

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2314

Introduced by

Senator Unruh

Representative Porter

1 A BILL for an Act to amend and reenact section 49-22-07 of the North Dakota Century Code,
2 relating to a temporary moratorium on the siting of new wind energy conversion facilities; to
3 provide for a legislative management study; to provide an effective date; and to provide an
4 expiration date.

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

6 **SECTION 1. AMENDMENT.** Section 49-22-07 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **49-22-07. Certificate of site compatibility or route permit required.**

- 9 1. A utility may not begin construction of an energy conversion facility or transmission
10 facility in the state without first having obtained a certificate of site compatibility or a
11 route permit from the commission pursuant to this chapter. The facility must be
12 constructed, operated, and maintained in conformity with the certificate or permit and
13 any terms, conditions, or modifications of the certificate or permit. A certificate or
14 permit may be transferred, subject to the approval of the commission, to any person
15 who agrees to comply with its terms, conditions, and modifications.
- 16 2. If a power emergency exists which necessitates the relocation of a portion of an
17 electric transmission line and associated facilities from the designated route, the
18 owner of the line shall give telephonic notice to the commission in advance of the
19 relocation. The line may then be relocated to restore power as soon as practicable.
20 After the line has been relocated, the owner shall file with the commission a request to
21 approve the relocated route.
- 22 3. Notwithstanding any other provision of this chapter, the commission may not approve
23 any application for a certificate of site compatibility for a wind energy conversion

1 facility until August 1, 2019, unless the commission determines additional generation is
2 needed for consumers in this state.

3 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - STATE ENERGY PLAN.** During the
4 2017-19 interim, the legislative management shall consider studying the long-term energy plan
5 for the state. The study must include consideration of multiple energy sources including coal,
6 wind, and hydroelectric energy sources; analysis of the sustainability and reliability of various
7 energy sources; an assessment of how the present tax environment affects the availability of
8 energy from various sources; and the distribution of revenue from energy sources. The study
9 must consider the needs of the state, political subdivisions, and industry when assessing
10 various energy sources. The legislative management shall report its findings and
11 recommendations, together with any legislation required to implement the recommendations, to
12 the sixty-sixth legislative assembly.

13 **SECTION 3. EFFECTIVE DATE - EXPIRATION DATE.** Section 1 of this Act is effective
14 August 1, 2017, through August 1, 2019, and after that date is ineffective.