

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1455

Introduced by

Representatives Nehring, Toman

Senator Bell

1 A BILL for an Act to amend and reenact section 49-22-04 of the North Dakota Century Code,
2 relating to ten-year plans; and to provide for a legislative management study.

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

4 **SECTION 1. AMENDMENT.** Section 49-22-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **49-22-04. Ten-year plans - Contents.**

7 1. Each utility that owns or operates, or plans within the next ten years to own, operate,
8 or start construction on any facility shall develop a ten-year plan as specified in this
9 section and submit the plan to the commission. Each utility shall file an updated plan
10 on or before July first of each even-numbered year after the year of its initial
11 submission. The ten-year plan may be appropriate portions of a single regional plan or
12 may be jointly prepared and submitted by two or more utilities and must contain the
13 following information:

14 4. a. A description of the general location, size, and type of all facilities to be owned or
15 operated by the utility during the ensuing ten years, as well as those facilities to
16 be removed from service during the ten-year period.

17 2. b. An identification of the location of the tentative preferred site for all electric
18 energy conversion facilities and the tentative location of all electric transmission
19 facilities on which construction is intended to be commenced within the ensuing
20 five years and such other information as may be required by the commission. The
21 site and corridor identification shall be made in compliance with the criteria
22 published by the commission pursuant to section 49-22-05.1.

- 1 3. c. A description of the efforts by the utility to coordinate the plan with other utilities
2 so as to provide a coordinated regional plan for meeting the utility needs of the
3 region.
- 4 4. d. A description of the efforts to involve environmental protection and land-use
5 planning agencies in the planning process, as well as other efforts to identify and
6 minimize environmental problems at the earliest possible stage in the planning
7 process.
- 8 5. e. A statement of the projected demand for the service rendered by the utility for the
9 ensuing ten years and the underlying assumptions for the projection, with that
10 information being as geographically specific as possible, and a description of the
11 manner and extent to which the utility will meet the projected demands.
- 12 6. f. Any other relevant information as may be requested by the commission. Upon
13 receipt of the ten-year plans the commission shall proceed to assess the impact
14 of the development proposed within the state to ensure that energy conversion
15 facilities and transmission facilities will be sited in an orderly manner compatible
16 with environmental preservation and efficient use of resources.
- 17 2. If not previously disclosed in a ten-year plan filing pursuant to subdivision a of
18 subsection 1, the utility owner or operator of an electric energy conversion facility shall
19 notify the commission and the auditor of the county in which the facility is located if the
20 owner or operator considers removing an electric energy conversion facility from
21 service. Upon notice of the removal from service, the commission may request the
22 owner or operator provide the commission with any applicable reliability study
23 developed with a regional transmission organization in conjunction with the considered
24 removal from service and may accept public comment in a format prescribed by the
25 commission.

26 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - COAL CONVERSION FACILITIES.**

27 During the 2021-22 interim, the legislative management shall consider studying the need, cost,
28 effect, and appropriate process for bonding and ensuring reclamation of coal conversion
29 facilities. The study must include an examination and assessment of the methods and amounts
30 of financial assurance and schedules, the interaction of economics and the statutes, rules, and
31 policies relating to the remaining useful life and early retirement of coal conversion facilities, the

1 role of the public service commission in all electrical generation retirement, and the appropriate
2 involvement of the public and local communities and political subdivisions in the retirement
3 process. The study also must evaluate the effectiveness of government programs and
4 incentives relating to energy production, reliability, and the state's role in that process. The
5 legislative management shall report its findings and recommendations, together with any
6 legislation required to implement the recommendations, to the sixty-eighth legislative assembly.