

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1457

Introduced by

Representatives Fairfield, Froelich, S. Kelsh, Kerzman, Meyer

Senator D. Mathern

1 A BILL for an Act to require the posting and publishing of notices regarding permit applications
2 for confined animal feeding operations.

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

4 **SECTION 1. Confined animal feeding operations - Notice of permit application.**

- 5 1. Whenever an application is filed with any governmental entity for a permit related
6 to the construction or renovation of a confined animal feeding operation, the
7 governmental entity receiving the application shall:
- 8 a. Post notice of the completed application in the United States post office
9 having the closest proximity to the site or proposed site, for a period of thirty
10 days;
 - 11 b. Post notice of the completed application in the building that serves as the seat
12 of government for the county in which the site is located or in which the
13 proposed site is to be located, for a period of thirty days; and
 - 14 c. Publish notice of the completed application in the official newspaper of the
15 county in which the site or the proposed site is located, at least once each
16 week for four consecutive weeks.
- 17 2. The notice required by this section must include:
- 18 a. The name and address of each applicant and all primary capital investors;
 - 19 b. A brief description of the planned operation or the changes to an existing
20 operation;
 - 21 c. A brief description of the administrative procedures to be followed, including
22 the provision of a comment period, in reaching a final determination regarding
23 issuance or denial of the permit;

- 1 d. The manner in which interested persons may provide comments for
- 2 consideration of the governmental entity;
- 3 e. The proposed date and time for a public hearing; and
- 4 f. The manner in which interested persons may obtain further information,
- 5 including a copy of the permit application, and any accompanying documents.
- 6 3. The applicant is responsible for any costs incurred by the governmental entity in
- 7 preparing, posting, and publishing notice of the application as required by this
- 8 section.
- 9 4. The governmental entity may not make a final determination on the issuance or
- 10 denial of the permit until thirty days have passed since the initial posting and initial
- 11 publication required by subsection 1.
- 12 5. This section applies to any confined animal feeding operation that requires an
- 13 approval to operate from the state department of health.