

Chairman Patten, members of the committee, thank you for this opportunity to offer comments on Senate Bill 2159. As the legislature continues to explore options to improve our state's energy security and grid reliability, nuclear energy has become a topic for which a legislative management study is currently being considered – House Bill 1025. Senate Bill 2159 is a complementary proposal that would allow the EERC and State Energy Research Center to lend its expertise to this effort.

As this committee just heard from my colleague Tom Erickson, the State Energy Research Center was established within the EERC by the North Dakota legislature in 2019 to conduct research that *advances future energy opportunities* for the state of North Dakota. That authorizing statute also included a limitation on research or projects relating to “exploration, storage, treatment, or disposal of high-level radioactive waste.” North Dakotans have rightfully expressed caution on matters relating to nuclear waste, and the legislature has accordingly set policy to maintain careful oversight of this issue.

However, any discussion pertaining to nuclear energy by its nature extends to how to manage spent fuel rods either through on-site storage or a long-term facility. In that case, this provision can, and has been interpreted, such that it prohibits the State Energy Research Center – and EERC by association - from engaging on the topic of nuclear generally. Given the legislature's efforts to study this issue, removal of this provision in the century code is necessary should legislative management want the option to utilize its state energy research institution in development of the report. This bill would also enable the State Energy Research Center to fully meet the legislature's direction to help advance future energy opportunities for the State of North Dakota.

Finally, I would add that there is an additional backstop within the century code regarding nuclear waste. Chapter 38-23-01 sets a general prohibition on the “placement, storage, exploration, testing, or disposal of high-level radioactive waste within the exterior boundaries of North Dakota.” This prohibition remains in full force and effect regardless of the bill before you today and any subsequent study of the issue.

Thank you again for this opportunity to offer comment and thank you to Senator Hogue and sponsors of this legislation for your efforts to reconcile this issue. I would be happy to answer any questions.