

Introduced by

Senators Kannianen, Schaible, Weber

Representatives D. Anderson, Fegley, Jones

1 A BILL for an Act to amend and reenact section 49-22-08 of the North Dakota Century Code,
2 relating to notice requirements for an application for a certificate of site or corridor compatibility.

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

4 **SECTION 1. AMENDMENT.** Section 49-22-08 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **49-22-08. Application for a certificate - Notice of filing - Amendment - Designation of a**
7 **site or corridor.**

- 8 1. An application for a certificate must be in such form as the commission may prescribe,
9 containing the following information:
- 10 a. A description of the size and type of facility.
 - 11 b. A summary of any studies which have been made of the environmental impact of
12 the facility.
 - 13 c. A statement explaining the need for the facility.
 - 14 d. An identification of the location of the preferred site for any electric energy
15 conversion facility.
 - 16 e. An identification of the location of the preferred corridor for any electric
17 transmission facility.
 - 18 f. A description of the merits and detriments of any location identified and a
19 comprehensive analysis with supporting data showing the reasons why the
20 preferred location is best suited for the facility.
 - 21 g. A description of mitigative measures that will be taken to minimize all foreseen
22 adverse impacts resulting from the location, construction, and operation of the
23 proposed facility.

- 1 h. An evaluation of the proposed site or corridor with regard to the applicable
2 considerations set out in section 49-22-09 and the criteria established pursuant to
3 section 49-22-05.1.
- 4 i. Such other information as the applicant may consider relevant or the commission
5 may require.
- 6 2. After determining that the application is complete, the commission shall serve a notice
7 of filing of the application on such persons and agencies that the commission may
8 deem appropriate and shall publish a notice of filing of the application in the official
9 newspaper of each county in which any portion of the site or corridor is proposed to be
10 located. ~~The applicant shall serve the notice of filing of the application on a person that~~
11 ~~owns land within the requested site or corridor.~~
- 12 3. A copy of the application shall be furnished to any person or agency, upon request to
13 the commission within thirty days of either service or publication of the notice of filing.
- 14 4. Within thirty days following service of the notice of filing of a complete application by
15 the commission, the applicant shall provide a copy of the commission's notice of filing
16 of the application by first-class mail to the owner of record of any land located within
17 the requested site or corridor. For purposes of this subsection, the owner of record
18 means the owner designated to receive the property tax bill sent by the county
19 treasurer.
- 20 5. An application for an amendment of a certificate shall be in such form and contain
21 such information as the commission shall prescribe.
- 22 ~~5.6.~~ The commission may designate a site or corridor for a proposed facility following the
23 study and hearings provided for in this chapter. Any designation shall be made in
24 accordance with the evidence presented at the hearings, an evaluation of the
25 information provided in the application, the criteria established pursuant to section
26 49-22-05.1, and the considerations set out in section 49-22-09 in a finding with
27 reasons for the designation, and shall be made in a timely manner no later than six
28 months after the filing of a completed application for a certificate of site compatibility or
29 no later than three months after the filing of a completed application for a certificate of
30 corridor compatibility. The time for designation of a site or corridor may be extended by
31 the commission for just cause. The failure of the commission to act within the time

1 limits provided in this section shall not operate to divest the commission of jurisdiction
2 in any certification proceeding. The commission shall indicate the reasons for any
3 refusal of designation. Upon designation of a site or corridor, the commission shall
4 issue a certificate of site compatibility or a certificate of corridor compatibility with such
5 terms, conditions, or modifications deemed necessary. The commission may not
6 condition the issuance of a certificate or permit on the applicant providing a mitigation
7 payment assessed or requested by another state agency or entity to offset a negative
8 impact on wildlife habitat.