

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2261**

Introduced by

Senators Unruh, Cook, Wardner

Representatives Keiser, Lefor, Schmidt

1 A BILL for an Act to amend and reenact subsection 5 of section 49-22-08 of the North Dakota
2 Century Code, relating to conditions imposed on the designation of sites, corridors, and routes.

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

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

6 5. The commission may designate a site or corridor for a proposed facility following the
7 study and hearings provided for in this chapter. Any designation shall be made in
8 accordance with the evidence presented at the hearings, an evaluation of the
9 information provided in the application, the criteria established pursuant to section
10 49-22-05.1, and the considerations set out in section 49-22-09 in a finding with
11 reasons for the designation, and shall be made in a timely manner no later than six
12 months after the filing of a completed application for a certificate of site compatibility or
13 no later than three months after the filing of a completed application for a certificate of
14 corridor compatibility. The time for designation of a site or corridor may be extended by
15 the commission for just cause. The failure of the commission to act within the time
16 limits provided in this section shall not operate to divest the commission of jurisdiction
17 in any certification proceeding. The commission shall indicate the reasons for any
18 refusal of designation. Upon designation of a site or corridor, the commission shall
19 issue a certificate of site compatibility or a certificate of corridor compatibility with such
20 terms, conditions, or modifications deemed necessary. The commission may not
21 condition the issuance of a certificate or permit on the applicant providing a mitigation
22 payment assessed or requested by another state agency or entity to offset a negative
23 impact on wildlife habitat.