

**FIRST ENGROSSMENT  
with House Amendments**

Fifty-ninth  
Legislative Assembly  
of North Dakota

**ENGROSSED 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 an appropriation; to provide a continuing appropriation; to  
4 provide for retroactive 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~~ fifty thousand dollars. ~~The commission shall~~  
2 ~~specify the time and manner of payment of the application fee.~~
- 3 2. ~~The~~ At the request of the commission and with the approval of the emergency  
4 commission, the applicant shall pay such additional fees as are reasonably  
5 necessary for completion of the energy conversion facility site, transmission facility  
6 corridor, or transmission facility route evaluation and designation process by the  
7 commission. ~~The commission shall specify the time and method of payment of~~  
8 ~~any additional fees and shall refund the portion of such additional fees received~~  
9 ~~from the applicant for completion of the site, corridor, or route evaluation and~~  
10 ~~designation process which exceeds the expenses incurred for the evaluation and~~  
11 ~~designation process.~~ In no event shall the application fee under subsection 1 and  
12 any additional fees required of the applicant under this subsection exceed an  
13 amount equal to one thousand dollars for each one million dollars of investment in  
14 a proposed energy conversion facility or ten thousand dollars for each one million  
15 dollars of investment in a proposed transmission facility.
- 16 3. ~~All fees collected under the provisions of this chapter shall be deposited in the~~  
17 ~~general fund.~~ A siting process expense recovery fund is established in the state  
18 treasury. The commission shall deposit payments received under subsections 1  
19 and 2 in the siting process expense recovery fund. All moneys deposited in the  
20 fund are appropriated on a continuing basis to the commission to pay expenses  
21 incurred in the siting process. The commission shall specify the time and method  
22 of payment of any fees and shall refund the portion of fees collected under  
23 subsections 1 and 2 which exceeds the expenses incurred for the evaluation and  
24 designation process.

25 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the  
26 general fund in the state treasury, not otherwise appropriated, the sum of \$60,000, or so much  
27 of the sum as may be necessary, to the public service commission for the purpose of refunding  
28 any application fee paid after August 1, 2004, for the biennium beginning July 1, 2005, and  
29 ending June 30, 2007.

30 **SECTION 3. RETROACTIVE APPLICATION OF ACT.** This Act applies retroactively to  
31 fees paid after August 1, 2004.

1           **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.