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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE NO. 2440**

February 4, 2010

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

1.1 A bill for an act  
1.2 relating to nuclear waste; creating the Minnesota Nuclear Waste Storage  
1.3 Commission; requiring fees paid by Minnesota ratepayers for permanent storage  
1.4 of high-level radioactive waste to be remitted to the commissioner of homeland  
1.5 security and emergency management; modifying nuclear waste escrow account;  
1.6 appropriating money; amending Laws 1997, chapter 201, section 1; proposing  
1.7 coding for new law in Minnesota Statutes, chapter 116C.

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

1.9 Section 1. **[116C.7781] DEFINITIONS.**

1.10 For the purposes of sections 116C.7781 to 116C.7783:

1.11 (1) "high-level radioactive waste" has the meaning given in section 116C.71,  
1.12 subdivision 2f;

1.13 (2) "commission" means the Minnesota Nuclear Waste Storage Commission; and

1.14 (3) "host community" means the Prairie Island Indian Community in Minnesota, the  
1.15 city of Red Wing, or the city of Monticello.

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

1.17 Sec. 2. **[116C.7783] MINNESOTA NUCLEAR WASTE STORAGE**  
1.18 **COMMISSION.**

1.19 Subdivision 1. **Establishment.** (a) The Minnesota Nuclear Waste Storage  
1.20 Commission is established under the Office of Emergency Preparedness, Response and  
1.21 Recovery in the Department of Health to carry out the duties specified in subdivision 2.

1.22 (b) The commission consists of ten members:

1.23 (1) the commissioner of homeland security and emergency management, or the  
1.24 commissioner's designee;

- 2.1 (2) the commissioner of commerce, or the commissioner's designee;
- 2.2 (3) the commissioner of the Pollution Control Agency, or the commissioner's
- 2.3 designee;
- 2.4 (4) the commissioner of natural resources, or the commissioner's designee;
- 2.5 (5) the director of the Office of Emergency Preparedness, Response and Recovery in
- 2.6 the Department of Health, or the director's designee;
- 2.7 (6) one representative each from the cities of Monticello and Red Wing, appointed
- 2.8 by their respective mayors;
- 2.9 (7) one representative from the Prairie Island Indian Community, appointed by
- 2.10 the community's tribal council;
- 2.11 (8) one representative who is not a legislator, appointed by the speaker of the
- 2.12 house; and
- 2.13 (9) one representative who is not a legislator, appointed by the president of the senate.
- 2.14 (c) The commission shall elect two co-chairs from among its members, at least one
- 2.15 of whom must be a representative from a host community.
- 2.16 (d) Members of the commission shall serve a term of four years and may be
- 2.17 reappointed for any successive number of terms.
- 2.18 (e) The Department of Health shall provide the commission with office space and
- 2.19 staff and administrative services.
- 2.20 Subd. 2. **Duties.** (a) The commission shall develop a strategy for long-term storage
- 2.21 of high-level radioactive waste from nuclear generating plants operating in Minnesota.
- 2.22 The commission shall, by January 15, 2012, and every three years thereafter, prepare a
- 2.23 storage plan that addresses, at a minimum, the following issues:
- 2.24 (1) management and security of high-level radioactive waste storage;
- 2.25 (2) continuous monitoring of the performance of the storage casks and facility;
- 2.26 (3) continuous monitoring of the environment surrounding the storage facility,
- 2.27 including air, surface water, groundwater, soil, and vegetation;
- 2.28 (4) monitoring the health of residents of nearby communities;
- 2.29 (5) maintenance and periodic replacement of casks, as recommended by the federal
- 2.30 Nuclear Regulatory Commission and industry standards; and
- 2.31 (6) identification of any additional technologies or equipment that reduce the
- 2.32 toxicity or volume of stored high-level radioactive waste or that contribute to its safe and
- 2.33 efficient handling.
- 2.34 (b) The commission may fund programs, projects, studies, and plans that address,
- 2.35 at a minimum, the long-term high-level radioactive waste storage issues specified in

3.1 paragraph (a) and may purchase and install equipment to monitor the environmental  
 3.2 impacts of storage.

3.3 (c) The commission shall recognize the special risks, responsibilities, and financial  
 3.4 burdens imposed by the presence of high-level radioactive waste storage facilities on host  
 3.5 communities and shall ensure that host communities are adequately funded to provide  
 3.6 public safety and other necessary services, including fire and police protection, emergency  
 3.7 medical response, and other emergency operations, so long as high-level radioactive  
 3.8 waste is stored at those facilities.

3.9 (d) The commission shall annually transfer 75 percent of the amount it receives from  
 3.10 the nuclear waste escrow account established in section 3 in equal proportion to the host  
 3.11 communities for the services specified in paragraph (c), unless the host communities agree  
 3.12 to an alternative allocation. The funds transferred to the host communities are:

3.13 (1) to supplement, not substitute for, funds available under section 12.14 or remitted  
 3.14 as local tax payments by a person owning a nuclear generating plant; and

3.15 (2) not to be considered in calculating utility valuation transition aid under section  
 3.16 477A.16.

3.17 Subd. 3. **Staff.** The commission may hire staff and contract with consultants to  
 3.18 carry out the duties specified in subdivision 2.

3.19 Subd. 4. **Expiration.** This section expires when the federal government removes all  
 3.20 high-level radioactive waste stored in Minnesota for transport and disposal in a permanent  
 3.21 storage facility.

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

3.23 Sec. 3. Laws 1997, chapter 201, section 1, is amended to read:

3.24 Section 1. **NUCLEAR WASTE ESCROW ACCOUNT.**

3.25 Subdivision 1. **Remittance of proceeds.** (a) Beginning July 1, ~~1997~~ 2010, the  
 3.26 public utilities commission ~~may~~ shall direct persons in Minnesota that are generating or  
 3.27 holding title to high-level radioactive waste or spent nuclear fuel and that are subject to  
 3.28 the fee specified under United States Code, title 42, section 10222, to remit the proceeds  
 3.29 of that fee to the commissioner of ~~public service~~ homeland security and emergency  
 3.30 ~~management.~~ The commissioner shall place all revenues collected from this fee into ~~an~~  
 3.31 ~~interest-bearing escrow~~ the account established in subdivision 2, subject to paragraph (b).  
 3.32 ~~The commissioner shall release the funds in the escrow account to the secretary of the~~  
 3.33 ~~federal Department of Energy upon a showing by the secretary that a federal repository~~  
 3.34 ~~for the long-term storage and permanent disposal of spent nuclear fuel and high-level~~  
 3.35 ~~radioactive waste is operating and currently accepting such materials.~~

4.1 ~~This section is intended to enable the state of Minnesota to adopt or implement~~  
 4.2 ~~any appropriate relief granted by a court of competent jurisdiction for the United States~~  
 4.3 ~~Department of Energy breach of its obligations to dispose of commercial spent nuclear~~  
 4.4 ~~fuel not later than January 31, 1998.~~

4.5 (b) A person remitting the proceeds of the fee described in paragraph (a) to the  
 4.6 commissioner of homeland security and emergency management shall continue doing so  
 4.7 until all nuclear generating plants located in this state that are owned by the person cease  
 4.8 to generate electricity from nuclear fuel or until federal action releases the person that  
 4.9 owns a nuclear power plant from financial obligations under United States Code, title  
 4.10 42, section 10222, whichever occurs first.

4.11 Subd. 2. **Creation of account; appropriations.** (a) The nuclear waste escrow  
 4.12 account is created and shall be administered according to this subdivision. The  
 4.13 commissioner of homeland security and emergency management must deposit proceeds  
 4.14 from the fee specified in subdivision 1 in the account. Any interest earned on the account  
 4.15 must be credited to the account. Money from other sources may be credited to the account.  
 4.16 Money deposited in the account that is not appropriated does not cancel to the general  
 4.17 fund, but remains in the account.

4.18 (b) Until June 30, 2034, 50 percent of the money in the account is annually  
 4.19 appropriated to the commissioner of homeland security and emergency management for  
 4.20 transfer to the Minnesota Nuclear Waste Storage Commission.

4.21 (c) Fifty percent of the annual revenues deposited in the account must remain in the  
 4.22 account and may not be appropriated until the nuclear generating plants that produced the  
 4.23 waste have been fully decommissioned.

4.24 (d) If high-level radioactive waste continues to be stored in Minnesota after  
 4.25 the nuclear generating plant that generated it begins decommissioning, any unspent  
 4.26 decommissioning revenues accrued for the purpose of maintaining, cooling, or storing  
 4.27 high-level radioactive waste must be transferred to the Minnesota Nuclear Waste Storage  
 4.28 Commission.

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

4.30 **Sec. 4. REVISOR'S INSTRUCTION.**

4.31 The revisor shall codify Laws 1997, chapter 201, section 1, as Minnesota Statutes,  
 4.32 section 116C.7782.