, or both, shall be performed. The audit results shall be recorded on a form furnished by the director, and filed with the director by December 31, 1982.

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Subd. 3. **Appeal from decision of director.** The governing body of any city or county may appeal the decision of the director pursuant to subdivision 2 by submitting in writing to the director the reasons for the appeal. No appeal may be considered by the director if received later than three months after notification to the city or county that a mini-audit or maxi-audit shall be performed. The director shall review all appeals and respond to the governing body within one month of receipt of the appeal indicating whether the appeal is granted in full, granted in part, or denied.

Subd. 4. **Certification of auditors.** The director may certify persons to perform mini-audits and maxi-audits, and to complete the building energy reports.

Subd. 5. **Acceptance of equivalent energy survey.** The director may accept the results of an equivalent energy survey in place of the building energy report or audits required under this section.

[ Ex1979 c 2 s 27 ]

### 116H.126 Public school building energy reports and audits.

Subdivision 1. **Building energy report.** Each school district shall complete a building energy report for all existing public school buildings which it owns or operates and which are heated. The building energy report shall be recorded on a form furnished by the director. Each school district shall file the building energy reports with the director by December 31, 1979, for his review and analysis.

Subd. 2. **Mini-audits and maxi-audits.** On or before July 1, 1980, based upon the analysis of the building energy reports, the director shall indicate to each school district those buildings upon which a mini-audit, maxi-audit, or both, shall be performed. The audit results shall be recorded on a form furnished by the director and filed with the director by December 31, 1982.

Subd. 3. **Appeal from decision of director.** Any school district may appeal the decision of the director pursuant to subdivision 2 by submitting in writing to the director the reasons for the appeal. No appeal may be considered by the director if received later than three months after notification to the school district that a mini-audit or maxi-audit shall be performed. The director shall review all appeals and respond to the school district within one month of receipt of the appeal indicating whether the appeal is granted in full, granted in part, or denied.

Subd. 4. **Certification of auditors.** The director may certify persons to perform mini-audits and maxi-audits, and to complete the building energy reports.

Subd. 5. **Acceptance of equivalent energy surveys.** The director may accept the results of an equivalent energy survey in place of the building energy report and audits required under this section.

Subd. 6. **School districts intending to close public school buildings.** A school district intending to permanently close or otherwise discontinue use of any existing public school building by January 1, 1985, shall not be required to comply with this section as to those buildings, if a certification of intent to close the building is filed with the director.

Subd. 7. **Study of capability of energy management personnel.** The director shall conduct a study of the capabilities and level of training of school district energy management personnel. The report shall include recommendations and shall be submitted to the legislature by January 1, 1980.

[ Ex1979 c 2 s 28 ]

### 116H.129 Energy conservation standards for existing residences.

Subdivision 1. Before January 1, 1979, the commissioner of administration, in consultation with the director and the appropriate standing committees of the legislature, shall promulgate minimum energy efficiency standards for existing residences. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current and projected average residential energy costs in Minnesota as certified by the director in the state register, will exceed the cost of the energy conserving requirements amortized over the five-year period subsequent to the incurring of such cost. The costs computed under this section shall include reasonable inflation and inter-

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est factors. Not later than January 1, 1981, the commission shall amend the rules to require that energy conserving requirements shall be amortized over a ten year period.

[For text of subs 2 to 5, see M.S.1978]

Subd. 6. **Building evaluators.** By August 1, 1980, the commissioner of administration shall certify evaluators in each county of the state who are qualified to determine the compliance of a residence with applicable energy disclosure requirements. The commissioner of administration shall, by rule pursuant to chapter 15, establish standards for the certification and performance of evaluators and set a fee for the certification of evaluators which is sufficient to cover the ongoing costs of the program once it is established. The commissioner shall encourage the certification of existing groups of trained municipal personnel and individuals from public service organizations. Effective August 1, 1980, each certified evaluator shall, on request of the owner, inspect any residence and report the degree to which it complies with applicable energy disclosure requirements. The inspections shall be made within 30 days of the request.

Subd. 7. **Disclosure report.** Effective October 1, 1980, no owner or agent shall sell by conveyance or contract for conveyance a residence constructed before January, 1976, without providing to the buyer, prior to the time of sale, a copy of an energy disclosure report for the residence unless the buyer has been provided a copy of the form used in making an energy disclosure report and has declared in writing that he waives his right to a report. If the residence has been evaluated subsequent to April 6, 1978, no new evaluation shall be required for five years after the date of the evaluation, if a copy of the last evaluation has been delivered to the prospective buyer. The provisions of this subdivision shall not apply to the sale or conveyance of any residence to a public body or by a sheriff, constable, marshal or other public or court officer in the performance of his official duties as such, or to trustees in bankruptcy or any other person or persons acting under the direction or authority of any court, state or federal, in selling a residence, except as to a public sale ordered by a probate court, in which case this subdivision shall apply.

[For text of subd 8, see M.S.1978]

[ Ex1979 c 2 s 29-31 ]

## 116H.13 Certificate of need.

Subdivision 1. The director shall, pursuant to chapter 15 and sections 116H.01 to 116H.15, promulgate assessment of need criteria to be used in the determination of need for large energy facilities pursuant to this section.

Subd. 2. On and after the effective date of the assessment of need criteria adopted pursuant to subdivision 1, no large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the director pursuant to sections 116H.01 to 116H.15 and consistent with the criteria for assessment of need.

Subd. 3. No proposed large energy facility shall be certified for construction unless the applicant has justified its need. In assessing need, the director shall evaluate:

(1) The accuracy of the long range energy demand forecasts on which the necessity for the facility is based;

(2) The effect of existing or possible energy conservation programs under sections 116H.01 to 116H.15 or other federal or state legislation on long term energy demand;

(3) The relationship of the proposed facility to overall state energy needs, such as are described in the most recent state energy policy and conservation report prepared pursuant to section 116H.11;

(4) Promotional activities which may have given rise to the demand for this facility;

(5) Socially beneficial uses of the output of this facility, including its uses to protect or enhance environmental quality;

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(6) The effects of the facility in inducing future development;

(7) Possible alternatives for satisfying the energy demand including but not limited to potential for increased efficiency of existing energy generation facilities;

(8) The policies, rules and regulations of other state and federal agencies and local governments.

Subd. 4. After promulgation of the criteria for assessment of need, any person proposing to construct a large energy facility shall apply for a certificate of need prior to construction of the facility. The application shall be on forms and in a manner established by the director. In reviewing each application the director shall hold at least one public hearing pursuant to chapter 15. The public hearing shall be held at a location and hour reasonably calculated to be convenient for the public. An objective of the public hearing shall be to obtain public opinion on the necessity of granting a certificate of need. The director shall designate an energy agency employee whose duty shall be to facilitate citizen participation in the hearing process.

Subd. 5. Within six months of the submission of an application, the director shall approve or deny a certificate of need for the facility. Such approval or denial of the certificate shall be accompanied by a statement of the reasons for the decision. Issuance of the certificate may be made contingent upon modifications required by the director.

Subd. 6. Any application for a certificate of need shall be accompanied by the fee required pursuant to this subdivision. The maximum fee shall be \$50,000, except for an application for an electric power generating plant as defined in section 116H.02, subdivision 5, clause (a) or a high voltage transmission line as defined in section 116H.02, subdivision 5, clause (b), for which the maximum fee shall be \$100,000. The director may require an additional fee to recover the costs of any rehearing. The fee for a rehearing shall not be greater than the actual cost of the rehearing or the maximum fee specified above, whichever is less. The director shall establish by rule pursuant to chapter 15 and sections 116H.01 to 116H.15, a schedule of fees based on the output or capacity of the facility and the difficulty of assessment of need. Funds collected in this manner shall be credited to the general fund of the state treasury.

Subd. 7. Other state agencies authorized to issue permits for siting, construction or operation of large energy facilities shall present their position regarding need and participate in the public hearing process prior to the issuance or denial of a certificate of need. Issuance or denial of certificates of need shall be the sole and exclusive prerogative of the director and said determinations and certificates shall be binding upon other state departments and agencies, regional, county and local governments and special purpose government districts except as provided in sections 116C.01 to 116C.08 and 116D.04, subdivision 9.

Subd. 8. This section shall not apply in any case where the director shall determine after being advised by the attorney general that its application has been preempted by federal law.

[ Ex1979 c 2 s 32 ]

### **116H.15 Enforcement, penalties.**

Subdivision 1. Any person who violates sections 116H.01 to 116H.15, 325.985, or 325.986, or any rule or regulation promulgated thereunder, or knowingly submits false information in any report required by sections 116H.01 to 116H.15, 325.985, or 325.986 shall be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.

Subd. 2. The provisions of sections 116H.01 to 116H.15, 325.985, and 325.986, or any rules or regulations promulgated hereunder may be enforced by injunction, action to compel performance or other appropriate action in the district court of the county wherein the violation takes place. The attorney general shall bring any action under this subdivision upon the request of the director, and the existence of an adequate remedy at law shall not be a defense to an action brought under this subdivision.

Subd. 3. When the court finds that any person has violated sections 116H.01 to 116H.15, 325.985, or 325.986, or any rule or regulation thereunder, has knowingly submitted false information in any report required by sections 116H.01 to 116H.15, 325.985,

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or 325.986, or has violated any court order issued under sections 116H.01 to 116H.15, 325.985, or 325.986, the court may impose a civil penalty of not more than \$10,000 for each violation. These penalties shall be paid to the general fund in the state treasury.

[ *Ex1979 c 2 s 33* ]

## 116H.22 Funds for schools and governing bodies.

Funds to pay part or all of the actual costs of maxi-audits and energy conservation measures performed by or for schools and governing bodies shall be available from legislative appropriations made for that purpose in accordance with the priorities established in section 116H.23.

[ *Ex1979 c 2 s 34* ]

## 116H.23 Priorities for funding.

All applications for funding shall be made to the director of the Minnesota energy agency. Applications shall be accompanied by a report on the energy using characteristics of the building and any other information the director may reasonably require. A school or local government may apply to the director to receive reimbursement for up to the reasonable costs of mini-audits or maxi-audits performed pursuant to section 116H.124 or 116H.126. Notwithstanding any other law to the contrary, schools and local governments which submit their maxi-audits or mini-audits to the director prior to or on December 31, 1980 may use the state funds received to pay part of or all of the reasonable costs of energy conservation measures. In the event that the applicant receives federal funds pursuant to the National Energy Conservation Policy Act, P.L. 95-619, which funds are intended to be used to pay part or all of the costs of a mini-audit or maxi-audit, the applicant shall receive state funds, which, when combined with federal funds received, equal the reasonable costs of the mini-audit or maxi-audit. The director shall not prior to December 31, 1980, order maxi-audits for more than one-third of the buildings for which building energy reports are submitted.

[ *Ex1979 c 2 s 35* ]

## CHAPTER 116I. PIPELINES

Sec.		Sec.	
116I.01	Definitions.	116I.06	Protection of public facilities and cultivated agricultural land.
116I.02	Pipeline proposal; acquisition of easements; public meetings.	116I.07	Limitation of liability.
116I.03	Information book.	116I.08	Reversion of easements.
116I.04	Public meetings required.	116I.09	Recording of survey points.
116I.05	Interstate gas pipelines; federal eminent domain; conditions not applicable.	116I.10	Severability.
		116I.11	Savings provision.

### 116I.01 Definitions.

Subdivision 1. As used in sections 116I.01 to 116I.11, the terms defined in this section have the meanings given them, unless otherwise provided or indicated by the context.

Subd. 2. "Construction" means any clearing of land, excavation, or other action that would adversely affect the natural environment of a pipeline route but does not include changes needed for temporary use of a route for purposes other than installation of a pipeline, for securing survey or geological data, or for the repair or replacement of an existing pipeline within the existing right-of-way.

Subd. 3. "Pipeline" means pipe located in this state which is used to transport natural or synthetic gas at a pressure of more than 90 pounds per square inch, or to transport crude petroleum or petroleum fuels or oil or their derivatives, coal, anhydrous ammonia or any mineral slurry to a distribution center or storage facility which is located within or outside of this state.

Subd. 4. "Cultivated agricultural land" means land which is used to raise agricultural crops, is capable of use for that purpose or is plowed, fallow or contains harvested crop residue or is pasture land.

[ *1979 c 194 s 1* ]