

Introduced by

Senators Luick, Dotzenrod, G. Lee

Representatives Belter, J. Kelsh, Wall

1 A BILL for an Act to create and enact a new subsection to section 61-16.2-05 of the North
2 Dakota Century Code, relating to flood plain management ordinances; and to amend and
3 reenact section 61-16.2-10 of the North Dakota Century Code, relating to exceptions to flood
4 plain management actions or construction.

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

6 **SECTION 1.** A new subsection to section 61-16.2-05 of the North Dakota Century Code is
7 created and enacted as follows:

8 3. Construction of water retention structures must be approved by sixty percent of
9 property owners within the geographic water retention area affected by the manmade
10 structure.

11 **SECTION 2. AMENDMENT.** Section 61-16.2-10 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **61-16.2-10. Exceptions.**

14 This chapter ~~shall~~does not apply to the following actions or construction, ~~as long as~~provided
15 the flood-carrying capacity within the altered or relocated portion of ~~any~~a watercourse is
16 maintained, and the cumulative effect of ~~any such~~the action or construction ~~will~~does not
17 increase the water surface elevation of the base flood more than one foot [30.48 centimeters] at
18 any point:

- 19 1. Ring dikes around individual farmsteads which are not constructed with tiebacks to
20 existing roadways or dikes. For the purposes of this section, "ring dike" means an
21 embankment constructed of earth or other suitable materials for purposes of enclosing
22 a farmstead consisting of a farm dwelling and associated farm buildings.
- 23 2. Agricultural dikes along the Red River of the North and Bois de Sioux River which are
24 constructed pursuant to and in accordance with ~~any~~a joint and cooperative

1 ~~agreements~~agreement between North Dakota and Minnesota for the establishment of
2 criteria for authorizing dikes and other flood control structures and measures on the
3 Red River of the North and Bois de Sioux River.

4 ~~Any~~An exception to the national flood insurance program [42 U.S.C. 4001 et seq.] and
5 implementing regulations granted by the appropriate federal agency to a community which is
6 participating in the national flood insurance program [42 U.S.C. 4001 et seq.] ~~shall~~must be an
7 approved exception pursuant to this section, provided the exception is not in conflict with
8 existing state law.