

HOUSE BILL NO. 1396

Introduced by

Representatives Metcalf, Froelich, D. Johnson, M. Klein, Pollert, Severson

1 A BILL for an Act to create and enact a new subsection to section 61-02-14 of the North Dakota
2 Century Code, relating to the powers and duties of the state water commission; and to amend
3 and reenact subsections 4 and 5 of section 61-01-26 of the North Dakota Century Code and
4 section 10 of chapter 535 of the 1999 Session Laws, relating to the sharing of costs for
5 watershed protection programs and the statewide water development program.

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

7 **SECTION 1. AMENDMENT.** Subsections 4 and 5 of section 61-01-26 of the North
8 Dakota Century Code are amended and reenacted as follows:

9 4. Accruing benefits from these resources can best be achieved for the people of the
10 state through the development, execution, and periodic updating of
11 comprehensive, coordinated, and well-balanced short-term and long-term plans
12 and programs for the conservation and development of such resources by the
13 departments and agencies of the state having responsibilities therefor. The plans
14 and programs for the conservation and development of these resources may
15 include implementation of a program to cost-share with local sponsors of projects
16 funded under section 319 of the Federal Water Pollution Control Act [Pub. L.
17 100-4; 101 Stat. 52; 33 U.S.C. 1329] for the control of nonpoint sources of
18 pollution.

19 5. Adequate implementation of such plans and programs shall be provided by the
20 state through cost-sharing and cooperative participation with the appropriate
21 federal and state departments and agencies and political subdivisions within the
22 limitation of budgetary requirements and administrative capabilities, including
23 consideration of cost-sharing for projects authorized under section 319 of the
24 Federal Water Pollution Control Act [Pub. L. 100-4; 101 Stat. 52; 33 U.S.C. 1329].

1 **SECTION 2.** A new subsection to section 61-02-14 of the North Dakota Century Code
2 is created and enacted as follows:

3 To consider cost-sharing for projects authorized under section 319 of the Federal
4 Water Pollution Control Act [Pub. L. 100-4; 101 Stat. 52; 33 U.S.C. 1329] for the
5 control of nonpoint sources of pollution.

6 **SECTION 3.** Section 10 of chapter 535 of the 1999 Session Laws is amended and
7 reenacted as follows:

8 **SECTION 10. STATEWIDE WATER DEVELOPMENT PROGRAM - LEGISLATIVE**

9 **INTENT.** The state water commission shall develop a new comprehensive statewide water
10 development program with priorities based upon expected funds available from the water
11 development trust fund for water development projects. This program may include projects for
12 the control of nonpoint sources of pollution financed with funds made available under section
13 319 of the Federal Water Pollution Control Act [Pub. L. 100-4; 101 Stat. 52; 33 U.S.C. 1329]. It
14 is the intent of the legislative assembly that the state water commission consider the delivery of
15 water for usable purposes a priority for water development projects after the projects authorized
16 in section 3 of this Act are completed.