

Introduced by

Representatives Brandenburg, Boe, Headland, D. Johnson, Kasper, Kempenich, Thoreson,
Weisz

Senators Dotzenrod, Luick, Schaible, Wanzek

1 A BILL for an Act to create and enact two new sections to chapter 4-01 of the North Dakota
2 Century Code, relating to Clean Water Act litigation; and to provide for a transfer.

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

4 **SECTION 1.** A new section to chapter 4-01 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Clean Water Act litigation - Advisory committee.**

7 1. The Clean Water Act litigation advisory committee consists of one representative
8 appointed by each of the following:

- 9 a. The North Dakota barley council;
- 10 b. The North Dakota corn utilization council;
- 11 c. The North Dakota dry bean council;
- 12 d. The North Dakota dry pea and lentil council;
- 13 e. The North Dakota oilseed council;
- 14 f. The North Dakota soybean council; and
- 15 g. The North Dakota wheat commission.

16 2. The committee shall advise the agriculture commissioner with respect to expenditures
17 from the Clean Water Act litigation fund.

18 **SECTION 2.** A new section to chapter 4-01 of the North Dakota Century Code is created
19 and enacted as follows:

20 **Clean Water Act litigation fund - Continuing appropriation - Purpose.**

21 1. The Clean Water Act litigation fund consists of:

- 22 a. Any moneys appropriated or transferred for the purposes set forth in this section;
23 and

1 b. Any gifts, grants, and donations forwarded to the agriculture commissioner for the
2 purposes of this section.

3 2. All moneys in the Clean Water Act litigation fund are appropriated on a continuing
4 basis to the agriculture commissioner for the purposes of pursuing or participating in
5 litigation pertaining to exempt and nonexempt activities governed by section 404 of the
6 Clean Water Act, 33 U.S.C. 1344, or by regulations implementing section 404 of the
7 Clean Water Act.

8 **SECTION 3. TRANSFER - PROFITS OF THE STATE MILL AND ELEVATOR**

9 **ASSOCIATION TO THE CLEAN WATER ACT LITIGATION FUND.** The industrial commission
10 shall transfer to the Clean Water Act litigation fund, the sum of \$2,000,000, or so much of the
11 sum as may be necessary, from the annual earnings and undivided profits of the North Dakota
12 mill and elevator association, during the biennium beginning July 1, 2015, and ending June 30,
13 2017. Transfers under this section must be made at the time and in the amount directed by the
14 agriculture commissioner.