

February 10, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2327

Page 1, line 1, replace the second "and" with an underscored comma

Page 1, line 2, after "23.1" insert ", and subdivision v of subsection 1 of section 54-06-04"

Page 1, line 3, replace the first "and" with an underscored comma

Page 1, line 4, after the second "quality" insert ", and biennial reports of the department of environmental quality"

Page 1, line 15, replace "and sections" with "section"

Page 1, line 16, after the first comma insert "subsections 1 and 2 of section 61-28-02, sections 61-28-03 and 61-28-05, subsection 2 of section 61-28.1-02, subsection 15 of section 61-28.1-03, subsection 2 of section 61-28.2-01, and sections"

Page 2, line 6, replace "January" with "July"

Page 13, line 19, after "**established**" insert " - **Director appointment**"

Page 13, line 21, after the underscored period, insert "The governor shall appoint a director of the department who shall serve at the pleasure of the governor. The position of director of the department is not a classified position, and the governor shall set the salary of the director within the limits of legislative appropriations."

Page 13, line 24, replace "nine" with "eleven"

Page 14, line 2, replace "Two representative of environmental sciences" with "A representative of the solid waste industry"

Page 14, line 3, replace "The state engineer; and" with "A representative of the hazardous waste industry;"

Page 14, line 4, replace "The state geologist." with "A representative of the thermal electric generators industry;"

- i. A representative of the environmental sciences;
- j. The state engineer; and
- k. The state geologist."

Page 140, after line 23, insert:

**"SECTION 55.** Subdivision v of subsection 1 of section 54-06-04 the North Dakota Century Code is created and enacted as follows:

- v. Department of environmental quality."

Page 147, after line 15, insert:

**"SECTION 65. AMENDMENT.** Subsection 1 of section 61-28-02 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~"Board" means the state water pollution control board~~"Council" means the environmental review advisory council.

**SECTION 66. AMENDMENT.** Subsection 2 of section 61-28-02 of the North Dakota Century Code is amended and reenacted as follows:

2. ~~"Department" means the state department of health~~department of environmental quality.

**SECTION 67. AMENDMENT.** Section 61-28-03 of the North Dakota Century Code is amended and reenacted as follows:

**61-28-03. State water pollution prevention agency - ~~Board~~Council.**

1. ~~The state water pollution control board consists of thirteen persons. The board must include the state health officer, state engineer, director of the game and fish department, state geologist, and nine other members appointed by the governor, three of whom must be representatives of production agriculture, two of whom must be representatives of manufacturing and processing, one of whom must be a representative of the solid fuels industry, one of whom must be a representative of the fluid and gas fuels industry, one of whom must be a representative of the environmental sciences, and one of whom must be a representative of county or municipal government.~~
2. ~~Of the nine members appointed by the governor, each shall serve six year terms. The governor may fill any vacancy in the appointed membership of the board, and may remove any appointed member for cause.~~
3. ~~The board shall select its own chairman from among its members. The heads of departments on the board may, by official order filed with the executive secretary of the board, designate a representative of the person's department to perform the duties of the member making the designation. That person, if any, shall have the powers and be subject to the duties and responsibilities of the appointing office.~~
4. ~~All members of the board shall serve without compensation for their duties, but must be reimbursed for necessary travel and other expenses incurred in the performance of their official duties. Reimbursement must be paid out of funds allocated to the department for water pollution control.~~
5. ~~The department shall provide the board~~council ~~with copies of maps, plans, documents, studies, surveys, and all other necessary information in order that the board~~so the council ~~may be fully cognizant of the current status of water pollution and its control in the state and to enable the board to advise the department in development of programs for the prevention and control of pollution of waters in the state.~~
6. ~~The board shall hold at least one regular meeting each year, and any additional meetings the chairman deems necessary, at a time and place to be determined by the chairman. Upon written request of any three members, the chairman shall call a special meeting. Seven members constitute a quorum.~~

- 7-2. The ~~board~~council shall consider and make recommendations regarding any rules and standards relating to water quality or pollution, ground water protection, and safe drinking of water that are adopted by the department. The department may not take final action on any rules or standards without consulting the ~~board~~council. The ~~board~~council shall consider any other matters related to the purposes of this chapter and may make recommendations on its own initiative to the department concerning the administration of this chapter.

**SECTION 68. AMENDMENT.** Section 61-28-05 of the North Dakota Century Code is amended and reenacted as follows:

**61-28-05. Rules and standards.**

The department may adopt rules and, jointly with the ~~board~~council, shall hold public hearings regarding the adoption, amendment, or repeal of rules and standards of quality of the waters of the state as provided in this chapter.

**SECTION 69. AMENDMENT.** Subsection 2 of section 61-28.1-02 of the North Dakota Century Code is amended and reenacted as follows:

2. "Department" means the ~~state department of health~~department of environmental quality.

**SECTION 70. AMENDMENT.** Subsection 15 of section 61-28.1-03 of the North Dakota Century Code is amended and reenacted as follows:

15. Designate the ~~state department of health~~department of environmental quality as the state safe drinking water agency for all purposes of the federal Safe Drinking Water Act and is authorized to take all actions necessary and appropriate to secure for the state the benefit of such Act and any grants made thereunder.

**SECTION 71. AMENDMENT.** Subsection 2 of section 61-28.2-01 of the North Dakota Century Code is amended and reenacted as follows:

2. There is established the water pollution control revolving loan fund, which must be maintained and operated by the ~~state department of health~~department of environmental quality. Grants from the federal government or its agencies allotted to the state for the capitalization of the revolving loan fund, and state matching funds when required, must be deposited directly in the revolving loan fund in compliance with the terms of the federal grant. Money in the revolving loan fund must be expended in a manner consistent with terms and conditions of the grants received by the state and may be used to offer loan guarantees; to provide payments to reduce interest on loans and loan guarantees; to make bond interest subsidies; to provide bond guarantees on behalf of municipalities, other local political subdivisions, and intermunicipal or interstate agencies; to provide assistance to a municipality, other local political subdivisions, or intermunicipal or interstate agencies with respect to the nonfederal share of the costs of a project; to finance the cost of facility planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works or public water supply systems; to provide financial assistance for the construction and rehabilitation of a project on

the state priority list; to secure principal and interest on bonds issued by a public trust having the state of North Dakota as its beneficiary, or the public finance authority if the proceeds of such bonds are deposited in the revolving loan fund and to the extent provided in the terms of the federal grant; to provide for loan guarantees for similar revolving funds established by municipalities, other local political subdivisions, or intermunicipal agencies; to purchase debt incurred by municipalities or other local political subdivisions for wastewater treatment projects or public water supply systems; to improve credit market access by guaranteeing or purchasing insurance or other credit enhancement devices for local obligations or obligations of a public trust having the state of North Dakota as its beneficiary or the public finance authority; to fund other programs which the federal government authorizes by the terms of its grants; to fund the administrative expenses of the department associated with the revolving loan fund; and to provide for any other expenditure consistent with the federal grant program and state law. Money not currently needed for the operation of the revolving loan fund or otherwise dedicated may be invested. All interest earned on investments must be credited to the revolving loan fund."

Page 149, line 1, replace "67" with "75"

Renumber accordingly