

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2251

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2251

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/30/09

Recorder Job Number: 8223

Committee Clerk Signature

*Kate O'Neil*

Minutes:

Senator Dever opened the public hearing on SB2251

**Senator Fischer:** See attached testimony #1

**Senator Dever:** Should there be a fiscal note for this bill?

**Senator Fischer:** Nothing to do with the state, all counties.

**Senator Dever:** Would it be significant if it was?

**Senator Fischer:** Not a lot of boards that are operating at minimums. You would have to look at every water district in the state.

**Senator Dever:** Should be re referred to Appropriations?

**Senator Fischer:** Well there are 58 boards, some 5 person and 3 person boards. Mostly 5, probably over \$5,000, the thing is it comes out of budget, county commission.

**Senator Dever:** As I read this it sets minimum not maximum, is that going to create any hardship on water resource districts?

**Senator Fischer:** No, because administration is such small part of what we do.

**Senator Dever:** OK this is a statement on part of the legislature.

**Senator Fischer:** If water resource district that don't want to move it we are commiserating with the amount of time since raised. This is at the fault of water resource district for not coming in earlier.

**Mike Dwyer:** In 1979 the legislature changed the compensation for water managers from \$20 to \$45. In 1985 they changed it to where \$45 was the minium, allow water managers to make higher if approved by county commission. It has been at that minimum of \$45 since 1985, we figured that since we have not changed it for 23 years \$100 would be a good number. Water

managers are seeking for \$100 to be the minimum. The water managers have a big job. Spend a lot of time, resolve dispute, do flood control, hard job, thankless job, should be higher, see

**Senator Nelson:** Reference to 4 mill levy, is that a stated mill levy or up to?

**Mike Dwyer:** There are 3 levels, water resource districts at the local level. They can levy up to 4 mill but because water managers are appointed that has to be approved by the county commission, for the most part the water resource districts work well with county commissions, but they do have to submit their budget and mill levy's to the county commission because they are appointed. To answer your question it is up to 4 mills. A number of water resource districts have joint boards, and they are allowed up to 2 mills in addition. So there is the Devils Lake joint board, Red River joint board, there is the Souris River joint board that are allowed an additional 2 mills most of which is used for cost sharing on projects. Then you have 2 regional organizations: the Garrison Conservance District and the South West Water Authority, they each have 1 mill. Then at the state level they allocate funds from the resources trust fund and other sources, too, for cautionary projects.

**Senator Nelson:** Someone could have 7 mills for water?

**Mike Dwyer:** They could, yes.

**Senator Horne:** The funding comes out of county budgets. If we approve we would be saying to them you have to approve at least \$100 per diem. Isn't this an unfunded mandate?

**Mike Dwyer:** Yes

**Senator Dever:** If this were a concern we would see association of counties in this room

**Mike Dwyer:** We do have a bill in this session to increase the local mill levy from 4 to 8 mills the reason for the bill is because we just attended a hearing in another room where they were trying to secure funding for a feasibility study and counties have such a hard time coming up with a local cautionary because projects have gotten so expensive. The water managers are funded on minimum floor, whereas in the previous bill it was a ceiling.

**Gary Thompson:** See attached testimony #2

**Senator Dever:** Do you have any sense of how many are paid less than \$100 a day?

**Gary Thompson:** I don't have an answer for that but I have heard of many. There are some that are being paid around \$45 a day.

**Senator Dever:** When ½ day meeting paid for ½ day

**Gary Thompson:** I have heard that, I have never done that. It is hard work; they are dedicated to the cause and it is very stressful. I heard one person say that we have been in there all day. We meet people who are in the drain and we could be out there for 2 or 3 hours. You might have people arguing and it is very stressful in that manner.

**Senator Horne:** There are 58 water boards, 1 in each county, 3-5 in each board, so we are talking 250-300 volunteers around the state.

**Gary Thompson:** Correct

**Tom Fischer:** In Cass County the water district are reimbursed at \$65 and that has to come out of our budgets. The county approves anywhere from 0-4 mills it has to be found in the budget. It is a mandate on the boards to be able to budget themselves whether or not they are going to go to \$125 or whatever it might be. What we have done is ask for money from last year so the taxpayers from my area are not burdened with this.

**Senator Dever:** How often do they meet?

**Tom Fischer:** 2 times a month.

**Senator Dever:** That is a big commitment.

**Tom Fischer:** Yes as Gary pointed out there is preparation time. Much like someone who is on a board where the preparation is 3 hours and the meeting starts at 8:00am and done at 3:00pm after that have to go out and continuing research before next meeting.

**Roger Olson:** I am a member of the Cass County Joint Board I am here to speak in favor of this bill; I have been a member for 12 years. Starting out seemed like things were simple, took over for a guy who said, "Roger, when its wet it's your water, when it's dry it's my water." Negotiators between 2 parties; many confrontations on top of culverts in the middle of the road. As time has gone on the projects have gotten larger, several multi mill diversion projects. Responsibility has increased since I joined the board. I feel that the reason for increase is there.

**Senator Dever:** Questions of the committee?

**Jason Siegert:** Chairman of County Water Resource District. This is a stressful position, huge number of project, lawsuits, & I would appreciate your support.

**Mike Bruingrud:** Chairman of North Cass Water District I am here to show my support for this bill. Everyone else has said everything that needs to be said.

**Jim Lyons:** Chairman of water managers of Ransom County and I also chair the Red River Joint Board. I would like to explain every county is different, 4 mill in Ransom is different from 4 mill in Cass. 1 manager is there getting \$45 one gets more, so there is a big difference in that. We control ourselves and don't put in a per diem. Once it builds up we will put in a full per diem.

**Senator Dever:** Why all in eastern part of the state? Is there bigger issue there?

**Jim Lyons:** Richmond meets every Monday & Ransom on call 24/7. Last few years worked with FEMA.

**Senator Nelson:** When working with NAS project saw plenty of people from other part of the state.

**Jim Lyons:** Some of the bigger counties when they have meeting sit with lawyers. No lawyers at ours, smaller counties. We end up doing everything.

**Senator Dever:** North Dakota has quality people.

# 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2251

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/30/09

Recorder Job Number: 8226

Committee Clerk Signature

Minutes:

Committee work

**Senator Dever:** Should we request a fiscal note? Any thoughts on that bill?

**Senator Horne:** I support the idea. Maybe talk to anyone to see if we need a fiscal note

**Senator Dever:** Need a fiscal note for merits of the bill?

**Senator Nelson:** Some that paid over \$100. Cass is only \$65, it is obviously not them.

**Senator Dever:** Sometimes that is the case

**Senator Nelson:** Do Pass

**Senator Oehlke:** Second

Date: \_\_\_\_\_  
Roll Call Vote #: 1

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

2251  
Oehls

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Nelson Seconded By Oehls

Senators	Yes	No	Senators	Yes	No
Dick Dever	X		Dwight Cook		
Dave Oehls	X		Carolyn Nelson	X	
Robert M. Home	X				

Total Yes 4 No \_\_\_\_\_

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
January 30, 2009 11:17 a.m.

**Module No: SR-19-1257**  
**Carrier: Oehlke**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2251: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2251  
was placed on the Eleventh order on the calendar.



2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2251

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Senate Bill 2251

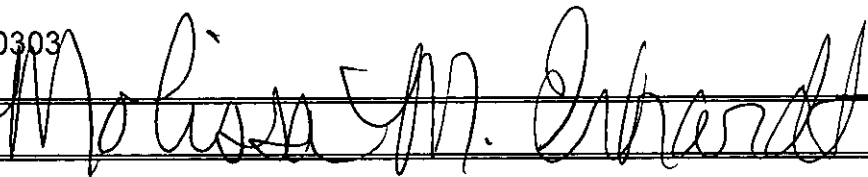
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/5/2009

Recorder Job Number: 10303

Committee Clerk Signature



Minutes:

**Chairman Grande:** Open the hearing on SB 2251. Clerk read the title.

**Mike Buringrud, Cass County Joint Water Resource District:** Testimony.

See Attachment # 1.

**Chairman Grande:** Is the per diem paid out of the counties? From each of the mils off the county, 4 mil off the county?

**Mike Buringrud:** Yes. Each water resource district has 4 mils.

**Chairman Grande:** The committee was looking for a fiscal note and I was pretty sure that we had talked that it was going to be off the mils off the counties that covered the water districts.

**Rep. Amerman:** At \$100 a day while performing duties as a member, can you give me an idea what performing duties are? Is that just when you go to a board meeting or is there times when it might be three or four or five days when you are doing something when you are performing your duties or what am I looking at?

**Mike Buringrud:** The answer is yes on both questions. We have monthly meetings and if we are going to do a project like reconstruct a drain ditch. We may have a meeting that particular day but there are questions that may need to be answered as to who is going to be involved and what farmer is going to be for it, what farmer is going to be against it, you generally talk to the people involved because their taxes are going to go up and they assess it to the agent. So it is yes on both questions and it varies. We have to go out and monitor it if they are working on it to make sure that it is done to our specifications and making sure it is done according to what the farmers ask for. If we get a phone call wondering what they are doing out there, even though we had meetings on it.

**Rep. Amerman:** If you had to take two hours out of the day and go talk to two or three farmers is that a \$100 day?

**Mike Buringrud:** Typically, it could be and I think that is where it comes into play because a lot of times they are our neighbors. If you sit and talk to a neighbor and you charge the Water Board a \$100 where you talk water and everything else. That depends on what you are doing so yes and no there also. But because they are your neighbors and you just happen to talk water sometimes it doesn't work that way.

**Rep. Wolf:** I serve on several boards and my husband serves on several boards and I know I don't get paid for any of the boards I am on and he only gets paid for

one of his boards and he has to submit, it looks like a little calendar thing, when they have their board meetings, or if he has been out for that board. Do you have to fill out something like that or how do you get your compensation?

**Mike Buringrud:** We have the same thing. Anything that we do we have to fill out, we call it a per diem sheet, we put the date, where we started from, be it home or wherever, where we went to, and what we did, who we talked to, if that was the case, or a regular board meeting.

**Rep. Wolf:** You are paid from mil levies, with county taxes, correct, so it's public record as to how much money you are paid and your salary for example.

**Mike Buringrud:** Correct.

**Rep. Wolf:** Do you get a 1099 from the county?

**Mike Buringrud:** Correct.

**Rep. Wolf:** May I ask you what 1099's are generally running for the Water Board per year per person?

**Mike Buringrud:** That is a loaded question because it depends on where you are at. In our area last year I got \$2,000. We have a drain every mile. If we don't do a big water project this year, which we don't intend to, it will probably be the high amount and some areas it is less and some areas it is more. It depends on what you do.

**Rep. Conklin:** Is there a manager or something or is there just the three of you?

**Mike Buringrud:** I am the Chairman and we have two other board members.

We have an attorney on board with us and we have an engineer. So we get legal advice and advice in that respect so if somebody comes up and asks us a question so we don't state it wrong we will generally take it to the board meeting or whatever.

**Chairman Grande:** Any other questions? Anyone else wishing to speak in favor?

**Gary Peterson, Red River Joint Water Resource District:** Testimony. See Attachment # 2. I would like to add that years ago when I was at one time a

water manager twenty some years ago we started out at \$35 a day and it certainly did not cover leaving my farm even for four hours. I am presently a Manager for the Traill County Water Resource Districts along with my duties for the Joint Board so there are districts that have managers full-time along with the board members.

**Chairman Grande:** Does your other board pay you any per diem?

**Gary Peterson:** No, the joint board does not.

**Rep. Wolf:** Do you how many board members there are in the State of ND?

**Gary Peterson:** I would guess the average would be that most counties have three. Cass County does have three different boards and I believe there is three on each board. Traill County has five. Grand Forks County has five and I think it

● makes a difference how many projects they have in their district. Traill County I can speak for, has approximately forty legal drains and three dams to care of so it keeps you a lot busier. How they are appointed is each County Commissioner appoints the water manager from his district so it could vary by how many County Commissioners are in that county also.

**Rep. Wolf:** So the minimum is three per county, so all 53 counties in ND have at least three?

**Gary Peterson:** I am not sure that all 53 counties have one. But again like I said Cass County has more than that.

● **Rep. Winrich:** Are we talking here just about compensation for the county water boards or the joint boards as well?

**Gary Peterson:** This would be just for the county boards. One other thing I should say is that at least in our county if we have a meeting just for a regular drain that compensation for those board members at that meeting may come out of that assessment district and not out of the 4 mils also. So every meeting they have does not necessarily have to come out of the 4 mils from the county if it is specific to those projects.

**Rep. Winrich:** So each member of the County Board is considered to be a water manager and eligible for compensation under this. Does the water board

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also have regular employees, technicians or something who work on water problems?

**Gary Peterson:** Each county water board has an office that is staffed by a secretary. I know of some counties that have a part-time secretary. Traill County has a full-time secretary myself there. My duties are office manager and I do surveying for clean-outs and that type of thing. So it is easiest to be a little more involved but some counties hire an engineering company to do a lot of those things so it varies.

**Rep. Winrich:** That is a separate salary position or something?

**Gary Peterson:** Mine is a separate salary and the secretary's is a separate salary. It still comes out of those 4 mils.

**Rep. Froseth:** The way the present law reads on Page 2, Line 9, it says that, "each member shall receive the sum of at least \$45", so wouldn't the county commissioner at his discretion be able to pay more? Because that is the minimum that they have to pay, so it is at least \$45, seems to me that the way it reads they have the authority to pay more if they so choose.

**Gary Peterson:** This particular problem came out of a county that is not my county. My county is in a district that would not be affected by this bill but I believe this came from a county where the commissioners would not give the managers any more than their minimum and they were thinking that that is not a

whole lot of money and they would like to raise that minimum. So we are talking the minimum not necessarily the maximum.

**Chairman Grande:** Any other questions?

**Rep. Amerman:** On the title of the bill it says "a bill for an act to amend and reenact compensation for water resource district managers." So we are saying every county and everybody on the board is a water resource district manager or how are we viewing this?

**Gary Peterson:** In ND the water districts are divided by county lines so for instance our county has two different water shed areas that we share with the (don't know) river. Then on the MN side they have this water shed so there could be multi-county boards there and ours are just one county where you are inside the county line. All of the five in our case are considered managers and they voucher for everything that they receive and put down the dates and all of that stuff is recorded and public record.

**Chairman Grande:** Any other questions?

**Mark Johnson, ND Water Resource Districts:** I will give you a little bit of background. In 1973 the Legislature passed the law that required all counties should have a water management district; that is what they called them back then and at that time the compensation was \$20. Then in 1979 they increased that to \$45. Then in 1981 the Legislature completely revamped all of the water



management laws and called them water resource districts. Then call each appointed member a manager-type board member and there are about 272 of them in the State. Some of them have five and some of them have three. Bottineau County has three water resource districts, Cass County has four, Morton County has two and all the other counties have one. Then in 1985 the law was changed to what you have before you today to be a minimum of \$45. So it has been there since 1985 and so that is just a little bit of background. In the East the water resource districts are more active and some have secretaries or part-time secretaries as you heard in the testimony. In some of the counties in the middle of the State or Southwest part of the State maybe they don't meet but once every three months. Because primarily their duties are surface water and so obviously in the East where it's flat you are going to have more problems. That is why they are very busy and very active down there. But in the North Central part of the State they are also very active and it just varies by county. But that is just a real brief background and of course the current salary is set by the county commission and it can be higher than \$45 and it ranges from \$45 up. But more of them than not are at the \$45-\$50-\$55 and so this would set the minimum. I would be happy to answer any questions.

**Rep. Kasper:** So the real problem is what you just stated?

**Mark Johnson:** Yes.

**Rep. Kasper:** We have some counties who leave it at the minimum just because they can and the water managers are saying we need more to continue to do the work that needs to be done. The county commissioners won't approve it, so they are stuck so they have to come here?

**Mark Johnson:** That is essentially part of it but another part of it is getting people, I have been working for the water resource district for 30 years and I was a young person and I still am, (coughing) and so it is an effort to make it something that people will do.

**Chairman Grande:** Any else wishing to speak in favor?

**Joel Halvorson, Water Manager, Traill County Water Resource District:**

Testimony. See Attachment # 3.

**Rep. Amerman:** We have heard in testimony that a lot of the counties are paying \$45 which is the minimum. If this would take effect it would take them up to \$100 is there a fiscal note that would affect the counties or anything with this?

**Joel Halvorson:** I am not aware of anything. But there is one thing I would like to bring up if I may with the per diem. There are times where if we don't feel, and we kind of police ourselves in our county, like we did enough to deserve the full payment for that day we will submit maybe a half of a day for pay. Because we do kind of police ourselves and watch that and so it is not necessary to get to

crazy on some of this stuff. I am here primarily because , our county is a good county and they take care of us and they understand what we are doing and I feel personally I get paid a good amount, there are others that I talk to when you go to meetings and you here these stories and other individuals here who are not receiving enough money.

**Chairman Grande:** Will you just clarify it for me? We are talking about the water resource board and that is the one that each county has. But this is not the one where we have the joint ones and then the big ones. This is just each county one, correct? So as we as Legislators make the counties that always come in

and tell us that they do not have enough population nor income to get the mil levy's to cover their expenses and I only bring that up because we have had the County Service Veteran's don't get paid anything and they hardly give their Veteran Officer's any money because the counties say they don't have any money. Where are the counties coming in on being forced at \$100 on a per diem?

**Joel Halvorson:** Our particular county is very fortunate we have rich farm land and drainage is a huge issue that is very valuable for these farmers to access us and get our help to work with legal drains and snagging and clearing the rivers that run through our county. So it is a very good bargain I think for the farmers in our area and the ag people to have our services available to them. As far as the

counties go, I guess all counties are fighting budgets like all of us but for \$45 some of these people are not getting paid nearly enough to do what they are doing.

**Rep. Froseth:** I think that the first person that testified said the money comes from the 4 mil levy that their authorized for so there would not be a fiscal note because the money is already there.

**Chairman Grande:** Correct. The money is there it is just that some of the counties will claim they do not get enough off of 4 mils. I can already hear it rambling in a few of the counties heads. That is all they can but it will be the next bill in.

**Rep. Nathe:** I understand that \$45 is the minimum, but some counties pay more than that. What is the high end and what is kind of the average?

**Joel Halvorson:** Traill County gets paid \$75 per diem and we often-times don't even charge that because we take a half a day if the work is not enough. But it is pretty crazy sometimes, we arrive at eight in the morning, you guys know what hours are like, and our meeting may end at 4:30 in the afternoon and I have my cell phone backed up with phone calls and a lot of it is do with "How did the meeting go?" "How is it going to affect my ditch and all this kind of stuff?" And those phone calls can go way on into the night so some of our days are very long and Saturdays and Sundays don't count either.

**Rep Nathe:** Do you know if there are some counties that pay above the \$100 right now?

**Joel Halvorson:** I am not familiar with that maybe some of the other members know.

**Mike Buringrud:** I think that there might be two or three out-of-state that do.

**Rep. Kasper:** These water resource funds I would assume at some time had a reserve built up. I would be interested to see the list of the mill levy dollars collected by county for the water and I'd like to see a list of the reserves in those funds by county. Is that possible to find from somebody? Can Mark Johnson find that by the end of the day?

**Mark Johnson:** Very few of the counties have reserves. Their budgets have to be approved by the county commissions and a good share of the counties don't levy the full 4 mils. It is up to 4 mils. So you may have one county with one mil and one county with three mils and it fluctuates from year to year based on what that water resource district has going on. But most of the counties, the districts I represent anyway, the boards don't ask for it and the counties don't generally approve that billing of a reserve fund unless it is for a specific project and that happens occasionally.

**Vice Chairman Randy Boehning:** Just a question on the drainage areas what they call special assessment districts. Do you get any of your funding for your

daily operating out of that or if when you go to Drain #10, you build that drain for that amount of work that day, and Drain #15 for that amount of work or does it all come out of the general fund?

**Mark Johnson:** To my understanding, the engineering costs will go to that drain. The legal costs will go to that drain and I think the general operating for the most part comes out of the general fund.

**Chairman Grande:** Does someone wish to address that question?

**Joel Halvorson:** The way we do it in Traill County is if we have a lot of special hearings and meetings on the Century Code and that type of thing to get a certain project on the books and we will assess certain drains if we are building a new one for instance, or if we are reconstructing an existing one, if that whole meeting is about that drain and it's a special hearing that would be against the assessment of that drain. However, we have two meetings a month that are general meetings and that does go against the general fund and then whatever doesn't have another fund to take it out of, I don't think we get enough in general fund money to fund all the meetings and we have to have a (can't understand, coughing).

**Vice Chairman Randy Boehning:** In another words if you are going out to look at that and you are in the construction phase, design phase, staging phase, and completion phase when you go to that drain do you charge that drain for if you

are going to do some observation? Do you charge that drain for your wages for that day, your daily stipend and mileage?

**Joel Halvorson:** If there is a project there, yes.

**Chairman Grande:** Any other questions? Anyone else who wishes to speak in favor of 2251? Opposition to 2251? Neutral? We will hold this open until Senator Fischer comes.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Senate Bill 2251

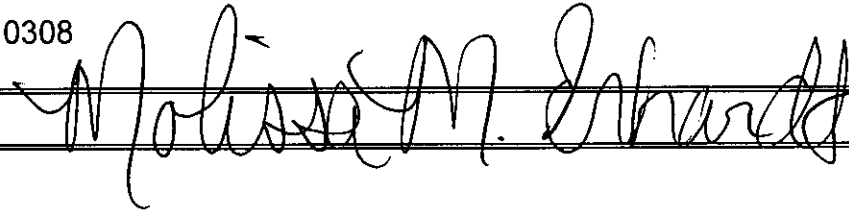
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/5/2009

Recorder Job Number: 10308

Committee Clerk Signature



Minutes:

**Chairman Grande:** We are holding open the hearing for you.

**Senator Tom Fischer, District 46, Fargo:** Testimony. See Attachment # 1.

**Chairman Grande:** Senator I am reading this and it says a \$100 per day while performing duties as work. Now one of the gentlemen testified and he said sometimes we don't do that much so we only submit a half day and stuff. But it says at least \$100?

**Senator Fischer:** The thing is that years ago when I first started in doing water, you were gone for an hour, and it is never an hour anymore. I mean when you are meeting with people even if it is a smaller issue it takes quite a bit more time and people have become much more aware of the drainage around them, especially in rural areas and as several of you know the state of Fargo and the issues that we are dealing with in the city as well as around the city and Cass County and a lot of the other counties up and down the Red River it has become much more complicated. If Derek Peterson was here he is in Traill County and



with the Red River Joint Board as well, there are not a lot of days where they don't put in enough hours, especially with farmers if they have to travel. We are one of the few counties that does have multiple districts. So in other words if we didn't have multiple districts in Cass County, I'd have to drive from Fargo to Paige, that is 80 miles, I think, so that is what is become of it and then more discussion when you get there because people want a lot more information. But I see what you are talking about if they can do it in less than that I guess you can put in for a half a day.

**Chairman Grande:** Will the counties then allow for that and then you just submit for the \$100.

**Senator Fischer:** We do it ourselves. This is for the Water Resource Districts and what we do is put in by the month. For the most part it is regulated by the board and the Secretary/Treasurer of or board audits the days that we have been asking for per diem and then writes the check and then we are audited by the State.

**Chairman Grande:** It just didn't appear like there was a checks and balance and a justification for what was a day.

**Senator Fischer:** When they audit us they are always saying the same thing, that we don't have enough people but in most of the counties you are looking at people who are working one or two days a week. I can give you an example

because I work up and down the valley is that Pembina County meets every Monday. They meet at eight in the morning and sometimes have dinner there and then meet in the evening. But they do it because they have a lot of issues up there. Traill County they meet every Monday from seven until about noon or one o'clock well by the time they get home, one of them lives in the Northwood area and same with Richland County one of the members lives on the SD/MN border so by the time you get to the meeting and/or out to a project it burns up the better part of half a day and then when you do you try to get back to work and as you all know, being on the Legislative mission of course we are overpaid per day when we are not in session at nine bucks. But these water managers are not abusing it. I have never seen anyone abusing the per diem.

**Rep. Kasper:** One of the other things that came up in the testimony is getting quality people who want to serve on the board because water is one of those important issues our State faces. If you can't get good people on the board to make the right decisions then you end with people who maybe aren't looking at the issue the way they ought to be and have the wrong people sitting on the board.

**Senator Fischer:** I worked in water and plus in management for fifteen years and worked my own business and the thing is the minute I walked out of the door

of the machine shop at \$80 an hour and go to work for \$45 a day, there is something not figuring out there. But I enjoyed doing it.

**Rep. Karls:** These water resource boards do they meet in conjunction with the Water Commission? I know that there is Wetland Mitigation and all that.

**Senator Fischer:** Yes, we have requirements that, I could bring the books in if you would like to study it from the Corp of Engineers and the Bureau of Reclamations. The Water Commission is an important link in the water community and the State. The State cost shares with an awful lot of different types of projects and a lot of projects. So when we drive out here to Bismarck, where the meetings are predominately held at the State Office building and we have to send the specs in three or four weeks ahead of time and make our case for being funded through a cost share policy that they set up.

**Chairman Grande:** Any other questions?

**Rep. Wolf:** The \$45 a day that you currently get, do you get compensation for mileage or meals or motels if you have to stay overnight or anything else?

**Senator Fischer:** We do. The mileage, if I come to Bismarck I put down, and there are several of us that have been asked why we don't put meals down, I always say just because we have to eat anyways.

**Rep. Wolf:** One of the boards my husband sits on we get an office supply allotment because we run copies and mailings and things that he has to send out to board members. Do you get any of that reimbursement to?

**Senator Fischer:** No, the Water Board has an office and our Secretary/Treasurer is full time and so anything that we need we can email to her or whatever we need.

**Vice Chairman Randy Boehning:** Do you know the top rate? Are there any rates that are over a \$100 per day?

**Senator Fischer:** There is one that is at a \$125 and that is Pembina County.

Some of them are at \$45, Cass County is at \$65, most of them are between the \$65 and \$85.

**Chairman Grande:** Any other questions? Would you be happy with \$75?

**Senator Fischer:** I would be happy with anything from the committee.

**Chairman Grande:** Close the hearing on 2251.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One 2251

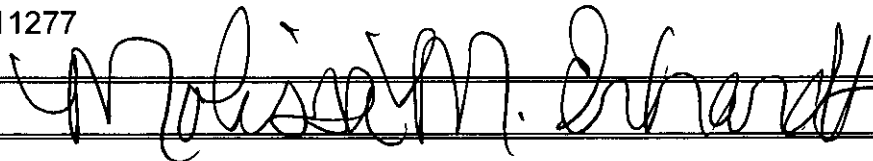
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/19/2009

Recorder Job Number: 11277

Committee Clerk Signature



Minutes:

**Chairman Grande:** We will have discussion on SB 2251. Mr. Boehning will you explain your amendments.

**Vice Chairman Randy Boehning:** After visiting on the floor with Rep. Froseth and Mike Dwyer we decided to change the amendment we had talked about in here earlier. On Page 2, Line 9 of the bill after "leased" it would read "received the sum of at least \$75 per day and not more than \$125 per day" because after the discussion we figured they did not want to give the water boards a raise so we figured we would compromise at \$75 and at least \$100 a day so I think it should be a fairly good amendment and it should keep everyone happy. Motion for moving the amendments.

**Rep. Nathe:** 2<sup>nd</sup>.

**Chairman Grande:** We have a motion for moving the amendments by Vice Chairman Randy Boehning and a 2<sup>nd</sup> by Rep. Nathe. Do we have any

discussion? All in favor? I. Consent. All. We have the amended bill in front of us .

**Vice Chairman Randy Boehning:** Move a Do Pass As Amended.

**Rep. Nathe:** 2<sup>nd</sup>.

**Chairman Grande:** Do we have any discussion? Clerk will call the roll on a Do Pass As Amended.

**Clerk Erhardt:** Roll Call: Yes: 10. No: 2. Absent: 1. Carrier: Rep. Froseth.

VR  
3/19/09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2251

Page 2, line 9, after "~~forty-five~~" insert "seventy-five dollars and not more than"

Page 2, line 10, after "hundred" insert "twenty-five"

Renumber accordingly

Date: 3/14/14

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2251

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Boehning Seconded By Nathe

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman	✓	
Vice Chairman Boehning	✓		Rep. Conklin		✓
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth	✓		Rep. Winrich	✓	
Rep. Karls	✓		Rep. Wolf	✓	✓
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 10 No 2

Absent 1

Floor Assignment Rep. Froseth.

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

**SB 2251: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2251 was placed on the Sixth order on the calendar.

Page 2, line 9, after "~~forty-five~~" insert "seventy-five dollars and not more than"

Page 2, line 10, after "hundred" insert "twenty-five"

Renumber accordingly

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

CONFERENCE COMMITTEE

SB 2251

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.2251

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 04/14/09

Recorder Job Number: 11846

Committee Clerk Signature

*Katrina Oliver*

Minutes:

Chairman Oehlke called the committee to order, roll was taken, and all member were present. Chairman Oehlke asked the representatives to explain the amendments that were put on after the bill went to the House.

**Representative Froseth:** We heard several of the water board came in and testified and a lot of them said that they are frugal with their own expenses and per diems that they charge back, only a few said that they accepted over \$75 a day, several said they didn't accept the full per diem. We thought that going to \$100 is more than anyone was being paid and it seemed like those that testified were satisfied with that so there would be a mid way point and not to overcharging. A lot of boards have a lot of duties and this spring is no exception. That was the reasoning of setting leeway.

SO: I am sure now they wish we had passed it with an ER clause.

**Representative Froseth:** I don't know if the other Representatives would like to add on to their thoughts on this matter but that is the reasoning that I felt we passed it like this.

**Representative Boehning:** A lot of our pay for many boards and commissions is capped at \$125 or \$135 we feel that there should be a cap. I think that was some of the reasoning as to why I voted like this. There is nothing in there that would stop a water board from paying

themselves \$250 a day. They do a lot of work a lot of hours and they are in an appointed position.

**Senator Oehlke:** The reason our committee sent it to you that way is because we knew they were frugal. When you mention that they keep track of their time and they throw in their hours because they don't want to be a burden on the county.

**Senator Horne:** I think that the proposed amendment is just fine as it came from the House. If a motion was made I would accept the proposal.

**Senator Oehlke:** Do we accept the amendment or do we accede to the House.

**Senator Horne:** The correct phrasing would be accede to the House amendments.

A motion was made by Senator Horne with a second by Representative Boehning to accede to the House's motion.

**Senator Dever:** I guess I was not quite ready for the motion yet. If I am correct in my understanding is the pay is set by the county commissioners. The problem wasn't that they were allowing too much but that they weren't giving enough to compensate the managers for their time. The bill as it left the Senate was at least \$100 a day and we didn't set a cap. I think after the session we will be paying ourselves the same for the session as we get during the interim.

**Representative Froseth:** That is true, but according to this they will have to pay themselves at least \$75. Another thing I talked to Representative Fischer the sponsor on the bill had no problems with this.

**Senator Dever:** I would feel more comfortable with a minimum of \$100 and a maximum of \$150.

**Senator Horne:** If the board feels that they are worth \$100 a day I feel that is an acceptable range.

**Senator Oehlke:** Other discussion, we do have a motion before us.

**Representative Amerman:** I think that they are good amendments and that Representative Froseth explained why the House did what we did.

A roll call vote was taken and the motion did not pass.

**Representative Froseth:** For discussion I move that we amend to read line 9-10 'at least \$75 but not more than \$150 a day.' It is always good to have range set and some districts are small and don't have a lot of money to work with. I agree with Senator Dever, some of these guys said that they spend a lot of time out there and most are farmers and helping the water resource districts.

**Senator Oehlke:** I agree that the water business is some of the most contentious issues that any of the volunteers deal with.

**Senator Dever:** I would feel more comfortable with \$100 to \$150 is more suitable. If you are in a meeting that takes you away from all your duties I don't think \$75 is alright.

**Representative Amerman:** It sounds like both sides agree with \$150. If they want to go to \$100 they can, if they can afford it they can go to it. I would feel better leaving it at \$75-\$150

**Representative Boehning:** I resist \$150 a day; I think that is too high. We are only at \$135 currently. I think that \$150 is excessive, I am sure they get meals and mileage. I won't be able to support \$150.

Representative Froseth made a motion for discussion purposes to put the max limit at \$150 and leave the lower number at least \$75 a day. Representative Amerman seconded the motion.

**Senator Oehlke:** Maximum limit at \$150 and lower number to at least \$75 a day.

The committee then had a discussion on the proper order to vote on the motion.

**Senator Dever:** 19:49

**Representative Boehning:** I know that there is language out there, I don't have it hear.

Governing boards are paid at the same rate of the legislative assembly. That would be re-upped every session. Language that would follow our footsteps, we can go up to \$135 but I am opposed to \$150. I would have to oppose the bill on the floor as well. I wouldn't be opposed to \$75-\$135 but I would oppose \$150 to the cap.

**Senator Oehlke:** You would be in favor of a straight \$135 rather than have a \$75 minimum.

**Representative Boehning:** Stay with \$75 minimum and max out at \$135.

**Senator Horne:** While we have a motion let's vote.

**Senator Oehlke:** The motion would be for the House to recede from House amendment as it is written at this time.

**Representative Amerman:** Recede, not recede and amend. Do in one and loose amendments.

Representative Froseth withdraws the motion and Representative Boehning withdrew his second.

A motion was then made by Representative Boehning and seconded by Representative Froseth to recede and re amend the bill.

**Representative Boehning:** One thing s that we need to do is set a standard rate for all boards and commissions. Anywhere from \$45-\$300 I think that we should standardize the reimbursement. We have all seen the level of pay within the state.

**Senator Dever:** I can't agree more, but the other conversation that I hear is we should not set it at all and allows them to set it.

**Representative Froseth:** That might seem like a reasonable way of doing it, but there is a big host of ways that people serve on boards. If you are elected then you take more action to get there rather than someone who was appointed.

**Senator Dever:** They are paid by different entities. With a lot of the boards it comes from revenue generated by themselves.

The motion passed 5-1 with Senator Oehlke and Representative Froseth carrying the bill to the floor.

Withdrawn

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 2257 (, as (re)engrossed):

Date: 4-14-09

Your Conference Committee Govt & Vet's Affairs

**For the Senate:**

**For the House:**

	YES / NO			YES / NO	
Sen Oehlke			Rep Froese		
Sen Decker			Rep Boehning		
Sen Houns			Rep Ammann		

recommends that the (SENATE/HOUSE) (ACCEDE to) (~~RECEDE from~~)

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Froese

SECONDED BY: Ammann

VOTE COUNT    YES    NO    ABSENT



Failed

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 2251 (, as (re)engrossed):

Date: A-14-09

Your Conference Committee G.V.A

**For the Senate:**

**For the House:**

	YES / NO			YES / NO	
Sen DeBlase		X	Rep Froese	X	
Sen Dever		X	Rep Boehring	X	
Sen Horne	X		Rep Anderson	X	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Froese

RECORDED BY: \_\_\_\_\_

VOTE COUNT    \_\_\_ YES    \_\_\_ NO    \_\_\_ ABSENT

PROPOSED AMENDMENTS TO SENATE BILL NO. 2251

That the House recede from its amendments as printed on page ~~1081~~<sup>952 of the Senate Journal and page 1029</sup> of the House Journal  
and ~~page 254 of the Senate Journal~~ and that Senate Bill No. 2251 be further amended  
as follows:

Page 2, line 9, after "~~forty-five~~" insert "seventy-five dollars <sup>and but</sup> ~~and~~ not more than"

Page 2, line 10, after "hundred" insert "thirty-five"

Renumber accordingly

Carrier  
Froseth  
Carrier  
~~House~~  
Oehlke

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 2251 (, as (re)engrossed):

Date: 4-14-09

Your Conference Committee Post & Vet Affairs

	For the Senate:		For the House:	
	YES	NO	YES	NO
Sen Oehlke	X		Rep Froseth	X
Sen Deves		X	Rep Boehning	X
Sen Thune	X		Rep Amundson	X

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (S/H) page(s) 952 - \_\_\_\_\_

X, and place \_\_\_\_\_ on the Seventh order.

X, adopt (further) amendments as follows, and place 2251 on the Seventh order:

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Boehning

SECONDED BY: Froseth

VOTE COUNT 5 YES 1 NO 0 ABSENT

**REPORT OF CONFERENCE COMMITTEE**

**SB 2251:** Your conference committee (Sens. Oehlke, Dever, Horne and Reps. Froseth, Boehning, Amerman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 952, adopt amendments as follows, and place SB 2251 on the Seventh order:

That the House recede from its amendments as printed on page 952 of the Senate Journal and page 1029 of the House Journal and that Senate Bill No. 2251 be amended as follows:

Page 2, line 9, after "~~forty-five~~" insert "seventy-five dollars but not more than"

Page 2, line 10, after "hundred" insert "thirty-five"

Renumber accordingly

2009 TESTIMONY

SB 2251




**SB 2251**


**Mr. Chairman, members of the Government and Veterans Affairs Committee.**

**For the record, I am Senator Tom Fischer, District 46, Fargo.**

**SB 2251 is relatively simple. It changes the per diem of water resources district managers from 45 dollars per day to 100 dollars per day. This hasn't been changed since the 1980's as far as I know. We have changed the per diem for a lot of boards and commissions to reflect the legislative interim reimbursement and the water managers per diem should be adjusted.**



**Mr. Chairman, committee members, this job was once that of an occasional afternoon or morning meeting and farmers and ranchers comprised most of these positions. Meetings now last four or five hours and the job has become much more complicated. It takes a lot of time preparing for meetings, reviewing materials and the responsibility is much greater. If we are to find people to make the time commitment and stay on the job we must raise the compensation. There are others who would like to speak to this legislation so I thank you and I will stand for questions.**



## **SENATE BILL NO. 2251**

### **Testimony by Gary Thompson Pres. of the NDWRDA**

Mr. Chairman, Committee Members, My name is Gary Thompson and I would like to thank you for allowing me to testify here today on behalf of the North Dakota Water Resource Districts Association.

Senate Bill 2251 is asking for a change under Chapter 61-16<sup>of</sup> of the Creation of Water Resource Districts – Boards. The change we are asking for is where it states and I quote, “ Each member of a water resource board shall receive the sum of at least forty five dollars per day while performing duties as a member of the board,”. We would like this to read, “Each member of a water resource board shall receive the sum of at least 100 dollars per day while performing duties as a member of the board,.

For a number of years now we have been hearing from many water resource districts throughout the state that something needs to be done to increase there per diem. They have been to there county commissioners and they have refused to make an increase. Some of the water districts have not had an increase since the 1970’s from what I understand and this is due in part to the way the law reads today. We do understand that counties are hard pressed for money but it is in our opinion that this is well over due and that water resource managers throughout the state put in a lot of time and effort and deserve to be rewarded for a job well done.

Mr. Chairman and Committee Members, the North Dakota Water Resource Districts Assoc. at its annual meeting in December passed a resolution for this legislation and would ask for a do pass on Bill 2251.

**Testimony of Michael Buringrud  
North Cass Water Resource District  
Cass County Joint Water Resource District**

**Before the House Government and Veterans Affairs Committee  
In Support of SB 2251**

Thank you, Chair Grande, and members of the Committee. My name is Mike Buringrud. I am the Chair of the North Cass Water Resource District, and a member of the Cass County Joint Water Resource District. Both the North Cass and Cass County Joint Boards support SB 2251.

As you probably know, water manager terms are three years. As individual managers weigh the pros and cons of serving on a water board every three years, the existing minimum per diem of \$45 certainly is not a "pro." To retain quality water managers, and to prevent them from resigning their positions, especially in this economy, an increase is necessary. The North Cass and Cass County Joint Boards feel an increase from \$45 to \$100 as a minimum per diem is more than reasonable. The North Cass Water Resource District, the Cass County Joint Water Resource District, and I respectfully request a Do Pass on SB 2251.



**Testimony of Gary Peterson  
Red River Joint Water Resource District**

Attachment  
#2

**Before the House Government and Veterans Affairs Committee  
In Support of SB 2251**

Chair Grande, members of the Committee, my name is Gary Peterson, and I offer my testimony on behalf of the Red River Joint Water Resource District. The Red River Joint Board is a joint water resource district consisting of fourteen individual water resource districts in the Red River watershed. The directors on the Red River Joint Board, and the water managers of its individual member districts, support SB 2251 because we are concerned about the future of water resource district boards.

Water manager per diem is becoming a real issue for water resource districts in the State. Water managers work hard, addressing difficult water issues in our watersheds, constructing important water projects, helping our neighbors solve their water problems, mediating water and drainage disputes between neighbors, attending many meetings of our respective boards, and handling many other duties too numerous to name.

Many districts already have difficulty identifying qualified people who are willing to serve as water managers. People are understandably busy with farming operations, full-time jobs, family, and other activities. If we cannot pay people a reasonable amount for their hard work and their substantial time commitments, they simply will not volunteer to serve in these important positions. Serving on a water board is not a full-time job. However, if we have any hopes of recruiting qualified people in our districts who understand water, we have to at least attempt to offset the financial loss they experience while tending to water matters. Serving as a water manager is certainly not a money-making venture, and we do not expect to compete with farming operations or full-time jobs, but we have to at least offer a reasonable per diem to make it worth their time.

The increase from \$45 to \$100 per day is minimal in comparison to the time and effort water managers offer. Clearly, a \$45 per diem is not a selling point for possible water managers; but, raising the per diem to a \$100 per day minimum at least eliminates the “sticker shock” of the low compensation.

As you may know, the \$45 minimum has been in place since 1985; it is time for a reasonable adjustment to that minimum. If the State is serious about addressing water issues, and wants to ensure qualified people serve on water resource districts, SB 2251 will be a step in the right direction. The Red River Joint Water Resource District urges a Do Pass on SB 2251.

Attachment  
#3

**Testimony of Joel Halvorson  
Traill County Water Resource District**

**Before the House Government and Veterans Affairs Committee  
In Support of SB 2251**

Chair Grande, members of the Committee, my name is Joel Halvorson, and I am a Water Manager on the Traill County Water Resource District. The Traill County Water Resource District is concerned about the ability of water resource districts to attract quality water managers to serve on water resource districts. The Traill County Board is a five-member board, and we are fortunate to have five quality water managers. However, we recognize the needs of other boards around the State to attract new water managers, and we certainly understand Traill County will someday have to fill our positions. With that in mind, the Traill County Water Resource District supports SB 2251.

In addition to serving as a water manager, I am a farmer. Each day I spend attending meetings, dealing with neighbors on water issues, or attending hearings like this one, is a day I do not spend farming. A \$45 per diem certainly does not make-up for the time I lose on my farming operation. For that matter, a \$100 per diem would not make-up for the time I devote to my water manager duties. I accept that, but other possible water manager candidates may not accept that loss. Forty-five dollars simply is not reasonable.

I enjoy serving as a water manager, and I take my duties very seriously; we provide important services for the residents of our counties. But someday I will retire, and I fear the Traill County Commission may have a difficult time identifying quality residents who are willing to take time away from their farms or their jobs to serve as water managers.

The per diem increase from \$45 to \$100 in SB 2251 is, in my opinion, necessary if we want to attract bright people to serve as water managers. The Traill County Board requests a Do Pass on SB 2251. Thank you for your consideration.