

**HOUSE BILL NO.**

Introduced by

Representative Brandenburg

1 A BILL for an Act to create and enact a new section to title 17 of the North Dakota Century  
2 Code, relating to allocation of new electric generation incentive payments; and to provide an  
3 appropriation.

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

5 **SECTION 1.** A new section to title 17 of the North Dakota Century Code is created and  
6 enacted as follows:

7 **New electric generation incentive payment.** The department of commerce shall  
8 make payments to the owner of electric generation units brought online in this state after  
9 June 30, 2009:

- 10 1. The owner of new electric generation units is entitled to an electric generation  
11 incentive payment of ten million dollars for combined electric generation capacity  
12 brought online in this state from July 1, 2009, through June 30, 2010, of one  
13 hundred megawatts and an additional one million dollars for each additional ten  
14 megawatts. Allocations under this subsection for new generation units brought  
15 online from July 1, 2009, through June 30, 2010, may not exceed fifteen million  
16 dollars, and if payment obligations to owners under this subsection exceed that  
17 amount, payments to owners must be prorated to allocate available funds among  
18 the owners in proportion to the megawatt-hours of new electric generation capacity  
19 brought online during that time period.
- 20 2. The owner of new electric generation units is entitled to an electric generation  
21 incentive payment of ten million dollars for combined electric generation capacity  
22 brought online in this state from July 1, 2010, through June 30, 2011, of one  
23 hundred megawatts and an additional one million dollars for each additional ten  
24 megawatts. Allocations under this subsection may not exceed the balance of

1           legislative appropriations for that purpose for the biennium after deduction of  
2           payments made under subsection 1, and if payment obligations to owners under  
3           this subsection exceed that amount, payments to owners must be prorated to  
4           allocate available funds among the owners in proportion to the megawatt-hours of  
5           new electric generation capacity constructed and brought online during that time  
6           period.

7           **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the  
8 general fund in the state treasury, not otherwise appropriated, the sum of \$30,000,000, or so  
9 much of the sum as may be necessary, to the department of commerce for the purpose of  
10 allocation of new electric generation incentive payments as provided in section 1 of this Act, for  
11 the biennium beginning July 1, 2009, and ending June 30, 2011.