

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1097

Introduced by

Energy and Natural Resources Committee

(At the request of the State Engineer)

1 A BILL for an Act to create and enact two new sections to chapter 61-03 of the North Dakota
2 Century code, relating to the effect of pending administrative actions on permits and emergency
3 action plans for dams; to amend and reenact section 61-03-22 of the North Dakota Century
4 Code, relating to appeals from an action or decision of the state engineer; and to repeal section
5 61-03-05 of the North Dakota Century Code, relating to fees of the state engineer.

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

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

9 **61-03-22. Hearing - Appeals from decision of state engineer.**

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

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

19 **Pending administrative actions and permits.**

20 If an applicant for any permit processed by the state engineer has an unresolved
21 administrative order or complaint under this title, the permit will not be processed until the order
22 is complied with or complaint is resolved. At the state engineer's discretion, the permit may be
23 processed if issuing the permit would resolve the administrative order or complaint. If an

1 applicant is not an individual, this section applies if the applicant is at least twenty-five percent
2 owned by an individual with an unresolved administrative order or complaint under this title.

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

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

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

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