

Sixty-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; and
- 4 n. Additional nonvoting members appointed by the governor.
- 5 2. Each member of the commission shall serve for a term of two years, beginning
- 6 July first, may be reappointed for additional terms, and serves at the pleasure of
- 7 the governor.
- 8 3. The commissioner of commerce is chairman of the commission.
- 9 4. The commission shall meet at least four times per biennium or as often as the
- 10 chairman deems necessary. The commission shall hold at least two public
- 11 hearings per biennium, at which time interested parties may present testimony
- 12 regarding issues pertinent to the development of the policy. The department of
- 13 commerce shall provide staffing for the commission.
- 14 5. The commission shall develop a comprehensive energy policy for the state. The
- 15 commission shall monitor progress made toward the goals outlined in the energy
- 16 policy and make changes to the energy policy as needed. The commission shall
- 17 report biennially to the legislative council.
- 18 6. The members of the commission who are not state employees are entitled to
- 19 mileage and expenses as provided by law for state officers and employees.
- 20 Unless otherwise provided in this subsection, the expenses of appointed members
- 21 are to be paid by the department of commerce. A state employee who is a
- 22 member of the commission must receive that employee's regular salary and is
- 23 entitled to mileage and expenses, to be paid by the employing agency.

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

- 25 1. During the 2009-10 interim, the state water commission shall conduct a study to:
- 26 a. Determine unit water use for each sector of energy production, including:
- 27 (1) Petroleum;
- 28 (2) Ethanol;
- 29 (3) Electrical generation; and
- 30 (4) Biodiesel;
- 31 b. Identify water quality constraints for each energy sector;

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

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

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