

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1239**

Introduced by

Representatives Schreiber-Beck, Beltz, D. Johnson, Pyle, Thomas

Senators Klein, Sorvaag

1 A BILL for an Act to create and enact a new section to chapter 61-32 of the North Dakota
2 Century Code, relating to smaller subsurface water management systems; to provide a penalty;
3 and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 61-32 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Smaller subsurface water management systems - Notification and conditions -**

8 **Penalty.**

9 1. Except as provided under subsection 7, a person may not install a subsurface water
10 management system comprising less than eighty acres [32.37 hectares] of land area
11 until the person has notified the board of the water resource district within which is
12 found a majority of the land area of the system of the following information:

13 a. The system's total acreage and legal description of the land being drained;

14 b. The outlet locations and types; and

15 c. The flow direction from each outlet location.

16 2. A person required to notify the board under subsection 1 shall install the subsurface
17 water management system such that:

18 a. Pump and control structures at pump outlets are installed no closer than
19 twenty-five feet [7.62 meters] from the top of the back slope of an assessment
20 drain;

21 b. Proper erosion controls are installed and maintained at all outlets; and

22 c. Pumps and control structures at project outlets are closed or turned off during
23 critical flood periods.

- 1 3. If a subsurface water management system for which notification is required under
2 subsection 1 will discharge into the watershed area of an assessment drain, the water
3 resource board that receives the notice may require the relevant property to be
4 included in the assessment district for the assessment drain in accordance with the
5 benefits the property receives, provided the property is not assessed already for the
6 assessment drain. The water resource district also may include the property in the
7 assessment district and determine the benefits and assessment amounts under
8 chapters 61-21 and 61-16.1, without conducting the reassessment of benefit
9 proceedings under sections 61-21-44 and 61-16.1-26, provided the property is not
10 assessed already for the assessment drain.
- 11 4. The board of the water resource district within which the subsurface water
12 management system is located may order the system's owner or operator to bring the
13 system into compliance with subsection 2 if the board finds the system violates that
14 subsection.
- 15 5. A person that violates this section is guilty of an infraction.
- 16 6. This section applies only to subsurface water management systems that drain, in
17 whole or in part, platted or unplatted lands used for raising agricultural crops or
18 grazing farm animals.
- 19 7. This section does not apply to a subsurface water management system comprising
20 less than fifteen acres [6.07 hectares] of land area, or a subsurface water
21 management system that discharges into a body of water completely encompassed by
22 land owned by the person that owns the land drained by the system.
- 23 8. The information that must be provided to a board of a water resource district under this
24 section is an exempt record under section 44-04-18.

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