

Any interested person may nominate the commissioner as conservator ~~or guardian~~ or may initiate conservatorship proceedings pursuant to section 252A.06 for any person committed to the guardianship of the commissioner pursuant to any prior law. Any proceeding brought pursuant to this section shall have no retroactive effect upon the placement of a mentally deficient ward in a state institution by the commissioner of welfare unless the petition requests the court to review the need for further institutionalization.

Subd. 2. Sections 252A.01 to 252A.21 apply to all guardianships of the commissioner of public welfare.

Sec. 5. Minnesota Statutes 1976, Section 252.03, is repealed.

Sec. 6. This act is effective the day following final enactment.

Approved June 2, 1977.

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CHAPTER 416—H.F.No.1215

[Coded]

*An act relating to environmental protection; prohibiting the construction or operation of radioactive waste management facilities within Minnesota; prohibiting transportation of radioactive wastes into Minnesota for purposes of storage or disposal; providing exceptions; prescribing penalties.*

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

Section 1. [116C.71] **ENVIRONMENTAL PROTECTION; RADIOACTIVE WASTE MANAGEMENT FACILITIES; DEFINITIONS.** Subdivision 1. For the purposes of sections 1 to 4, the terms defined in this section have the meaning given them.

Subd. 2. "By-product nuclear material" means any material, except special nuclear material, yielded in or made radioactive by:

(a) Exposure to the radiation incident to the process of producing or utilizing special nuclear material; or

(b) Exposure to radiation produced or accelerated in an atomic or sub-atomic particle accelerating machine.

Subd. 3. "Person" means any individual, corporation, partnership or other unincorporated association or governmental agency.

Subd. 4. "Radiation" means any or all of the following: alpha rays, beta rays, gamma rays, high energy neutrons or protons or electrons, and other atomic particles; but not x-rays and electromagnetic radiations of wavelengths greater than 2,000 Angstrom

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units and sound waves.

Subd. 5. "Radioactive material" means any matter which emits radiation. *Radioactive material includes special nuclear material, source nuclear material, and by-product nuclear material.*

Subd. 6. "Radioactive waste" means:

(a) Useless or unwanted capturable radioactive residues produced incidental to the use of radioactive material; or

(b) Useless or unwanted radioactive material; or

(c) Otherwise non-radioactive material made radioactive by contamination with radioactive material.

Radioactive waste does not include discharges of radioactive effluents to air or surface water when subject to applicable federal or state regulations or excreta from persons undergoing medical diagnosis or therapy with radioactive material or naturally occurring radioactive isotopes.

Subd. 7. "Radioactive waste management facility" means a geographic site, including buildings, structures, and equipment in or upon which radioactive waste is retrievably or irretrievably disposed by burial in soil or permanently stored.

Subd. 8. "Source nuclear material" means:

(a) Uranium or thorium or any combination thereof, in any physical or chemical form; or

(b) Ores which contain by weight one-twentieth of one percent or more of uranium, thorium, or any combination thereof. Source nuclear material does not include special nuclear material.

Subd. 9. "Special nuclear material" means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Nuclear Regulatory Commission, pursuant to the Atomic Energy Act of 1954 as amended, determines to be special nuclear material; or

(b) Any material artificially enriched by any of the materials described in clause (a). Special nuclear material does not include source nuclear material.

Sec. 2. [116C.72] **RADIOACTIVE WASTE MANAGEMENT FACILITY.** *Notwithstanding any provision of Minnesota Statutes, Chapter 116H, to the contrary, no person shall construct or operate a radioactive waste management facility within Minnesota unless expressly authorized by the Minnesota legislature.*

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Sec. 3. [116C.73] **NONMINNESOTA RADIOACTIVE WASTES.** Notwithstanding any provision of Minnesota Statutes, Chapter 116H, to the contrary, no person shall transport radioactive wastes into the state of Minnesota for the purpose of disposal by burial in soil or permanent storage within Minnesota unless expressly authorized by the Minnesota legislature, except that radioactive wastes may be transported into the state for temporary storage in accordance with applicable federal and state law for up to 12 months pending transportation out of the state.

Sec. 4. [116C.74] **PENALTIES.** Any person who violates section 2 or who causes radioactive wastes to be shipped in violation of section 3 shall be guilty of a gross misdemeanor and subject to a fine of not more than \$10,000 or a sentence of imprisonment of not more than one year, or both.

Sec. 5. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved June 2, 1977.

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**CHAPTER 417—H.F.No.1226**

*An act relating to metropolitan airports; authorizing reimbursement to commission members; clarifying its organization and authority; granting emergency authority to expend funds; amending Minnesota Statutes 1976, Sections 473.605, Subdivisions 1 and 2; 473.606, Subdivisions 1 and 4; 473.608, Subdivisions 1, 15 and 17; 473.611, Subdivision 5; 473.621, Subdivisions 2, 4 and 5; 473.641, Subdivision 2; 473.652; repealing Minnesota Statutes 1976, Sections 473.611, Subdivisions 1, 2, 3 and 4; and 473.621, Subdivision 1.*

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

Section 1. Minnesota Statutes 1976, Section 473.605, Subdivision 1, is amended to read:

**473.605 METROPOLITAN AIRPORTS; ORGANIZATION; CORPORATE SEAL; BYLAWS.** Subdivision 1. The commissioners shall ~~at the organization meeting of the corporation~~ adopt a corporate seal and shall adopt bylaws for the regulation of the affairs of the corporation and rules of procedure governing their actions, not inconsistent with law. The bylaws shall provide for regular meetings of the corporation to be held at least once in each month; and for special meetings ~~to be held as provided for in said bylaws.~~

Sec. 2. Minnesota Statutes 1976, Section 473.605, Subdivision 2, is amended to read:

Subd. 2. Each commission member shall be paid a per diem compensation of ~~\$35~~ **\$50** for each meeting ~~and for such other services as are specifically authorized by of the commission, and one of its committees, and attendance and participation at a meeting or~~

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