

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Brandenburg

1 A BILL for an Act to create and enact a new section to title 17 of the North Dakota Century
2 Code, relating to allocation of new electric generation incentive payments; and to provide an
3 appropriation.

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

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

7 **New electric generation incentive payment.** The department of commerce shall
8 make payments to the owner of electric generation units constructed and brought online in this
9 state after December 31, 2008.

10 1. The owner of new electric generation units constructed and brought online in this
11 state from July 1, 2009, through June 30, 2010, is entitled to a electric generation
12 incentive payment of ten million dollars for combined electric generation capacity in
13 the state of one hundred megawatts and an additional payment of one million
14 dollars for each additional ten megawatts. Allocations under this subsection may
15 not exceed fifteen million dollars and if payment obligations to owners under this
16 subsection exceed that amount, payments to owners must be prorated to allocate
17 available funds among the owners in proportion to the megawatt hours of new
18 electric generation capacity constructed and brought online during the year.

19 2. The owner of new electric generation units constructed and brought online in this
20 state from July 1, 2010, through June 30, 2011, is entitled to a electric generation
21 incentive payment of ten million dollars for combined electric generation capacity in
22 the state of one hundred megawatts and an additional payment of one million
23 dollars for each additional ten megawatts. Allocations under this subsection may
24 not exceed fifteen million dollars and if payment obligations to owners under this

1 subsection exceed that amount, payments to owners must be prorated to allocate
2 available funds among the owners in proportion to the megawatt hours of new
3 electric generation capacity constructed and brought online during the year.

4 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
5 general fund in the state treasury, not otherwise appropriated, the sum of \$30,000,000, or so
6 much of the sum as may be necessary, to the department of commerce for the purpose of
7 allocation of new electric generation incentive payments as provided in Section 1 of this Act, for
8 the biennium beginning July 1, 2009, and ending June 30, 2011.