

Sixty-second  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1335**

Introduced by

Representatives Hofstad, D. Johnson, Holman

Senators Oehlke, Heckaman

- 1 A BILL for an Act to create and enact a new section to chapter 61-28 of the North Dakota  
2 Century Code, relating to exemptions from enforcement actions for water transfers used to  
3 control flooding; and to declare an emergency.

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

- 5 **SECTION 1.** A new section to chapter 61-28 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Water transfers used to control flooding exempt.**

- 8 1. An action may not be brought under either chapter 32-40 or 61-28 against an owner or  
9 operator of a water transfer used to control flooding for violation of the state's water  
10 pollution control laws if the water transfer:  
11 a. Does not require a national pollutant discharge elimination system permit; and  
12 b. Complies with the conditions in the state's water quality standards established to  
13 protect aquatic life.  
14 2. For purposes of this section, "water transfer" means an activity that conveys or  
15 connects waters of the state without subjecting the transferred water to intervening  
16 industrial, municipal, or commercial use.  
17 3. The exemption in subsection 1 does not apply to pollutants introduced by the water  
18 transfer activity itself to the water being transferred.  
19 4. The owner or operator of a water transfer falling within this exemption must notify the  
20 department before beginning operations.

- 21 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.