

Sec. 12. Minnesota Statutes 1986, section 340A.415, is amended to read:

**340A.415 LICENSE REVOCATION OR SUSPENSION.**

The authority issuing or approving any retail license or permit under this chapter shall either suspend for up to 60 days or revoke the license or permit or impose a civil fine not to exceed \$2,000 for each violation on a finding that the license or permit holder has failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages. No suspension or revocation takes effect until the license or permit holder has been afforded an opportunity for a hearing under sections 14.57 to 14.70 of the administrative procedure act. The issuing authority or the commissioner may impose the penalties provided in this section on a retail licensee who knowingly sells alcoholic beverages to another retail licensee for the purpose of resale, or on a retail licensee who purchases alcoholic beverages from another retail licensee for the purpose of resale.

**Sec. 13. [340A.907] INSPECTION.**

The commissioner of public safety or any duly authorized employee may, at all reasonable hours, enter in and upon the premises of any licensee or permit holder under this chapter to inspect the premises and examine the books, papers, and records of a manufacturer, wholesaler, importer, or retailer for the purpose of determining whether the provisions of this chapter are being complied with. If the commissioner or any duly authorized employee is denied free access or is hindered or interfered with in making an inspection or examination, the licensee or permit holder is subject to revocation pursuant to section 340A.304 in the case of a wholesaler, manufacturer, or importer, and section 340A.415 in the case of a retailer.

**Sec. 14. REPEALER.**

Minnesota Statutes 1986, sections 34.119; 34.12; 34.13; 34.14; 340A.307, subdivision 3; and 340A.313, are repealed.

Approved May 28, 1987

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**CHAPTER 311—S.F.No. 1202**

*An act relating to environment; establishing a siting process for a low-level radioactive waste facility; providing for volunteer sites and an alternative site selection process; establishing a siting board; appropriating money; amending Minnesota Statutes 1986, sections 116C.832, subdivision 1, and by adding subdivisions; 116C.834; and 116C.842, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116C.*

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

Section 1. Minnesota Statutes 1986, section 116C.832, subdivision 1, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **TERMS DEFINED IN COMPACT.** The terms defined in article II of the Midwest Interstate Low-Level Radioactive Waste Compact have the meanings given them for the purposes of sections 116C.833 to 116C.843 and sections 6 to 9.

Sec. 2. Minnesota Statutes 1986, section 116C.832, is amended by adding a subdivision to read:

Subd. 7. SITE. "Site" means a site for construction and operation of a low-level radioactive waste facility.

Sec. 3. Minnesota Statutes 1986, section 116C.832, is amended by adding a subdivision to read:

Subd. 8. SITING BOARD. "Siting board" means the low-level radioactive waste facility siting board established under section 7, subdivision 1.

Sec. 4. Minnesota Statutes 1986, section 116C.834, is amended to read:

Subdivision 1. **COSTS.** All costs incurred by the state to carry out its responsibilities under the compact and under sections 116C.833 to 116C.843 shall be paid by generators of low-level radioactive waste in this state through fees assessed by the pollution control agency. The agency shall assess the fees in the manner provided in section 16A.128. Fees may be reasonably assessed on the basis of volume or degree of hazard of the waste produced by a generator. Costs for which fees may be assessed include, but are not limited to:

- (a) the state contribution required to join the compact;
- (b) the expenses of the Commission member and costs incurred to support the work of the interstate commission;
- (c) regulatory costs, including but not limited to costs of adopting and enforcing regulations if the state enters into a limited agreement with the United States Nuclear Regulatory Commission to assume state regulation of transportation and packaging, or disposal, of low-level radioactive wastes; ~~and~~
- (d) siting costs of a low-level radioactive waste facility under section 116C.842 and sections 6 to 9 to the extent that the costs are reasonably attributable to waste generated in this state; and
- (e) any liability the state may incur as a party state to the compact.

Subd. 2. **COLLECTION AND DEPOSIT.** Fees assessed under subdivision 1 shall be collected by the commissioner of revenue. All money received pursuant to this subdivision shall be deposited in the ~~general~~ special revenue fund.

Sec. 5. Minnesota Statutes 1986, section 116C.842, subdivision 3, is amended to read:

Subd. 3. **DEVELOPMENT OF A SITING PROCESS.** In the event that

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Minnesota is designated by the interstate commission to be a host state for a regional low-level radioactive waste facility, the agency low-level waste facility siting board established under section 7, subdivision 1, shall develop a siting process and report to the governor, the advisory committee, and the legislature with. The siting board shall prepare recommendations for legislation including siting criteria, procedures for public participation, licensing, regulation, and bonding requirements. The siting process which is recommended recommendations shall include bonding requirements sufficient to cover any costs of monitoring the facility and providing for its safety and security in the event that the licensee discontinues operation, management, or supervision of the facility for so long as the materials stored or treated at the facility pose a threat to the public health.

**Sec. 6. [116C.845] SITING DETERMINATION.**

If the governor determines that a low-level radioactive waste facility should be sited in the state, the governor shall issue an executive order and notify the chair of the environmental quality board, the director, and the chair of the advisory committee. The governor must determine whether a low-level radioactive waste facility should be sited in the state by ten days after:

(1) Minnesota is designated as a host state by the interstate commission under the compact;

(2) Minnesota volunteers as a host state for a regional facility under the compact; or

(3) Minnesota withdraws from the compact.

**Sec. 7. [116C.846] SITING BOARD.**

Subdivision 1. ESTABLISHMENT. The low-level radioactive waste facility siting board is established to select a facility site when the governor issues an executive order that a facility should be sited.

Subd. 2. MEMBERSHIP. (a) The siting board has 11 members consisting of the commissioner of natural resources, commissioner of transportation, chair of the environmental quality board, and eight citizen members representing each of the eight congressional districts.

(b) The governor must appoint the eight citizen members of the siting board by 30 days after the executive order for siting a facility is issued.

(c) The chair of the environmental quality board is the chair of the siting board.

Subd. 3. STAFFING AND ADMINISTRATION. The environmental quality board shall provide staffing and administrative assistance for the siting board.

Subd. 4. COMPENSATION. The citizen members of the siting board shall be compensated as provided in section 15.0575.

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Subd. 5. TERMINATION. The siting board is terminated when the siting process is finished.

**Sec. 8. [116C.847] SITING CRITERIA.**

Subdivision 1. HEALTH, SAFETY, AND ENVIRONMENTAL CONSIDERATIONS. The siting board must maintain health, safety, and environmental considerations above all other siting criteria.

Subd. 2. VOLUNTEER SITE PREFERRED. The siting board shall attempt to select a site from an area proposed in the volunteer siting process.

Subd. 3. SITING BOARD TO SEEK AGREEMENTS AND RESOLUTIONS OF INTEREST. The chair shall actively solicit, encourage, and assist counties, together with developers, landowners, the local business community, and other interested parties, in developing resolutions of interest to enter an agreement to investigate the feasibility of siting a low-level radioactive waste facility.

Subd. 4. COUNTY RESOLUTION OF INTEREST. A county may begin to negotiate an agreement to evaluate siting a low-level radioactive facility after the county board files with the siting board a resolution of interest adopted by the county board that expresses the county board's interest in negotiations and its willingness to accept the preliminary evaluation of one or more study areas in the county for consideration as a location of a facility.

Subd. 5. ECONOMIC DEVELOPMENT IMPACT. The commissioner of energy and economic development must analyze the effects on businesses and the local economy and anticipated effects on local communities by a low-level radioactive waste facility.

**Sec. 9. [116C.848] NONVOLUNTEER SITING PROCESS.**

If a site is not selected from the volunteer siting process, the site selection shall proceed from the process developed under section 116C.842.

**Sec. 10. APPROPRIATIONS.**

\$1,320,000, but not more than the fees anticipated to be received from the assessment against low-level radioactive waste generators under Minnesota Statutes, section 116C.834, is appropriated from the special revenue fund to the environmental quality board to pay for costs of the siting board for expenses incurred under Minnesota Statutes, section 116C.842 and sections 8 and 9. The approved complement of the state planning agency is increased by seven positions. \$660,000 is for fiscal year 1988 and \$660,000 is for fiscal year 1989.

**Sec. 11. EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved May 28, 1987

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