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Lobbyist #1034

HB1353 testimony

My name is Sam Wagner and I am testifying today for the Dakota Resource Council and its members. DRC has more than 600 members statewide and was founded to protect North Dakota's natural resources and family farms and ranches.

We will be testifying in opposition to 1353 for the following reasons:

- It's not apparent who is in charge of the new department
- There is no evidence that shows that the State Engineer needs help in order to perform the tasks needed to do a good job
- This bill if passed will reduce transparency.

Director vs State Engineer

The first question we have is do we need to change the state engineer to the director of the department of water quality? The argument would seem to be that there is now a broad scope of projects and work that the State Engineer cannot handle it all and that a Director should take some of those responsibilities.

As General Sprynczynatyk testified the department has been working fine over the last 100+ years and there are some concerns on who would be final authority on regulation? It was stated in the last house hearing that the intent of the bill is to make them coequal in a sense or that there would be some authority delegated to one job or the other. If so, why is there a need to address the fact that the director of the Department of Water Quality needs to hire a State Engineer? That would imply to our organization that the Director would be the boss.

There was also testimony that stated the director would be involved in public relations and finance decisions. What would happen in a situation where the State Engineer would demand actions be taken that the Director could deem too costly? What happens when a project might not be environmentally sound but politically appealing? It's situations like these that the general was warning us about.

We would recommend that instead of creating someone over the State Engineer, we should use funds to help delegate the tasks that the State Engineer does by hiring deputy engineers or specialized advisors. This would allow the workload to be reduced but ultimately it should be the Water Commission that deals with proposing projects.

Lack of Transparency Concerns

Page 23 line 13 removes the language “shall remain on file in the state engineer’s office and open to inspection during business hours removing having certified copies on file”, page 24 removes language regarding “free access to records and copying them” We at DRC are pro-transparency with regards to public records. This would also open the door to charging a fee for access to records, if this is the case where paid staff are asked to search for records then yes a fee should be charged to account for staff time, if the citizen is willing to travel to the capitol and copy the records themselves during visiting hours, that should be their right.. The state should have nothing to hide from its citizens and We don’t see how this is an inconvenience to the staff at the capitol. We would like you to reinsert the transparency clauses in the Century Code.

In conclusion, we respectfully request a **Do Not Pass** recommendation for this bill. We are not yet convinced that the State Engineer needs help doing their job, and we do not like the fact that language allowing citizens to access records for free will be erased.