

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, including on an  
10 entity that directly, or through its members, provides retail electric service. As  
11 used in this section "economic impacts" includes transmission congestion.
- 12 h. Existing plans of the state, local government, and private entities for other  
13 developments at or in the vicinity of the proposed site, corridor, or route.
- 14 i. The effect of the proposed site or route on existing scenic areas, historic sites  
15 and structures, and paleontological or archaeological sites.
- 16 j. The effect of the proposed site or route on areas unique because of biological  
17 wealth or because the areas are habitats for rare and endangered species.
- 18 k. Problems raised by federal agencies, other state agencies, ~~and~~ local entities, or  
19 an entity that directly, or through its members, provides retail electric service.
- 20 2. The commission may not condition the issuance of a certificate or permit on the  
21 applicant providing a mitigation payment assessed or requested by another state  
22 agency or entity to offset a negative impact on wildlife habitat.
- 23 3. If a project will interconnect into a regional transmission authority, the commission may  
24 condition the issuance of a certificate or permit for a new electric energy conversion  
25 facility on having a power purchase agreement with an entity that directly, or through  
26 its members, provides retail electric service.