

SENATE BILL NO. 2165

Introduced by

Senators Patten, Kannianen, Kessel

Representatives Bosch, Novak, Porter

1 A BILL ~~for an Act to amend and reenact subsection 5 of section 17-07-01 of the North Dakota~~
2 ~~Century Code, relating to duties of the energy policy commission; to provide an appropriation;~~
3 ~~and to provide for a transfer.~~for an Act to amend and reenact section 54-63.1-03 of the North
4 Dakota Century Code, relating to membership of the clean sustainable energy authority.

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

6 ~~— **SECTION 1. AMENDMENT.** Subsection 5 of section 17-07-01 of the North Dakota Century~~
7 ~~Code is amended and reenacted as follows:~~

8 ~~— 5. — The commission may identify and make recommendations to the clean sustainable~~
9 ~~energy authority on technologies related to low-emission advancements. The~~
10 ~~recommendations may include consideration of advancements or developments that~~
11 ~~have led to increased economic benefits and positive environmental public health~~
12 ~~benefits for the citizens and visitors of North Dakota, including cleaner air, soil, and~~
13 ~~water; improved efficiencies; reduction of waste; lower carbon-intensive agricultural~~
14 ~~products or processes; and quantities of energy used. The recommendations also may~~
15 ~~consider other factors, including environmental, social, and governance policies and~~
16 ~~the effect on financial or capital markets. The commission shall consider and make~~
17 ~~recommendations on policies to ensure the availability of affordable, reliable, resilient,~~
18 ~~and sustainable energy in the state; to expand value-added energy; and to expand the~~
19 ~~opportunities to diversify the use of North Dakota's natural resources, which may~~
20 ~~increase state tax revenues. The commission shall study and evaluate critical energy~~
21 ~~infrastructure and shall make recommendations to ensure the state's comprehensive~~
22 ~~energy policy supports electrical grid reliability and resiliency and supports sufficient~~
23 ~~dispatchable generation capacity to avoid brownouts, blackouts, or outages. The~~

1 commission shall monitor the progress of implementing and achieving environmental
2 benefits through the state's comprehensive energy policy.

3 ~~SECTION 2. APPROPRIATION - TRANSFER - CLEAN SUSTAINABLE ENERGY FUND.~~

4 ~~There is appropriated out of any moneys in the general fund in the state treasury, not otherwise~~
5 ~~appropriated, the sum of \$300,000,000, or so much of the sum as may be necessary, to the~~
6 ~~office of management and budget to be transferred to the clean sustainable energy fund for the~~
7 ~~purpose of repaying any outstanding balance to the Bank of North Dakota line of credit as~~
8 ~~authorized by section 54-63.1-07 or to fund loans authorized by the clean sustainable energy~~
9 ~~authority, for the biennium beginning July 1, 2023, and ending June 30, 2025. Up to~~
10 ~~\$50,000,000 of the funds may be used to provide grants as determined by the clean sustainable~~
11 ~~energy authority during the biennium beginning July 1, 2023, and ending June 30, 2025.~~

12 **SECTION 1. AMENDMENT.** Section 54-63.1-03 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **54-63.1-03. Clean sustainable energy authority - Membership - Meetings.**

- 15 1. The clean sustainable energy authority consists of ~~sixteen~~seventeen members,
16 including ~~eight~~nine voting members and eight nonvoting technical advisors.
- 17 2. The ~~eight~~nine voting members consist of:
 - 18 a. ~~One member~~Two members, one from the senate and one from the house of
19 representatives, appointed by the legislative management to serve as
20 ~~chairman~~co-chairmen;
 - 21 b. Two members appointed by the lignite research council;
 - 22 c. Two members appointed by the oil and gas research council;
 - 23 d. Two members appointed by the renewable energy council; and
 - 24 e. One member appointed by the western Dakota energy association.
- 25 3. The eight nonvoting technical advisors consist of:
 - 26 a. One member appointed by the North Dakota outdoor heritage fund advisory
27 board;
 - 28 b. The commissioner of commerce or the commissioner's designee;
 - 29 c. The director of the department of environmental quality or the director's designee;
 - 30 d. The director of mineral resources or the director's designee;
 - 31 e. The director of the North Dakota pipeline authority or the director's designee;

- 1 f. The director of the North Dakota transmission authority or the director's designee;
- 2 g. The director of the state energy research center or the director's designee; and
- 3 h. The president of the Bank of North Dakota or the president's designee.
- 4 4. The term of office for ~~the chairman~~each co-chairman is two years. The term of office
- 5 for the other voting members is four years, and the other voting members may not
- 6 serve more than two consecutive terms. The terms of office for the voting members
- 7 commence on July first. The initial terms for the voting members of the authority must
- 8 be staggered following a method determined by the authority.
- 9 5. The authority shall meet at least semiannually. The ~~chairman~~co-chairmen shall call a
- 10 meeting upon written request from three voting members of the authority. Five voting
- 11 members is a quorum at any meeting.
- 12 6. The authority may not forward a recommendation to the commission unless the
- 13 recommendation fulfills the purposes of this chapter and is approved by a majority of
- 14 the voting members of the authority.