

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1315**

Introduced by

Representatives Novak, Dockter, S. Olson

Senator Patten

1 A BILL for an Act to amend and reenact section 49-22-09 of the North Dakota Century Code,  
2 relating to factors to be considered when evaluating applications and designation for sites,  
3 corridors, and routes.

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

5 **SECTION 1. AMENDMENT.** Section 49-22-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **49-22-09. Factors to be considered in evaluating applications and designation of**  
8 **sites, corridors, and routes.**

- 9 1. The commission shall be guided by, but is not limited to, the following considerations,  
10 where applicable, to aid the evaluation and designation of sites, corridors, and routes:
- 11 a. Available research and investigations relating to the effects of the location,  
12 construction, and operation of the proposed facility on public health and welfare,  
13 natural resources, and the environment.
  - 14 b. The effects of new electric energy conversion and electric transmission  
15 technologies and systems designed to minimize adverse environmental effects.
  - 16 c. The potential for beneficial uses of waste energy from a proposed electric energy  
17 conversion facility.
  - 18 d. Adverse direct and indirect environmental effects that cannot be avoided should  
19 the proposed site or route be designated.
  - 20 e. Alternatives to the proposed site, corridor, or route which are developed during  
21 the hearing process and which minimize adverse effects.
  - 22 f. Irreversible and irretrievable commitments of natural resources should the  
23 proposed site, corridor, or route be designated.
  - 24 g. The direct and indirect economic impacts of the proposed facility.

- 1           h. Existing plans of the state, local government, and private entities for other  
2           developments at or in the vicinity of the proposed site, corridor, or route.
- 3           i. The effect of the proposed site or route on existing scenic areas, historic sites  
4           and structures, and paleontological or archaeological sites.
- 5           j. The effect of the proposed site or route on areas unique because of biological  
6           wealth or because the areas are habitats for rare and endangered species.
- 7           k. Problems raised by federal agencies, other state agencies, and local entities.
- 8        2. The commission may not condition the issuance of a certificate or permit on the  
9        applicant providing a mitigation payment assessed or requested by another state  
10       agency or entity to offset a negative impact on wildlife habitat.
- 11       3. If a project will interconnect into a regional transmission authority, the commission may  
12       condition the issuance of a certificate or permit for a new electric energy conversion  
13       facility on having a power purchase agreement with an entity that directly, or through  
14       its members, provides retail electric service.