Sixty-fifth Legislative Assembly of North Dakota

## **SENATE BILL NO. 2286**

Introduced by

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Senators Schaible, Unruh

Representatives Nathe, Porter

- 1 A BILL for an Act to amend and reenact subsection 2 of section 49-22-16 of the North Dakota
- 2 Century Code, relating to energy conversion and transmission facility siting.

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

- SECTION 1. AMENDMENT. Subsection 2 of section 49-22-16 of the North Dakota Century
  Code is amended and reenacted as follows:
  - A certificate of site compatibility for an energy conversion facility shallmay not supersede or pre-empt any local land use, zoning, or building rules, regulations, or ordinances and no site shallmay be designated which violates local land use, zoning, or building rules, regulations, or ordinances. A permit for the construction of a transmission facility within a designated corridor maymust supersede and pre-empt any local land use, zoning, or building rules, regulations, or ordinances upon a findingby the commission that such rules, regulations, or ordinances, as applied to the proposed route, are unreasonably restrictive in view of existing technology, factors of cost or economics, or needs of consumers regardless of their location. Without such a finding by the commission, no route shall be designated which violates local land use, zoning, or building rules, regulations, or ordinancesif representatives of the governing body of each political subdivision with jurisdictional interest are provided notice and an opportunity to testify at the hearing of the commission considering the proposed site. corridor, or route. Representatives of the governing body of each political subdivision with jurisdictional interest in a proposed gas or liquid transmission facility shall provide testimony at the public hearing on an application for a certificate, permit, or waiver. For purposes of this chapter, if no representative of the governing body of a political subdivision provides testimony on the proposed site, corridor, or route at the public

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- 1 <u>hearing, it is presumed a proposed facility will be in compliance with local land use,</u>
- 2 <u>zoning, or building codes or ordinances.</u>