

February 17, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2263

Page 1, line 2, replace "drainage" with "water management system"

Page 1, line 6, overstrike "**Permit to drain subsurface waters**" and insert immediately thereafter "**Permits for subsurface water management systems**"

Page 1, line 7, after "1." insert "a."

Page 1, line 7, remove "a"

Page 1, line 7, overstrike "subsurface drainage system"

Page 1, line 7, after "comprising" insert "a subsurface water management system"

Page 1, line 8, remove "A person seeking a"

Page 1, remove lines 9 through 11

Page 1, line 12, remove "[32.37 hectares] or more."

Page 1, line 12, replace "of a drainage" with "drained by a subsurface water management"

Page 1, line 12, remove "without surface"

Page 1, line 13, remove "intakes"

Page 1, after line 14, insert:

"b. Subsurface water management systems that use surface intakes must be permitted exclusively under this section if the system will have a drainage coefficient of three-eighths of an inch [0.95 centimeters] or less. Subsurface water management systems that use surface intakes must be permitted exclusively under section 61-32-03 if the system will have a drainage coefficient exceeding three-eighths of an inch [0.95 centimeters].

c. A person that installs a water management system that encompasses less than eighty acres [32.37 hectares] shall notify the water resource district within which is found a majority of the land comprising the water management system of the installation before it occurs, but no permit for the installation may be required."

Page 1, line 16, replace "issued" with "required"

Page 1, line 17, overstrike "drainage" and insert immediately thereafter "water management"

Page 2, line 19, after "submission" insert "via certified mail"

Page 2, line 20, replace "drainage" with "water management"

Page 2, line 25, after the underscored period insert "The notice requirement in this section must be waived if the applicant presents signed, notarized letters of approval from all downstream landowners entitled to notice in this subsection."

Page 2, line 26, remove "At the next meeting of the water resource district board which is at least thirty days"

Page 2, remove lines 27 through 31

Page 3, remove lines 1 through 4

Page 3, line 5, remove "4."

Page 3, line 5, remove "If property owned by the state or a state governmental entity would not be"

Page 3, line 6, replace "affected by the system for which a permit application is submitted, the" with "The"

Page 3, line 7, after "application" insert "at its next meeting that is at least thirty days after receipt of the application"

Page 3, line 8, replace "one" with "five"

Page 3, line 11, replace "drainage" with "subsurface water management"

Page 3, line 13, replace "drainage" with "subsurface water management"

Page 3, line 13, remove "and signed by a licensed, professional"

Page 3, line 14, remove "engineer"

Page 3, line 14, remove "engineering"

Page 3, line 15, remove "drainage"

Page 3, line 21, replace "drainage" with "subsurface water management"

Page 3, line 23, replace "flowage easement" with "notarized letter of approval"

Page 3, line 24, remove "The applicant shall file a flowage easement in the office"

Page 3, line 25, remove "of the recorder of the county in which the easement is situated."

Page 3, line 26, replace "flowage easement" with "letter of approval"

Page 3, line 26, replace "drainage" with "a system that outlets"

Page 3, line 29, after "c." insert "A water resource district may attach reasonable conditions to an approved permit for a subsurface water management system that outlets directly into a legal assessment drain or public highway right-of-way. For purposes of this subsection, "reasonable conditions" means conditions that address the outlet location, proper erosion control, reseeding of disturbed areas, installation of riprap or other ditch stabilization, and conditions that require all work to be done in a neat and professional manner.

- d. A water resource district may require a subsurface water management system granted a permit under this section to incorporate a control structure at the outlet into the design of the system and may require the control structure be closed during critical flood periods.

e. "

Page 3, line 31, replace "drainage" with "water management"

Page 4, line 1, replace "flowage easement" with "notarized letter of approval"

Page 4, line 8, replace "d." with "f."

Page 4, line 11, replace "5." with "4."

Page 4, line 16, replace "6." with "5."

Page 4, after line 17, insert:

"6. A person that installs a subsurface water management system requiring a permit under this section without first securing the permit is liable for all damages sustained by a person caused by the subsurface water management system."

Renumber accordingly