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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4211

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The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act
1.2 relating to local government; establishing building permit requirements for new
1.3 development located near certain pipelines; proposing coding for new law in
1.4 Minnesota Statutes, chapter 462.

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

1.6 Section 1. 462.376 DEVELOPMENT NEAR PIPELINES.

1.7 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.8 the meanings given them.

1.9 (b) "Governing body" means a local unit of government responsible for issuing building
1.10 permits in a city, county, or town.

1.11 (c) "Impacted developer" means a developer of an impacted development.

1.12 (d) "Impacted development" means a new residential or nonresidential development
1.13 located in whole or in part within 1,000 feet of the center point of a natural gas transmission
1.14 pipeline that was constructed prior to the construction of the new development.

1.15 (e) "Natural gas transmission pipeline" means an interstate pipeline, as defined in United
1.16 States Code, title 15, section 3301, clause (15).

1.17 (f) "Pipeline operator" means an operator of a natural gas transmission pipeline.

1.18 Subd. 2. Data and information. A governing body shall gather raw National Pipeline
1.19 Mapping System (NPMS) geospatial data about the locations of pipelines from the Pipeline
1.20 and Hazardous Materials Safety Administration within the United States Department of
1.21 Transportation and make this data available to developers.

2.1 Subd. 3. **Filing requirements.** (a) Prior to the commencement of construction, an
2.2 impacted developer shall file with the governing body overseeing the area where the impacted
2.3 development is located a plat with the following notice: "All reasonable means were used
2.4 to obtain information about natural gas transmission pipeline facilities in the area of the
2.5 proposed development and pipeline operator(s) were contacted to verify the location of the
2.6 pipeline and the pipeline easement. The developer has reviewed, or attempted to review,
2.7 preliminary information about the proposed development with the pipeline operator."

2.8 (b) An impacted developer shall obtain written consent from a pipeline operator to
2.9 commence construction on the impacted development and file the written consent with the
2.10 governing body overseeing the area where the impacted development is located.

2.11 (c) A governing body shall compile and maintain the filings required by this subdivision.

2.12 Subd. 4. **Building permit approval criteria.** A governing body shall not issue a building
2.13 permit to an impacted developer and a building shall not be erected on a lot within the
2.14 boundaries of the proposed development unless one of the following three criteria is met:

2.15 (1) the impacted developer has complied with the requirements of subdivision 3,
2.16 paragraph (b);

2.17 (2) the impacted developer has not received written consent from the pipeline operator,
2.18 but has filed with the governing body written correspondence from the pipeline operator
2.19 demonstrating that discussions and outreach have occurred; or

2.20 (3) the impacted developer has filed dated and written correspondence with the governing
2.21 body that demonstrates attempts to contact the pipeline operator and that no response has
2.22 been received within 180 days of the filing.

2.23 Subd. 5. **Notice to pipeline operator.** (a) A governing body must attempt to notify a
2.24 pipeline operator of any impacted development. The governing body must attempt to notify
2.25 the pipeline operator no later than at the time of receipt of the filing under subdivision 3 or
2.26 180 days prior to the commencement of construction on the impacted development,
2.27 whichever is earlier.

2.28 (b) Upon receiving notice of an impacted development in accordance with this section,
2.29 a pipeline operator shall locate and mark the natural gas pipeline facilities and provide
2.30 pipeline facility information to the impacted developer by other means such as marking up
2.31 design drawings and providing maps.

3.1 Subd. 6. **Nonapplicability to excavation notice requirement.** This section does not
3.2 exempt impacted developers or pipeline operators from the excavation system notice
3.3 requirements of Gopher State One Call, compiled in chapter 216D.

3.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.
3.5 Governing bodies have 60 days from the effective date of this section to gather the geospatial
3.6 data required in subdivision 2.