

2009 SENATE NATURAL RESOURCES

SB 2253

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2253

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 13, 2009

Recorder Job Number: 9462

Committee Clerk Signature



Minutes:

**Senator Lyson** opened the hearing on SB 2253, relating to the appointment of water resource district managers. All committee members were present.

**Senator Tom Fischer** introduced the bill. The bill basically requires one of the members of a water resource district be from a flood prone area. This means if you are in a relatively flat county and you live on the hill you can't be appointed to the water resource district.

**Senator Triplett** it takes out a whole lot more than that. It takes out the notion of them having staggered terms. It takes the detail of how many years they serve and they are not replaced with anything.

**Senator Fischer** the years are staggered now by a three year term and they are appointed one at a time. The counties have adopted that and I don't think there are large boards anymore. There are some five member boards and others are three. Those are things that our attorney advised us that weren't necessary.

**Senator Triplett** you just leave it up to the counties to make decisions then? If they decided they wanted a fifteen member board there is nothing here to prevent it?

**Senator Fischer** I don't know that it is true. I think that there is another place in the law that states that.

**Gary Thompson**, President of the North Dakota Water Resource District Assn., testified in favor of the bill (see attached testimony #1).

**Mike Dwyer**, Water Resource Districts, in 1981 we did a complete revamp of the Water Resource District laws. At that time we set in statute that they would be three year terms and that continues in the statute. At that time we also provided for the beginning for staggered terms. You can have three or five members on a board. This is why all that language is removed.

**Senator Triplett** so you are saying that the notion of the three and five years is in a different statute also so this is redundant?

**Mike Dwyer** if you look at page 2, it provides for the three year terms. In a previous statute section 61-16-07 provides for water manager boards consisting of three or five members.

**Senator Lyson** closed the hearing on SB 2253.

**Senator Triplett** moved a Do Pass on SB 2253

**Senator Schneider** seconds the motion.

The bill received a Do Pass on a vote of 7 to 0.

Date: Feb 13-2009

Roll Call Vote #: 2253

# 2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Amendment

Motion Made By Sen. Triplett Seconded By Sen. Schneider

| Senators                              | Yes | No | Senators                   | Yes | No |
|---------------------------------------|-----|----|----------------------------|-----|----|
| Senator Stanley W. Lyson,<br>Chairman | /   |    | Senator Jim Pomeroy        | /   |    |
| Senator David Hogue,<br>Vice Chairman | /   |    | Senator Mac Schneider      | /   |    |
| Senator Robert S. Erbele              | /   |    | Senator Constance Triplett | /   |    |
| Senator Layton W. Freborg             | /   |    |                            |     |    |
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Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment Sen. Triplett

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2253: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 was placed on the  
Eleventh order on the calendar.

2009 HOUSE NATURAL RESOURCES

SB 2253

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2253

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 3-12-09

Recorder Job Number: 10811

Committee Clerk Signature

*Nancy L. Gerhardt*

Minutes:

Chairman Porter – Open the hearing on SB 2253.

Mike Dwyer – ND Water Resource District – The purpose of this bill is to:

1. Remove the language requiring that if you have a 3 member board at least 1 manager represent a flood prone area. A flood prone area is defined on page 2 of the bill as an area of the river subject to recurring flooding. The reason for wanting to remove that is it's difficult for county commissioners to find water managers who are willing and able and want to do this job. We have had a couple instances where most county commissioners don't pay attention to it. It says if there are 3 members there has to be 1, if there's 5 members there has to be 2, if there's 7 members there has to be 3. I don't think there is a single water district with 7 members. They're either all 5 or 3.
2. The other language that is struck is just the language included when the legislature required every county to have a water resource district. The language set up for staggered terms. Now everybody is on staggered terms. We took that language out as well.

Rep. Hofstad – Do we have districts that have been created that do not fall within county lines?

Mr. Dwyer – Every county has one except Cass County has 4. They follow water shed boundaries within Cass County. Beauteous Co. has 3 and they follow water shed boundaries, and Morton Co. has 2. Other than that every county just has 1.

Rep. Hofstad – My question was if we're having county commissioners appoint board members that lie outside the boundaries of county.

Mr. Dwyer – No, they have to be within the district. This would disallow the county commission to appoint the best people within the county.

Rep. Nottestad – Has there been any discussion talks from some of the counties where there is little activity with the water resource board about the possibility of making a joint county to county board rather than a single county board?

Mr. Dwyer – I haven't heard of any discussion like that.

Chairman Porter – Is it possible under the current statutes today, even if they wanted to, could they do that or does that need to be enabled?

Mr. Dwyer – There isn't enabling legislation for joint boards to be created. Two boards could come together and enter into a joint powers agreement to do whatever they could do separately. You could do that. Enabling legislation is in place. Most of the time joint boards are created so you can deal with common problems on a water shed basis. I haven't heard of any water districts talking about doing it just to be efficient.

Senator Tom Fischer – I'm here to support SB 2253. This bill allows the guy on top of the hill to participate as a member of a water resource district. There are joint boards all over the state. For all sorts of reasons, whether it's on a project, or deal with water sheds. That's been in place for quite some time. Questions

Chairman Porter – Further testimony in support? Opposition?

Rep. DeKrey – Move Do Pass.



Rep. Keiser – 2<sup>nd</sup>.

Chairman Porter – We have a motion from Rep. DeKrey and a 2<sup>nd</sup> from Rep. Keiser for a Do Pass. Discussion? Hearing none the clerk will call the roll on a Do Pass on SB 2253.

Yes 10 No 0 Absent Rep. Nottestad

Date: 3-12-09  
Roll Call Vote #: \_\_\_\_\_

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2253

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  As Amended

Motion Made By DeKrey Seconded By KEISER

| Representatives        | Yes | No | Representatives | Yes | No |
|------------------------|-----|----|-----------------|-----|----|
| Chairman Porter        | ✓   |    | Rep Hanson      |     |    |
| Vice Chairman Damschen |     |    | Rep Hunskor     |     |    |
| Rep Clark              | ✓   |    | Rep Kelsh       | ✓   |    |
| Rep DeKrey             | ✓   |    | Rep Myxter      | ✓   |    |
| Rep Drovdal            | ✓   |    | Rep Pinkerton   | ✓   |    |
| Rep Hofstad            | ✓   |    |                 |     |    |
| Rep Keiser             | ✓   |    |                 |     |    |
| Rep Nottestad          | ✓   |    |                 |     |    |
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Total (Yes) 10 No 0

Absent 3

Floor Assignment Nottestad

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2253: Natural Resources Committee (Rep. Porter, Chairman) recommends DO PASS**  
(10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2253 was placed on the  
Fourteenth order on the calendar.

2009 TESTIMONY

SB 2253

**Testimony by Gary Thompson**

**President of the North Dakota Water Resource Districts Assn.**

**Senate Bill 2253**

Mr. Chairman, Committee Members, my name is Gary Thompson and I would like to thank you for allowing me to testify on behalf of the North Dakota Water Resource Districts Assn.

Section 61-16-08 of the North Dakota Century Code tells us how to install the terms of each water manager within a county. We believe this is out dated due to the fact that water districts have been in existence for many years. When a new manager is appointed by the County Commissioners the new manager takes over the term that the previous manager held.

We also believe that having water managers from a flood prone area is not a necessary regulation anymore due to the education that exists within each county that becomes its own unique area for flood watch. For example, if a person comes into the office and asks about a floodplain, we can find maps to show where they are. As far as a water manager having come from a flood prone area to be better suited for the job, I would have to say all water managers need to know about flood prone areas but not to actually have come from one.

Mr. Chairman, Committee Members, at our annual meeting in December of 2008 the North Dakota Water Resource Districts Assn. passed by general consensus a resolution in support of this legislation, and would ask for a do pass for SB 2253

Thank you