

**Amendment to HB 1400: to amend and declare an emergency**

Page 1, line 4, after the second fund, insert “; and to amend and reenact section 49-22-09.2 regarding the mitigation of environmental impacts; and to declare an emergency”

Page 3, after line 12, insert:

**Section 4. AMENDMENT.** Section 49-22-09.2 of the North Dakota Century Code is amended and reenacted as follows:

**49-22-09.2.** Mitigating environmental impacts of wind energy. If an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of ~~an a wind~~ 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.

If an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of an energy conversion facility other than a wind energy conversion facility, the payment may be made to the agriculture commissioner who shall deposit the payment into the environmental impact mitigation fund under section 4.1-01-21.1.

If an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of transmission facility, the payment may 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.

Section 5. EMERGENCY. This Act is declared to be an emergency measure.

Renumber accordingly

Page 2, line 28, after 23,  
insert "49-22-09.2"