

**SECOND ENGROSSMENT
with Senate Amendments
REENGROSSED HOUSE BILL NO. 1432**

Introduced by

Representatives Brandenburg, Belter, Boe, Headland, D. Johnson, Kasper, Kempenich,
Thoreson

Senators Dotzenrod, Erbele, Schaible, Wanzek

1 A BILL for an Act to create and enact four new sections to chapter 4-01 of the North Dakota
2 Century Code, relating to federal environmental legislation and regulations that detrimentally
3 impact or have the potential to detrimentally impact the state's agricultural, energy, or oil
4 production sectors; to provide for a transfer; to provide for a continuing appropriation; and to
5 provide an appropriation.

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

7 **SECTION 1.** A new section to chapter 4-01 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Federal environmental law impact review committee.**

- 10 1. The federal environmental law impact review committee consists of:
11 a. The agriculture commissioner, who shall serve as the chairman;
12 b. The governor or the governor's designee;
13 c. The majority leader of the house of representatives, or the leader's designee;
14 d. The majority leader of the senate, or the leader's designee;
15 e. One member of the legislative assembly from the minority party, selected by the
16 chairman of the legislative management;
17 f. One individual appointed by the lignite energy council;
18 g. One individual appointed by the North Dakota corn growers association;
19 h. One individual appointed by the North Dakota grain growers association;
20 i. One individual appointed by the North Dakota petroleum council;
21 j. One individual appointed by the North Dakota soybean growers association; and
22 k. One individual appointed by the North Dakota stockmen's association.

1 2. The committee shall review federal environmental legislation and regulations that
2 detrimentally impact or have the potential to detrimentally impact the state's
3 agricultural, energy, or oil production sectors and confer with the attorney general with
4 respect to participation in administrative or judicial processes pertaining to such
5 legislation or regulations.

6 3. a. Any member of the legislative assembly serving on the committee is entitled to
7 compensation at the rate provided for attendance at interim committee meetings
8 and reimbursement for expenses, as provided by law for state officers, if the
9 member is attending meetings of the committee or performing duties directed by
10 the committee.

11 b. The compensation and reimbursement of expenses, as provided for in this
12 subsection, are payable by the legislative council.

13 **SECTION 2.** A new section to chapter 4-01 of the North Dakota Century Code is created and
14 enacted as follows:

15 **Environmental impact - Cost of participation.**

16 1. Any expenses incurred by the agriculture commissioner or by the federal
17 environmental law impact review committee in meeting the requirements of section 1
18 of this Act must be paid by the agriculture commissioner from the federal
19 environmental law impact fund.

20 2. If the attorney general elects to participate in an administrative or judicial process,
21 pertaining to federal environmental legislation or regulations, which detrimentally
22 impact or have the potential to detrimentally impact the state's agricultural, energy, or
23 oil production sectors, any expenses incurred by the attorney general in the
24 participation must be paid by the agriculture commissioner from the federal
25 environmental law impact review fund.

26 3. For purposes of this section, "expenses" include administrative costs, consulting fees,
27 research costs, expert witness fees, attorney fees, and travel costs.

28 **SECTION 3.** A new section to chapter 4-01 of the North Dakota Century Code is created
29 and enacted as follows:

1 **Gifts - Grants - Donations.**

2 The agriculture commissioner may accept gifts, grants, and donations for the purposes set
3 forth in section 2 of this Act, provided the commissioner posts the amount and source of any
4 gifts, grants, and donations on the department of agriculture's website. Any moneys received in
5 accordance with this section must be deposited in the federal environmental law impact review
6 fund.

7 **SECTION 4.** A new section to chapter 4-01 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Federal environmental law impact review fund - Continuing appropriation.**

- 10 1. The federal environmental law impact review fund consists of:
- 11 a. Any moneys appropriated or transferred for the purposes set forth in section 2 of
12 this Act; and
- 13 b. Any gifts, grants, and donations forwarded to the agriculture commissioner for the
14 purposes set forth in section 2 of this Act.
- 15 2. All moneys in the federal environmental law impact review fund are appropriated to the
16 commissioner on a continuing basis for the purposes set forth in section 2 of this Act.

17 **SECTION 5. APPROPRIATION - TRANSFER - FEDERAL ENVIRONMENTAL LAW**

18 **IMPACT REVIEW FUND.** There is appropriated out of any moneys in the general fund in the
19 state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as
20 may be necessary, which the office of management and budget shall transfer to the federal
21 environmental law impact review fund, for the purpose of funding the state's participation in
22 administrative or judicial processes based on federal environmental legislation or regulations
23 that detrimentally impact or have the potential to detrimentally impact the state's agricultural,
24 energy, or oil production sectors, for the biennium beginning July 1, 2015, and ending June 30,
25 2017. The office of management and budget shall transfer sums under this section at the time
26 and in the amount directed by the agriculture commissioner.