

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1400

Introduced by

Representatives Brandenburg, Grueneich, Headland, Kempenich, Pyle, Schreiber-Beck

Senators Conley, Erbele, Kessel, Wanzek, Weber

1 A BILL for an Act to create and enact a new section to chapter 4.1-01 of the North Dakota
2 Century Code, relating to conservation easements and leaseholds; and to amend and reenact
3 sections 4.1-01-21 and 4.1-01-21.1 of the North Dakota Century Code, relating to the federal
4 environmental law impact review fund and the environmental impact mitigation fund.

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

6 **SECTION 1. AMENDMENT.** Section 4.1-01-21 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **4.1-01-21. Federal environmental law impact review fund - Continuing appropriation -**
9 **Investments.**

- 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
- 12 4.1-01-19; and
- 13 b. Any gifts, grants, and donations forwarded to the commissioner for the purposes
- 14 set forth in section 4.1-01-19.
- 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 4.1-01-19.
- 17 The commissioner may invest moneys in the fund under the supervision of the state
- 18 investment board pursuant to chapter 21-10.

19 **SECTION 2. AMENDMENT.** Section 4.1-01-21.1 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **4.1-01-21.1. Environmental impact mitigation fund - Report to legislative**
22 **management - Continuing appropriation - Investments.**

- 23 1. There is created in the state treasury the environmental impact mitigation fund. The
- 24 fund consists of all moneys deposited in the fund under section 49-22-09.2. All

1 moneys in the fund are appropriated to the commissioner on a continuing basis for
2 disbursement by the commissioner in accordance with this section. The commissioner
3 may invest moneys in the fund under the supervision of the state investment board
4 pursuant to chapter 21-10.

5 2. Moneys in the fund may be used only for:

6 a. Consultation with environmental scientists or engineers, industry specialists, or
7 others for relevant services to analyze or implement mitigation required from the
8 impact of development; ~~and~~

9 b. Creation, restoration, or mitigation of similar habitat affected by the construction
10 or operation of an energy conversion or transmission facility. Mitigation of
11 adverse impacts from development under this section shall be conducted in the
12 following order of priority:

13 (1) The area immediately impacted by the development;

14 (2) The county impacted by the development;

15 (3) The region impacted by the development; and

16 (4) Other areas within the state; ~~and~~

17 c. Purchasing and maintaining easements or leaseholds.

18 3. The commissioner is not subject to chapter 54-44.4 when contracting for services
19 under this chapter.

20 4. In consultation with the federal environmental law impact review committee, the
21 commissioner shall adopt rules pursuant to chapter 28-32 to implement the provisions
22 of this section.

23 5. Easements or leaseholds purchased by a person to mitigate adverse environmental
24 effects of the construction or operation of an energy conversion or transmission facility
25 under chapter 49-22 must be limited to the operational life of the facility as defined
26 under chapter 49-22. Any payment made to mitigate adverse environmental effects of
27 the construction or operation of an energy conversion or transmission facility under
28 chapter 49-22 must be made to the commissioner who shall deposit the payment into
29 the environmental impact mitigation fund. Prior to the public service commission
30 issuing a permit or certificate to an applicant under chapter 49-22, the commissioner
31 shall notify the public service commission of mitigation efforts under this section to

1 create, restore, or mitigate similar habitat affected by the construction or operation of
2 an energy conversion or transmission facility.

3 6. The commissioner shall provide a biennial report of environmental impact mitigation
4 fund disbursements to the legislative management.

5 7. For purposes of this section, the environmental impact mitigation fund is not subject to
6 subsection 2 of section 4.1-01-18.

7 **SECTION 3.** A new section to chapter 4.1-01 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Conservation easement or leasehold.**

10 The commissioner may purchase and hold an easement or leasehold in the name of the
11 state to administer this title. The commissioner shall terminate any easement or leasehold if the
12 easement or leasehold is no longer necessary.