

Testimony
HB 1285—Department of Water Resources
Senate State and Local Government
Senator Kristin Roers, Chair
March 24, 2023

Chair Roers, and members of the Senate State and Local Government Committee—
I am Andrea Travnicek, the Director of the Department of Water Resources
(Department). I am here today to provide testimony in opposition to House Bill 1285.

The Department is the technical expert for managing water resources in the state. The Department additionally has the responsibility to work with the public, elected officials, and affected stakeholders on a daily basis to carry out our mission. Since the Department has daily interactions with all stakeholders in executing North Dakota Century Code (N.D.C.C.), we are uniquely able to identify areas within the code for inconsistencies, potential efficiencies, obsolete language, and opportunities for discussion.

Through the Governor’s Red Tape Reduction initiative this past year, the Department identified efficiencies and reduced regulatory burdens in several of our Divisions’ operational processes. All five Red Tape Reduction bills introduced were able to be drafted and submitted by the Department and have passed through both chambers with an overwhelming majority (HB 1072, HB 1073, HB 1074, HB 1075, and HB 1076).

The Department also has the responsibility for staying up to date on federal government and judicial system decisions. The Department reviews these decisions and how they may impact the operations of the Department and overall management of water resources in the state.

Beyond responding to federal or judicial changes, the Department also reviews N.D.C.C. and existing federal programs for opportunities to ensure the state remains an equal partner on any federally-driven water resource management decisions

within the state. This session alone, the Department submitted two bills for consideration that included new sections of N.D.C.C. that required the federal government to notify the Department and other affected agencies on discussions related to water storage agreements (HB 1077) and wild and scenic rivers (SB 2097). Federal decisions related to these initiatives could have consequences on how water is managed in the state and no other entity or legislative district may be aware of these conversations taking place at the national level. With the Department having an awareness of these discussions, the Department can bring forward potential N.D.C.C. changes for legislative consideration.

Limiting the Department's ability to independently develop and submit N.D.C.C. changes, would limit opportunities for efficiencies, regulatory reduction, transparency, and responsiveness improvements. This scenario would also change the state's ability to nimbly take measures to ensure administration of the state's water resources is completed from a North Dakota perspective. The legislature is still the ultimate arbiter of N.D.C.C. enhancements and has the ability and responsibility to provide input and amendments on all Department-initiated bills through the normal legislative process without any deference to the Department.

The Department also typically engages with legislative assembly partners to gain support and receive constructive feedback on any Department-initiated bills that have broad policy implications. This collaborative outreach has led to Department-initiated bills receiving legislative assembly sponsors, as is evidenced by this session's HB 1218 relating the creation of a Northwest Area Water Supply Authority and SB 2196 relating to the Western Area Water Supply oversight and debt.

Thank you for the opportunity to comment, and I'm happy to stand for any questions.