

Introduced by

Representatives Novak, Dockter, S. Olson

Senator Patten

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

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

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

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

12 **SECTION 1. AMENDMENT.** Section 49-22-09 of the North Dakota Century Code is  
13 amended and reenacted as follows:  
14 **49-22-09. Factors to be considered in evaluating applications and designation of**  
15 **sites, corridors, and routes.**  
16 1. The commission shall be guided by, but is not limited to, the following considerations,  
17 where applicable, to aid the evaluation and designation of sites, corridors, and routes:  
18 a. Available research and investigations relating to the effects of the location,  
19 construction, and operation of the proposed facility on public health and welfare,  
20 natural resources, and the environment.  
21 b. The effects of new electric energy conversion and electric transmission  
22 technologies and systems designed to minimize adverse environmental effects.  
23 c. The potential for beneficial uses of waste energy from a proposed electric energy  
24 conversion facility.

- 1 d. Adverse direct and indirect environmental effects that cannot be avoided ~~should~~if  
2 the proposed site or route ~~be~~is designated.
- 3 e. Alternatives to the proposed site, corridor, or route which are developed during  
4 the hearing process and which minimize adverse effects.
- 5 f. Irreversible and irretrievable commitments of natural resources ~~should~~if the  
6 proposed site, corridor, or route ~~be~~is designated.
- 7 g. The direct and indirect economic impacts of the proposed facility.
- 8 h. Existing plans of the state, local government, and private entities for other  
9 developments at or in the vicinity of the proposed site, corridor, or route.
- 10 i. The effect of the proposed site or route on existing scenic areas, historic sites  
11 and structures, and paleontological or archaeological sites.
- 12 j. The effect of the proposed site or route on areas unique because of biological  
13 wealth or because the areas are habitats for rare and endangered species.
- 14 k. Problems raised by federal agencies, other state agencies, and local entities.
- 15 l. The adverse effects of new nondispatchable electric energy conversion facilities  
16 on reliability for retail markets or existing electric energy conversion facility  
17 access to retail markets and distribution systems.
- 18 2. The commission may not condition the issuance of a certificate or permit on the  
19 applicant providing a mitigation payment assessed or requested by another state  
20 agency or entity to offset a negative impact on wildlife habitat.
- 21 3. Before a hearing is held under this chapter, the commission may require satisfactory  
22 written assurance from an applicant indicating the applicant has a provider of  
23 dispatchable electricity to retail markets interested in buying power from the proposed  
24 electric energy conversion facility.
- 25 4. The commission may condition the issuance of a certificate or permit on having a  
26 power purchase agreement with an entity that owns or operates existing dispatchable  
27 electric energy conversion facilities.