

February 1, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1063

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "61-02-01" insert ", 61-15-01, and 61-15-02"

Page 1, line 2, after "nonnavigable" insert "and water conservation"

Page 1, line 2, replace "sections 61-15-01, 61-15-02, and" with "section"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 61-15-01 of the North Dakota Century Code is amended and reenacted as follows:

61-15-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "A navigable lake" ~~shall include~~includes any lake which ~~shall have been meandered and its metes and bounds established by the government of the United States in the survey of public lands that was at time of statehood used or susceptible of being used in its ordinary condition as a highway for commerce over which trade and travel were or may have been conducted in the customary modes of trade on water.~~
2. "Ordinary high watermark" ~~shall mean~~means that line ~~reached by water when the lake or stream is ordinarily full and the water ordinarily high below which the action of the water is frequent enough either to prevent the growth of vegetation or to restrict its growth to predominantly wetland species. An island in navigable waters is considered to be below the ordinary high watermark in its entirety.~~

SECTION 3. AMENDMENT. Section 61-15-02 of the North Dakota Century Code is amended and reenacted as follows:

61-15-02. Control of water and wildlife conservation projects vested in state.

By virtue of its police power the state shall be vested with the control of navigable lakes ~~which have been meandered and their metes and bounds established by the government of the United States in the survey of public lands;~~ within the ordinary high watermark for the purpose of constructing, maintaining, and operating dams, dikes, ditches, fills, spillways, or other structures to promote the conservation, development, storage, distribution, and utilization of such water and the propagation and preservation of wildlife."

Page 1, line 20, replace "Sections 61-15-01, 61-15-02, and" with "Section"

Page 1, line 21, replace "are" with "is"

Renumber accordingly