17.0950.03000

## FIRST ENGROSSMENT

Sixty-fifth Legislative Assembly of North Dakota

## **ENGROSSED SENATE BILL NO. 2286**

Introduced by

Senators Schaible, Unruh

Representatives Nathe, Porter

- 1 A BILL for an Act to amend and reenact section 49-22-14.1 and subsection 2 of section
- 2 49-22-16 of the North Dakota Century Code, relating to energy conversion and transmission
- 3 facility siting.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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

- 5 **SECTION 1. AMENDMENT.** Section 49-22-14.1 of the North Dakota Century Code is amended and reenacted as follows:
- 7 49-22-14.1. Cooperation with state and federal agencies.
  - The commission may, and is encouraged to,shall cooperate with and receive and exchange technical information and assistance from and with any department, agency, or officer of any state, a directly impacted political subdivision, or of the federal government to eliminate duplication of effort, to establish a common database, or for any other purpose relating to the provisions of this chapter and in furtherance of the statement of policy contained herein.
  - **SECTION 2. AMENDMENT.** Subsection 2 of section 49-22-16 of the North Dakota Century Code is amended and reenacted as follows:
    - 2. 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 gas or liquid transmission facility within a designated corridor maymust supersede and pre-empt any local land use, or zoning, or building rules, regulations, or ordinances upon a finding by the commission that such rules, regulations, or ordinances, as applied to the proposed route,. Before a gas or liquid transmission facility is approved, the commission shall require the applicant to comply with the approach or road crossing permits, public right-of-way setbacks, building rules, or physical addressing of the

## Sixty-fifth Legislative Assembly

political subdivision. The commission may waive the requirements of a political
subdivision if the applicant shows by a preponderance of the evidence the regulations
or ordinances are unreasonably restrictive in view of existing technology, factors of
cost or economics, or needs of consumers regardless of their location, or are in direct
conflict with state or federal administrative law. Without such a finding by the
commission, no route shall be designated which violates local land use, zoning, or
building rules, regulations, or ordinances The commission shall provide notice to all the
appropriate political subdivisions at the time an application for a certificate is made
under this section. Upon notice, a political subdivision shall provide a listing to the
commission of all local requirements authorized under this section. If the political
subdivision does not submit the requirements at least ten days before the commission
hearing, all requirements are waived.