

Introduced by

Senators Hogue, Klein, Wardner

Representatives Damschen, Hofstad, Hunskor

1 A BILL for an Act to amend and reenact subsection 3 of section 61-40-10 of the North Dakota
2 Century Code, relating to approval of the state water commission for expansion of the western
3 area water supply project.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 61-40-10 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 3. The approval of the state water commission shall approve is required by the authority
8 before the planning, location, and water supply contracts of any authority depots,
9 laterals, taps, turnouts, and risers for industrial sales for oil and gas exploration and
10 production after July 1, 2013. Before the approval by the state water commission, the
11 authority must file an application for approval with the state water commission.
12 Following receipt of the application, the commission shall give notice of at least
13 thirty days to all state water commission permittees providing water for industrial sales
14 for oil and gas exploration and production. After notice, the state water commission
15 shall hold a hearing to consider public comments and to approve or disapprove the
16 application. In making a determination to approve or disapprove the application, the
17 commission shall consider the following:
- 18 a. Objections from other providers of industrial water supply;
 - 19 b. Private sector capacity to meet the requested demand;
 - 20 c. Location and proximity of other private water supply infrastructure in the area;
 - 21 d. Status of domestic water supply restrictions from the participating authority
22 members;
 - 23 e. Whether the participating member is meeting all domestic water demands;

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- 1 f. Whether the request follows the depot plan and financing structure approved by
- 2 the legislative assembly in creating the authority, or is a deviation of that plan;
- 3 g. The length of time for which the industrial water supply is requested; and
- 4 h. The status of industrial water supply payments to meet obligations in this chapter.