

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2208**

Introduced by

Senator Wardner

Representative Schmidt

1 A BILL for an Act to provide for a legislative management study of drainage and other
2 water-related issues.

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

4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - WATER REGULATION.**

5 1. During the 2021-22 interim, the legislative management shall consider studying the
6 regulation of water in the state, including eliminating redundancy and conflicts in
7 chapters 61-16.1, 61-21, and 61-32; making assessment procedures uniform across
8 all types of water projects, including drain projects; revising procedures for appeals
9 from water resource board decisions, including the possible creation of an appeals
10 board or appealing the decisions to an existing entity such as the North Dakota
11 mediation service within the department of agriculture; managing water on the basis of
12 watersheds or water basins throughout the state; reviewing responsibility for culvert
13 sizing decisions; applying cost-benefit analyses to additional projects before the state
14 water commission considers whether to approve the projects; reviewing the cost-share
15 for additional assessment drains across the state; reviewing the cost-share for and
16 regulation of snagging and clearing; reviewing the structural relationship between the
17 state water commission and water resource districts; the process for awarding
18 irrigation permits; the length of time irrigation permit applications are held in abeyance;
19 prioritization of irrigation permit applications; methods for maximizing water resources;
20 possible development of an irrigation permit that may be suspended during periods of
21 water scarcity; methods for on-time monitoring of well water levels; improving
22 communication between the office of state engineer and irrigation permit applicants;
23 and related issues. The legislative management shall report its findings and

- 1 recommendations, together with any legislation required to implement the
2 recommendations, to the sixty-eighth legislative assembly.
- 3 2. The study committee must include the following eleven voting members and nine
4 nonvoting members:
- 5 a. Two voting members representing agriculture producers, appointed by the
6 agriculture commissioner;
- 7 b. Two voting members who are members of water resource boards, appointed by
8 the North Dakota water resource districts association;
- 9 c. Seven voting members including:
- 10 (1) Two members of the majority party in the house of representatives;
- 11 (2) One member of the minority party in the house of representatives;
- 12 (3) One member of the majority party in the senate;
- 13 (4) One member of the minority party in the senate;
- 14 (5) One member from either party in either chamber to serve as the committee
15 chairman; and
- 16 (6) A road superintendent or engineer selected by the voting members in
17 paragraphs 1 through 5;
- 18 d. One nonvoting member appointed by North Dakota township officers association;
- 19 e. One nonvoting member appointed by the North Dakota association of counties;
- 20 f. One nonvoting member appointed by the North Dakota state's attorneys'
21 association;
- 22 g. The agriculture commissioner or the commissioner's designee who is a nonvoting
23 member;
- 24 h. The state engineer or the state engineer's designee who is a nonvoting member;
- 25 i. The legal counsel to the state water commission who is a nonvoting member;
- 26 j. One nonvoting member appointed by the director of the department of
27 transportation; and
- 28 k. Two nonvoting citizen members appointed by the legislative management.
- 29 3. A member of the committee who is not a state employee is entitled to reimbursement
30 for mileage and expenses as provided by law for state officers and employees, to be
31 paid by the legislative council. A state employee who is a member of the committee is

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1 entitled to receive that employee's regular salary and is entitled to reimbursement for
2 mileage and expenses to be paid by the employing agency. A member of the
3 committee who is a member of the legislative assembly is entitled to receive per diem
4 compensation at the rate provided under section 54-35-10 for each day performing
5 official duties of the committee. The legislative council shall pay the per diem
6 compensation and reimbursement for travel and expenses as provided by law for any
7 member of the committee who is a member of the legislative assembly.