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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **2019**

March 23, 2009

Authored by Falk

The bill was read for the first time and referred to the Energy Finance and Policy Division

March 11, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to energy; allowing size election for certain wind energy conversion
1.3 systems; amending Minnesota Statutes 2008, section 216F.012.

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

1.5 Section 1. Minnesota Statutes 2008, section 216F.012, is amended to read:

1.6 **216F.012 SIZE ELECTION.**

1.7 (a) A wind energy conversion system of less than 25 megawatts of nameplate
1.8 capacity as determined under section 216F.011 is a small wind energy conversion system
1.9 if, ~~by July 1, 2009,~~ the owner so elects in writing and submits a completed application for
1.10 zoning approval and the written election to the county or counties in which the project is
1.11 proposed to be located. The owner must notify the Public Utilities Commission of the
1.12 election at the time the owner submits the election to the county.

1.13 (b) Notwithstanding paragraph (a), a wind energy conversion system with a
1.14 nameplate capacity exceeding five megawatts that is proposed to be located wholly or
1.15 partially within a wind access buffer adjacent to state lands that are part of the outdoor
1.16 recreation system, as enumerated in section 86A.05, is a large wind energy conversion
1.17 system. The Department of Natural Resources shall negotiate in good faith with a system
1.18 owner regarding siting and may support the system owner in seeking a variance from the
1.19 system setback requirements if it determines that a variance is in the public interest.

1.20 (c) The Public Utilities Commission shall issue an annual report to the chairs
1.21 and ranking minority members of the house of representatives and senate committees
1.22 with primary jurisdiction over energy policy and natural resource policy regarding any
1.23 variances applied for and not granted for systems subject to paragraph (b).

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.