

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 brought online in this state after
9 June 30, 2009:

10 1. The owner of new electric generation units is entitled to an electric generation
11 incentive payment of ten million dollars for combined electric generation capacity
12 brought online in this state from July 1, 2009, through June 30, 2010, of one
13 hundred megawatts and an additional one million dollars for each additional ten
14 megawatts. Allocations under this subsection for new generation units brought
15 online from July 1, 2009, through June 30, 2010, may not exceed fifteen million
16 dollars, and if payment obligations to owners under this subsection exceed that
17 amount, payments to owners must be prorated to allocate available funds among
18 the owners in proportion to the megawatt-hours of new electric generation capacity
19 brought online during that time period. For any payment obligation reduced by
20 prorating under this subsection, the amount of the reduction must be carried to the
21 next year and paid to the owner from funds available under subsection 2.

22 2. The owner of new electric generation units is entitled to an electric generation
23 incentive payment of ten million dollars for combined electric generation capacity
24 brought online in this state from July 1, 2010, through June 30, 2011, of one

1 hundred megawatts and an additional one million dollars for each additional ten
2 megawatts. Allocations under this subsection may not exceed the balance of
3 legislative appropriations for that purpose for the biennium after deduction of
4 payments made under subsection 1, and if payment obligations to owners under
5 this subsection exceed that amount, payments to owners must be prorated to
6 allocate available funds among the owners in proportion to the megawatt-hours of
7 new electric generation capacity brought online during that time period.

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