

Introduced by

Energy and Natural Resources Committee

(At the request of the Department of Environmental Quality)

1 A BILL for an Act to amend and reenact section 23.1-11-08 of the North Dakota Century Code,  
2 relating to ground water monitoring.

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

4 **SECTION 1. AMENDMENT.** Section 23.1-11-08 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **23.1-11-08. Access for ground water monitoring.**

7 The department may request landowners or operators allow access for monitoring of  
8 ground water and of soils at a depth where pesticides may threaten ground water. If the  
9 department is denied access by the landowner or operator, the department may apply to any  
10 court of competent jurisdiction for authorization to obtain access. The court, upon the  
11 application and compliance with chapter 29-29.1, may issue the authorization for the purposes  
12 requested. After consultation with the landowner or operator, the department shall conduct the  
13 monitoring in a manner that causes the least possible economic impact or hindrance to the  
14 landowner's or operator's operations. The names and addresses of landowners and operators  
15 who participate in a pesticide ground water monitoring program ~~may not be linked, in any public~~  
16 ~~disclosure, to the findings of the program unless it is determined by rule that a compelling public~~  
17 ~~interest justifies the disclosure. Without that determination, disclosure of the information is a~~  
18 ~~violation of section 12.1-13-01~~ are not public records subject to exempt under section 44-04-18  
19 and section 6 of article XI of the Constitution of North Dakota. This section does not apply to  
20 ground water monitoring from wells that were installed or required to be installed by a state  
21 agency.