

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1315

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 49-22-09 of the North Dakota Century Code, relating to factors to be considered when evaluating applications and designation for sites, corridors, and routes.

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

**SECTION 1. AMENDMENT.** Section 49-22-09 of the North Dakota Century Code is amended and reenacted as follows:

**49-22-09. Factors to be considered in evaluating applications and designation of sites, corridors, and routes.**

1. The commission shall be guided by, but is not limited to, the following considerations, where applicable, to aid the evaluation and designation of sites, corridors, and routes:
  - a. Available research and investigations relating to the effects of the location, construction, and operation of the proposed facility on public health and welfare, natural resources, and the environment.
  - b. The effects of new electric energy conversion and electric transmission technologies and systems designed to minimize adverse environmental effects.
  - c. The potential for beneficial uses of waste energy from a proposed electric energy conversion facility.
  - d. Adverse direct and indirect environmental effects that cannot be avoided should the proposed site or route be designated.
  - e. Alternatives to the proposed site, corridor, or route which are developed during the hearing process and which minimize adverse effects.
  - f. Irreversible and irretrievable commitments of natural resources should the proposed site, corridor, or route be designated.
  - g. The direct and indirect economic impacts of the proposed facility.
  - h. Existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route.
  - i. The effect of the proposed site or route on existing scenic areas, historic sites and structures, and paleontological or archaeological sites.

- j. The effect of the proposed site or route on areas unique because of biological wealth or because the areas are habitats for rare and endangered species.
  - k. Problems raised by federal agencies, other state agencies, and local entities.
2. The commission may not condition the issuance of a certificate or permit on the applicant providing a mitigation payment assessed or requested by another state agency or entity to offset a negative impact on wildlife habitat.
  3. If a project will interconnect into a regional transmission authority, the commission may condition the issuance of a certificate or permit for a new electric energy conversion facility on having a power purchase agreement with an entity that directly, or through its members, provides retail electric service."

Renumber accordingly