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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4430

02/29/2024

Authored by Myers

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

1.1 A bill for an act  
1.2 relating to energy; allowing the Public Utilities Commission to issue a certificate  
1.3 of need for certain advanced nuclear reactors; amending Minnesota Statutes 2022,  
1.4 section 216B.243, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2022, section 216B.243, is amended by adding a subdivision  
1.7 to read:

1.8 Subd. 3c. Exception; advanced nuclear reactors. (a) Notwithstanding subdivision 3b,  
1.9 paragraph (a), the commission may issue a certificate of need for an advanced nuclear reactor  
1.10 that uses the same technology as an advanced nuclear reactor that has received:

1.11 (1) a clean energy production tax credit under section 48E of the Internal Revenue Code,  
1.12 as authorized under the federal Inflation Reduction Act of 2022, Public Law 117-169; or

1.13 (2) a clean energy investment tax credit under section 45Y of the Internal Revenue Code,  
1.14 as authorized under the federal Inflation Reduction Act of 2022, Public Law 117-169.

1.15 (b) For the purposes of this section, "advanced nuclear reactor" means a nuclear-powered  
1.16 electric generating plant:

1.17 (1) with a capacity no greater than 300 megawatts;

1.18 (2) that is built in a factory and shipped intact or in modules;

1.19 (3) that is capable of being connected to operate with other advanced nuclear reactors;

1.20 and

- 2.1 (4) whose technology has received initial approval for commercial licensing by the
- 2.2 Nuclear Regulatory Commission after the effective date of this subdivision.
- 2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.