

Sec. 5. **RECOMMENDATIONS OF THE COMMISSIONER OF COMMERCE.**

The commissioner of commerce shall recommend to the financial institutions and insurance committee of the house of representatives and the commerce committee of the senate by January 1, 1989, reporting requirements for financial institutions as defined in Minnesota Statutes, section 13A.01, subdivision 2, that address a financial institution's commitment and performance in investing in their community. The recommendations must address the following:

(1) the amount of developmental loans that financial institutions have made within their service areas. Developmental loans include, but are not limited to, loans for low and moderate income housing, operating loans to family farmers, loans made in distressed areas of the state, commercial loans to minority-owned and woman-owned businesses, loans for alternative energy and energy conservation, student loans, loans made for businesses and housing-related loans within Indian reservations, and loans to community-based economic development organizations;

(2) the degree of "redlining" by financial institutions within their service areas;

(3) the effect of reporting requirements on various sizes and types of financial institutions; and

(4) the adequacy of existing federal and state reporting requirements of financial institutions.

Approved April 24, 1988

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**CHAPTER 617—S.F.No. 1268**

*An act relating to energy; providing for the powers and duties of the commissioner of public service; clarifying definitions; regulating fluorescent lamp ballasts; authorizing certain Indian tribes to create community energy councils; providing the purpose for which an appropriation may be spent; amending Minnesota Statutes 1986, sections 116J.09; 116J.10; 116J.19, subdivision 6, and by adding a subdivision; 116J.381, subdivision 2; and Laws 1981, chapter 334, section 11, subdivision 1.*

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

Section 1. Minnesota Statutes 1986, section 116J.09, is amended to read:

116J.09 **DUTIES.**

The commissioner shall:

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

(a) manage the department as the central repository within the state government for the collection of data on energy;

(b) prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116J.05 to 116J.30;

(e) collect and analyze data relating to present and future demands and resources for all sources of energy;

(f) evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116J.05 to 116J.30, and make recommendations for changes in energy pricing policies and rate schedules;

(g) study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(h) design and implement a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential, and transportation areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(i) inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

(j) dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation, resource recovery, or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(k) charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met;

(l) design a comprehensive program for the development of indigenous energy resources. The program shall include, but not be limited to, providing technical, informational, educational, and financial services and materials to

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persons, businesses, municipalities, and organizations involved in the development of solar, wind, hydropower, peat, fiber fuels, biomass, and other alternative energy resources. The program shall be evaluated by the alternative energy technical activity; and

(m) dispense loans, grants, or other financial aid from money received from litigation or settlement of alleged violations of federal petroleum pricing regulations made available to the department for that purpose. The commissioner shall adopt rules under chapter 14 for this purpose. Money dispersed under this clause must not include money received as a result of the settlement of the parties and order of the United States District Court for the District of Kansas in the case of In Re Department of Energy Stripper Well Exemption Litigation, 578 F. Supp. 586 (D.Kan. 1983) and all money received after the effective date of this section by the governor, the commissioner of finance, or any other state agency resulting from overcharges by oil companies in violation of federal law.

Further, the commissioner may participate fully in hearings before the public utilities commission on matters pertaining to rate design, cost allocation, efficient resource utilization, utility conservation investments, small power production, cogeneration, and other rate issues. The commissioner shall support the policies stated in section 116J.05 and shall prepare and defend testimony proposed to encourage energy conservation improvements as defined in section 216B.241.

Sec. 2. Minnesota Statutes 1986, section 116J.10, is amended to read:

**116J.10 POWERS.**

The commissioner may:

(a) Adopt rules pursuant to chapter 14 as necessary to carry out the purposes of sections 116J.05 to 116J.30 and, when necessary for the purposes of section 116J.15, adopt emergency rules pursuant to sections 14.29 to 14.36;

(b) make all contracts pursuant to sections 116J.05 to 116J.30 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant intended for the administration of sections 116J.05 to 116J.30. Notwithstanding any other law the commissioner is designated the state agent to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116J.05 to 116J.30;

(c) provide on-site technical assistance to units of local government in order to enhance local capabilities for dealing with energy problems;

(d) administer for the state, energy programs pursuant to federal law, regulations or guidelines, except for the crisis fuel assistance and low income weatherization programs administered by the department of jobs and training, and coordinate the programs and activities with other state agencies, units of local government and educational institutions;

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(e) design and administer a statewide program for the energy and economic development authority and actively involve major organizations and community leaders in its work and shall solicit funds from all sources;

(f) develop a state energy investment plan with yearly energy conservation and alternative energy development goals, investment targets, and marketing strategies;

(g) perform market analysis studies relating to conservation, alternative and renewable energy resources, and energy recovery;

(h) assist with the preparation of proposals for innovative conservation, renewable, alternative, or energy recovery projects;

(i) manage and disburse funds made available for the purpose of research studies or demonstration projects related to energy conservation or other activities deemed appropriate by the commissioner; ~~and~~

(j) intervene in certificate of need proceedings before the public utilities commission; and

(k) collect fees from recipients of loans, grants, or other financial aid from money received from litigation or settlement of alleged violations of federal petroleum pricing regulations, which fees shall be used to pay the department's costs in administering those financial aids.

Sec. 3. Minnesota Statutes 1986, section 116J.19, subdivision 6, is amended to read:

Subd. 6. Beginning April 20, 1977, no person shall use a decorative gas lamp in Minnesota except as provided in this subdivision and in subdivision 7. The commissioner shall, at the request of a homeowner who is 65 years old or older, grant a variance allowing the homeowner to operate a decorative gas lamp or lamps at the homeowner's principal place of residence. The variance shall be valid for the life of the recipient, but shall be renewed every four years. The commissioner may not issue a variance after August 1, 1992, except variances issued before that date may be renewed under this subdivision.

Sec. 4. Minnesota Statutes 1986, section 116J.19, is amended by adding a subdivision to read:

Subd. 15. FLUORESCENT LAMP BALLASTS. No person may sell or install a fluorescent lamp ballast in this state that does not comply with the energy efficiency standards for fluorescent lamp ballasts adopted by the commissioner under subdivision 8.

Sec. 5. Minnesota Statutes 1986, section 116J.381, subdivision 2, is amended to read:

Subd. 2. **COMMUNITY ENERGY COUNCILS; CREATION.** Statutory

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and home rule charter cities or, counties, or Indian tribal governments of federally recognized Minnesota based bands or tribes, individually or through the exercise of joint powers agreements, may create community energy councils. Membership on a council shall include representatives of labor, small business, voluntary organizations, senior citizens, and low and moderate income residents, and may include city ~~and~~ county, and Indian tribal government officials, and other interested parties.

Sec. 6. Laws 1981, chapter 334, section 11, subdivision 1, is amended to read:

Subdivision 1. The sum of \$43,170,000 is appropriated from the state building fund to the commissioner of finance for the purpose of making loans to municipalities for district heating systems and qualified energy improvements pursuant to section ~~4~~ 116J.36.

#### Sec. 7. RULES.

The commissioner of public service shall adopt rules under Minnesota Statutes, section 116J.19, subdivision 8, establishing minimum energy efficiency standards for fluorescent lamp ballasts by January 1, 1989.

#### Sec. 8. EFFECTIVE DATE.

Section 4 is effective January 1, 1991, and applies to fluorescent lamp ballasts placed in inventory after the effective date of rules adopted by the commissioner of public service establishing minimum energy efficiency standards for fluorescent lamp ballasts under Minnesota Statutes, section 116J.19, subdivision 8. Section 7 is effective the day following final enactment.

Approved April 24, 1988

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### CHAPTER 618—S.F.No. 1540

*An act relating to the sentencing guidelines commission; changing the membership of the commission; amending Minnesota Statutes 1987 Supplement, section 244.09, subdivision 2.*

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

Section 1. Minnesota Statutes 1987 Supplement, section 244.09, subdivision 2, is amended to read:

Subd. 2. The sentencing guidelines commission shall consist of the following:

- (1) The chief justice of the supreme court or a designee;

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