

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2358

Introduced by

Senators Wanzek, Dotzenrod, Luick

Representative Pollert

1 A BILL ~~for an Act to provide for a legislative management study regarding the use of the term~~
2 ~~"watercourse" in the North Dakota Century Code.~~for an Act to amend and reenact subdivision b
3 of subsection 2 of section 61-32-03.1 of the North Dakota Century Code, relating to notice of
4 proposed subsurface water management systems.

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

6 ~~— SECTION 1. LEGISLATIVE MANAGEMENT STUDY -- USE OF "WATERCOURSE" IN~~
7 ~~STATUTES.~~ During the 2019-20 interim, the legislative management shall consider studying the
8 use of the term "watercourse" throughout the North Dakota Century Code. The study must
9 include consideration of the different meanings of the term and the contexts in which the term is
10 used. The purpose of the study is to develop information that will be useful in deciding whether
11 a new definition of "watercourse" in the North Dakota Century Code is necessary and, if so,
12 what the new definition should be. The legislative management shall report its findings and
13 recommendations, together with any legislation required to implement the recommendations to
14 the sixty-seventh legislative assembly.

15 **SECTION 1. AMENDMENT.** Subdivision b of subsection 2 of section 61-32-03.1 of the
16 North Dakota Century Code is amended and reenacted as follows:

- 17 b. Upon submission of a completed application for a permit, the water resource
18 district board immediately shall give notice and a copy of the submission via
19 certified mail to each owner of land within one mile [1.61 kilometers] downstream
20 of the proposed subsurface water management system outlet unless the distance
21 to the nearest waterway depicted as a perennial or intermittent stream or river on
22 a United States geological survey topography map, assessment drain, natural
23 watercourse, slough, or lake is less than one mile [1.61 kilometers], in which case
24 notice and a copy of the submission must be given immediately to each owner of

1 land between the outlet and the nearest assessment drain, natural watercourse,
2 slough, or lake. The notice requirement in this section must be waived if the
3 applicant presents signed, notarized letters of approval from all downstream
4 landowners entitled to notice in this subsection.