

CHAPTER 116C

ENVIRONMENTAL QUALITY COUNCIL

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**116C.01 FINDINGS.** The legislature of the state of Minnesota finds that problems related to the environment often encompass the responsibilities of several state agencies and that solutions to these environmental problems require the interaction of these agencies. The legislature also finds that further debate concerning population, economic and technological growth should be encouraged so that the consequences and causes of alternative decisions can be better known and understood by the public and its government.

[1973 c 342 s 1]

**116C.02 DEFINITIONS.** Subdivision 1. For the purposes of sections 116C.01 to 116C.08, the following terms have the meaning given them.

Subd. 2. "Council" means Minnesota environmental quality council.

[1973 c 342 s 2]

**116C.03 CREATION OF THE ENVIRONMENTAL QUALITY COUNCIL; MEMBERSHIP; CHAIRMAN; STAFF.** Subdivision 1. An environmental quality council, designated as the Minnesota environmental quality council, is hereby created.

Subd. 2. The council shall include as permanent members the director of the state planning agency, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, the executive officer of the department of health, the commissioner of highways, the director of the Minnesota energy agency, a representative of the governor's office designated by the governor, the chairman of the citizens advisory committee, and three other members of the citizens advisory committee as designated by the governor.

Subd. 3. The director of the state planning agency shall be the chairman of the council.

Subd. 4. The director of the state planning agency shall employ staff or consultants who will be assigned to work for the council on a continuous basis. The council shall have the authority to request and require staff support from all other agencies of state government as needed for the execution of the responsibilities of the council.

[1973 c 342 s 3; 1974 c 307 s 16]

**116C.04 POWERS AND DUTIES.** Subdivision 1. The powers and duties of the Minnesota environmental quality council shall be as provided in this section and as otherwise provided by law or executive order. Actions of the council shall be taken only at an open meeting upon a majority vote of all the permanent members of the council.

Subd. 2. (a) The council shall determine which environmental problems of interdepartmental concern to state government shall be considered by the council.

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The council shall initiate interdepartmental investigations into those matters that it determines are in need of study. Topics for investigation may include but need not be limited to future population and settlement patterns, air and water resources and quality, solid waste management, transportation and utility corridors, economically productive open space, energy policy and need, growth and development, and land use planning.

(b) The council shall review programs of state agencies that significantly affect the environment and coordinate those it determines are interdepartmental in nature, and insure agency compliance with state environmental policy.

(c) The council may review environmental regulations and criteria for granting and denying permits by state agencies and may resolve conflicts involving state agencies with regard to programs, regulations, permits and procedures significantly affecting the environment, provided that such resolution of conflicts is consistent with state environmental policy.

(d) State agencies shall submit to the council all proposed legislation of major significance relating to the environment and the council shall submit a report to the governor and the legislature with comments on such major environmental proposals of state agencies.

Subd. 3. The council shall cooperate with regional development commissions in appropriate matters of environmental concern.

Subd. 4. The council may establish interdepartmental or citizen task forces or subcommittees to study particular problems.

Subd. 5. Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the council may adopt, amend, and rescind rules governing its own administration and procedure and its staff and employees.

Subd. 6. The council shall assist and advise the governor on all environmental issues in which action or comment by the governor is required by law or is otherwise appropriate.

Subd. 7. At its discretion, the council shall convene an annual environmental quality council congress including, but not limited to, representatives of state, federal and regional agencies, citizen organizations, associations, industries, colleges and universities, and private enterprises who are active in or have a major impact on environmental quality. The purpose of the congress shall be to receive reports and exchange information on progress and activities related to environmental improvement.

Subd. 8. The council shall provide the citizens advisory committee established in section 116C.05 with such administrative, clerical and technical assistance as may be required by the committee to carry out its functions.

Subd. 9. The council shall meet with the citizens advisory committee established in section 116C.05 at least four times a year, at approximately three month intervals, to receive advice from the committee and to coordinate the activities of the council and the committee.

[1973 c 342 s 4]

**116C.05 CITIZENS ADVISORY COMMITTEE.** Subdivision 1. There is established a citizens advisory committee composed of one resident from each congressional district and three members at large as a vehicle for citizen participation in the activities of the council. The governor shall appoint the members of the citizens advisory committee with the advice and consent of the senate, and the committee annually shall elect one of their members to serve as chairman. Members of the committee shall serve four year terms coterminous with the governor. Each member may receive as compensation for his services the sum of \$35 per day or fraction thereof spent in attending meetings of the citizens advisory committees or in performing other duties required by law, and each member of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees.

Subd. 2. The duties and functions of the committee shall be as follows:

(a) To review and appraise the various programs and activities of the state government in light of environmental quality concerns for the purpose of determining the extent to which such programs and activities are contributing to state environmental policies and goals;

(b) To hold meetings throughout the state as it deems necessary for the purpose of gathering information on public and private opinions concerning the adequacy of the state's environmental quality policies and the extent to which these policies are being implemented;

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(c) To give advice and counsel to the council; and

(d) To make recommendations to the governor, legislature and the public on or before December 31 of each year regarding any needed state policy or program changes to foster and promote the improvement of environmental quality.

[1973 c 342 s 5]

**116C.06 HEARINGS.** Subdivision 1. The council shall hold public hearings on matters that it determines to be of major environmental impact. The council shall prescribe by rule and regulation in conformity to the provisions of sections 15.0411 to 15.0423, inclusive, the procedures for the conduct of all hearings and review procedures.

Subd. 2. The council may delegate its authority to conduct a hearing to a hearings officer. The hearings officer shall have the same power as the council to compel the attendance of witnesses to examine them under oath, to require the production of books, papers, and other evidence, and to issue subpoenas and cause the same to be served and executed in any part of the state. The hearings officer shall be knowledgeable in matters of law and the environment.

If a hearings officer conducts a hearing, he shall make findings of fact and submit them to the council. The transcript of testimony and exhibits shall constitute the exclusive record upon which such findings are made. The findings shall be available for public inspection.

Subd. 3. After receipt of the findings of fact of the hearings officer, the council shall make recommendations to the governor and legislature as to administrative and legislative actions to be considered in regard to the matter.

[1973 c 342 s 6]

**116C.07 POLICY; LONG RANGE PLAN; PURPOSE.** Consistent with the policy announced herein, the council shall, before November 15, of each even numbered year, prepare a long range plan and program for the effectuation of said policy, and shall make a report to the governor and the legislature of progress on those matters assigned to it by law.

[1973 c 342 s 7]

**116C.08 FEDERAL FUNDS; DONATIONS.** The council may apply for, receive, and disburse federal funds made available to the state by federal law or rules promulgated thereunder for any purpose related to the powers and duties of the council. The council shall comply with any and all requirements of such federal law or such rules and regulations promulgated thereunder in order to apply for, receive, and disburse such funds. The council is authorized to accept any donations or grants from any public or private concern. All such moneys received by the council shall be deposited in the state treasury and are hereby appropriated to it for the purpose for which they are received. None of such moneys in the state treasury shall cancel.

[1973 c 342 s 8]

## POWER PLANT SITES

**116C.51 CITATION.** Sections 116C.51 to 116C.69 shall be known as the Minnesota power plant siting act.

[1973 c 591 s 1]

**116C.52 DEFINITIONS.** Subdivision 1. As used in sections 116C.51 to 116C.68, the terms defined in this section have the meanings given them, unless otherwise provided or indicated by the context.

Subd. 2. "Council" shall mean the Minnesota environmental quality council.

Subd. 3. "High voltage transmission line" shall mean a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 200 kilovolts or more, except that the council, by regulation, may exempt lines under one mile in length.

Subd. 4. "Large electric power generating plant" shall mean electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.

Subd. 5. "Person" shall mean an individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Subd. 6. "Utility" shall mean any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to,

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a private investor owned utility, cooperatively owned utility, and a public or municipally owned utility.

Subd. 7. Construction shall be deemed to have started or commenced as a result of significant physical alteration of a site or route but not including activities incident to preliminary engineering or environmental studies.

[1973 c 591 s 2]

**116C.53 SITING AUTHORITY.** The Minnesota environmental quality council is hereby given the authority to provide for power plant site and transmission line corridor and route selection.

[1973 c 591 s 3]

**116C.54 ADVANCE FORECASTING.** Every utility which owns or operates, or plans within the next 15 years to own or operate large electric power generating plants or high voltage transmission lines shall develop forecasts as specified in this section. On or before July 1 of each even-numbered year, every such utility shall submit a report of its forecast to the council. Such report may be appropriate portions of a single regional forecast or may be jointly prepared and submitted by two or more utilities and shall contain the following information:

(1) Description of the tentative regional location and general size and type of all large electric power generating plants and high voltage transmission lines to be owned or operated by such utility during the ensuing 15 years or such longer period as the council deems necessary;

(2) Identification of all existing generating plants and transmission lines projected to be removed from service during such 15 year period or upon completion of construction of such large electric power generating plants and high voltage transmission lines;

(3) Statement of the projected demand for electric energy for the ensuing 15 years and the underlying assumptions for this forecast, such information to be as geographically specific as possible where this demand will occur;

(4) Description of the capacity of the electric power system to meet such demands during the ensuing 15 years;

(5) Description of the utility's relationship to other utilities and regional associations, power pools or networks; and

(6) Other relevant information as may be requested by the council.

[1973 c 591 s 4]

**116C.55 DEVELOPMENT OF POWER PLANT SITING AND TRANSMISSION LINE ROUTING CRITERIA; PUBLIC HEARINGS; INVENTORY.** Subdivision 1. **Policy.** The legislature hereby declares it to be the policy of the state to site large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy, the environmental quality council shall choose sites that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion.

Subd. 2. **Inventory criteria; public hearings.** The council shall promptly initiate a public planning process where all interested persons can participate in developing the criteria and standards to be used by the council in preparing an inventory of potential large electric power generating plant sites and high voltage transmission line corridors and to guide the site suitability evaluation and selection process. The participatory process shall include, but should not be limited to public hearings. Before substantial modifications of the initial criteria and standards are adopted, additional public hearings shall be held. Such criteria and standards shall be promulgated on or before July 1, 1974.

Subd. 3. **Inventory of potential large electric power generating plant sites and high voltage transmission line corridors.** On or before July 1, 1975, the council shall assemble and publish an inventory of potential large electric power generating plant sites and high voltage transmission line corridors. The inventory report of potential large electric power generating plant sites and high voltage transmission line corridors shall set forth the criteria and standards used in developing the potential site and corridor inventory. After completion of its initial inventory of potential sites and corridors, the council shall have a continuing responsibility to evaluate, update and publish its inventory and if, due to changed circumstances or information, a site or corridor is inconsistent with prescribed criteria or does not

meet prescribed standards, such site or corridor shall be removed from the inventory of potential sites and corridors.

[1973 c 591 s 5]

**116C.56 FACILITY DEVELOPMENT PLANS.** After publication by the council of its initial inventory of potential sites and corridors, and the criteria by which such sites and corridors were selected, every utility which owns or operates or plans within the next five years to start construction, own or operate large electric power generating plants or high voltage transmission lines shall develop and annually submit to the council its plans for facilities to meet and fulfill the expected future demands for electric energy during the period covered by such report. Such plans may be appropriate portions of a single regional plan or may be jointly prepared and submitted by two or more utilities, and shall contain the following information:

(1) Description of the general size and type of all large electric power generating plants and high voltage transmission lines to be owned and operated by such utility;

(2) Identification of all existing generating plants and transmission lines intended to be removed from service upon completion of construction of such large electric power generating plants and high voltage transmission lines;

(3) Identification of the location of the tentative preferred site and at least one alternative site for all large electric power generating plants, and the tentative preferred corridors and at least one alternative corridor for all high voltage transmission lines on which construction is intended to be commenced, and preliminary indication of the potential impact of the planned plants and lines on existing environmental values, and how potential adverse effects on such values will be avoided or minimized at least detriment to the public and to the total environment. Such site and corridor identification shall be made from the inventory published by the council pursuant to section 116C.55 or from sites or corridors offered by the utility. In the event a utility identifies a plant site or transmission line corridor not contained in the council's inventory of potential sites and corridors, the utility shall set forth the reasons for such identification and shall make an evaluation of such identified sites and corridors using the council's plant siting and routing criteria.

[1973 c 591 s 6]

**116C.57 DESIGNATION OF SITES AND CORRIDORS; APPROVAL OF TRANSMISSION LINE ROUTES AND FACILITY CONSTRUCTION; EMERGENCY CERTIFICATION; RESPONSIBILITIES.** Subdivision 1. **Designation of sites and corridors suitable for specific facilities; reports.** Following publication of the inventory of potential sites for large electric power generating plants or corridors for high voltage transmission lines and the submission of the five year development plans of the utilities, a utility must apply to the council in a form and manner prescribed by the council for designation of a specific site or corridor for a specific size and type of facility. No large electric power generating plant or high voltage transmission line shall be constructed except on a site or route designated by the council pursuant to sections 116C.51 to 116C.69. Following the study, evaluation, and hearings, as provided in this section and sections 116C.58 to 116C.60, on any site or corridor proposed by the utilities and such other sites and corridors as the council deems necessary from the inventory the council shall designate a suitable site or corridor for a specific size and type of facility. This designation by the council shall be made in accordance with the site selection criteria and standards established in section 116C.55 and shall be made in a timely manner in a finding with reasons for such choice, and published no later than one year after the request for designation of a site by the utility or no later than 180 days after the request for designation of a corridor by the utility. The time for designation of a site may be extended for six months by the council for just cause. No site or corridor designation shall be made in violation of the site selection standards established in section 116C.55. The council shall indicate the reasons for any refusal and indicate changes in size or type of facility necessary to allow siting in compliance with the standards. Upon designation of the site or corridor, the council shall issue to the utility a certificate of site compatibility.

Subd. 2. **Approval of specific high voltage transmission line facilities, designs and routes within a designated corridor.** No later than two years after the issuance of a certificate of site compatibility the utility shall apply to the council for

a permit for the construction of a high voltage transmission line within the approved corridor. Following study, evaluation and hearings on the type, design, routing, right-of-way preparation and facility construction as identified in the utility's application and alternatives to the utility's corridor development proposal as provided in subdivision 4, the council shall issue a permit for the construction of high voltage transmission lines within the designated corridor. This permit issuance by the council shall be made in a timely manner and published no later than 180 days after the application for a permit by the utility.

**Subd. 3. Emergency certification.** Any utility whose electric power system requires the immediate construction of a large electric power generating plant or high voltage transmission line may make application to the council for an emergency certificate of site compatibility or permit for the construction of high voltage transmission lines, which certificate or permit shall be issued in a timely manner and published no later than 180 days of the application and upon a finding by the council that a demonstrable emergency exists which requires such immediate construction, and that adherence to the procedures and time schedules set forth in sections 116C.54 to 116C.57 would jeopardize such utility's electric power system. A public hearing shall be held within 90 days of the application. The council shall, after notice and hearing, promulgate regulations setting forth the criteria for emergency certification.

**Subd. 4. Responsibilities, procedures, considerations in designating sites and corridors; approval of transmission line facility construction.** To facilitate the study, research, evaluation and designation of sites and corridors for large electric power generating plants and high voltage transmission lines and the approval of specific transmission line facilities and their routes the council shall be guided by, but not limited to, the following responsibilities, procedures, and considerations:

(1) Evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high voltage transmission line corridors and routes and the effects of water and air discharges from such plants on public health and welfare, vegetation, animals, materials and aesthetic values, including base line studies, predictive modeling, and monitoring of the water and air mass at proposed sites and sites of operating large electric power generating plants, evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) Environmental evaluation of large electric power generating plant sites and high voltage transmission line corridors and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

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

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

(5) Analysis of the direct and indirect economic impact of proposed large electric power generating plants and high voltage transmission lines;

(6) Evaluation of adverse direct and indirect environmental effects which cannot be avoided should the proposed site and transmission line corridor or route be accepted;

(7) Evaluation of alternatives to the proposed site and transmission line corridors and routes;

(8) Evaluation of irreversible and irretrievable commitments of resources should the proposed site and transmission line corridor or route be approved;

(9) Where appropriate, consideration of problems raised by other state and federal agencies and local entities.

(10) Where rules and regulations of the council as set forth in sections 116C.51 to 116C.69 are substantially similar to existing rules and regulations of a federal agency to which the utility in the state is subject, the federal rules and regulations shall be applied by the council.

[1973 c 591 s 7]

**116C.58 PUBLIC HEARINGS; NOTICE.** The council shall hold an annual public hearing at a time and place prescribed by regulation in order to afford interested persons an opportunity to be heard regarding its inventory of potential sites

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and corridors and any other aspects of the council's activities and duties or the policies set forth in sections 116C.51 to 116C.69. The council shall hold at least one public hearing in each county where a site or route is being considered for designation pursuant to section 116C.57 as suitable for construction of a large electric power generating plant or a high voltage transmission line. Notice of public hearings shall be given by the council at least ten days in advance but no earlier than 45 days prior to such hearings. Notice shall be by publication in a legal newspaper of general circulation in the county in which the public hearing is to be held and by mailed notice to chief executives of the regional councils, county and the incorporated municipalities therein.

[1973 c 591 s 8]

**116C.59 PUBLIC PARTICIPATION.** Subdivision 1. **Advisory committee.** The council shall appoint one or more advisory committees to assist it in carrying out its duties. Committees appointed to evaluate plant sites or transmission line corridors considered for designation shall be comprised of as many persons as may be designated by the council, but shall include a majority of public representatives; at least one representative from each of the following: A public or municipally owned utility, a private investor owned utility and a cooperatively owned utility; one representative from the regional council and one from each county and municipal corporation in which a large electric power generating plant site and high voltage transmission line corridor are proposed to be located. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Subd. 2. **Other public participation.** The council shall adopt broad spectrum citizen participation as a principle of operation. The form of public participation shall not be limited to public hearings and advisory committees and shall be consistent with the council's rules, regulations and guidelines as provided for in section 116C.66.

[1973 c 591 s 9]

**116C.60 PUBLIC MEETINGS; TRANSCRIPT OF PROCEEDINGS; WRITTEN RECORDS.** Meetings of the council, including hearings, shall be open to the public. Minutes shall be kept of council meetings and a complete record of public hearings shall be kept. All books, records, files, and correspondence of the council shall be available for public inspection at any reasonable time. The council shall also be subject to section 471.705.

[1973 c 591 s 10]

**116C.61 LOCAL REGULATIONS; STATE PERMITS; STATE AGENCY PARTICIPATION.** Subdivision 1. **Regional, county and local ordinances, rules, regulations; primary responsibility and regulation of site designation, improvement and use.** To assure the paramount and controlling effect of the provisions herein over other state agencies, regional, county and local governments, and special purpose government districts, the issuance of a certificate of site compatibility or transmission line construction permit and subsequent purchase and use of such site or route locations for large electric power generating plant and high voltage transmission line purposes shall be the sole site approval required to be obtained by the utility. Such certificate or permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

Subd. 2. **Facility licensing.** Notwithstanding anything herein to the contrary, utilities shall obtain state permits that may be required to construct and operate large electric power generating plants and high voltage transmission lines. A state agency in processing a utility's facility permit application shall be bound to the decisions of the council, with respect to the site designation for the large electric power generating plant or the corridor or route designation for the high voltage transmission line, and with respect to other matters for which authority has been granted to the council by sections 116C.51 to 116C.69.

Subd. 3. **State agency participation.** State agencies authorized to issue permits required for construction or operation of large electric power generating plants or high voltage transmission lines shall participate in and present the position of the agency at public hearings and all other activities of the council on specific site, corridor or route designations of the council, which position shall clearly state whether the site, corridor, or route being considered for designation or permit approval for a certain size and type of facility will be in compliance with

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state agency standards, regulations or policies. No site or route shall be designated which violates state agency regulations.

[1973 c 591 s 11]

**116C.62 IMPROVEMENT OF ACQUIRED LARGE ELECTRIC POWER GENERATING PLANT SITES AND HIGH VOLTAGE TRANSMISSION LINE ROUTE LOCATIONS.** Utilities which have acquired a power plant site or transmission line route in accordance with sections 116C.51 to 116C.69 may proceed to construct or improve such site or route for the intended purposes at any time, subject to section 116C.61, subdivision 2, provided that if such construction and improvement commences more than four years after a certificate or permit for the site or route has been issued then the utility must certify to the council that such site or route continues to meet the conditions upon which the certificate of site compatibility or transmission line construction permit was issued.

[1973 c 591 s 12]

**116C.63 EMINENT DOMAIN POWERS; RIGHT OF CONDEMNATION.** Nothing herein shall abrogate or invalidate the right of eminent domain vested in utilities by statute or common law existing as of May 24, 1973. Such right of eminent domain shall continue to exist for utilities and may be used according to law to accomplish any of the purposes and objectives of sections 116C.51 to 116C.69.

[1973 c 591 s 13]

**116C.64 FAILURE TO ACT.** In the event the council fails to designate in a timely manner large electric power generating plant sites and high voltage transmission line corridors or routes as provided for herein, any affected utility may seek an order of the district court requiring the council to designate a site, corridor, or route.

[1973 c 591 s 14]

**116C.65 JUDICIAL REVIEW.** Any utility, party or person aggrieved by the issuance of a certificate or emergency certificate of site compatibility or transmission line construction permit from the council or a certification of continuing suitability filed by a utility with the council or by a final order in accordance with any rules and regulations promulgated by the council, may appeal therefrom to any district court where such large electric power generating plant or high voltage transmission line is to be located. Such appeal shall be made and perfected within 60 days after the issuance of the certificate or permit by the council or certification filed with the council or the filing of any final order by the council. The notice of appeal to the district court shall be filed with the clerk of the district court and a copy thereof mailed to the council and affected utility. Any utility, party or person aggrieved by a final order or judgment rendered on appeal to the district court may appeal therefrom to the supreme court in the manner provided in civil actions.

[1973 c 591 s 15]

**116C.66 RULES AND REGULATIONS.** The council, in order to give effect to the purposes of sections 116C.51 to 116C.69, shall adopt rules and regulations consistent with sections 116C.51 to 116C.69, including promulgation of plant siting and transmission line routing criteria, the description of the information to be furnished by the utilities, establishment of minimum guidelines for public participation in the development, revision, and enforcement of any regulation, plan or program established by the council. Chapter 15, shall apply to the appeal of rules and regulations adopted by the council to the same extent as it applies to review of rules and regulations adopted by any other agency of state government.

[1973 c 591 s 16]

**116C.67 SAVINGS CLAUSE.** The provisions of sections 116C.51 to 116C.69 shall not apply to the site for the large electric power generating plant evaluated and recommended by the governor's environmental quality council prior to the date of enactment, and also to high voltage transmission lines, the construction of which will commence prior to July 1, 1974; provided, however, that within 90 days following the date of enactment, the affected utility shall file with the council a written statement identifying such transmission lines, their planned location, and the estimated date for commencement of construction.

[1973 c 591 s 17]

**116C.68 ENFORCEMENT, PENALTIES.** Subdivision 1. Any person who violates sections 116C.51 to 116C.69 or any rule or regulation promulgated hereunder, or knowingly submits false information in any report required by sections 116C.51 to 116C.69 shall be guilty of a misdemeanor for the first offense and a gross misdemeanor for the second and each subsequent offense. Each day of violation shall constitute a separate offense.

Subd. 2. The provisions of sections 116C.51 to 116C.69 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 council.

Subd. 3. When the court finds that any person has violated sections 116C.51 to 116C.69, any rule or regulation hereunder, knowingly submitted false information in any report required by sections 116C.51 to 116C.69 or has violated any court order issued under this chapter, 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.

[1973 c 591 s 18]

**116C.69 BIENNIAL REPORT; BUDGET; APPROPRIATION; FUNDING.** Subdivision 1. The council shall prepare and submit to the legislature biennially a report of its power plant and transmission siting operations, activities, findings, recommendations, and undertakings. The report shall also contain information on the council's biennial expenditures, its proposed budget for the following biennium, and the amounts paid in certificate and permit application fees pursuant to subdivision 2 and in assessments pursuant to subdivision 3. The proposed budget for the following biennium shall be subject to legislative review.

Subd. 2. Every applicant for a site certificate or transmission line construction permit shall pay to the council a fee in an amount equal to \$500 for each \$1,000,000 of production or transmission line plant investment in the proposed installation as defined in the Federal Power Commission Uniform System of Accounts. The council shall specify the time and manner of payment of the fee. If any single payment requested by the council is in excess of 25 percent of the total estimated fee, the council shall show that such excess is reasonably necessary. The applicant shall pay within 30 days of notification such additional fees as are reasonably necessary for completion of the plant site, transmission line corridor or route evaluation and selection process by the council. In no event shall the total fees required of the applicant under this subdivision exceed an amount equal to 0.001 of said production or transmission line plant investment (\$1,000 for each \$1,000,000) except that the minimum application fee shall not be less than \$5,000. All money received pursuant to this subdivision shall be deposited in the general fund. So much money as is necessary is annually appropriated from the general fund to pay expenses incurred in processing applications for certificates or permits in accordance with the provisions of sections 116C.51 to 116C.69 and in the event such expenses are less than the fee paid, to refund the excess to the applicant. This annual appropriation shall not exceed the fees to be paid during such period.

Subd. 3. The council shall finance its base line studies, general environmental studies, development of criteria, inventory preparation and all other work, other than specific site, corridor, and route selection, from an assessment made annually by the council against all utilities. Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.333, as determined by the council. Such assessment shall be credited to the general fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the annual budget of the council for carrying out the purposes of this subdivision.

[1973 c 591 s 19 subs 1-3]