

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 subsections 1 and 3 of section
4 17-07-01 of the North Dakota Century Code, relating to membership of the energy policy
5 commission.

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

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

9 ~~—5.—The commission may identify and make recommendations to the clean sustainable~~
10 ~~energy authority on technologies related to low-emission advancements. The~~
11 ~~recommendations may include consideration of advancements or developments that~~
12 ~~have led to increased economic benefits and positive environmental public health~~
13 ~~benefits for the citizens and visitors of North Dakota, including cleaner air, soil, and~~
14 ~~water; improved efficiencies; reduction of waste; lower carbon-intensive agricultural~~
15 ~~products or processes; and quantities of energy used. The recommendations also may~~
16 ~~consider other factors, including environmental, social, and governance policies and~~
17 ~~the effect on financial or capital markets. The commission shall consider and make~~
18 ~~recommendations on policies to ensure the availability of affordable, reliable, resilient,~~
19 ~~and sustainable energy in the state; to expand value-added energy; and to expand the~~
20 ~~opportunities to diversify the use of North Dakota's natural resources, which may~~
21 ~~increase state tax revenues. The commission shall study and evaluate critical energy~~
22 ~~infrastructure and shall make recommendations to ensure the state's comprehensive~~
23 ~~energy policy supports electrical grid reliability and resiliency and supports sufficient~~
24 ~~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.** Subsections 1 and 3 of section 17-07-01 of the North Dakota
13 Century Code are amended and reenacted as follows:

- 14 1. The energy policy commission is composed of:
 - 15 a. The commissioner of commerce, or the commissioner's designee;
 - 16 b. A representative of the agriculture community appointed by the governor;
 - 17 c. A representative recommended by the lignite energy council appointed by the
 - 18 governor;
 - 19 d. A representative recommended by the North Dakota petroleum council appointed
 - 20 by the governor;
 - 21 e. A member from the biodiesel or green diesel industry appointed by the governor;
 - 22 f. A member from the biomass industry appointed by the governor;
 - 23 g. A member from the wind industry appointed by the governor;
 - 24 h. A member from the ethanol industry appointed by the governor;
 - 25 i. A representative recommended by the North Dakota petroleum marketers
 - 26 association appointed by the governor;
 - 27 j. A member from the North Dakota investor-owned electric utility industry
 - 28 appointed by the governor;
 - 29 k. A member from the generation and transmission electric cooperative industry
 - 30 appointed by the governor;
 - 31 l. A member from the lignite coal-producing industry appointed by the governor;

- 1 m. A member from the refining or gas-processing industry appointed by the
2 governor; ~~and~~
- 3 n. Additional nonvoting members appointed by the governor;
- 4 o. One member of the house of representatives, appointed by the legislative
5 management; and
- 6 p. One member of the senate, appointed by the legislative management.
- 7 3. The ~~commissioner of commerce, or the commissioner's designee, is~~
8 ~~chairman~~ legislative members are co-chairmen of the commission.