

Amendments to Senate Bill No. 281
1st Reading Copy

EXHIBIT NO. 22
DATE: 2-16-05
BILL NO. SB 281

Requested by Senator Carol Wilkins

For the Senate Public Health, Welfare and Safety Committee

Prepared by David Niss
February 16, 2005 (2:42pm)

1. Title, line 7.

Following: "WILDLIFE;"

Insert: "PROVIDING CONDITIONS WHEN MITIGATION MAY BE IMPOSED;"

2. Page 4, line 24.

Following: "(5)(a)(ii)"

Insert: "and (5)(a)(iii)"

3. Page 4, line 26.

Following: "based on"

Insert: "likely"

4. Page 4, line 28.

Following: "wildlife."

Insert: "In implementing this subsection (5)(a)(ii), an agency is not required to impose conditions based on identified impacts, but the agency may not arbitrarily or capriciously decline to impose conditions.

(iii) Before an agency may impose conditions on a permit or other authority to act based on subsection (5)(a)(ii), the agency shall make a written finding based on evidence in the agency record that a proposed mitigation condition:

(A) protects public health and safety and fish and wildlife;

(B) mitigates and is relevant to an impact on public health and safety and fish and wildlife identified through the process provided in subsection (5)(a)(ii); and

(C) is reasonable, economically feasible, and achievable using current technology."

5. Page 5, line 1.

Following: "(5)(c)(ii)"

Insert: "and (5)(c)(iii)"

6. Page 5, line 3.

Following: "based on"

Insert: "likely"

7. Page 5, line 5.

Following: "wildlife."

Insert: "In implementing this subsection (5)(c)(ii), an agency is not required to impose conditions based on identified impacts, but the agency may not arbitrarily or capriciously decline to impose conditions.

(iii) Before an agency may impose a condition on a permit or other authority to act based on subsection (5)(c)(ii), the agency shall make a written finding based on evidence in the agency record that the proposed mitigation condition:

(A) protects public health and safety and fish and wildlife;

(B) mitigates and is relevant to impacts on public health and safety and fish and wildlife identified through the process provided in subsection (5)(c)(ii); and

(C) is reasonable, economically feasible, and achievable using current technology."

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