

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1335
(Representatives Hofstad, D. Johnson, Holman)
(Senators Oehlke, Heckaman)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Water transfers used to control flooding exempt.

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1335 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 92 Nays 0 Absent 2

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State