

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1383

That the Senate recede from its amendments as printed on pages 1456-1458 of the House Journal and pages 1192-1194 of the Senate Journal and that Reengrossed House Bill No. 1383 be amended as follows:

Page 1, line 1, replace the comma with "and"

Page 1, line 2, remove ", and a new section to chapter 49-22.1"

Page 1, line 4, replace the second comma with "and"

Page 1, line 5, replace "49-22.1-03, and 49-22.1-09" with "and subsection 4 of section 49-22-16"

Page 1, line 6, replace the second "and" with a comma

Page 1, line 8, after "routes" insert ", and state agency rules"

Page 1, line 8, replace "budget section" with "legislative management"

Page 1, line 20, overstrike "One individual appointed by the lignite energy council;"

Page 1, line 21, overstrike "g."

Page 1, line 22, overstrike "h." and insert immediately thereafter "g."

Page 1, overstrike line 23

Page 1, line 24, overstrike "j." and insert immediately thereafter "h."

Page 2, line 1, overstrike "k." and insert immediately thereafter "i."

Page 2, line 2, replace "l." with "j."

Page 2, line 3, replace "m." with "k."

Page 2, line 4, replace "n." with:

l. The chairman of the public service commission or the chairman's designee;

m. The state engineer or the state engineer's designee;

n. The director of the game and fish department, or the director's designee;

o. The director of the department of transportation, or the director's designee;

p. The director of the department of environmental quality, or the director's designee;

q."

Page 2, line 4, remove "and"

Page 2, line 6, replace "o." with "r."

Page 2, line 6, after "cooperatives" insert: "; and

s. Two individuals from the energy community appointed by the commissioner"

Page 2, line 9, replace "**budget section**" with "**legislative management**"

Page 2, line 11, remove "The moneys accumulated in the environmental impact mitigation fund must be"

Page 2, line 12, replace "allocated as provided by law and as appropriated by the legislative assembly" with "There is created in the state treasury the environmental impact mitigation fund. The fund consists of all moneys deposited in the fund under section 5 of this Act. All moneys in the fund are appropriated to the commissioner on a continuing basis"

Page 2, line 13, remove the underscored colon

Page 2, remove lines 14 and 15

Page 2, line 16, replace "b. To" with "to"

Page 2, line 16, remove "energy"

Page 2, line 17, remove "; and"

Page 2, remove line 18

Page 2, line 19, replace "wetlands" with "as set forth under subsection 2"

Page 2, line 21, remove ", wildlife biologists,"

Page 2, replace lines 22 through 26 with "or engineers for relevant services to implement mitigation required from the impact of development; and"

Page 2, line 27, remove ", restoration,"

Page 2, line 27, remove "land, water resources, or wildlife"

Page 2, line 28, replace "habitats adversely impacted directly by energy" with "adverse impacts from"

Page 2, line 28, remove "; and"

Page 2, remove line 29

Page 2, line 30, remove "as determined by the advisory board"

Page 3, line 8, remove "at least one regular meeting each year and additional"

Page 3, line 16, remove "budget section of the"

Page 3, line 17, remove "All moneys in the environmental impact mitigation fund are appropriated to the"

Page 3, line 18, replace "commissioner on a continuing basis for the purposes set forth under subsection 2" with "For purposes of this section, the environmental impact mitigation fund is not subject to subsection 2 of section 4.1-01-18"

Page 4, after line 21, insert:

"1."

Page 4, remove the overstrike over lines 22 and 23

Page 4, line 24, remove "1. To"

Page 4, line 24, remove "in"

Page 4, line 24, remove ", the commission"

Page 4, line 25, remove "shall consider"

Page 5, line 3, remove the overstrike over "~~and indirect~~"

Page 5, line 18, remove "In the evaluation and designation of sites, corridors, and routes, the commission may"

Page 5, replace lines 19 through 23 with "The commission may not condition the issuance of a certificate or permit on the applicant providing a mitigation payment assessed or requested by another state agency or entity to offset a negative impact on wildlife habitat."

Page 5, line 27, replace "If an applicant elects to provide" with "An applicant may elect to provide"

Page 5, line 28, replace "impact" with "impacts"

Page 5, line 28, remove ", the applicant shall"

Page 5, line 29 remove "make the payment to the agriculture commissioner"

Page 5, line 29, after the underscored period insert "The applicant may elect to provide the payment to the agriculture commissioner."

Page 6, line 1, replace "Subject to subsection 3, the" with "The"

Page 6, remove lines 4 through 31

Page 7, remove lines 1 through 30

Page 8, replace lines 1 through 10 with:

**"SECTION 6. AMENDMENT.** Subsection 4 of section 49-22-16 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~No~~A site or route ~~shall~~may not be designated which violates the rules of any state agency. A state agency with jurisdiction over any aspect of a proposed facility shall present the position of the agency at least thirty days before the public hearing on an application for a certificate, a permit, or a waiver, which position ~~shall~~ clearly must state whether the site, corridor, or route being considered for designation will be in compliance with ~~such~~the agency's rules. For purposes of this chapter it ~~shall be~~is presumed that a proposed facility will be in compliance with a state agency's rules if ~~such~~the agency fails to present its position on the proposed site, corridor, or route at least thirty days before the appropriate public hearing."

Renumber accordingly