

Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2286

Introduced by

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:**

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 49-22-16 of the North Dakota Century
5 Code is amended and reenacted as follows:

6 2. A certificate of site compatibility for an energy conversion facility ~~shall~~may not
7 supersede or pre-empt any local land use, zoning, or building rules, regulations, or
8 ordinances and no site ~~shall~~may be designated which violates local land use, zoning,
9 or building rules, regulations, or ordinances. A permit for the construction of a
10 transmission facility within a designated corridor ~~may~~must supersede and pre-empt
11 any local land use, zoning, or building rules, regulations, or ordinances ~~upon a finding~~
12 ~~by the commission that such rules, regulations, or ordinances, as applied to the~~
13 ~~proposed route, are unreasonably restrictive in view of existing technology, factors of~~
14 ~~cost or economics, or needs of consumers regardless of their location. Without such a~~
15 ~~finding by the commission, no route shall be designated which violates local land use,~~
16 ~~zoning, or building rules, regulations, or ordinances~~if representatives of the governing
17 body of each political subdivision with jurisdictional interest are provided notice and an
18 opportunity to testify at the hearing of the commission considering the proposed site,
19 corridor, or route. Representatives of the governing body of each political subdivision
20 with jurisdictional interest in a proposed gas or liquid transmission facility shall provide
21 testimony at the public hearing on an application for a certificate, permit, or waiver. For
22 purposes of this chapter, if no representative of the governing body of a political
23 subdivision provides testimony on the proposed site, corridor, or route at the public

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