

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1390

Page 1, line 3, replace "drains" with "water management"

Page 1, line 4, replace "06-09.13-03 and" with "61-16-07,"

Page 1, line 4, after the first comma insert "and 61-16-09 and"

Page 1, line 4, remove ", and section 61-32-03.1"

Page 1, line 5, replace "loans to farmers" with "water resource district board members"

Page 1, line 5, replace "drainage" with "water management"

Page 1, remove lines 8 through 20

Page 2, line 1, replace "**Dumping**" with "**Discharging water**"

Page 2, line 3, replace "dumping" with "discharging water from a subsurface outlet"

Page 2, line 3, remove "subsurface"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Section 61-16-07 of the North Dakota Century Code is amended and reenacted as follows:

61-16-07. Water resource board members - Appointment and number.

When a water resource district has been created, and the state water commission has filed notice with the county auditor of a county where the district or a part thereof is situated, a water resource board ~~shall~~must be appointed within ninety days, as provided herein. If the district's boundaries are confined to one county, the board of county commissioners shall appoint a water resource board consisting of three or five ~~managers~~board members. When a district includes two counties, the water resource board ~~shall~~must consist of five ~~managers~~board members, three appointed by the board of county commissioners of the county having the larger aggregate taxable valuation of property, and two appointed by the board of county commissioners of the other county. If a district includes three counties, the water resource board ~~shall~~must consist of five ~~managers~~board members, one appointed by the board of county commissioners having the lowest aggregate taxable valuation of property in the district, and two appointed by the board of county commissioners of each of the other two counties. If a district includes four or six counties, the water resource board ~~shall~~must consist of two board members from the county having the largest aggregate taxable valuation of property in the district, and one ~~manager~~board member from each of the other counties. If a district includes five or seven counties, the water resource board ~~shall~~must consist of one ~~manager~~board member from each county. Appointments to the water resource board ~~shall~~must be made by the boards of county commissioners of the respective counties."

Page 2, line 7, overstrike "**managers**" and insert immediately thereafter "**board members**"

Page 2, line 27, overstrike "manager" and insert immediately thereafter "board member"

Page 2, line 29, overstrike "manager" and insert immediately thereafter "board member"

Page 2, line 30, overstrike "manager" and insert immediately thereafter "board member"

Page 2, line 31, overstrike "manager" and insert immediately thereafter "board member"

Page 3, line 1, after the fourth comma insert "nonattendance at board meetings, refusal to carry out duties required by law."

Page 3, after line 2, insert:

"SECTION 4. AMENDMENT. Section 61-16-09 of the North Dakota Century Code is amended and reenacted as follows:

61-16-09. Oath of office - Organization of water resource board - Appointment of employees - Meetings.

Upon receiving notice of appointment as member of the water resource board, such appointee shall take the oath of office prescribed for civil officers. Such oath ~~shall~~must be filed with the secretary of the board. Notice of the appointment of a member or members of a water resource board ~~shall~~must be mailed to the state water commission. Such notice shall state the name and post-office address of each appointee and the date of appointment.

A majority of the ~~managers shall constitute~~board members constitutes a quorum for the transaction of such business as may come before the board, but any number may adjourn a meeting for want of a quorum. The water resource board shall appoint a secretary and treasurer and such other employees as needed for the efficient conduct of the district's business and shall fix their compensation. The offices of secretary and treasurer may be held by the same person. Officers and employees ~~shall~~ hold office at the pleasure of the board.

The board shall provide an office suitable for its use as a meeting place and for conducting the affairs of the district. It shall adopt such rules for transacting the business of the district as it may deem necessary, including the time and place of holding regular meetings of the board. Special meetings may be called by the secretary on order of the chairman of the board or upon written request of two members of the board. Notice of a special meeting ~~shall~~must be mailed to each member of the board at least five days before any such meeting provided, that a special meeting may be held whenever all members of the board are present or consent thereto in writing."

Page 3, line 8, replace "drainage" with "water management"

Page 3, line 13, overstrike "drainage" and insert immediately thereafter "water management"

Page 3, line 15, overstrike "drainage of water" and insert immediately thereafter "water management"

Page 3, line 16, overstrike "drainage" and insert immediately thereafter "water management"

Page 3, line 19, after "lines" insert "beyond an existing easement for the lines"

Page 3, line 20, after "determines" insert ", based on technical evidence."

Page 3, line 21, overstrike "drainage" and insert immediately thereafter "water management"

Page 3, line 22, overstrike "drainage. Water"

Page 3, line 23, overstrike "resource districts must forward copies of all approved permits to the state engineer" and insert immediately thereafter "water management system. For purposes of this section, "technical evidence" means written information regarding the proposed water management system prepared after consideration of the design and physical aspects of the proposed system, and any adverse hydrological effects, including erosion, flood duration, crop loss, and downstream water control device operation impacts, which may occur to land downstream"

Page 3, line 24, overstrike "drainage" and insert immediately thereafter "subsurface water management"

Page 3, line 26, after the period insert "If the state engineer has not approved or denied the permit within thirty days after receipt of the permit application, the application must be deemed approved by the state engineer."

Page 3, line 28, overstrike "drainage" and insert immediately thereafter "water management system"

Page 3, line 29, overstrike "shows that" and insert immediately thereafter "proves, based on technical evidence."

Page 3, line 29, overstrike "drainage" and insert immediately thereafter "system"

Page 3, line 31, overstrike "flowage easements" and insert immediately thereafter "the applicant to obtain from the downstream landowners notarized letters approving the system"

Page 3, line 31, after the period insert "If all adversely affected landowners provide the notarized approval letters, the board may waive the thirty-day notice period for the meeting to approve or deny the permit."

Page 4, line 3, overstrike "drainage" and insert immediately thereafter "water management"

Page 4, line 3, overstrike "drain" and insert immediately thereafter "water management system"

Page 4, line 4, overstrike "flowage easement" and insert immediately thereafter "a notarized letter of approval"

Page 4, line 4, overstrike "Flowage easements must be filed for"

Page 4, line 5, overstrike "record in the office of the recorder of the county or counties in which the lands are situated."

Page 4, line 6, overstrike "drainage" and insert immediately thereafter "water management"

Page 4, line 8, overstrike "draining" and insert immediately thereafter "system"

Page 4, remove lines 9 through 14

Renumber accordingly