

SENATE BILL NO. 2133

Introduced by

Appropriations Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact section 49-22-22 of the North Dakota Century Code,
2 relating to energy conversion and transmission facility siting process expense recovery and to
3 creation of a special fund; to provide a continuing appropriation; to provide for retroactive
4 application; and to declare an emergency.

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

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

8 **49-22-22. ~~Application fees—Additional fees—Deposit in general fund~~ Siting**
9 **process expense recovery - Deposit in special fund - Continuing appropriation.**

10 1. Every applicant for a certificate of site compatibility shall pay to the commission an
11 application fee in an amount equal to five hundred dollars for each one million
12 dollars of investment in the proposed facility as defined in the federal energy
13 regulatory commission uniform system of accounts. Every applicant for a
14 certificate of corridor compatibility shall pay to the commission an application fee in
15 an amount equal to five thousand dollars for each one million dollars of investment
16 in the proposed facility as defined in the federal energy regulatory commission
17 uniform system of accounts. Every applicant for a waiver shall pay to the
18 commission an application fee in the amount which would be required for an
19 application for a certificate of site or corridor compatibility for the proposed facility.
20 If a waiver is not granted for a proposed facility, such application fee paid shall be
21 allowed as a credit against fees payable under this section in connection with an
22 application under this chapter for a certificate or permit for the proposed facility.
23 The application fee under this subsection shall not be less than five thousand

- 1 dollars nor more than one hundred ~~five~~ thousand dollars. ~~The commission shall~~
2 ~~specify the time and manner of payment of the application fee.~~
- 3 2. The applicant shall pay such additional fees as are reasonably necessary for
4 completion of the energy conversion facility site, transmission facility corridor, or
5 transmission facility route evaluation and designation process by the commission.
6 ~~The commission shall specify the time and method of payment of any additional~~
7 ~~fees and shall refund the portion of such additional fees received from the applicant~~
8 ~~for completion of the site, corridor, or route evaluation and designation process~~
9 ~~which exceeds the expenses incurred for the evaluation and designation process.~~
10 In no event shall the application fee under subsection 1 and any additional fees
11 required of the applicant under this subsection exceed an amount equal to one
12 thousand dollars for each one million dollars of investment in a proposed energy
13 conversion facility or ten thousand dollars for each one million dollars of investment
14 in a proposed transmission facility.
- 15 3. ~~All fees collected under the provisions of this chapter shall be deposited in the~~
16 ~~general fund. A siting process expense recovery fund is established in the state~~
17 ~~treasury. The commission shall deposit payments received under subsections 1~~
18 ~~and 2 in the siting process expense recovery fund. All moneys deposited in the~~
19 ~~fund are appropriated on a continuing basis to the commission to pay expenses~~
20 ~~incurred in the siting process. The commission shall specify the time and method~~
21 ~~of payment of any fees and shall refund the portion of fees collected under~~
22 ~~subsections 1 and 2 which exceeds the expenses incurred for the evaluation and~~
23 ~~designation process.~~

24 **SECTION 2. RETROACTIVE APPLICATION OF ACT.** This Act applies retroactively to
25 cases arising after August 1, 2004.

26 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.