

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1297

Introduced by

Representatives Belter, Hanson, Nelson

Senators Christmann, O'Connell, Wardner

1 A BILL for an Act to create and enact section 48-05-02.1 of the North Dakota Century Code,
2 relating to the purchasing of coal for heating purposes by the state and political subdivisions.

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

4 **SECTION 1.** Section 48-05-02.1 of the North Dakota Century Code is created and
5 enacted as follows:

6 **48-05-02.1. Purchase of coal by the state and political subdivisions.** The state
7 and all of its institutions, all political subdivisions, and all public schools, when purchasing coal
8 for heating purposes, shall give preference to bidders supplying coal mined in North Dakota if
9 such coal, on an aggregate basis, will provide equivalent British thermal units of heating value
10 in comparison to coal mined elsewhere, if the total bid price of the coal mined in North Dakota
11 and delivered is not higher than the total bid price of coal mined elsewhere and delivered, and if
12 state air pollution permits to operate would not limit the use of North Dakota coal due to
13 emissions limits. In evaluating the comparable price of North Dakota coal versus other coal,
14 the state and its institutions, political subdivisions, and public schools may include any ash
15 handling costs that may be associated with the use of North Dakota coal. The state or any of
16 its institutions, any political subdivision, or any public school, when advertising for or reviewing
17 bids for the purchase of coal for heating purposes, may not mandate the use of any particular
18 type of coal or the region where the coal is to be mined.