

**Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015**

HOUSE BILL NO. 1097
(Energy and Natural Resources Committee)
(At the request of the State Engineer)

AN ACT to create and enact two new sections to chapter 61-03 of the North Dakota Century code, relating to the effect of pending administrative actions on permits and emergency action plans for dams; to amend and reenact section 61-03-22 of the North Dakota Century Code, relating to appeals from an action or decision of the state engineer; and to repeal section 61-03-05 of the North Dakota Century Code, relating to fees of the state engineer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-03-22 of the North Dakota Century Code is amended and reenacted as follows:

61-03-22. Hearing - Appeals from decision of state engineer.

~~Except as more specifically provided in this title, any~~Any person aggrieved because of ~~any~~by an action or decision of the state engineer under the provisions of this title has the right to a hearing by the state engineer if ~~no~~. The state engineer must receive the request for a hearing on the matter resulting in within thirty days after the aggrieved person knew or should have reasonably known of the action or decision has been held. ~~If~~Once a hearing has been held or if the hearing request is denied, the person aggrieved has the right to petition for reconsideration and ~~to~~ appeal, ~~all in accordance with the provisions of~~ under chapter 28-32.

SECTION 2. A new section to chapter 61-03 of the North Dakota Century Code is created and enacted as follows:

Pending administrative actions and permits.

If an applicant for any permit processed by the state engineer has an unresolved administrative order or complaint under this title, the permit will not be processed until the order is complied with or complaint is resolved. At the state engineer's discretion, the permit may be processed if issuing the permit would resolve the administrative order or complaint. If an applicant is not an individual, this section applies if the applicant is at least twenty-five percent owned by an individual with an unresolved administrative order or complaint under this title.

SECTION 3. A new section to chapter 61-03 of the North Dakota Century Code is created and enacted as follows:

Emergency action plan - High-hazard or medium-hazard dam.

The owner of a high-hazard or medium-hazard dam shall develop, periodically test, and update an emergency action plan to be implemented if there is an emergency involving the dam. The emergency action plan and any subsequent updates must be submitted to the state engineer for approval.

SECTION 4. REPEAL. Section 61-03-05 of the North Dakota Century Code is repealed.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1097.

House Vote: Yeas 93 Nays 0 Absent 1

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2015.

Approved at _____ M. on _____, 2015.

Governor

Filed in this office this _____ day of _____, 2015,

at _____ o'clock _____ M.

Secretary of State