

Fifty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2347**

Introduced by

Senators Thane, Heitkamp, Wardner

Representatives Amerman, Eckre, F. Klein

1 A BILL for an Act to amend and reenact section 48-05-11 of the North Dakota Century Code,  
2 relating to guaranteed energy savings contracts.

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

4 **SECTION 1. AMENDMENT.** Section 48-05-11 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **48-05-11. Guaranteed energy savings contracts.** The governmental unit shall  
7 provide public notice of the meeting at which it proposes to award a guaranteed energy savings  
8 contract, the names of the parties to the proposed contract, and the purpose of the contract.  
9 After reviewing the report under section 48-05-10, a governmental unit may enter ~~into~~ a  
10 guaranteed energy savings contract with a qualified provider if ~~it~~ the governmental unit finds  
11 that the amount ~~it~~ the governmental unit would spend on the energy conservation measures  
12 recommended in the report is not likely to exceed the amount to be saved in energy and  
13 operation costs over a period not exceeding ten years from the date of installation if the  
14 recommendations in the report are followed. The contract must include a written guarantee of  
15 the qualified provider that the energy and operating cost savings will meet or exceed the costs  
16 of the system. The written guarantee must be for a period equal to the financing period, which  
17 may provide payments over a period not exceeding ten years. If the governmental unit can  
18 document that savings meet or exceed the payment for a period of not less than three years,  
19 the governmental unit may request a waiver of the guaranteed portion of the contract for the  
20 remainder of the financing term. A guarantee waiver request must be approved by a committee  
21 administered by the division of community services. A qualified provider to whom the contract is  
22 awarded shall give a sufficient bond to the governmental unit for the faithful performance of the  
23 contract. ~~The guaranteed energy savings contract may provide for payments over a period not~~  
24 ~~exceeding ten years.~~