

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1385
(Representatives Nelson, Davis, Fegley, Finley-DeVille, D. Johnson)
(Senators Dwyer, Kannianen, Schaible, Sorvaag)

AN ACT to amend and reenact sections 61-02-24 and 61-02-24.1 of the North Dakota Century Code, relating to tribal contracts with the state water commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-02-24 of the North Dakota Century Code is amended and reenacted as follows:

61-02-24. Cooperation and coordination with ~~all existing agencies~~entities.

1. The commission may investigate, plan, cooperate, and make all contracts or compacts necessary or requisite:
 1. a. With the United States and any department, agency, or officer thereof.
 2. b. With the states of Minnesota, South Dakota, Montana, and Wyoming, or any political subdivision thereof, and with any other state, and with any department or officer or political subdivision of any state.
 3. c. With Canada or any of its provinces, and with any agency, department, or officer of Canada or any of its provinces.
 4. d. With federally recognized Indian tribes, or any agency, department, or officer thereof.
2. The powers granted by this section shall extend to all waters, whether considered as intrastate, interstate, or international. The commission is specially authorized and empowered to cooperate with the United States or any of its agencies concerned with investigating, planning, conserving, utilizing, developing, and handling water in any form for purposes of water conservation, flood control, prevention of water pollution, or soil reclamation, or with any other resources of the state, and concerned with the administration of the public works program of the state or any part thereof. The commission is authorized to act and to contract fully with the United States, or with any department, agency, or officer thereof, with full power of purchase, sale, or lease to carry out, develop, or administer any federal project within this state or partly within the state, and also to accept and to use any funds provided by the United States or any agency thereof for any such purposes.

SECTION 2. AMENDMENT. Section 61-02-24.1 of the North Dakota Century Code is amended and reenacted as follows:

61-02-24.1. Cooperation and participation of political subdivisions and federally recognized Indian tribes.

~~All~~Any political subdivisions~~subdivision~~, including ~~counties~~a county, ~~township~~township, ~~cities~~city, ~~park districts~~district, and water resource ~~districts~~district, and federally recognized Indian tribes, may separately or jointly, with ~~other political subdivisions~~each other, the state of North Dakota through the commission, or federal departments or agencies, investigate, plan, and do all things necessary for participating in or undertaking underground or surface water surveys, development, construction, reconstruction, and maintenance of works, dams, and projects for the beneficial utilization and control of water resources, and may enter into contracts with the commission to pay rents, charges, or other payments for the use of works of the commission.

Dennis Johnson
Speaker of the House

Tammy Miller
President of the Senate

Bull J. Reich
Chief Clerk of the House

Handwritten Signature
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1385.

House Vote: Yeas 93 Nays 0 Absent 1

Senate Vote: Yeas 47 Nays 0 Absent 0

Bull J. Reich
Chief Clerk of the House

Received by the Governor at 9:46 AM. on March 23, 2023.

Approved at 11:07 AM. on March 27, 2023.

Handwritten Signature
Governor

Filed in this office this 28th day of March, 2023,
at 2:41 o'clock P M.

Michael Howe
Secretary of State