

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. An application for an amendment of a certificate shall be in such form and contain  
15       such information as the commission shall prescribe.
- 16       5. The commission may designate a site or corridor for a proposed facility following the  
17       study and hearings provided for in this chapter. Any designation shall be made in  
18       accordance with the evidence presented at the hearings, an evaluation of the  
19       information provided in the application, the criteria established pursuant to section  
20       49-22-05.1, and the considerations set out in section 49-22-09 in a finding with  
21       reasons for the designation, and shall be made in a timely manner no later than six  
22       months after the filing of a completed application for a certificate of site compatibility or  
23       no later than three months after the filing of a completed application for a certificate of  
24       corridor compatibility. The time for designation of a site or corridor may be extended by  
25       the commission for just cause. The failure of the commission to act within the time  
26       limits provided in this section shall not operate to divest the commission of jurisdiction  
27       in any certification proceeding. The commission shall indicate the reasons for any  
28       refusal of designation. Upon designation of a site or corridor, the commission shall  
29       issue a certificate of site compatibility or a certificate of corridor compatibility with such  
30       terms, conditions, or modifications deemed necessary. The commission may not  
31       condition the issuance of a certificate or permit on the applicant providing a mitigation

- 1 payment assessed or requested by another state agency or entity to offset a negative
- 2 impact on wildlife habitat.