

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2359

Introduced by

Senators Patten, Kessel, Boehm

Representatives Novak, Porter

1 | A BILL for an Act to amend and reenact ~~sections~~section 49-02-26 ~~and 49-02-34~~ of the North  
2 | Dakota Century Code, relating to qualifications for renewable electricity and recycled energy  
3 | credits ~~and public reporting requirement~~; and to repeal sections 49-02-28, 49-02-29, 49-02-30,  
4 | 49-02-31, 49-02-32, ~~and 49-02-33, and 49-02-34~~ of the North Dakota Century Code, relating to  
5 | the state renewable and recycled energy objectives, public reporting, qualifications and  
6 | applications to the statewide objectives, the purchase and retirement of renewable energy  
7 | certificates to meet the objectives, verification of generation and the purchase of certificates,  
8 | and economic evaluations on the use of renewable and recycled energy.

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

10 |       **SECTION 1. AMENDMENT.** Section 49-02-26 of the North Dakota Century Code is  
11 | amended and reenacted as follows:

12 |       **49-02-26. Qualifying for renewable electricity and recycled energy credits ~~–Exception~~**  
13 | **~~for certain hydroelectric facilities.~~**

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

1 ~~—~~ **SECTION 2. AMENDMENT.** ~~Section 49-02-34 of the North Dakota Century Code is~~  
2 ~~amended and reenacted as follows:~~

3 ~~—~~ **49-02-34. Public reporting on progress toward meeting the renewable energy and**  
4 **recycled energy objective.**

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

16 **SECTION 2. REPEAL.** Sections 49-02-28, 49-02-29, 49-02-30, 49-02-31, 49-02-32, ~~and~~  
17 ~~49-02-33, and 49-02-34~~ of the North Dakota Century Code are repealed.