

Introduced by

Senators Wanzek, Dotzenrod, Luick

Representative Pollert

1 A BILL ~~for an Act to amend and reenact section 61-01-06 of the North Dakota Century Code,~~
2 ~~relating to the definition of a watercourse.~~for an Act to provide for a legislative management
3 study regarding the use of the term "watercourse" in the North Dakota Century Code.

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

5 ~~— **SECTION 1. AMENDMENT.** Section 61-01-06 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~— **61-01-06. Watercourse – Definition.**~~

8 ~~— A watercourse entitled to the protection of the law is constituted if there is a sufficient~~
9 ~~natural and accustomed flow of water to form and maintain a distinct and a defined channel. It is~~
10 ~~not essential that the supply of water should be continuous or from a perennial living source. It~~
11 ~~is enough if the flow arises periodically from natural causes and reaches a plainly defined~~
12 ~~channel of a permanent character. If requested by a water resource board, the state engineer~~
13 ~~shall determine if a watercourse is constituted. A creek, river, or stream appearing in a plat book~~
14 ~~must be deemed a watercourse.~~

15 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - USE OF "WATERCOURSE" IN**
16 **STATUTES.** During the 2019-20 interim, the legislative management shall consider studying the
17 use of the term "watercourse" throughout the North Dakota Century Code. The study must
18 include consideration of the different meanings of the term and the contexts in which the term is
19 used. The purpose of the study is to develop information that will be useful in deciding whether
20 a new definition of "watercourse" in the North Dakota Century Code is necessary and, if so,
21 what the new definition should be. The legislative management shall report its findings and
22 recommendations, together with any legislation required to implement the recommendations to
23 the sixty-seventh legislative assembly.