

2025 HOUSE FINANCE AND TAXATION

HB 1211

2025 HOUSE STANDING COMMITTEE MINUTES

Finance and Taxation Committee Room JW327E, State Capitol

HB 1211
1/15/2025

Relating to energy from hydroelectric facilities.

10:33 a.m. Chairman Headland opened the hearing on HB 1211.

Members Present: Chairman Headland, Vice Chairman Hagert, Representatives Anderson, Dockter, Dressler, Foss, Ista, Motschenbacher, Nehring, Porter, Steiner, Toman
Members Absent: Representatives Grueneich, Olson.

Discussion Topics:

- Previous exemption
- Hydroelectric as renewable
- Estimated credit value
- Municipals vs cooperatives
- Benefits of sharing credits

10:33 a.m. Representative Dave Monson, introduced HB 1211.

10:39 a.m. Deb Birgen, VP of Government Relations, Missouri River Energy Services, testified in favor and submitted testimony #29141.

10:57 a.m. Chairman Headland adjourned the meeting.

Janae Pinks, Committee Clerk

**Testimony in Support of
House Bill 1211
House Finance and Taxation Committee**

Good morning, Chairman Headland, Members of the House Finance and Taxation Committee, my name is Deb Birgen. Thank you for allowing me to testify in support of HB 1211 via zoom. I was already in St. Paul doing meetings and it would have been a tough road to try to make it to Bismarck this morning.

I serve as the Vice President of Governmental Relations for Missouri River Energy Services (MRES). I am speaking to you on behalf of MRES, which is a not-for-profit municipal electric power agency, providing electricity and other energy-related services to 61 municipal electric utilities in Iowa, Minnesota, North Dakota and South Dakota. This includes our six North Dakota members: Cavalier, Hillsboro, Lakota, Northwood, Riverdale, and Valley City. MRES also partners with these municipal utility members in complying with various environmental and regulatory mandates across the four states.

MRES asked for HB 1211 to be drafted. At its core, this bill seeks to amend North Dakota Century Code 49-02-26, 49-02-29 and 49-02-31 to count ALL hydroelectric power, regardless of its date of in-service or commercial operation, as renewable energy under North Dakota law. Primarily, this entails removing language that limits eligible hydroelectricity to those resources that have an in-service date of January 1, 2007, or after. Additionally, conforming changes are made by repealing section 49-02-30.

Why is MRES requesting this?

When North Dakota's renewable energy objective was passed in 2009, hydroelectric power from facilities constructed before 2007 was not counted as "renewable," while power from facilities built after 2007 was considered renewable. This meant that hydro power from the dams of the Missouri River, administered and sold by the Western Area Power Administration (WAPA) was

excluded from the definition of renewable energy. At that time, WAPA and WAPA customers also did not receive Renewable Energy Credits (RECs) for this power.

However, in the last few years, WAPA has made the determination that it would register the hydroelectric power generated from the dams of the Missouri River as RECs in the Midwest Renewable Energy Tracking Systems (M-RETS). As a result, RECs will now be issued to the municipals and cooperatives that receive hydropower from the dams.

For our six North Dakota municipal members, these RECs belong to them as a result of their purchase of WAPA power. They may retire these RECs for renewable energy compliance, to green up portfolios, or to meet other customer demands. They may also transfer or trade these RECs among their fellow MRES municipal utility member communities.

However, in order to make sure these are fully tradeable and fungible among our MRES members, these WAPA RECs should meet the same definition of “renewable” across the four states in MRES’s footprint (Iowa, MN, ND and SD). For example, in South Dakota, “renewable” energy includes **all** hydroelectric power, regardless of the age of the resource.

Again, as members of a Joint Action Agency, MRES members in our four-state footprint would like to be able to transfer the RECs among themselves to support MRES as a whole and the various individual municipal electric utilities as well. So, we are simply asking current law to be updated to define all hydroelectric resources, regardless of age to be “renewable”. We see no reason to treat hydroelectric power differently simply based on the age of generation facility.

Therefore, I respectfully ask for a **“Do Pass”** recommendation on HB 1211. Thank you and I would be willing to try to answer any questions.

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2025 HOUSE STANDING COMMITTEE MINUTES

Finance and Taxation Committee Room JW327E, State Capitol

HB 1211
1/27/2025

Relating to energy from hydroelectric facilities.

3:24 p.m. Chairman Headland opened the meeting.

Members Present: Chairman Headland, Vice Chairman Hagert, Representatives Anderson, Dockter, Dressler, Grueneich, Ista, Motschenbacher, Nehring, Olson, Porter, Steiner
Members Absent: Representatives Toman, Foss

Discussion Topics:

- Minnesota lawsuit
- Impact to the state of ND
- Impact on local communities

3:26 p.m. Representative J. Olson moved a Do Not Pass.

3:26 p.m. Representative D. Anderson seconded the motion.

3:29 p.m. Chairman Headland resisted the Do Not Pass motion.

3:30 p.m. Vice Chairman Hagert resisted the Do Not Pass motion.

3:30 p.m. Representative J. Olson withdrew motion.

3:31 p.m. Representative D. Anderson Withdrew his second.

3:31 p.m. Representative Dockter moved a Do Pass.

3:31 p.m. Representative Motschenbacher seconded the motion.

Representatives	Vote
Representative Craig Headland	Y
Representative Jared Hagert	Y
Representative Dick Anderson	Y
Representative Jason Dockter	Y
Representative Ty Dressler	Y
Representative Jim Grueneich	Y
Representative Mike Motschenbacher	Y
Representative Dennis Nehring	Y
Representative Jeremy Olson	Y
Representative Todd Porter	Y
Representative Vicky Steiner	Y
Representative Nathan Toman	AB
Representative Austin Foss	AB
Representative Zachary Ista	Y

3:32 p.m. Motion passed 12-0-2.

3:32 p.m. Representative Nehring will carry the bill.

3:33 p.m. Chairman Headland closed the meeting.

Janae Pinks, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1211 ([25.0737.01000](#))

Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1211 was placed on the Eleventh order on the calendar.

2025 SENATE FINANCE AND TAXATION

HB 1211

2025 SENATE STANDING COMMITTEE MINUTES

Finance and Taxation Committee Fort Totten Room, State Capitol

HB 1211
2/18/2025

Relating to energy from hydroelectric facilities.

10:31 a.m. Chairman Weber opened the hearing.

Members present: Chairman Weber, Vice Chairman Rummel, Senator Marcellais, Senator Patten, Senator Powers, Senator Walen

Discussion Topics:

- Impact of SB 2359 relating to renewable energy certificates to HB 1211

10:31 a.m. Representative Monson, District 19, introduced HB 1211 and testified in favor.

10:33 a.m. Todd Kranda, Lobbyist, Kelsch Ruff Kranda Nagle and Ludwig Law Firm, testified in favor.

10:34 a.m. Deborah Birgen, Vice President of Government Relations, Missouri River Energy Services, testified in favor and submitted testimony #37808.

10:42 a.m. Randy Christmann, Commissioner, ND Public Service Commission, testified neutral.

10:42 a.m. Chairman Weber closed the hearing.

10:43 a.m. Senator Walen moved a Do Pass.

10:43 a.m. Senator Powers seconded the motion.

Senators	Vote
Senator Mark F. Weber	Y
Senator Dean Rummel	Y
Senator Richard Marcellais	AB
Senator Dale Patten	Y
Senator Michelle Powers	Y
Senator Chuck Walen	Y

Motion passed 5-0-1.

Senator Powers will carry the bill.

10:44 a.m. Chairman Weber adjourned the meeting.

Chance Anderson, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1211 ([25.0737.01000](#))

Finance and Taxation Committee (Sen. Weber, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1211 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.



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Testimony in Support of House Bill 1211 Senate Finance and Taxation Committee

Good morning, Chairman Weber, Members of the Senate Finance and Taxation Committee, my name is Deb Birgen. Thank you for welcoming me this morning to testify in support of HB 1211.

I serve as the Vice President of Governmental Relations for Missouri River Energy Services (MRES). I am speaking to you on behalf of MRES, which is a not-for-profit municipal electric power agency, providing electricity and other energy-related services to 61 municipal electric utilities in Iowa, Minnesota, North Dakota and South Dakota. This includes our six North Dakota members: Cavalier, Hillsboro, Lakota, Northwood, Riverdale, and Valley City.

MRES asked for HB 1211 to be introduced. At its core, this bill seeks to amend North Dakota Century Code Sections 49-02-26, 49-02-29 and 49-02-31 to count **ALL** hydroelectric power, regardless of the in-service or commercial operation date of the hydroelectric facility generating the power, as renewable energy under North Dakota law. Primarily, this entails removing language that limits eligible hydroelectricity to those resources that have an in-service date of January 1, 2007, or after. Additionally, conforming changes are made by repealing Section 49-02-30 NDCC.

Why is MRES requesting this?

When North Dakota's renewable energy objective was passed in 2009, hydroelectric power from facilities constructed before 2007 was not counted as "renewable", while power from facilities built after 2007 was considered renewable. This meant that hydro power from the dams of the Missouri River, administered and sold by the Western Area Power Administration (WAPA), was

excluded from the definition of renewable energy. At that time, WAPA and WAPA customers also did not receive Renewable Energy Certificates (RECs) for this power.

However, in the last few years, WAPA has made the determination that it would register the hydroelectric power generated from the dams of the Missouri River as RECs in the Midwest Renewable Energy Tracking System (M-RETS). As a result, RECs will now be issued to the municipals and cooperatives that receive hydropower from the dams.

For our six North Dakota municipal members, as well as other North Dakota utilities who purchase power from WAPA, these RECs may be retired to meet local energy goals, to meet the energy goals of newly constructed data centers, to green up the portfolios of business or manufacturing, or to meet other customer demands. Also, if WAPA moves forward with its proposed action to make these RECs fully transferrable, our North Dakota members will be able to transfer or trade these RECs among their fellow MRES municipal utility member communities, so those communities could use the RECs in similar manner.

However, in order to make sure these WAPA RECs are fully tradeable and fungible, these RECs should meet the same definition of “renewable” across the four states in MRES’s footprint (Iowa, MN, ND and SD). For example, in South Dakota, “renewable” energy includes **all** hydroelectric power, regardless of the age of the resource.

Again, as members of a Joint Action Agency, MRES members in our four-state footprint would like to be able to transfer the RECs among themselves to support MRES as a whole and the various individual municipal electric utilities as well. So, we are simply asking current law to be updated to define all hydroelectric resources, regardless of age, to be deemed to produce “renewable” energy. We see no reason to treat hydroelectric power differently simply based on the age of the generation facility producing the power.

Therefore, I respectfully ask for a “**Do Pass**” recommendation on HB 1211. Thank you.