

Sixty-ninth
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Senator van Oosting

1 A BILL for an Act to create and enact a new chapter to title 49 of the North Dakota Century
2 Code, relating to data center owner and operator requirements; to provide for a report; and to
3 provide an effective date.

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

5 **SECTION 1.** A new chapter to title 49 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Definitions.**

8 As used in this chapter, "data center" means a facility constructed primarily for the storage,
9 management, and processing of digital data, which houses computer and network systems,
10 including associated components such as servers, network equipment and appliances,
11 telecommunications systems, internet-related equipment and services, data communications
12 connections, environmental control systems, fire protection systems, security systems, and
13 other equipment and infrastructure necessary to support the operation of the facility.

14 **Data center reporting requirements.**

15 An owner or operator of a data center shall submit a quarterly report to the public service
16 commission, department of water resources, department of environmental quality, and the
17 legislative management. The report must include:

- 18 1. The name of the data center;
19 2. The names of the developer and the owner of the data center;
20 3. The physical size of the data center in square feet;
21 4. The location of the data center, including the street address and county;
22 5. The amount of electricity consumed by the data center during the reporting quarter;
23 6. The water usage, wastewater discharge, and discharge of chemicals by the data
24 center during the reporting quarter;

- 1 7. The sales and use tax exemptions received by the data center;
- 2 8. Incentive payments received or expected to be received by the data center;
- 3 9. Energy efficiency, load management, and conservation measures implemented by the
- 4 data center; and
- 5 10. The expected service life of the data center.

6 **Data center owner and operator requirements.**

- 7 1. An owner or operator of a data center shall:
- 8 a. Bear all costs associated with:
- 9 (1) Decommissioning the data center; or
- 10 (2) Implementing a reclamation plan.
- 11 b. Enter a community benefit agreement with the county responsible for reviewing
- 12 the permit application for the data center.
- 13 2. An owner or operator of a data center may not require a truck driver or trucking
- 14 company to enter a nondisclosure agreement as a condition of providing
- 15 transportation or hauling services to the data center.

16 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective effective upon its filing with the
17 secretary of state.