

Introduced by

1 A BILL for an Act to amend and reenact subsection 3 of section 49-22-03 and subsection 12 of
2 section 49-22-05.1 of the North Dakota Century Code, relating to the energy conversion and
3 transmission facility siting definitions.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 49-22-03 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. "Construction" includes any clearing of land, excavation, or other action that would
8 affect the environment of the site after April 9, 1975, but does not include any of
9 these actions conducted wholly within land for which a utility has previously
10 obtained a certificate of site compatibility or a route permit from the commission,
11 activities conducted wholly within land on which is located an energy conversion
12 facility or transmission facility which was constructed prior to April 9, 1975, or
13 activities incident to preliminary engineering or environmental studies.

14 **SECTION 2. AMENDMENT.** Subsection 12 of section 49-22-03 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 12. "Transmission facility" means any of the following:
17 a. An electric transmission line and associated facilities with a design in excess
18 of one hundred fifteen kilovolts. "Transmission facility" does not include a
19 temporary transmission line loop that is:
20 (1) Connected and adjacent to an existing transmission facility that was
21 sited under this chapter;
22 (2) Within the corridor of the sited facility and does not cross known
23 exclusion or avoidance areas;
24 (3) Less than one mile [1.61 kilometers] long; and

- 1 (4) In place for less than one year.
- 2 b. A gas or liquid transmission line and associated facilities designed for or
- 3 capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon
- 4 products, or carbon dioxide. This subdivision does not apply to an oil or gas
- 5 pipeline gathering system or any pipeline and associated facilities with an
- 6 inside diameter of four inches [10.16 centimeters] or less or a length of one
- 7 mile [1.61 kilometers] or less. For purposes of this chapter, a gathering
- 8 system includes the pipelines and associated facilities used to collect oil from
- 9 the lease site to the first pipeline storage site where pressure is increased for
- 10 further transport, ~~gas or pipelines and associated facilities used to collect gas~~
- 11 ~~from the well to the gas processing facility~~ that are included within the
- 12 definition of onshore gathering lines under rules promulgated by the federal
- 13 pipeline and hazardous materials safety administration of the United States
- 14 department of transportation, under the Pipeline Safety Act or are considered
- 15 gathering by the federal energy regulatory commission of the United States
- 16 department of energy under the Natural Gas Act, as amended [52 Stat. 821,
- 17 15 U.S.C. 717 et seq.].
- 18 c. A liquid transmission line and associated facilities designed for or capable of
- 19 transporting water from or to an energy conversion facility.