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PREFILING OF AGENCY BILLS*

I wish to prefile a bill described as follows:

A bill providing a definition of repower for wind facilities, providing for siting of repowered facilities that have not previously been issued a certificate of site compatibility, and allowing for a waiver or extension from equipping light mitigation technology due to technical or economic feasibility considerations.

This bill (does) **(does not)** affect the appropriation requested for this agency.

John Schuh, General Counsel


Signature

Public Service Commission

Agency

328-2400

Phone

600 E. Boulevard Ave. Dept. 408

Bismarck, ND 58505-0480

Address

Contact person (if signer is not contact person)

Phone and address of contact person

If a legislator is sponsoring an agency bill and the bill is prefiled by December 4, the bill will include the name of the requesting agency. In order for a legislator to be identified as sponsor, **the legislator must sign this form or a copy of the bill.**

I approve the prefiling of this bill with my name as sponsor.

Signature of legislator

(Print name here)

I approve as a cosponsor the prefiling of this bill.

Signature of cosponsoring legislator

(Print name here)

*After you have prefiled a bill, it will be assigned a number by the Legislative Council staff, printed in advance of the regular session, and assigned to the appropriate committee by the presiding officer.

Sixty-seventh
Legislative Assembly
of North Dakota

Introduced by

A BILL for an Act to amend and reenact four subsections of section 49-22-03, relating to providing a definition of repower for a wind facility, create and enact subsection 3 of section 49-22-07 relating to the siting of a repowered wind conversion facility that has not previously been issued a certificate of site compatibility, and amend and reenact subsections 2 and 3 of section 49-22-16.4 of the North Dakota Century Code, relating to the commission granting a waiver or extension for light mitigation technology system upon a hearing and showing of technical or economic feasibility.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Four subsections of section 49-22-03 of the North Dakota Century Code are amended and reenacted as follows:

11. “Repower” means construction activities to completely or partially dismantle and replace turbine equipment at an existing wind energy conversion facility site that result in an increase of the facility’s generation output potential or turbine height. “Repower” does not include routine turbine maintenance or routine replacement of malfunctioning turbines or turbine components.
- ~~44~~12. "Route" means the location of an electric transmission facility within a designated corridor.
- ~~42~~13. "Site" means the location of an electric energy conversion facility.

~~13~~14. "Utility" means a person engaged in and controlling the electric generation, the transmission of electric energy, or the transmission of water from or to any electric energy conversion facility.

SECTION 2. Subsection 3 of section 49-22-07 of the North Dakota Century Code is created and enacted as follows:

3. A wind energy conversion facility that has not been issued a certificate of site compatibility and exceeds five megawatts of electricity may not repower the wind energy conversion facility without first having obtained a certificate of site compatibility. Upon a showing of good cause and a variance may be granted for impacts to exclusion and avoidance areas resulting from the repowering of existing infrastructure. A requested variance must comply with local land use, zoning, building rules, regulations, and ordinances.

SECTION 3. AMENDMENT. Subsections 2 and 3 of section 49-22-16.4 of the North Dakota Century Code are amended and reenacted as follows:

2. By December 31, 2019, every wind energy conversion facility for which the commission issued a certificate of site compatibility after June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies with rules adopted by the commission. After public hearing, the commission may grant a waiver or an extension of time based on technical or economic feasibility considerations.
3. After December 31, 2021, every wind energy conversion facility for which the commission issued a certificate of site compatibility June 5, 2016, must

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be equipped with a functioning light-mitigating technology system that complies with the rules adopted by the commission. After public hearing, the commission may grant a waiver or an extension of time based on technical or economic feasibility considerations.