

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the  
Capitol in the City of Bismarck, on Monday, the sixth day of January,  
one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2075  
(Natural Resources Committee)  
(At the request of the Public Service Commission)

AN ACT to amend and reenact sections 49-22-03 and 49-22-07 of the North Dakota Century Code, relating to transmission facilities and power emergencies.

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

**SECTION 1. AMENDMENT.** Section 49-22-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**49-22-03. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Certificate" means the certificate of site compatibility or the certificate of corridor compatibility issued under ~~the provisions of~~ this chapter.
2. "Commission" means the North Dakota public service commission.
3. "Construction" includes any clearing of land, excavation, or other action that would affect the environment of the site after April 9, 1975, but does not include activities incident to preliminary engineering or environmental studies.
4. "Corridor" means the general location of a transmission facility.
5. "Energy conversion facility" means any plant, addition, or combination of plant and addition, designed for or capable of:
  - a. Generation of fifty thousand kilowatts or more of electricity;
  - b. Manufacture or refinement of one hundred million cubic feet [2831684.66 cubic meters] or more of gas per day, regardless of the end use of the gas;
  - c. Manufacture or refinement of fifty thousand barrels [7949.36 cubic meters] or more of liquid hydrocarbon products per day; or
  - d. Enrichment of uranium minerals.
6. "Facility" means an energy conversion facility, transmission facility, or both.
7. "Permit" means the permit for the construction of a transmission facility within a designated corridor issued under ~~the provisions of~~ this chapter.
8. "Person" includes any individual, firm, association, partnership, cooperative, corporation, limited liability company, or any department, agency, or instrumentality of a state or of the federal government, or any subdivision thereof.
9. "Power emergency" means an electric transmission line and associated facilities that have been damaged or destroyed by natural or manmade causes resulting in a loss of power supply to consumers of the power.
10. "Route" means the specific location of a transmission facility within a designated corridor.
40. 11. "Site" means the location of an energy conversion facility.
44. 12. "Transmission facility" means any of the following:

- a. An electric transmission line and associated facilities with a design in excess of one hundred fifteen kilovolts. "Transmission facility" does not include a temporary transmission line loop that is:
  - (1) Connected and adjacent to an existing transmission facility that was sited under this chapter;
  - (2) Within the corridor of the sited facility and does not cross known exclusion or avoidance areas;
  - (3) Less than one mile long; and
  - (4) In place for less than one year.
- b. A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide. ~~The provision of this~~ This subdivision does not apply to an oil or gas pipeline gathering system. For purposes of this chapter, a gathering system includes the pipelines and associated facilities used to collect oil from the lease site to the first pipeline storage site where pressure is increased for further transport, or pipelines and associated facilities used to collect gas from the well to the gas processing facility.
- c. A liquid transmission line and associated facilities designed for or capable of transporting water from or to an energy conversion facility.

42: 13. "Utility" means any person engaged in and controlling the generation, manufacture, refinement, or transmission of electric energy, gas, liquid hydrocarbons, or liquid hydrocarbon products, including, ~~but not limited to,~~ electric power generation or transmission, coal gasification, coal liquefaction, petroleum refinement, uranium enrichment, and the transmission of coal, gas, liquid hydrocarbons, or liquid hydrocarbon products, or the transmission of water from or to any energy conversion facility.

**SECTION 2. AMENDMENT.** Section 49-22-07 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**49-22-07. Certificate of site compatibility or route permit required.** ~~No~~ A utility ~~shall~~ may not begin construction of an energy conversion facility or transmission facility in the state, or exercise the right of eminent domain in connection with ~~such~~ that construction, without first having obtained a certificate of site compatibility or a route permit from the commission pursuant to this chapter. ~~A~~ The facility ~~shall thereafter~~ must be constructed, operated, and maintained in conformity with ~~such~~ the certificate or permit; and any terms ~~and~~ conditions ~~contained therein and subsequent~~, or modifications ~~thereof~~ of the certificate or permit. A certificate or permit may be transferred, subject to the approval of the commission, to any person who agrees to comply with its terms, conditions, and modifications.

If a power emergency exists which necessitates the relocation of a portion of an electric transmission line and associated facilities from the designated route, the owner of the line shall give telephonic notice to the commission in advance of the relocation. The line may then be relocated to restore power as soon as practicable. After the line has been relocated the owner shall file with the commission a request to approve the relocated route.

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President of the Senate

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Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2075.

Senate Vote:      Yeas     46            Nays     0            Absent     3

House Vote:      Yeas     95            Nays     0            Absent     2

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State