

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

Page 1, line 4, remove ", 49-22-09"

Page 1, line 6, remove ", factors to be considered in evaluating applications and designations of sites,"

Page 1, line 7, remove "corridors, and routes"

Page 1, line 7, remove "direct and indirect"

Page 1, line 8, after "transfer" insert "; to provide for a legislative management study; to provide for a report"

Page 5, line 22, overstrike "agriculture"

Page 5, line 26, overstrike "Contracting for consultation" and insert immediately thereafter "Consultation"

Page 5, line 26, overstrike "or" and insert immediately thereafter an underscored comma

Page 5, line 26, after "engineers" insert ", industry specialists, or others"

Page 5, line 27, after "to" insert "analyze or"

Page 5, line 29, overstrike "Reclamation or mitigation" and insert immediately thereafter "Creation, restoration, or mitigation of similar habitat affected by the construction or operation of an energy conversion or transmission facility. Mitigation"

Page 5, line 29, after "development" insert "under this section shall be conducted in the following order of priority:

- (1) The area immediately impacted by the development;
- (2) The county impacted by the development;
- (3) The region impacted by the development; and
- (4) Other areas within the state"

Page 6, line 1, overstrike "The federal environmental law impact review committee shall establish criteria for"

Page 6, line 2, overstrike "disbursement of"

Page 6, line 2, remove "moneys in the"

Page 6, line 2, overstrike "environmental impact"

Page 6, line 2, replace "mitigation fund" with "In consultation with the federal environmental law impact review committee, the commissioner shall adopt rules pursuant to chapter 28-32 to implement the provisions of this section"

Page 6, line 3, overstrike "The commissioner shall make disbursements"

Page 6, line 3, remove "of moneys in the environmental impact"

Page 6, line 4, remove "mitigation fund"

Page 6, line 4, overstrike "based upon the determinations made by the federal environmental law"

Page 6, overstrike lines 5 through 10

Page 6, line 11, overstrike "the disbursement of"

Page 6, line 11, remove "environmental impact mitigation fund"

Page 6, line 11, overstrike "grants in accordance with"

Page 6, line 12, overstrike "subsection 2 and provide those determinations to the commissioner" and insert immediately thereafter "Easements or leaseholds purchased by a person to mitigate adverse environmental effects of the construction or operation of an energy conversion or transmission facility under chapter 49-22 must be limited to the operational life of the facility as defined under chapter 49-22. Any payment made to mitigate adverse environmental effects of the construction or operation of an energy conversion or transmission facility under chapter 49-22 must be made to the commissioner who shall deposit the payment into the environmental impact mitigation fund. Prior to the public service commission issuing a permit or certificate to an applicant under chapter 49-22, the commissioner shall notify the public service commission of mitigation efforts under this section to create, restore, or mitigate similar habitat affected by the construction or operation of an energy conversion or transmission facility"

Page 6, line 13, overstrike "8." and insert immediately thereafter "6."

Page 6, line 13, overstrike "federal environmental law impact review committee" and insert immediately thereafter "commissioner"

Page 6, line 15, overstrike "9." and insert immediately thereafter "7."

Page 6, remove lines 17 through 31

Page 7, remove lines 1 through 16

Page 7, line 19, overstrike "**direct**"

Page 7, line 19, remove "or indirect"

Page 7, line 20, overstrike "1. An applicant"

Page 7, line 20, remove "shall"

Page 7, line 20, overstrike "provide payment to mitigate any assessed adverse"

Page 7, line 21, overstrike "direct"

Page 7, line 21, remove "or indirect"

Page 7, line 21, overstrike "environmental impacts of a proposed site, corridor, route, or facility."

Page 7, line 22, overstrike "The applicant"

Page 7, line 22, remove "shall"

Page 7, line 22, overstrike "provide"

Page 7, line 22, remove "a minimum of fifty percent of"

Page 7, line 22, overstrike "the payment to"

Page 7, overstrike lines 23 and 24

Page 7, line 25, overstrike "environmental impacts of a proposed site, corridor, route, or facility"

Page 7, line 26, overstrike "into the environmental impact mitigation fund"

Page 7, line 27, after "fund" insert "If an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of an energy conversion or transmission facility, the payment must be made to the agriculture commissioner who shall deposit the payment into the environmental impact mitigation fund under section 4.1-01-21.1. Nothing in this section shall be construed to limit an applicant from conducting mitigation activities"

Page 8, after line 8, insert:

"SECTION 20. LEGISLATIVE MANAGEMENT STUDY - ENERGY CONVERSION OR TRANSMISSION FACILITY - ENVIRONMENTAL MITIGATION. During the 2023-24 interim, the legislative management shall consider studying plans for mitigation of adverse wildlife and environmental impacts and monetary payments made to state agencies, contractors, nongovernmental organizations, and others by applicants or other persons for mitigation during the siting and operation of energy conversion or transmission facilities. The study must include consideration of the provisions of law that affect the ability of developers to effectively mitigate adverse wildlife habitat and environmental impacts, applicant payments used for the purchase of perpetual or nonperpetual conservation easements, the distinction between an adverse direct environmental effect or an adverse indirect environmental effect, methods to monetarily quantify adverse direct or adverse indirect environmental effects, and alternative programs that may be used or developed for the mitigation of adverse wildlife and environmental effects. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment requires the Agriculture Commissioner to adopt rules for the environmental impact mitigation fund and removes changes added by the Senate which included indirect environmental impacts during the permitting process of energy conversion and transmission facility projects.