

\$250,000 is appropriated to the Minnesota job skills partnership board for the purpose of funding the development and implementation of a program by the city of St. Paul which connects the economic development activities of the St. Paul Port Authority with the city of St. Paul's employment and job development programs. This employment connection program shall be administered by the port authority consistent with and subject to the program requirements of the Minnesota job skills partnership program. The appropriation is available until expended.\* (Section 6 was vetoed by the governor.)

**Sec. 7. APPROPRIATION; STATE ROAD CONSTRUCTION.**

\$15,000,000 is appropriated from the trunk highway fund to the commissioner of transportation for state road construction in fiscal year 1995 and is added to the appropriation in Laws 1993, chapter 266, section 2, subdivision 7, clause (a).

**Sec. 8. APPROPRIATION; STATE ROAD OPERATIONS.**

\$5,500,000 is appropriated for fiscal year 1995 from the trunk highway fund to the commissioner of transportation for state road operations and is added to the appropriation in Laws 1993, chapter 266, section 2, subdivision 9.\* (Section 8 was vetoed by the governor.)

**Sec. 9. APPROPRIATION; WORK ZONE SAFETY.**

\$25,000 is appropriated in fiscal year 1995 from the general fund to the commissioner of transportation for highway work zone safety management and public education efforts to increase public awareness of highway work zone safety.

**Sec. 10. EFFECTIVE DATE.**

Sections 1 and 9 are effective July 1, 1994.

Presented to the governor May 6, 1994

Signed by the governor May 10, 1994, 5:45 p.m.

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**CHAPTER 641—S.F.No. 1706**

*An act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; regulating certain advertising expenses related to nuclear power; creating a legislative electric energy*

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*task force; appropriating money; amending Minnesota Statutes 1992, sections 216A.03, by adding a subdivision; 216B.16, subdivision 8, and by adding a subdivision; 216B.241, subdivision 1a, and by adding a subdivision; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116C; 216B; and 216C.*

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

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ARTICLE 1

RADIOACTIVE WASTE MANAGEMENT FACILITY AUTHORIZATION

Section 1. [116C.77] LEGISLATIVE AUTHORIZATION FOR INDEPENDENT SPENT FUEL STORAGE INSTALLATION AT PRAIRIE ISLAND.

The legislature recognizes that:

(1) the Minnesota environmental quality board on May 16, 1991, reviewed and found adequate a final environmental impact statement ("EIS") on the proposal to construct and operate a dry cask storage facility for the temporary storage of spent nuclear fuel from the Prairie Island nuclear generating plant;

(2) the United States Nuclear Regulatory Commission reviewed and approved a safety analysis report on the facility and on October 19, 1993, granted a license for the facility; and

(3) the public utilities commission in docket no. E002/CN-91-91 reviewed the facility and approved a limited certificate of need approving the use of casks.

The Minnesota legislature in compliance with Minnesota Statutes, section 116C.72, hereby ratifies and approves the EIS and the limited certificate of need and authorizes the use of casks at Prairie Island in accordance with the terms and conditions of the certificate of need as modified by this act and without further environmental review under chapter 116D or further administrative review under section 216B.243.

Sec. 2. [116C.771] ADDITIONAL CASK LIMITATIONS.

(a) Five casks may be filled and used at Prairie Island immediately upon the effective date of this article.

(b) An additional four casks may be filled and used at Prairie Island if the environmental quality board determines that, by December 31, 1996, the public utility operating the Prairie Island plant has filed a license application with the United States Nuclear Regulatory Commission for a spent nuclear fuel storage facility off of Prairie Island in Goodhue county, is continuing to make a good faith effort to implement the site, and has constructed, contracted for construction and operation, or purchased installed capacity of 100 megawatts of wind-

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power in addition to windpower under construction or contract on the effective date of this section.

(c)(1) An additional eight casks may be filled and placed at Prairie Island if the legislature has not revoked the authorization under clause (2) or the public utility has satisfied the wind power and biomass mandate requirements in article 3, section 2, subdivision 1, clause (1), and article 3, section 3, clause (1), and the alternative site in Goodhue county is operational or under construction. (2) If the site is not under construction or operational or the wind mandates are not satisfied, the legislature may revoke the authorization for the additional eight casks by a law enacted prior to June 1, 1999.

(d) Except as provided under paragraph (e), dry cask storage capacity for high-level nuclear waste within the state may not be increased beyond the casks authorized by section 1 or their equivalent storage capacity.

(e) This section does not prohibit a public utility from applying for or the public utilities commission from granting a certificate of need for dry cask storage to accommodate the decommissioning of a nuclear power plant within this state.

### Sec. 3. [116C.772] PUBLIC UTILITY RESPONSIBILITIES.

Subdivision 1. DEFINITION. For the purpose of this section, "public utility" means the public utility operating the Prairie Island nuclear generating plant.

Subd. 2. DRY CASK ALTERNATIVES STUDY. The public utility must submit to the legislative electric energy task force a reevaluation of all alternatives and combinations of those alternatives to dry cask storage.

Subd. 3. WORKER TRANSITION PLAN. The public utility must submit to the department of jobs and training a worker transition plan if there is a shut-down of the Prairie Island nuclear generating plant for longer than six months.

Subd. 4. NUCLEAR POWER-PHASE OUT PLAN. The public utility must submit to the electric energy task force a detailed plan for the phase-out of all nuclear power generated by the utility.

Subd. 5. DECOMMISSIONING PLAN. The public utility must submit to the electric energy task force a decommissioning plan for TN-40 storage casks after the casks are emptied of spent fuel.

### Sec. 4. [116C.773] CONTRACTUAL AGREEMENT.

The authorization for dry casks contained in section 1 is not effective until the governor, on behalf of the state, and the public utility operating the Prairie Island nuclear plant enter into an agreement binding the parties to the terms of sections 2 and 3 and the mandate for 200 megawatts of windpower and 75 megawatts of biomass required by December 31, 2002, in article 3, section 2, subdivision 1, and section 3. The Mdewakanton Dakota Tribal Council at Prai-

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rie Island is an intended third-party beneficiary of this agreement and has standing to enforce the agreement.

**Sec. 5. [116C.774] AUTHORIZATION.**

To the extent that the radioactive waste management act, Minnesota Statutes, section 116C.72, requires legislative authorization of the operation of certain facilities, this section expressly authorizes the continued operation of the Monticello nuclear generating plant spent nuclear fuel pool storage facility and the Prairie Island nuclear generating plant spent nuclear fuel pool storage facility.

**Sec. 6. [116C.775] SHIPMENT PRIORITIES; PRAIRIE ISLAND.**

If a storage or disposal site becomes available outside of the state to accept high-level nuclear waste stored at Prairie Island, the waste contained in dry casks shall be shipped to that site before the shipment of any waste from the spent nuclear fuel storage pool. Once waste is shipped that was contained in a cask, the cask must be decommissioned and not used for further storage.

**Sec. 7. [116C.776] ALTERNATIVE CASK TECHNOLOGY FOR SPENT FUEL STORAGE.**

If the public utilities commission determines that casks or other containers that allow for transportation as well as storage of spent nuclear fuel exist and are economically feasible for storage and transportation of spent nuclear fuel generated by the Prairie Island nuclear power generating plant, the commission shall order their use to replace use of the casks that are only usable for storage, but not transportation. If the commission orders use of dual-purpose casks under this section, it must authorize use of a number of dual-purpose casks that provides the same total storage capacity that is authorized under this article; provided, that the total cask storage capacity permitted under this article may not exceed the capacity of the TN-40 casks authorized under section 1.

**Sec. 8. [116C.777] SITE.**

The spent fuel contents of dry casks located on Prairie Island must be moved immediately upon the availability of another site for storage of the spent fuel that is not located on Prairie Island.

**Sec. 9. [116C.778] RERACKING.**

The spent fuel storage pool at Prairie Island may be reracked a third time. The reracking does not require legislative authorization but is subject to other applicable state review. The additional storage capacity added by the third reracking and utilized when added to the total storage capacity of dry cask storage utilized, cannot exceed the total capacity of 17 TN-40 casks.

**Sec. 10. [116C.779] FUNDING FOR RENEWABLE DEVELOPMENT.**

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The public utility that operates the Prairie Island nuclear generating plant must transfer to a renewable development account \$500,000 each year for each dry cask containing spent fuel that is located at the independent spent fuel storage installation at Prairie Island after January 1, 1999. The fund transfer must be made if waste is stored in a cask for any part of a year. Funds in the account can only be expended for development of renewable energy sources.

Sec. 11. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

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**ARTICLE 2**

**ECONOMIC REGULATION OF NUCLEAR POWER PLANTS**

Section 1. **LEGISLATIVE FINDINGS.**

The legislature finds that there is great uncertainty over the means and costs of disposing of radioactive wastes generated at nuclear-powered electric generating plants. Current and future electric ratepayers are at risk to pay for these uncertain and potentially enormous costs. These costs could cause economic hardship for the citizens of this state and damage economic growth. For these reasons the legislature finds it necessary to protect its citizens against these costs. While these potential costs do not currently warrant closing an operating nuclear power plant, they do warrant a moratorium on new nuclear plant construction and closer monitoring of operating nuclear power plants.

Sec. 2. Minnesota Statutes 1992, section 216B.243, is amended by adding a subdivision to read:

Subd. 3b. NUCLEAR POWER PLANT; NEW CONSTRUCTION PROHIBITED. The commission may not issue a certificate of need for the construction of a new nuclear-powered electric generating plant.

Sec. 3. **[216B.244] NUCLEAR PLANT CAPACITY REQUIREMENTS.**

A reactor unit at a nuclear power electric generating plant that has an annual load capacity factor of less than 55 percent for each of three consecutive calendar years must be shut down and cease operating no later than 500 days after the end of the third such consecutive calendar year. For the purposes of this section, "load capacity factor" means the ratio between a reactor unit's average load and its peak load.

Sec. 4. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

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## ARTICLE 3

## ENERGY CONSERVATION AND RENEWABLES

Section 1. Minnesota Statutes 1992, section 216B.241, subdivision 1a, is amended to read:

Subd. 1a. **INVESTMENTS, EXPENDITURES, AND CONTRIBUTIONS; REGULATED UTILITIES.** (a) For purposes of this subdivision and subdivision 2, "public utility" has the meaning given it in section 216B.02, subdivision 4. Each public utility shall spend and invest for energy conservation improvements under this subdivision and subdivision 2 the following amounts:

(1) for a utility that furnishes gas service, .5 percent of its gross operating revenues from service provided in the state; ~~and~~

(2) for a utility that furnishes electric service, 1.5 percent of its gross operating revenues from service provided in the state; and

(3) for a utility that furnishes electric service and that operates a nuclear powered electric generating plant within the state, two percent of its gross operating revenues from service provided in the state.

(b) The commissioner may require investments or spending greater than the amounts required under this subdivision for a public utility whose most recent advance forecast required under section 116C.54 projects a peak demand deficit of 100 megawatts or greater within five years under mid-range forecast assumptions. A public utility may appeal a decision of the commissioner under this paragraph to the commission under subdivision 2. In reviewing a decision of the commissioner under this paragraph, the commission shall rescind the decision if it finds that the required investments or spending will:

(1) not result in cost-effective programs; or

(2) otherwise not be in the public interest.

(c) Each utility shall determine what portion of the amount it sets aside for conservation improvement will be used for conservation improvements under subdivision 2 and what portion it will contribute to the energy and conservation account established in subdivision 2a. Contributions must be remitted to the commissioner of public service by February 1 of each year. Nothing in this subdivision prohibits a public utility from spending or investing for energy conservation improvement more than required in this subdivision.

Sec. 2. **[216B.2423] WIND POWER MANDATE.**

Subdivision 1. MANDATE. A public utility, as defined in Minnesota Statutes, section 216B.02, subdivision 4, that operates a nuclear-powered electric generating plant within this state must construct and operate, purchase, or contract to construct and operate: (1) 225 megawatts of electric energy installed capacity generated by wind energy conversion systems within the state by

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December 31, 1998; and (2) an additional 200 megawatts of installed capacity so generated by December 31, 2002.

For the purpose of this section, "wind energy conversion system" has the meaning given it in section 216C.06, subdivision 12.

**Subd. 2. RESOURCE PLANNING MANDATE.** The public utilities commission shall order a public utility subject to subdivision 1, to construct and operate, purchase, or contract to purchase an additional 400 megawatts of electric energy installed capacity generated by wind energy conversion systems by December 31, 2002, subject to resource planning and least cost planning requirements in Minnesota Statutes, section 216B.2422.

**Sec. 3. [216B.2424] BIOMASS POWER MANDATE.**

A public utility, as defined in Minnesota Statutes, section 216B.02, subdivision 4, that operates a nuclear powered electric generating plant within this state must, by December 31, 1998, construct and operate, purchase, or contract to construct and operate (1) 50 megawatts of electric energy installed capacity generated by farm grown closed-loop biomass; and (2) an additional 75 megawatts of installed capacity so generated by December 31, 2002.

**Sec. 4. EFFECTIVE DATE.**

Section 1 is effective January 1, 1995.

Sections 2 and 3 are effective the day following final enactment.

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**ARTICLE 4**

**MISCELLANEOUS**

Section 1. Minnesota Statutes 1992, section 216A.03, is amended by adding a subdivision to read:

**Subd. 6. RECORD OF PROCEEDINGS.** An audio magnetic recording device shall be used to keep a record of all proceedings before the commission unless the commission provides a hearing reporter to record the proceeding.

Sec. 2. Minnesota Statutes 1992, section 216B.16, subdivision 8, is amended to read:

**Subd. 8. ADVERTISING EXPENSES.** The commission shall disapprove the portion of any rate which makes an allowance directly or indirectly for expenses incurred by a public utility to provide a public advertisement which:

(a) is designed to influence or has the effect of influencing public attitudes towards legislation or proposed legislation, or toward a rule, proposed rule,

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authorization or proposed authorization of the public utilities commission or other agency of government responsible for regulating a public utility;

(b) is designed to justify or otherwise support or defend a rate, proposed rate, practice or proposed practice of a public utility;

(c) is designed primarily to promote consumption of the services of the utility; ~~or~~

(d) is designed primarily to promote good will for the public utility or improve the utility's public image; or

(e) is designed to promote the use of nuclear power or to promote a nuclear waste storage facility.

The commission may approve a rate which makes an allowance for expenses incurred by a public utility to disseminate information which:

(a) is designed to encourage conservation of energy supplies;

(b) is designed to promote safety; or

(c) is designed to inform and educate customers as to financial services made available to them by the public utility.

The commission shall not withhold approval of a rate because it makes an allowance for expenses incurred by the utility to disseminate information about corporate affairs to its owners.

Sec. 3. Minnesota Statutes 1992, section 216B.16, is amended by adding a subdivision to read:

Subd. 14. LOW-INCOME DISCOUNT ELECTRIC RATES. A public utility shall provide a 50 percent electric rate discount on the first 300 kilowatt hours consumed in a billing period for a low-income residential customer. For the purposes of this subdivision, "low-income" means a customer who is receiving assistance from the federal low-income home energy assistance program. For the purposes of this subdivision, "public utility" includes only those public utilities with more than 200,000 residential electric service customers. The commission may issue orders necessary to implement, administer, and recover the discount rate program on a timely basis.

Sec. 4. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 1c. ENERGY-SAVING GOALS. The commissioner shall establish energy-savings goals for energy conservation improvement expenditures and shall evaluate an energy conservation improvement program on how well it meets the goals set.

Sec. 5. EFFECTIVE DATE.

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Section 3 is effective January 1, 1995.

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ARTICLE 5

ELECTRIC ENERGY TASK FORCE

Section 1. [216C.051] LEGISLATIVE ELECTRIC ENERGY TASK FORCE.

Subdivision 1. FINDINGS. The legislature finds that it needs more information on the future management of high-level radioactive waste, the costs of that management, and the technical and economic feasibility of utilizing alternative energy resources. Before any legislative determinations may be reasonably made that are more specific than the determinations made in this act, the legislature needs detailed, credible, and reliable information on these issues.

Subd. 2. ESTABLISHMENT. (a) There is established a legislative electric energy task force to study future electric energy sources and costs and to make recommendations for legislation for an environmentally and economically sustainable and advantageous electric energy supply.

(b) The task force consists of:

(1) eight members of the house of representatives including the chairs of the environment and natural resources and regulated industries and energy committees and six members to be appointed by the speaker of the house, two of whom must be from the minority caucus;

(2) eight members of the senate including the chairs of the environment and natural resources and jobs, energy, and community development committees and six members to be appointed by the subcommittee on committees, two of whom must be from the minority caucus.

(c) The task force may employ staff, contract for consulting services, and may reimburse the expenses of persons requested to assist it in its duties other than state employees or employees of electric utilities. The director of the legislative coordinating commission shall assist the task force in administrative matters. The task force shall elect co-chairs, one member of the house and one member of the senate from among the committee chairs named to the committee.

Subd. 3. FUTURE ENERGY SOLUTIONS; TECHNICAL AND ECONOMIC ANALYSIS. In light of the electric energy guidelines established in subdivision 7 and in light of existing conservation improvement programs and plans, utility resource plans, and other existing energy plans and analyses, the legislative task force on energy shall undertake an analysis of the technical and economic feasibility of an electric energy future for the state that relies on envi-

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ronmentally and economically sustainable and advantageous electric energy supply. The task force shall contract with one or more energy policy experts and energy economists to assist it in its analysis. The task force may not contract for service nor employ any person who was involved in any capacity in any portion of any proceeding before the public utilities commission, the administrative law judge, the state court of appeals, or the United States Nuclear Regulatory Commission related to the dry cask storage proposal on Prairie Island.

The analysis must address at least the following:

(1) to the best of forecasting abilities, how much electric generation capacity and demand for electric energy is necessary to maintain a strong economy and a high quality of life in the state over the next 15 to 20 years; how is this demand level affected by achievement of the maximum reasonably feasible and cost effective demand side management and generation and distribution efficiencies;

(2) what alternative forms of energy can provide a stable supply of energy and are producible and sustainable in the state and at what cost;

(3) what are the costs to the state and ratepayers to ensure that new electric energy generation utilizes less environmentally damaging sources; how do those costs change as the time frame for development and implementation of new generation sources is compressed;

(4) what are the implications for delivery systems for energy produced in areas of the state that do not now have high volume transmission capability; are new transmission technologies being developed that can address some of the concerns with transmission; can a more dispersed electric generation system lessen the need for long distance transmission;

(5) what are the actual costs and benefits of purchasing electricity and fuel to generate electricity from outside the state; what are the present costs to the state's economy of exporting a large percentage of the state's energy dollars and what is the future economic impact of continuing to do so;

(6) are there benefits to be had from a large immediate investment in quickly implementing alternative electric energy sources in terms of developing an exportable technology and/or commodity; is it feasible to turn around the flow of dollars for energy so that the state imports dollars and exports energy and energy technology; what is a reasonable time frame for the shift if it is possible;

(7) are there taxation or regulatory barriers to developing more sustainable and less problematic electric energy generation; what are they specifically and how can they be specifically addressed;

(8) can an approach be developed that moves quickly to development and implementation of alternative energy sources that can be forgiving of interim failures but that is also sufficiently deliberate to ensure ultimate success on a large scale;

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(9) in what specific ways can the state assist regional energy suppliers accelerate phasing out energy production processes that produce wastes or emissions that must necessarily be carefully controlled and monitored to minimize adverse effects on the environment and human health and to assist in developing and implementing base load energy production that both prevents or minimizes by its nature adverse environmental and human health effects and utilizes resources that are available or producible in the state;

(10) whether there is a need to establish additional dislocated worker assistance for workers at the Prairie Island nuclear power plant; if so, how that assistance should be structured;

(11) can the state monitor, evaluate, and affect federal actions relating to permanent storage of high level radioactive waste; what actions by the state over what period of time would expedite federal action to take responsibility for the waste;

(12) should the state establish a legislative oversight commission on energy issues; should the responsibilities of an oversight commission be coordinated with the activities of the public utilities commission and the department of public service and if so, how; and

(13) is it feasible to convert existing nuclear power and coal-fired electric generating plants to utilization of energy sources that result in significantly less environmental damage; if so, what are the short-term and long-term costs and benefits of doing so; how do shorter or longer time periods for conversion affect the cost/benefit analysis.

**Subd. 4. RADIOACTIVE WASTE MANAGEMENT; FUTURE AND ECONOMIC ANALYSIS.** The legislative task force shall analyze the future of and the economic effects of the continued generation of electric power and radioactive waste at the Prairie Island nuclear power plant. The task force shall include in its report under subdivision 5, a specific discussion of:

(1) when radioactive waste will be removed from Prairie Island for permanent storage outside of the state, who will bear the costs of the future management of the radioactive waste generated by the Prairie Island nuclear generating plant; when that shift in responsibility is likely to occur; and to what extent utility ratepayers and shareholders and state taxpayers will be shielded from the costs to manage the waste in the future;

(2) the probability of an accident and the extent to which persons who may be at risk of personal injury or property damage due to foreseeable or unforeseeable catastrophic events that may allow the release of radioactivity from the nuclear power plant and associated activities could be fully compensated for the injuries or damage and by whom;

(3) a range of reasonable estimates of the costs to manage radioactive waste generated by the nuclear power plant under scenarios to be developed by the task force, ranging from monitoring the waste in the storage pool at Prairie

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Island to removal of waste from the state beginning in 1998 to permanent storage of the waste in the state; to the extent those costs will necessarily fall on present and future utility ratepayers and shareholders and state taxpayers, how to ensure they can be met without catastrophic disruption of the state's economy in the future; and whether funds should be set aside to ensure that present ratepayers pay the future costs of radioactive waste management based on volume of usage of electricity rather than on the rate structure of the utility;

(4) whether reprocessing and reuse of spent nuclear fuel generated by the Prairie Island nuclear generating plant is technically and economically feasible; if so, how to encourage development of reprocessing and reuse;

(5) whether emerging nuclear technologies, such as integral fast reactors, which can generate electricity without environmental damage while producing no or minimal radioactive waste, are economically feasible and practical electric energy alternatives in the foreseeable future and, if so, how to encourage and take advantage of such technologies;

(6) if the waste is likely to be removed from the state, whether technologies are likely to be economically feasible in the relatively near future for minimizing the handling of the waste and minimizing contamination of additional materials that will need special management prior to transport out of the state, including the availability of combination storage and transport containers;

(7) if the waste is unlikely to be removed from the state or if waste will need to be indefinitely stored outside the power plants after decommissioning, whether sites for storage of the waste outside the structure of the Prairie Island power plant potentially can be found that minimize economic and social disruption, maximize environmental, health, and safety protection, minimize transportation distance, and place the burden of storage of the waste on those communities that enjoy the immediate economic benefits of the existence and operation of the power plants; if potential sites exist, what process should be used to identify and utilize them if necessary; the entity that is searching for an alternative site within the state for the disposal of spent nuclear fuel from the Prairie Island nuclear generating plant, is seeking permits for the site, or is constructing the site shall report progress on those activities every six months to the task force commencing January 1, 1995;

(8) factors to be used in siting a high-level radioactive waste management facility to include at least:

(i) the proximity of the site to residents and businesses;

(ii) the proximity of the site to surface waters;

(iii) the vulnerability of the site to tornadoes and other natural phenomena;

(iv) the benefits received and the costs incurred by the host and adjacent communities due to operation of the nuclear generating facility that produced the high-level radioactive waste to be managed at the proposed facility;

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(v) the benefits received and costs incurred by the host and adjacent communities due to operation of the proposed waste management facility; and

(vi) the availability of transportation routes between the nuclear generating plant and the proposed waste management facility; and

(9) federal law related to the interstate transportation of high-level radioactive waste and how that law may operate in relation to an independent spent fuel storage installation located in the state.

Subd. 5. REPORT AND RECOMMENDATIONS. (a) The legislative task force may contract with independent experts, none of whom can have been involved in any capacity in any of the proceedings before the public utilities commission, the administrative law judge, or the court of appeals related to dry cask storage at Prairie Island or in any proceedings related to the license for the facility granted by the United States Nuclear Regulatory Commission, to assist it with analysis of items and issues listed in subdivisions 3 and 4.

(b) The legislative task force shall convene a separate balanced group of experts in the fields of energy production and distribution and energy economics from within and without the state to include experts formerly or currently employed by the department of public service and/or the public utilities commission, an economist employed by the residential and small business division of the office of the attorney general, electric energy experts employed by utilities, experts from other states that have begun to implement policies for utilizing indigenous, sustainable energy sources, experts from public advocacy groups, and others to be determined by the task force. The task force shall request the group of experts to assist it in publicly examining and analyzing information received from the independent experts and in preparing the report required in paragraph (c).

(c) By January 15, 1996, the task force shall submit a report to the chairs of the committees in the house and in the senate that have responsibility for energy and for environmental and natural resources issues that contains an overview of plans and analyses that have been prepared, a critique of how those plans and analyses will assist in implementation of the energy conservation and sources for generation policies and goals in Minnesota Statutes, chapters 216B and 216C, and specific recommendations for legislative action that will ensure development and implementation of electric energy policy that will provide the state with adequate, sustainable, and economic electric power for the long term while utilizing, to the maximum reasonable extent, energy resources that are available or producible within the state and while developing, maintaining, and strengthening a viable and robust energy and utility infrastructure.

(d) By February 1, 1995, the task force shall submit to the chairs of the committees specified in paragraph (c), a preliminary report that provides:

(1) an overview of the current status of energy planning and implementation of those plans by state agencies and utilities, along with an analysis of the extent to which existing statutory energy policies and goals are being met for electric energy consumed in the state;

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(2) an analysis of and any recommendations for adjustments to the specific targets set in section 1, subdivisions 4 and 5, relating to energy savings, electric generation sources for replacement and additional capacity needs, and development of wind and biomass energy sources; and

(3) as much information as the task force has been able to gather on future high-level radioactive waste management and transportation, including technologies and costs.

Subd. 6. ASSESSMENT; APPROPRIATION. On request by the co-chairs of the legislative task force and the director of the legislative coordinating commission, the commissioner of the department of public service shall assess from electric utilities, in addition to assessments made under Minnesota Statutes, section 216B.62, the amount requested for the studies and analysis required in subdivisions 3 and 4 and for operation of the task force not to exceed \$350,000. The amount assessed under this section is appropriated to the director of the legislative coordinating commission for those purposes.

Subd. 7. GUIDELINES; PREFERRED ELECTRIC GENERATION SOURCES; DEFINITIONS. (a) The legislative task force on electric energy shall undertake its responsibilities in light of the guidelines specified in this subdivision.

(b) The highest priority in electric energy production and consumption is conservation of electric energy and management of demand by all segments of the community.

(c) The following energy sources for generating electric power distributed in the state, listed in their descending order of preference, based on minimizing long-term negative environmental, social, and economic burdens imposed by the specific energy sources, are:

(1) wind and solar;

(2) biomass and low-head or refurbished hydropower;

(3) decomposition gases produced by solid waste management facilities, natural gas-fired cogeneration, and waste materials or byproducts combined with natural gas;

(4) natural gas, hydropower that is not low-head or refurbished hydropower, and solid waste as a direct fuel or refuse-derived fuel; and

(5) coal and nuclear power.

(d) For the purposes of paragraph (c) within each clause, the more efficient an energy source is in generating electricity or the more efficient a technology is that utilizes an energy source, the more preferred it is for use in generating electricity for distribution and consumption in the state.

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(e) For the purposes of paragraph (c), clauses (3) and (4), the use of waste materials and byproducts for generating electric power must be limited to those waste materials and byproducts that are necessarily generated or produced by efficient processes and systems. Preventing and minimizing waste and byproducts are preferred in every situation to relying on the continued generation or production of waste materials and byproducts.

(f) For the purposes of this section, "preferred" or "renewable" energy sources are those described in paragraph (c), clauses (1) to (3), and "subordinate" or "traditional" energy sources are those described in paragraph (c), clauses (4) and (5).

(g) For the purposes of this section:

(1) "biomass" means herbaceous crops, trees, agricultural waste, and aquatic plant matter, excluding mixed municipal solid waste, as defined in section 115A.03, used to generate electricity; and

(2) "low-head hydropower" means a hydropower facility that has a head of less than 66 feet.

Subd. 8. SUBPOENA POWER. The task force may issue a subpoena under Minnesota Statutes, section 3.153, to any person for production of information held by that person that is relevant to the work of the task force.

Subd. 9. REPEALER. This section is repealed June 30, 2000.

## ARTICLE 6

### ALTERNATIVE SITE

Section 1. **[116C.80] HIGH-LEVEL RADIOACTIVE WASTE; SPENT NUCLEAR FUEL STORAGE; ALTERNATIVE SITE.**

Subdivision 1. DEFINITION; DRY CASK STORAGE FACILITY. For the purposes of this section, "dry cask storage facility" or "facility" means a high-level radioactive waste facility that is located in Goodhue county but not on Prairie Island for storage of spent nuclear fuel produced by a nuclear reactor at the Prairie Island nuclear power generating plant.

Subd. 2. CERTIFICATE OF SITE COMPARABILITY. Prior to construction of a dry cask storage facility, the public utility that operates the nuclear power generating power plant at Prairie Island shall obtain a certificate from the environmental quality board that the site for the facility is comparable to the independent spent fuel storage facility site located on Prairie Island for which the public utilities commission granted a certificate of need in docket number E002/CN-91-91.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 3. REVIEW BY THE BOARD. The board shall review the siting procedures and considerations for siting large energy electric generating plants under sections 116C.51 to 116C.69 and rules adopted under those sections and shall adopt, by resolution, after a public comment period, those procedures, considerations, and rules it determines are necessary to designate a site for a dry cask storage facility and to issue a certificate of site comparability. The siting procedures and considerations must provide for an opportunity for all interested persons to participate.

Presented to the governor May 6, 1994

Signed by the governor May 10, 1994, 4:05 p.m.

#### CHAPTER 642—S.F.No. 2168

*An act relating to agricultural businesses; providing for promotion of nontraditional agriculture, inspection of agricultural operations, ethanol development, a value-added agricultural product loan program, sale of stock in cooperatives, and care of dogs and cats; creating an interest buy-down program; exempting from the sales tax the gross receipts from sales of used farm machinery; providing matching money for federal emergency disaster funds in flood damaged counties; providing for emergency job creation; authorizing a grain grading and testing equipment pilot program; providing supplemental funding for grain inspection programs, the ethanol development fund, and small business disaster loan programs; expanding research on grain diseases and soybeans; increasing funding for the farm advocates program, agricultural resource centers, legal assistance to farmers, legal challenges to the federal milk market order system, farm and small business management programs at technical colleges and Minnesota extension; funding a beaver control program, the dairy leaders roundtable, the state park road account, an advisory committee, and a task force; providing funding to the Agricultural Utilization Research Institute; requiring a report; appropriating money; amending Minnesota Statutes 1992, sections 17.03, by adding a subdivision; 180.03, by adding a subdivision; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 41B.044, subdivision 2; and 80A.15, subdivision 2; Laws 1993, chapter 172, section 7, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; 41B; and 346.*

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

Section 1. Minnesota Statutes 1992, section 17.03, is amended by adding a subdivision to read:

Subd. 7a. NONTRADITIONAL AGRICULTURE; PROMOTION. (a) The commissioner shall devise means of advancing the production and marketing of nontraditional agricultural products of the state. The commissioner shall also seek the cooperation and involvement of every department or agency of the state, and such public and nonpublic organizations as the commissioner deems appropriate, for the promotion of nontraditional agricultural products.

New language is indicated by underline, deletions by ~~strikeout~~.