

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2271

Introduced by

Senators Solberg, Fischer, Thompson

Representatives Bernstein, Byerly, Gerntholz

1 A BILL for an Act to provide for creation of regional water resource districts; and to amend and
2 reenact sections 61-02-04 and 61-02-07 of the North Dakota Century Code, relating to
3 membership and quorum of the state water commission.

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

5 **SECTION 1. AMENDMENT.** Section 61-02-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-02-04. State water commission - Members - Terms - Qualifications.** The state
8 water commission ~~shall consist~~ consists of the governor; ~~commissioner of agriculture; and~~
9 ~~seven other members to be appointed by the governor who shall take into account reasonable~~
10 ~~geographic considerations in making such appointments; two members of the house of~~
11 ~~representatives, who may not be from the same political party, and two members of the senate,~~
12 ~~who may not be from the same political party, appointed by the chairman of the legislative~~
13 ~~council; and one member from each of the eight regional water resource districts.~~ The
14 governor or the commissioner of agriculture, or both, may appoint a representative to serve in
15 that official's capacity at ~~such meetings as~~ any meeting that official may be unable to attend.
16 The ~~seven appointive~~ four legislative members of the commission must be appointed for a term
17 of ~~six~~ four years each with their terms of office so arranged that ~~two terms and not more than~~
18 ~~three terms~~ one house term and one senate term expire on the first day of July of each
19 odd-numbered year. ~~Each appointive member must be a qualified elector of the state and is~~
20 ~~subject to removal by judicial procedure. In case of a vacancy, the vacancy must be filled by~~
21 ~~appointment by the governor for the remainder of the unexpired term. Before entering upon the~~
22 ~~discharge of official duties, each appointive member shall take, subscribe, and file with the~~
23 ~~secretary of state the oath prescribed for civil officers.~~ The members of the legislative
24 assembly who are commission members are entitled to receive compensation for each day in

attendance at commission meetings in the same manner as provided in section 54-35-10 for members of the legislative council and reimbursement for travel and other necessary expenses incurred in performing commission duties in the amounts provided for state employees under section 54-06-09.

SECTION 2. AMENDMENT. Section 61-02-07 of the North Dakota Century Code is amended and reenacted as follows:

61-02-07. Quorum - What constitutes. A majority of the members of the commission ~~shall constitute~~ constitutes a quorum, and the affirmative or negative vote of ~~five~~ eight members ~~shall be~~ is necessary to bind the commission except for adjournment.

SECTION 3. Regional water resource districts. The state engineer shall divide the state into eight regional water resource districts. District boundaries must be based upon existing water resource district boundaries, existing water resource district association boundaries, the state's river basin boundaries, and the state's regional planning council boundaries.

SECTION 4. Board of directors - Officers - Meetings - Compensation. The board of directors of a regional water resource district consists of one member from each of the existing water resource districts within the regional district. Each director must be a member of a water resource district board. The regional water resource district board shall elect from the members a chairman, vice chairman, and secretary. The chairman shall designate the time and place for the board to meet; however, the board shall meet if three directors call for a meeting. The secretary shall notify, by mail, each member of meetings. A member is entitled to receive compensation from the water resource district the member represents on the regional board in the amount not to exceed the amount provided for members of the legislative council by section 54-35-10 and is entitled to be reimbursed for mileage and expenses in the amount provided for state officials by sections 44-08-04 and 54-06-09.

SECTION 5. Term of office of members. A member of a regional water resource district board shall hold office for a term of four years, except that one-half of the initial members shall hold office for a term of two years, and one-half of the initial members shall hold office for a term of four years. The members to serve a two-year term must be determined by lot. Initial appointments expire on June 30, 1999, and June 30, 2001, respectively. Members appointed to terms after the initial terms shall hold office for a term of four years. If the office of

1 any nonlegislative member becomes vacant by reason of the failure of any member to qualify
2 or for any other reason, the water resource district board of the district that member
3 represented on the regional board shall appoint the member's successor to fill the vacancy. If
4 the office of any legislative member becomes vacant by reason of the failure of a legislator to
5 qualify or for any other reason, the chairman of the legislative council shall appoint a successor
6 to fill the vacancy. A member appointed to fill a vacancy shall take office immediately and shall
7 hold office for the unexpired term of the member whose office has become vacant and until a
8 successor has been appointed. A member shall assume office on the first day in July following
9 appointment.

10 **SECTION 6. Duties of a board.** A regional water resource district board shall:

- 11 1. Meet at least quarterly.
- 12 2. Review and discuss water-related issues of regionwide concern.
- 13 3. Select a board member to represent the district on the state water commission.