

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2261

Introduced by

Senators Unruh, Cook, Wardner

Representatives Keiser, Lefor, Schmidt

1 A BILL ~~for an Act to create and enact a new section to chapter 49-22 and a new section to~~
2 ~~chapter 49-22.1 of the North Dakota Century Code, relating to mitigating adverse environmental~~
3 ~~impacts~~; for an Act to amend and reenact subsection 5 of section 49-22-08 of the North Dakota
4 Century Code, relating to conditions imposed on the designation of sites, corridors, and routes.

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

6 ~~**SECTION 1.** A new section to chapter 49-22 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~— **Mitigating adverse environmental impacts.**~~

9 ~~— The commission or any state agency with jurisdiction over any aspect of a proposed site,~~
10 ~~corridor, route, or facility, may not require an applicant to provide payment to any person for the~~
11 ~~mitigation of any assessed adverse direct or indirect environmental or wildlife impact of a~~
12 ~~proposed site, corridor, route, or facility.~~

13 ~~— **SECTION 2.** A new section to chapter 49-22.1 of the North Dakota Century Code is created~~
14 ~~and enacted as follows:~~

15 ~~— **Mitigating adverse environmental impacts.**~~

16 ~~— The commission or any state agency with jurisdiction over any aspect of a proposed site,~~
17 ~~corridor, route, or facility, may not require an applicant to provide payment to any person for the~~
18 ~~mitigation of any assessed adverse direct or indirect environmental or wildlife impact of a~~
19 ~~proposed site, corridor, route, or facility.~~

20 **SECTION 1. AMENDMENT.** Subsection 5 of section 49-22-08 of the North Dakota Century
21 Code is amended and reenacted as follows:

22 5. The commission may designate a site or corridor for a proposed facility following the
23 study and hearings provided for in this chapter. Any designation shall be made in
24 accordance with the evidence presented at the hearings, an evaluation of the

1 information provided in the application, the criteria established pursuant to section
2 49-22-05.1, and the considerations set out in section 49-22-09 in a finding with
3 reasons for the designation, and shall be made in a timely manner no later than six
4 months after the filing of a completed application for a certificate of site compatibility or
5 no later than three months after the filing of a completed application for a certificate of
6 corridor compatibility. The time for designation of a site or corridor may be extended by
7 the commission for just cause. The failure of the commission to act within the time
8 limits provided in this section shall not operate to divest the commission of jurisdiction
9 in any certification proceeding. The commission shall indicate the reasons for any
10 refusal of designation. Upon designation of a site or corridor, the commission shall
11 issue a certificate of site compatibility or a certificate of corridor compatibility with such
12 terms, conditions, or modifications deemed necessary. The commission may not
13 condition the issuance of a certificate or permit on the applicant providing a mitigation
14 payment assessed or requested by another state agency or entity to offset a negative
15 impact on wildlife habitat.