

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1353  
(Representatives Satrom, Karls, Klemin, Lefor, Monson)  
(Senator Conley)

AN ACT to amend and reenact section 49-05-17 of the North Dakota Century Code, relating to resource planning.

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

**SECTION 1. AMENDMENT.** Section 49-05-17 of the North Dakota Century Code is amended and reenacted as follows:

**49-05-17. Resource planning.**

1. An integrated resource plan must include:
  - a. The electric public utility's forecast of demand for electric generation supply over the planning period with recommended plans for meeting the forecasted demand plus an additional planning reserve margin for ensuring adequate and sufficient reliability of service; and
  - b. Any additional information the commission requests related to how an electric public utility intends to provide sufficient electric generation service for use by retail customers within the state over the planning period.
2. An electric public utility shall include a least cost plan for providing adequate and reliable service to retail customers which is consistent with the provisions of this title and the rules and orders adopted and issued by the commission.
3. The commission may consider the qualitative benefits and provide value to a base-load generation and load-following generation resource and its proximity to load.
4. The commission may contract or consult with an expert to evaluate qualitative benefits of resources and to review reliability planning. The commission may require an electric public utility to pay a fee necessary for completion of an evaluation in an amount not to exceed two hundred fifty thousand dollars.
  - a. If additional funds are necessary for completion of the evaluation, upon approval of the emergency commission, the electric public utility shall pay the additional fees reasonably necessary for the completion.
  - b. If the evaluation applies to more than one electric public utility, the commission may assess each electric public utility the proportionate share of the fee.
5. An electric public utility shall report annually to the commission on ~~cybersecurity preparedness, including an assessment of~~ emerging threats and efforts taken by the electric public utility to implement physical security and cybersecurity measures. The commission ~~may~~shall limit access to records and portions of a meeting relating to physical security and cybersecurity preparedness.

Dennis Johnson  
Speaker of the House

Tammy Miller  
President of the Senate

Bull J. Reich  
Chief Clerk of the House

Mandi Morgan  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1353.

House Vote:      Yeas 90                  Nays 0                  Absent 4

Senate Vote:      Yeas 47                  Nays 0                  Absent 0

Bull J. Reich  
Chief Clerk of the House

Received by the Governor at 3:00 PM. on April 7, 2023.

Approved at 2:27 PM. on April 11, 2023.

Doug Burgum  
Governor

Filed in this office this 12th day of April, 2023,

at 12:03 o'clock P. M.

Michael Howe  
Secretary of State