

Introduced by

Senator Magrum

1 A BILL for an Act to amend and reenact subsection 2 of section 49-22.1-13 of the North Dakota
2 Century Code, relating to permits for the construction of an electric transmission facility; and to
3 provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 49-22.1-13 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. a. A certificate of site compatibility for a gas or liquid energy conversion facility may
8 not supersede or preempt any local land use; zoning; or building rules,
9 regulations, or ordinances, and a site may not be designated which violates local
10 land use; zoning; or building rules, regulations, or ordinances.

11 b. ~~Except as provided in this section, a permit for the construction of a gas or liquid~~
12 ~~transmission facility within a designated corridor supersedes and preempts any~~
13 ~~local land use or zoning regulations.~~

14 e. Before a gas or liquid transmission facility is approved, the commission shall
15 require the applicant to comply with the road use agreements of the impacted
16 political subdivision. A permit for the construction of a gas or liquid transmission
17 facility may not supersede and preempt the requirements of a political subdivision
18 ~~if the applicant shows by a preponderance of the evidence the regulations or~~
19 ~~ordinances are unreasonably restrictive in view of existing technology, factors of~~
20 ~~cost or economics, or needs of consumers regardless of their location, or are in~~
21 ~~direct conflict with state or federal laws or rules.~~

22 ~~d.c.~~ When an application for a certificate for a gas or liquid transmission facility is
23 filed, the commission shall notify the townships with retained zoning authority,
24 cities, and counties in which any part of the proposed corridor is located. The

1 commission may not schedule a public hearing sooner than forty-five days from
2 the date notification is sent by mail or electronic mail. Upon notification, a political
3 subdivision shall provide a listing to the commission of all local requirements
4 identified under this subsection. The requirements must be filed at least ten days
5 before the hearing or the requirements are superseded and preempted.

6 ~~e.d.~~ An applicant shall comply with all local requirements provided to the commission
7 pursuant to subdivision ~~d~~, which are not otherwise superseded by the
8 ~~commission~~.

9 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective immediately upon its filing with
10 the secretary of state.