

SB1144/873020/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 1144
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 6 down through “incentives” in line 7; and in line 7, after “purposes;” insert “authorizing the Department to require a certain payment or certain financial protections for contracts of a certain size to ensure certain outcomes;”.

AMENDMENT NO. 2

On page 3, in line 4, after “(2)” insert “(I)”; in the same line, after “CONTRACT” insert “FOR A PROJECT THAT INCLUDES CONSTRUCTION, RECONSTRUCTION, OR REHABILITATION, ON REQUEST;”; strike beginning with the colon in line 5 down through “(I)” in line 6; in lines 6 and 7, strike “FOR THE PURPOSE OF REDUCING FINANCING COSTS FOR THE OWNER OF A PROJECT OR PRACTICE AND THE STATE;”; strike beginning with “THAT” in line 8 down through “; AND” in line 10, and substitute “THAT ALLOW FOR A COST-PER-POUND OF NITROGEN REDUCED THAT VARIES WITH THE ACHIEVEMENT OF PERFORMANCE MILESTONES, AS AGREED UPON BY BOTH PARTIES TO THE CONTRACT.”

(II) THE FIRST PERFORMANCE MILESTONE MAY NOT OCCUR EARLIER THAN THE TIME THAT THE CONSTRUCTION, RECONSTRUCTION, OR REHABILITATION IS COMPLETE.”;

strike in their entirety lines 11 through 13, inclusive; and after line 13, insert:

“(3) IN ORDER TO ENSURE THE ACHIEVEMENT OF ENVIRONMENTAL OUTCOMES AGREED TO IN A CONTRACT, THE DEPARTMENT MAY REQUIRE:

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(I) A MINIMUM FINAL PAYMENT; AND

**(II) FOR A CONTRACT AWARD GREATER THAN \$500,000,
ADDITIONAL FINANCIAL PROTECTIONS, INCLUDING A LETTER OF CREDIT,
INSURANCE INSTRUMENT, OR PERFORMANCE BOND.”.**