

Introduced by

Senators Luick, Myrdal

Representatives Headland, C. Johnson, Trottier

1 A BILL for an Act to amend and reenact sections 61-16-07, 61-16-08, 61-16-08.1, and 61-16-09
2 of the North Dakota Century Code, relating to the election, appointment, terms, and number of
3 water resource board managers.

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

5 **SECTION 1. AMENDMENT.** Section 61-16-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-16-07. Water resource board - ~~Appointment~~Election and number.**

8 When a water resource district has been created, and the state water commission has filed
9 notice with the county auditor of a county where the district or a part ~~thereof~~ of the district is
10 situated, a water resource board ~~shall be appointed within ninety days, as provided herein~~ must
11 be elected by the qualified electors residing in the district at each general election. If the
12 district's boundaries are confined to one county, the ~~board of county commissioners shall~~
13 ~~appoint~~ electors shall elect a water resource board consisting of three or five managers residing
14 in the county. When a district includes two counties, the electors shall elect a water resource
15 board ~~shall consist~~ consisting of five managers, three ~~appointed by the board of county~~
16 ~~commissioners of~~ residing in the county having the larger aggregate taxable valuation of
17 property, and two ~~appointed by the board of county commissioners of~~ residing in the other
18 county. If a district includes three counties, the electors shall elect a water resource board ~~shall~~
19 ~~consist~~ consisting of five managers, one ~~appointed by the board of county~~
20 ~~commissioners~~ residing in the county having the lowest aggregate taxable valuation of property
21 in the district, and two ~~appointed by the board of county commissioners of~~ residing in each of the
22 other two counties. If a district includes four or six counties, the electors shall elect a water
23 resource board ~~shall consist~~ consisting of two ~~members from~~ managers residing in the county
24 having the largest aggregate taxable valuation of property in the district, and one manager

1 ~~from~~residing in each of the other counties. If a district includes five or seven counties, the
2 electors shall elect a water resource board ~~shall consist~~consisting of one manager ~~from~~residing
3 in each county. ~~Appointments to the water resource board shall be made by the boards of~~
4 ~~county commissioners of the respective counties.~~

5 **SECTION 2. AMENDMENT.** Section 61-16-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-16-08. Eligibility for ~~appointment~~election to board - Term of office - ~~Removal~~—**
8 **Filling vacancies— Compensation of managers.**

- 9 1. When a water resource district has been created, any resident landowner in the
10 district, except a county commissioner, is eligible, subject to the ~~provisions of this~~
11 section, for ~~appointment~~election to the water resource board for a term of four years
12 beginning on January first of the year after the general election in which the district
13 manager is elected. Terms of district managers must be staggered so no more than
14 two managers in a three-manager district, no more than three managers in a
15 five-manager district, and no more than four managers in a seven-manager district are
16 elected in any one election, although all district managers must be elected in the
17 general election in 2020. After June 30, 1985, when the term of office of a district
18 manager has expired, the manager's successor shall hold office for three years from
19 the first day of January next following the date of the successor's appointment. The
20 term of office of a manager does not terminate until the successor in office is
21 appointed and qualified. In case the office of any district manager becomes vacant,
22 the manager appointed to fill the vacancy shall serve the unexpired term of the
23 manager whose office became vacant. Within three months after the start of an
24 individual's term as a district manager, the individual shall attend a course on water
25 management, and each district manager shall attend a course on water management
26 every three years during the manager's term.
- 27 2. Each member of a water resource board shall receive the sum of at least seventy-five
28 dollars but not more than one hundred thirty-five dollars per day while performing
29 duties as a member of the board, and an allowance for meals and lodging expenses at
30 the same rate and under the same conditions as provided for state officials and
31 employees. The allowance for travel expenses shall be at the same rate as provided

1 by section 11-10-15 and shall be evidenced by a subvoucher or receipt as provided by
2 section 21-05-01.

3 ~~3. A manager may be removed from the board by the board of county commissioners~~
4 ~~after it appears to the board of county commissioners by competent evidence, and~~
5 ~~after a public hearing, if so requested by the manager subject to removal, at which~~
6 ~~hearing the manager must be apprised of and allowed ample opportunity to repudiate~~
7 ~~the evidence, that the manager has been guilty of misconduct, malfeasance, crime in~~
8 ~~office, neglect of duty in office, habitual drunkenness, gross incompetency, or inability~~
9 ~~to perform the duties of office for reasons of health.~~

10 **SECTION 3. AMENDMENT.** Section 61-16-08.1 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **61-16-08.1. Appointment of temporary alternate board member due to conflict of**
13 **interest or illness- Election of replacement board member.**

14 1. When a member of a water resource board has a conflict of interest in a specific issue
15 before the board or is unable to fulfill the duties of a board member because of
16 physical or mental illness, the county commissioners may appoint a person to serve as
17 an alternate to the disqualified board member. If the disqualification is for a conflict of
18 interest, the alternate board member is to serve only for the purpose of deciding the
19 particular issue causing the conflict. If the disqualification is for physical or mental
20 illness, the alternate board member is to be appointed by the county commissioners
21 only for one meeting at a time.

22 2. When a member of a water resource board is unable to fulfill the member's duties for
23 the remainder of the member's term, the qualified electors residing in the water
24 resource district shall elect a new member. If the vacancy occurs more than one
25 hundred twenty days before the next scheduled general election, the district shall hold
26 a special election for the new member.

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

1 **61-16-09. Oath of office - Organization of water resource board - Appointment of**
2 **employees - Meetings.**

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

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

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