

**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 two new sections to chapter 4-01 of the North Dakota  
2 Century Code, relating to the environmental impact litigation fund; to provide for a continuing  
3 appropriation; and to provide for a transfer and appropriation.

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

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

7 **Environmental impact ~~litigation~~ advisory committee.**

- 8 1. The environmental impact ~~litigation~~ advisory committee consists of:
- 9 a. The commissioner of agriculture, who shall serve as the chairman;
  - 10 b. The governor or the governor's designee;
  - 11 c. ~~The attorney general;~~
  - 12 ~~d.~~ The majority leader of the house of representatives, or the leader's designee;
  - 13 ~~e.~~ d. The majority leader of the senate, or the leader's designee;
  - 14 e. One individual appointed by the North Dakota stockmen's association
  - 15 f. One individual appointed by the North Dakota corn ~~utilization council~~ growers
  - 16 association;
  - 17 g. One individual appointed by the North Dakota soybean ~~council~~ growers
  - 18 association;
  - 19 h. One individual appointed by the North Dakota wheat commission;
  - 20 i. One individual appointed by the North Dakota grain growers association;
  - 21 j. One individual appointed by the lignite energy council; and
  - 22 k. One individual appointed by the North Dakota petroleum council.

1       2. The committee shall advise the agriculture commissioner with respect to expenditures  
2           from the environmental impact litigation fund.

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

5       **Environmental impact litigation fund - Continuing appropriation - Purpose.**

6       1. The environmental impact litigation fund consists of:

7           a. Any moneys appropriated or transferred for the purposes set forth in this section;  
8           and

9           b. Any gifts, grants, and donations forwarded to the agriculture commissioner for the  
10           purposes of this section.

11       2. All moneys in the environmental impact litigation fund are appropriated on a continuing  
12       basis to the agriculture commissioner for any expenses incurred in the consideration  
13       of, the pursuit of, or the participation in [administrative or judicial matters, including](#)  
14       litigation pertaining to:

15           a. Exempt and nonexempt activities governed by section 404 of the Clean Water  
16           Act [33 U.S.C. 1344] or by regulations implementing section 404 of the Clean  
17           Water Act; and

18           b. Any potential detriment to the state or to industries operating within the state as a  
19           result of governmental interpretations pertaining to the Endangered Species Act  
20           of 1973 [16 U.S.C. 1531, et seq.] or any regulations implementing the  
21           Endangered Species Act.

22       3. For purposes of this section, "expenses" include consulting fees, research costs,  
23       expert witnesses, attorney fees, and travel costs.

24       **SECTION 3. APPROPRIATION AND TRANSFER - ENVIRONMENTAL IMPACT**

25       **LITIGATION FUND.** There is hereby appropriated out of any moneys in the general fund in the  
26       state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as  
27       may be necessary, which sum the office of management and budget shall transfer to the  
28       environmental impact litigation fund, for the purpose of funding environmental impact litigation  
29       and related activities, during the biennium beginning July 1, 2015, and ending June 30, 2017.  
30       The office of management and budget shall transfer funds under this section at the time and in  
31       the amount directed by the agriculture commissioner.