

SECOND ENGROSSMENT
with Senate AmendmentsSixty-first
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1322

Introduced by

Representatives Porter, Brandenburg, S. Kelsh

Senators Flakoll, Triplett, Wardner

1 A BILL for an Act to create and enact a new chapter to title 17 of the North Dakota Century
2 Code, relating to an energy policy commission; to provide for a water resources study; and to
3 provide for a legislative council study.

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

5 **SECTION 1.** A new chapter to title 17 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Energy policy commission.**

- 8 1. The energy policy commission is composed of:
- 9 a. The commissioner of commerce;
 - 10 b. A representative of the agriculture community appointed by the governor;
 - 11 c. A representative recommended by the lignite energy council appointed by the
12 governor;
 - 13 d. A representative recommended by the North Dakota petroleum council
14 appointed by the governor;
 - 15 e. A member from the biodiesel industry appointed by the governor;
 - 16 f. A member from the biomass industry appointed by the governor;
 - 17 g. A member from the wind industry appointed by the governor;
 - 18 h. A member from the ethanol industry appointed by the governor;
 - 19 i. A representative recommended by the North Dakota petroleum marketers
20 association appointed by the governor;
 - 21 j. A member from the North Dakota investor-owned electric utility industry
22 appointed by the governor;
 - 23 k. A member from the generation and transmission electric cooperative industry
24 appointed by the governor;

1. l. A member from the lignite coal-producing industry appointed by the governor;
2. m. A member from the refining or gas-processing industry appointed by the
3. governor;

4. n. A member appointed by the public service commission; and

5. o. Additional nonvoting members appointed by the governor.

2. Each member of the commission shall serve for a term of two years, beginning
7. July first, may be reappointed for additional terms, and serves at the pleasure of
8. the governor.

3. The commissioner of commerce is chairman of the commission.

4. The commission shall meet at least four times per biennium or as often as the
11. chairman deems necessary. The commission shall hold at least two public
12. hearings per biennium, at which time interested parties may present testimony
13. regarding issues pertinent to the development of the policy. The department of
14. commerce shall provide staffing for the commission.

5. The commission shall develop a comprehensive energy policy for the state. The
16. commission shall monitor progress made toward the goals outlined in the energy
17. policy and make changes to the energy policy as needed. The commission shall
18. report biennially to the legislative council.

6. The members of the commission who are not state employees are entitled to
20. mileage and expenses as provided by law for state officers and employees.
21. Unless otherwise provided in this subsection, the expenses of appointed members
22. are to be paid by the department of commerce. A state employee who is a
23. member of the commission must receive that employee's regular salary and is
24. entitled to mileage and expenses, to be paid by the employing agency.

25. **SECTION 2. WATER RESOURCES STUDY - REPORT TO LEGISLATIVE COUNCIL.**

1. During the 2009-10 interim, the state water commission shall conduct a study to:

a. Determine unit water use for each sector of energy production, including:

(1) Petroleum;

(2) Ethanol;

(3) Electrical generation; and

(4) Biodiesel;

- 1 b. Identify water quality constraints for each energy sector;
- 2 c. Estimate projected water use in each energy production sector based upon
- 3 growth projections provided by the energy policy commission; and
- 4 d. Provide a qualitative assessment of the state's water resources and identify
- 5 specific sources that have the potential of providing significant quantities of
- 6 water energy development.
- 7 2. The state water commission shall cooperate with the energy policy commission in
- 8 conducting this study.
- 9 3. The water commission shall report its findings and recommendations to the
- 10 legislative council before September 1, 2010.

11 **SECTION 3. LEGISLATIVE COUNCIL STUDY - LIVESTOCK FEEDING FACILITY**

12 **PERMITTING PROCESS.** The legislative council shall consider studying, during the 2009-10
13 interim, issues related to the development of livestock feeding facilities and the use of
14 byproducts from biofuels production as a feedstock. The legislative council shall report its
15 findings and recommendations, together with any legislation required to implement the
16 recommendations, to the sixty-second legislative assembly.