

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED 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 The state water commission shall study, during the 2009-10 interim, the effect of energy
26 development on the state's water resources and make recommendations on methods to
27 minimize this impact and maximize the available water supply to support future energy growth.
28 The state water commission shall cooperate with the energy policy commission in conducting
29 this study. The water commission shall report its findings and recommendations to the
30 legislative council before September 1, 2010.

1 **SECTION 3. LEGISLATIVE COUNCIL STUDY - LIVESTOCK FEEDING FACILITY**
2 **PERMITTING PROCESS.** The legislative council shall consider studying, during the 2009-10
3 interim, issues related to the development of livestock feeding facilities and the use of
4 byproducts from biofuels production as a feedstock. The legislative council shall report its
5 findings and recommendations, together with any legislation required to implement the
6 recommendations, to the sixty-second legislative assembly.