

SENATE BILL NO. 2253

Introduced by

Senators Fischer, G. Lee, Miller

Representatives Kasper, Nelson, Nottestad

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