

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1506

Introduced by

Representatives Monson, Dahl, S. Kelsh

Senator Erbele

1 A BILL for an Act to establish a state renewable and recycled energy objective; to create and
2 enact six new sections to chapter 49-02 of the North Dakota Century Code, relating to
3 renewable and recycled energy; and to amend and reenact sections 49-02-25 and 49-02-26 of
4 the North Dakota Century Code, relating to electricity produced from hydroelectric sources as
5 renewable electricity and recycled energy.

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

7 **SECTION 1. State renewable and recycled energy objective.** The legislative
8 assembly establishes a state renewable and recycled energy objective that ten percent of all
9 electricity sold at retail within the state by the year 2015 be obtained from renewable energy
10 and recycled energy sources. The objective must be measured by qualifying megawatt hours
11 delivered at retail or by certificates representing credits purchased and retired to offset
12 nonqualifying retail sales. This objective is voluntary and there is no penalty or sanction for a
13 retail provider of electricity that fails to meet this objective. The objective applies to all retail
14 providers of electricity in the state, regardless of the ownership status of the electricity retailer.
15 Municipal and cooperative utilities that receive wholesale electricity through a municipal power
16 agency or generation and transmission cooperative may aggregate their renewable and
17 recycled energy objective resources to meet this objective.

18 **SECTION 2. AMENDMENT.** Section 49-02-25 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **49-02-25. Renewable electricity and recycled energy defined.** As used in section
21 49-02-24, renewable electricity and recycled energy include electricity generated from facilities
22 using the following sources:

- 23 1. Solar, using the sun as the source of energy for producing electricity.
- 24 2. Wind, using the wind as the source of energy for producing electricity.

- 1 3. Biomass, using agricultural crops and agricultural wastes and residues, wood and
- 2 wood wastes and residues, animal wastes, and landfill gas as the fuel to produce
- 3 electricity.
- 4 4. Hydroelectric, that uses water as the source of energy to produce electricity.
- 5 5. Geothermal, using energy contained in heat that continuously flows outward from
- 6 the earth as the source of energy to produce electricity.
- 7 ~~5.~~ 6. Hydrogen, provided that the hydrogen is generated from a source listed in this
- 8 section.
- 9 ~~6.~~ 7. Recycled energy systems producing electricity from currently unused waste heat
- 10 resulting from combustion or other processes into electricity and which do not use
- 11 an additional combustion process. The term does not include any system whose
- 12 primary purpose is the generation of electricity.

13 **SECTION 3. AMENDMENT.** Section 49-02-26 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **49-02-26. Qualifying for renewable electricity and recycled energy credits -**
16 **Exception for certain hydroelectric facilities.** ~~For~~ Except as otherwise provided in this
17 section, for purposes of qualifying for renewable electricity and recycled energy credits,
18 electricity must be generated from a source identified in section 49-02-25. For electricity
19 generated from hydroelectric facilities, the hydroelectric facility must have an inservice date of
20 January 1, 2007, or later, or be new hydroelectric generation obtained from repowering or
21 efficiency improvements to hydroelectric facilities existing on the effective date of this Act.

22 **SECTION 4.** A new section to chapter 49-02 of the North Dakota Century Code is
23 created and enacted as follows:

24 **Qualifying for renewable electricity and recycled energy objective.** For purposes
25 of qualifying for the renewable electricity and recycled energy objective contained in section 1
26 of this Act, electricity, except for electricity generated from a hydroelectric facility with an
27 in-service date before January 1, 2007, and electricity that is not obtained from repowering or
28 efficiency improvements to a hydropower facility existing on the effective date of this Act,
29 regardless of the source's inservice date, qualifies for meeting the statewide objective provided
30 that the source meets the requirements of North Dakota public service commission's rules for
31 tracking, recording, and verifying renewable energy certificates.

1 **SECTION 5.** A new section to chapter 49-02 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Application of electricity generated from existing hydroelectric facilities in**
4 **calculating the renewable objective.** For purposes of calculating the amount of electricity
5 from renewable energy and recycled energy sources needed to meet the renewable and
6 recycled energy objective, a retail provider may deduct from its baseline of total retail sales the
7 proportion of electricity obtained from hydroelectric facilities with an inservice date before
8 January 1, 2007.

9 **SECTION 6.** A new section to chapter 49-02 of the North Dakota Century Code is
10 created and enacted as follows:

11 **Purchase and retirement of renewable energy and recycled energy certificates to**
12 **meet the objective.** A portion or all of the renewable energy and recycled energy objective
13 may be met by the purchase and retirement of renewable energy and recycled energy
14 certificates representing credits from qualified sources and facilities as defined in section
15 49-02-26 and section 5 of this Act. Renewable energy and recycled energy certificates do not
16 need to be acquired from an in-state facility.

17 **SECTION 7.** A new section to chapter 49-02 of the North Dakota Century Code is
18 created and enacted as follows:

19 **Use of renewable and recycled energy - Economic evaluation.** Before using new
20 renewable and recycled energy after August 1, 2007, to meet the objective, the retail provider
21 or its generation supplier shall make an economic evaluation to determine if the use of new
22 renewable and recycled energy is cost-effective considering other electricity alternatives. After
23 evaluating the renewable and recycled energy objective and economic evaluation, the retail
24 provider or its generation supplier may use the electricity alternative that best meets its
25 resource or customer needs.

26 **SECTION 8.** A new section to chapter 49-02 of the North Dakota Century Code is
27 created and enacted as follows:

28 **Verification of generation and of purchase of renewable energy and recycled**
29 **energy certificates.** Electricity generation applied to the renewable energy and recycled
30 energy objective, as well as certificate purchases and certificate retirements, must be

1 independently verified through a third-party credit tracking system selected by the public
2 service commission.

3 **SECTION 9.** A new section to chapter 49-02 of the North Dakota Century Code is
4 created and enacted as follows:

5 **Public reporting on progress toward meeting the renewable energy and recycled**
6 **energy objective.** Commencing on June 30, 2009, retail providers shall report annually on the
7 provider's previous calendar year's energy sales. This report must include information
8 regarding qualifying electricity delivered and renewable energy and recycled energy certificates
9 purchased and retired as a percentage of annual retail sales and a brief narrative report that
10 describes steps taken to meet the objective over time and identifies any challenges or barriers
11 encountered in meeting the objective. The last annual report must be made on June 30, 2016.
12 Retail providers shall report to the public service commission, which shall make data and
13 narrative reports publicly available and accessible electronically on the internet. Distribution
14 cooperatives may aggregate their reporting through generation and transmission cooperatives
15 and municipal utilities may aggregate their reporting through a municipal power agency.