

Introduced by

Senators Klein, Cook, Lyson

Representatives Belter, Keiser, Porter

1 A BILL for an Act to amend and reenact sections 32-15-21 and 49-22-07 of the North Dakota
2 Century Code, relating to eminent domain siting of an energy conversion facility or a
3 transmission facility.

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

5 **SECTION 1. AMENDMENT.** Section 32-15-21 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **32-15-21. Power of court.**

8 1. The court shall have power:

9 ~~1.~~ a. To regulate and determine the place and manner of making connections and
10 crossings, or of enjoying the common use mentioned in subsection 6 of section
11 32-15-04.

12 ~~2.~~ b. To hear and determine all adverse or conflicting claims to the property sought to
13 be condemned and to the damages ~~therefor~~ for the property.

14 ~~3.~~ c. To determine the respective rights of different parties seeking condemnation of
15 the same property.

16 2. Notwithstanding any other provision of law, if a route permit is required under chapter
17 49-22, the court may order the taking by eminent domain conditioned on the receipt of
18 the route permit.

19 **SECTION 2. AMENDMENT.** Section 49-22-07 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **49-22-07. Certificate of site compatibility or route permit required.**

22 1. A utility may not begin construction of an energy conversion facility or transmission
23 facility in the state, ~~or exercise the right of eminent domain in connection with that~~
24 ~~construction~~, without first having obtained a certificate of site compatibility or a route

1 permit from the commission pursuant to this chapter. The facility must be constructed,
2 operated, and maintained in conformity with the certificate or permit and any terms,
3 conditions, or modifications of the certificate or permit. A certificate or permit may be
4 transferred, subject to the approval of the commission, to any person who agrees to
5 comply with its terms, conditions, and modifications.

6 2. If a power emergency exists which necessitates the relocation of a portion of an
7 electric transmission line and associated facilities from the designated route, the
8 owner of the line shall give telephonic notice to the commission in advance of the
9 relocation. The line may then be relocated to restore power as soon as practicable.
10 After the line has been relocated, the owner shall file with the commission a request to
11 approve the relocated route.