

**North Dakota State Water Commission Testimony
Relative To House Bill 1088**

Presented To The Senate Energy and Natural Resources Committee

March 4, 2021

Good afternoon Chairman Kreun, and members of the Senate Energy and Natural Resources Committee, I am Jared Huibregtse, a Water Resources Planner – representing the State Water Commission. I am here today to offer testimony in support of House Bill 1088.

During the 2019 assembly, the Legislature passed Senate Bill 2139, which among other things, added an eighth member to the State Water Commission. This new member is to represent the Little Missouri, Upper Heart, and Upper Cannonball River basins.

There are two areas in Century Code where the Water Commission's membership is referenced. They include 61-02-01.3, and 61-02-04. After the passage of Senate Bill 2139, adding the new Water Commission member, the necessary change was made to 61-02-04, but not to 61-02-01.3. This is one of the reasons for House Bill 1088.

The other purpose of House Bill 1088 is to repeal 61-02-01.5 related to North Dakota Outdoor Heritage Fund Grants, and its effect on local cost-share. Currently, this section of Century Code reads:

"For projects involving the repair of an existing flood control or recreation structure, the state water commission may not deduct North Dakota outdoor heritage fund monies provided from the cost of the project before determining the local cost-share. The state water commission shall

include those provided moneys as part of the local cost-share, however, the local entity may not receive funds in excess of the total project cost.”

The way this current language reads, it creates the potential for the state to incur most of, or possibly the entire financial burden of local projects that receive both Outdoor Heritage Fund grants, and Water Commission cost-share. Not only is this an unusual circumstance where local sponsors may contribute minimally to the overall project costs, but it also creates little incentive for local project sponsors to scrutinize costs and identify least cost alternatives.

Attached to this testimony is a table that shows the estimated funding partner contributions for several projects that have accessed Outdoor Heritage Fund grants and Water Commission cost-share. As you can see, the existing language in Century Code creates the situation for which we are concerned. As such, we are respectfully requesting the repeal of North Dakota Century Code Section 61-02-01.5.

Mr. Chairman, members of the committee, this concludes my testimony, and I will be happy to answer questions that you might have.