

Seventieth
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Senator Patten

1 A BILL for an Act to amend and reenact subsection 4 of section 15-11-40, subdivision b of
2 subsection 2 of section 38-23-03, and section 38-23-08 of the North Dakota Century Code,
3 relating to the membership and responsibilities of the advanced nuclear energy and high-level
4 radioactive waste advisory council.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 4 of section 15-11-40 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 4. If approved by the industrial commission and conducted in consultation with the
9 advanced nuclear energy and high-level radioactive waste advisory council, the state
10 energy research center may conduct research or pursue projects that will result in the
11 exploration, storage, treatment, or disposal of high-level radioactive waste
12 aboveground in North Dakota.

13 **SECTION 2. AMENDMENT.** Subdivision b of subsection 2 of section 38-23-03 of the North
14 Dakota Century Code is amended and reenacted as follows:

15 b. Issue a notice of disapproval regarding a proposed high-level radioactive waste
16 facility in accordance with federal law when the legislative assembly is not in
17 session. Before issuing a notice of disapproval, the commission shall consult with
18 the advanced nuclear energy and high-level radioactive waste advisory council
19 and the local government entities with jurisdiction over the area where the
20 proposed high-level radioactive waste facility is to be located.

21 **SECTION 3. AMENDMENT.** Section 38-23-08 of the North Dakota Century Code is
22 amended and reenacted as follows:

**38-23-08. ~~High-level~~Advanced nuclear energy and high-level radioactive waste
advisory council - Members, powers, and duties.**

1. The advanced nuclear energy and high-level radioactive waste advisory council is established to evaluate the feasibility, siting, and deployment of advanced nuclear power generation resources in the state and to advise the commission in carrying out its duties. ~~The council consists of the director of the department of water resources, state health officer, director of the department of transportation, director of the game and fish department, the commerce commissioner, and director of the department of environmental quality, who serve as ex officio members.~~ The commission shall provide staff support to the council and the state geologist shall serve as the executive secretary for the council. ~~Additional members on the~~

2. ~~The council~~ are ~~consists of:~~

- a. A representative of county government, appointed by the governor;
- b. A representative of city government, appointed by the governor;
- c. A representative of the agricultural or business community, appointed by the governor;
- d. Two representatives of the electric utility industry, appointed by the governor;
- e. Three senators, appointed by the majority leader of the senate ~~of the legislative assembly;~~ and
- e. Two
- f. Three representatives, appointed by the majority leader of the house of representatives ~~of the legislative assembly;~~
- g. The director of the department of environmental quality, or the director's designee;
- h. A member of the public service commission, or the member's designee; and
- i. The commerce commissioner, or the commissioner's designee.

~~2.3.~~ Each appointed member of the council shall serve a four-year term. The governor may fill a vacancy in the membership of the council a member appointed by the governor and may remove a member appointed member of the council by the governor for cause. The chairman of the legislative management may fill a vacancy in the membership of a legislative member.

- 1 4. The council members chairman of the legislative management shall select a chairman
2 from among and vice chairman of the council members, each of whom must be a
3 member of the legislative assembly appointed under subsection 2, to serve two-year
4 terms beginning in July of each odd-numbered year. The chairman may not be a
5 member of the same house of the legislative assembly for consecutive terms. The vice
6 chairman may not be a member of the same house of the legislative assembly as the
7 chairman.
- 8 3.5. An appointed council member must be reimbursed by the commission for necessary
9 travel and other expenses incurred in the performance of official duties.
- 10 4.6. The council shall hold at least one meeting per year and any other meetings deemed
11 necessary by the chairman or a majority of the council.
- 12 5.7. The council shall:
- 13 a. ~~Review site suitability and issue a report for a proposed high-level radioactive-~~
14 ~~waste facility to the legislative assembly or commission. Evaluate the feasibility,~~
15 siting, and deployment of advanced nuclear power generation resources in the
16 state, including consideration of:
- 17 (1) Advanced nuclear facility siting considerations, including identification of
18 communities interested in hosting an advanced nuclear facility and
19 education and outreach strategies for interested communities.
- 20 (2) Potential state and local economic impacts associated with deployment of
21 advanced nuclear power generation resources.
- 22 (3) The economic viability of advanced nuclear reactors, including small
23 modular reactors.
- 24 (4) The need for additional power generation resources to meet statewide
25 energy demand, the capacity of the electrical grid, and the feasibility of
26 integrating nuclear power into the state's existing and future energy
27 resources.
- 28 (5) State and federal regulatory considerations, including assessment of
29 regulatory constraints and necessary coordination with the United States
30 nuclear regulatory commission to support deployment of advanced nuclear
31 energy.

- 1 b. Review and make recommendations to the commission regarding rules and
- 2 standards relating to high-level radioactive waste and the duties of the
- 3 commission.
- 4 c. Consider any other matter related to this chapter the council deems appropriate,
- 5 and may make any recommendation to the commission concerning the
- 6 administration of this chapter.
- 7 d. Report its findings biennially to the commission and to the legislative
- 8 management.
- 9 8. The council may seek input from federal, state, or local agencies, departments, or
- 10 institutions, industry representatives, and other impacted stakeholders. A state or local
- 11 agency, department, or institution shall provide information to the council upon request
- 12 of the chairman or a majority of the council.