

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senator Fischer

1 A BILL for an Act to amend and reenact section 61-16-08, North Dakota Century Code, relating  
2 to the appointment of and compensation for water managers.

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

4 **SECTION 1. AMENDMENT.** Section 61-16-08 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **61-16-08. Eligibility for appointment to board - Term of office - Removal - Filling**  
7 **vacancies - Compensation of managers.** When a water resource district has been created,  
8 any resident landowner in the district, except a county commissioner, is eligible, subject to the  
9 provisions of this section, for appointment to the water resource board. The terms of office of  
10 managers appointed to the first water resource board shall be determined by lot and as herein  
11 provided. If the water resource board consists of three managers, one manager shall hold  
12 office for a term of two years, one shall serve for a term of three years, and one shall serve for a  
13 term of five years from the first day of January next following the date of their appointment.  
14 After expiration of the first term to expire after January 1, 1982, at least one of the managers  
15 appointed to a three-member district board shall be from a flood prone area, if any, within the  
16 district. When a district board consists of five managers, two managers shall hold office for the  
17 term of two years, one for three years, one for four years, and one manager for a term of five  
18 years from the first day of January next following the date of their respective appointments.  
19 After expiration of the first two terms to expire after January 1, 1982, at least two of the  
20 managers appointed to a five-member district board shall be from flood prone areas, if any,  
21 within the district. When a board consists of seven managers, two managers shall hold office  
22 for two years, two for three years, two for four years, and one for five years from the first day of  
23 January next following the date of their appointment. After expiration of the first three terms to  
24 expire after January 1, 1982, at least three of the managers appointed to a seven-member

1 district board shall be from flood prone areas, if any, within the district. For the purposes of this  
2 section, a flood prone area is a floodplain area of a river subject to periodic and recurring  
3 flooding. After June 30, 1985, when the term of office of a district manager has expired, the  
4 manager's successor shall hold office for three years from the first day of January next following  
5 the date of the successor's appointment. The term of office of a manager does not terminate  
6 until the successor in office is appointed and qualified. In case the office of any district  
7 manager becomes vacant, the manager appointed to fill the vacancy shall serve the unexpired  
8 term of the manager whose office became vacant.

9 Each member of a water resource board shall receive the sum of at least ~~forty-five~~  
10 dollars per day while performing duties as a member of the board, and an allowance for meals  
11 and lodging expenses at the same rate and under the same conditions as provided for state  
12 officials and employees. The allowance for travel expenses shall be at the same rate as  
13 provided by section 11-10-15 and shall be evidenced by a subvoucher or receipt as provided by  
14 section 21-05-01.

15 A manager may be removed from the board by the board of county commissioners after  
16 it appears to the board of county commissioners by competent evidence, and after a public  
17 hearing, if so requested by the manager subject to removal, at which hearing the manager must  
18 be apprised of and allowed ample opportunity to repudiate the evidence, that the manager has  
19 been guilty of misconduct, malfeasance, crime in office, neglect of duty in office, habitual  
20 drunkenness, gross incompetency, or inability to perform the duties of office for reasons of  
21 health.