

February 21, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2359

Page 1, line 1, replace the first comma with "and"

Page 1, line 1, remove ", and 61-40-12"

Page 2, line 6, remove "not"

Page 2, line 7, replace "from which industrial water sales are made" with "with the approval of the state water commission"

Page 2, line 17, after the period insert "The state water commission may require the authority to provide value engineering reviews for segments of the project."

Page 2, line 18, remove the overstrike over "H"

Page 2, remove the overstrike over line 19

Page 2, line 20, remove the overstrike over "~~repaid, without the written consent of the state water commission the~~"

Page 2, line 20, remove "The"

Page 2, line 23, after the second "authority" insert "and participating member entities"

Page 2, remove lines 25 through 31

Page 3, remove lines 1 through 8

Page 3, line 9, replace "61-40-11" with "61-40-10"

Page 3, line 11, replace "**61-40-11. Grant**" with "**61-40-10. Limitations and**"

Page 3, replace lines 12 through 23 with:

"The western area water supply authority and independent water producers must follow the following limitations and conditions for any of the limitations and conditions to apply.

1. The authority and the participating member entities may not bring any claim under 7 U.S.C. 1926(b) which would restrict or oppose other public or private uses of water from Lake Sakakawea or other waters of the state for industrial purposes.
2. The authority and participating member entities may not sell directly or indirectly for industrial purposes more than thirty percent of the industrial water sales in the same area in the previous year as determined by the state water commission unless the percentage is exceeded solely by sales within ten miles [16.09 kilometers] of the twelve approved water depots of the authority.
3. Independent water producers may not sell water for industrial purposes within a ten-mile [16.09 kilometers] radius from any of the twelve approved water depots of the authority unless the producer has facilities located within the ten mile [16.09 kilometers] radius from which the producer is

selling water for industrial use before July 1, 2013, under a water permit issued before July 1, 2013."

Page 3, line 24, replace "61-40-12" with "61-40-11"

Page 3, line 26, replace "**61-40-12**" with "**61-40-11**"

Page 3, line 27, replace "Section" with "Sections"

Page 3, line 27, replace "does" with "and 61-02-68.18 do"

Renumber accordingly