

Introduced by

Senators Wardner, Christmann, Lyson

Representatives Brandenburg, DeKrey, Porter

1 A BILL for an Act to amend and reenact subsection 5 of section 49-22-03 and subsection 1 of
2 section 49-22-22 of the North Dakota Century Code, relating to the definition of energy
3 conversion facility and to siting application fees.

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

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

7 5. "Energy conversion facility" means any plant, addition, or combination of plant and
8 addition, designed for or capable of:

9 a. Generation by wind energy conversion exceeding one-half megawatt of
10 electricity;

11 b. Generation by any means other than wind energy conversion exceeding ~~sixty~~ fifty
12 megawatts of electricity;

13 ~~b.c.~~ c. Manufacture or refinement of one hundred million cubic feet [2831684.66 cubic
14 meters] or more of gas per day, regardless of the end use of the gas;

15 ~~e.d.~~ d. Manufacture or refinement of fifty thousand barrels [7949.36 cubic meters] or
16 more of liquid hydrocarbon products per day; or

17 ~~d.e.~~ e. Enrichment of uranium minerals.

18 **SECTION 2. AMENDMENT.** Subsection 1 of section 49-22-22 of the North Dakota Century
19 Code is amended and reenacted as follows:

20 1. Every applicant ~~for a certificate of site compatibility under this chapter~~ shall pay to the
21 commission an application fee in:

22 a. An applicant for a certificate of site compatibility shall pay an amount equal to five
23 hundred dollars for each one million dollars of investment in the proposed facility

- 1 as defined in the federal energy regulatory commission uniform system of
2 accounts. ~~Every~~
- 3 b. ~~An applicant for a certificate of corridor compatibility shall pay to the commission~~
4 ~~an application fee in an amount equal to five thousand dollars for each one~~
5 ~~million dollars of investment in the proposed facility as defined in the federal~~
6 ~~energy regulatory commission uniform system of accounts. Every~~
- 7 c. ~~An applicant for a waiver shall pay to the commission an application fee in the~~
8 ~~amount which would be required for an application for a certificate of site or~~
9 ~~corridor compatibility for the proposed facility. If a waiver is not granted for a~~
10 ~~proposed facility, such application fee paid shall be allowed as a credit against~~
11 ~~fees payable under this section in connection with an application under this~~
12 ~~chapter for a certificate or permit for the proposed facility.~~
- 13 d. An applicant for a transfer of a certificate or permit shall pay an amount to be
14 determined by the commission to cover anticipated expenses of processing the
15 application.
- 16 e. An applicant certifying to the commission under subsection 3 of section 49-22-03
17 shall pay an amount to be determined by the commission to cover anticipated
18 expenses of processing the application.
- 19 f. The application fee under this subsection shall not be less than five thousand
20 dollars nor more than one hundred thousand dollars.