

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2263**

Introduced by

Senators Kannianen, Schaible, Weber

Representatives D. Anderson, Fegley, Jones

1 A BILL for an Act to amend and reenact section 49-22-08 of the North Dakota Century Code,
2 relating to notice requirements for an application for a certificate of site or corridor compatibility;
3 and to provide for application.

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

5 **SECTION 1. AMENDMENT.** Section 49-22-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-22-08. Application for a certificate - Notice of filing - Amendment - Designation of a**
8 **site or corridor.**

9 1. An application for a certificate must be in such form as the commission may prescribe,
10 containing the following information:

- 11 a. A description of the size and type of facility.
- 12 b. A summary of any studies which have been made of the environmental impact of
13 the facility.
- 14 c. A statement explaining the need for the facility.
- 15 d. An identification of the location of the preferred site for any electric energy
16 conversion facility.
- 17 e. An identification of the location of the preferred corridor for any electric
18 transmission facility.
- 19 f. A description of the merits and detriments of any location identified and a
20 comprehensive analysis with supporting data showing the reasons why the
21 preferred location is best suited for the facility.
- 22 g. A description of mitigative measures that will be taken to minimize all foreseen
23 adverse impacts resulting from the location, construction, and operation of the
24 proposed facility.

- 1 h. An evaluation of the proposed site or corridor with regard to the applicable
2 considerations set out in section 49-22-09 and the criteria established pursuant to
3 section 49-22-05.1.
- 4 i. Such other information as the applicant may consider relevant or the commission
5 may require.
- 6 2. After determining that the application is complete, the commission shall serve a notice
7 of filing of the application on such persons and agencies that the commission may
8 deem appropriate and shall publish a notice of filing of the application in the official
9 newspaper of each county in which any portion of the site or corridor is proposed to be
10 located.
- 11 3. A copy of the application shall be furnished to any person or agency, upon request to
12 the commission within thirty days of either service or publication of the notice of filing.
- 13 4. Within thirty days following service of the notice of filing of a complete application by
14 the commission, the applicant shall provide a copy of the commission's notice of filing
15 of the application by first-class mail to the owner of record of any land located within
16 the requested site or corridor. For purposes of this subsection, the owner of record
17 means the owner identified by the county treasurer to receive the real estate tax
18 statement.
- 19 5. An application for an amendment of a certificate shall be in such form and contain
20 such information as the commission shall prescribe.
- 21 ~~5.6.~~ The commission may designate a site or corridor for a proposed facility following the
22 study and hearings provided for in this chapter. Any designation shall be made in
23 accordance with the evidence presented at the hearings, an evaluation of the
24 information provided in the application, the criteria established pursuant to section
25 49-22-05.1, and the considerations set out in section 49-22-09 in a finding with
26 reasons for the designation, and shall be made in a timely manner no later than six
27 months after the filing of a completed application for a certificate of site compatibility or
28 no later than three months after the filing of a completed application for a certificate of
29 corridor compatibility. The time for designation of a site or corridor may be extended by
30 the commission for just cause. The failure of the commission to act within the time
31 limits provided in this section shall not operate to divest the commission of jurisdiction

1 in any certification proceeding. The commission shall indicate the reasons for any
2 refusal of designation. Upon designation of a site or corridor, the commission shall
3 issue a certificate of site compatibility or a certificate of corridor compatibility with such
4 terms, conditions, or modifications deemed necessary. The commission may not
5 condition the issuance of a certificate or permit on the applicant providing a mitigation
6 payment assessed or requested by another state agency or entity to offset a negative
7 impact on wildlife habitat.

8 **SECTION 2. APPLICATION.** This Act applies to a siting application filed after August 31,
9 2021.