

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1315

Introduced by

Representatives Novak, Dockter, S. Olson

Senator Patten

1 A BILL ~~for an Act to create and enact a new subsection to section 49-22-09 of the North Dakota~~
 2 ~~Century Code, relating to factors to be considered when evaluating applications and~~
 3 ~~designation for sites, corridors, and routes.~~ for an Act to amend and reenact section 49-22-09 of
 4 the North Dakota Century Code, relating to factors to be considered when evaluating
 5 applications and designation for sites, corridors, and routes.

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

7 ~~—SECTION 1. A new subsection to section 49-22-09 of the North Dakota Century Code is~~
 8 ~~created and enacted as follows:~~

9 ~~Before the commencement of operations of the proposed facility, the applicant shall~~
 10 ~~inform the commission that the applicant has executed or filed an unexecuted~~
 11 ~~generation interconnection agreement, or comparable transmission services~~
 12 ~~agreement, with the affected regional transmission organization or transmission~~
 13 ~~owner.~~

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

16 **49-22-09. Factors to be considered in evaluating applications and designation of**
 17 **sites, corridors, and routes.**

- 18 1. The commission shall be guided by, but is not limited to, the following considerations,
 19 where applicable, to aid the evaluation and designation of sites, corridors, and routes:
 - 20 a. Available research and investigations relating to the effects of the location,
 21 construction, and operation of the proposed facility on public health and welfare,
 22 natural resources, and the environment.
 - 23 b. The effects of new electric energy conversion and electric transmission
 24 technologies and systems designed to minimize adverse environmental effects.

- 1 c. The potential for beneficial uses of waste energy from a proposed electric energy
- 2 conversion facility.
- 3 d. Adverse direct and indirect environmental effects that cannot be avoided should
- 4 the proposed site or route be designated.
- 5 e. Alternatives to the proposed site, corridor, or route which are developed during
- 6 the hearing process and which minimize adverse effects.
- 7 f. Irreversible and irretrievable commitments of natural resources should the
- 8 proposed site, corridor, or route be designated.
- 9 g. The direct and indirect economic impacts of the proposed facility.
- 10 h. Existing plans of the state, local government, and private entities for other
- 11 developments at or in the vicinity of the proposed site, corridor, or route.
- 12 i. The effect of the proposed site or route on existing scenic areas, historic sites
- 13 and structures, and paleontological or archaeological sites.
- 14 j. The effect of the proposed site or route on areas unique because of biological
- 15 wealth or because the areas are habitats for rare and endangered species.
- 16 k. Problems raised by federal agencies, other state agencies, and local entities.
- 17 2. The commission may not condition the issuance of a certificate or permit on the
- 18 applicant providing a mitigation payment assessed or requested by another state
- 19 agency or entity to offset a negative impact on wildlife habitat.
- 20 3. If a project will interconnect into a regional transmission authority, the commission may
- 21 condition the issuance of a certificate or permit for a new electric energy conversion
- 22 facility on having a power purchase agreement with an entity that directly, or through
- 23 its members, provides retail electric service.