

SENATE BILL NO. 2372

Introduced by

Senators Lemm, Luick

1 A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century
2 Code, relating to the operation of watershed districts.

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

4 **SECTION 1.** A new chapter to title 61 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Watershed districts - Area to be included.**

7 All land in the state must be within a watershed district. A watershed district includes the
8 boundaries of the major watershed basins of this state as determined by the department of
9 water resources.

10 **Order creating watershed district.**

11 A certified copy of the order creating a watershed district must be filed with the county
12 auditor of each county within the district and with the secretary of state. The secretary of state
13 shall issue to the department of water resources a certificate of the organization of the district
14 and shall file a copy of the certificate and the commission's order creating the district. The
15 secretary of state's certificate, or a copy authenticated by the secretary of state, is prima facie
16 evidence of the organization of the district. The new district is a governmental agency and may
17 exercise the powers specified in this chapter.

18 **Watershed board - Appointment and number.**

19 When a watershed district has been created, and the department of water resources has
20 filed notice with the county auditor of the counties in which the district or any part of the district
21 is situated, a watershed board must be appointed within ninety days. If the district's boundaries
22 include two counties, the watershed board must consist of five managers, three appointed by
23 the board of county commissioners of the county having the larger aggregate taxable valuation
24 of property, and two appointed by the board of county commissioners of the other county. If a

1 district includes three counties, the watershed board must consist of five managers, one
2 appointed by the board of county commissioners having the lowest aggregate taxable valuation
3 of property in the district, and two appointed by the board of county commissioners of each of
4 the other two counties. If a district includes four or six counties, the watershed board must
5 consist of two members from the county having the largest aggregate taxable valuation of
6 property in the district, and one manager from each of the other counties. If a district includes
7 five or seven counties, the watershed board must consist of one manager from each county.
8 Appointments to the watershed board must be made by the boards of county commissioners of
9 the respective counties.

10 **Eligibility for appointment to board - Term of office - Removal - Filing vacancies -**
11 **Compensation of managers.**

- 12 1. When a watershed district has been created, any resident landowner in the district
13 except a county commissioner is eligible for appointment to the watershed board. After
14 June 30, 2027, when the term of office of a district manager has expired, the
15 manager's successor shall hold office for three years from the first day of January
16 following the date of the successor's appointment. The term of office of a manager
17 does not terminate until the successor in office is appointed and qualified. If there is a
18 vacancy in the office of a district manager, the manager appointed to fill the vacancy
19 shall serve the unexpired term of the manager whose office became vacant. Within
20 three months after the start of an individual's term as a district manager, the individual
21 shall attend a course on water management, and each district manager shall attend a
22 course on water management every three years during the manager's term.
- 23 2. While performing duties as a member of a watershed board, each member is entitled
24 to receive compensation of at least seventy-five dollars per day but not more than the
25 rate set for a member of the legislative assembly under section 54-03-20, an
26 allowance for meals at the same rates and conditions provided by law for state officials
27 and employees, and reimbursement of lodging and other necessary travel expenses at
28 the same rate and conditions as provided by law for state officials and employees. A
29 request for an allowance or reimbursement must be evidenced by a subvoucher or
30 receipt as provided by section 21-05-01.

1 3. A manager may be removed from the board by the board of county commissioners if
2 the board of county commissioners determines, by competent evidence, the manager
3 is guilty of misconduct, malfeasance, crime in office, neglect of duty in office, habitual
4 drunkenness, gross incompetency, or inability to perform the duties of office for
5 reasons of health. The manager subject to removal may request a public hearing at
6 which the manager must be apprised of and allowed ample opportunity to repudiate
7 the evidence.

8 **Appointment of alternate board members due to conflict of interest or illness.**

9 When a member of a watershed board has a conflict of interest in a specific issue before
10 the board or is unable to fulfill the duties of a board member because of physical or mental
11 illness, the county commissioners of the member's county of residence may appoint an
12 individual to serve as an alternate to the disqualified board member. If the disqualification is for
13 a conflict of interest, the alternate board member may serve only for the purpose of deciding the
14 particular issue causing the conflict. If the disqualification is for physical or mental illness, the
15 alternate board member may be appointed by the county commissioners of the disqualified
16 board member's county of residence only for one meeting at a time.

17 **Oath of office - Organization of watershed board - Appointment of members -**
18 **Meetings.**

19 1. Upon receiving notice of appointment as member of the watershed board, the
20 appointee shall take the oath of office prescribed for civil officers. The oath must be
21 filed with the secretary of the board. Notice of the appointment of a member or
22 members of a watershed board must be mailed to the department of water resources.
23 The notice must state the name and post-office address of each appointee and the
24 date of appointment.

25 2. A majority of the managers constitute a quorum for the transaction of business but any
26 number may adjourn a meeting if a quorum is not present. The watershed board shall
27 appoint a secretary and treasurer and other employees as needed for the efficient
28 conduct of the district's business and shall fix their compensation. The offices of
29 secretary and treasurer may be held by the same individual. Officers and employees
30 hold office at the pleasure of the board.

1 3. The board shall provide an office for conducting the affairs of the district and shall
2 adopt rules for transacting the business of the district, including the time and place of
3 holding regular meetings of the board. Special meetings may be called by the
4 secretary upon written request of two members of the board. Notice of a special
5 meeting must be mailed to each member of the board at least five days before a
6 regular meeting of the board. A special meeting of the board may be held if all
7 members of the board are present or consent to the special meeting in writing.

8 **Operations of watershed districts - Procedure.**

9 The provisions of chapter 61-16.1, pertaining to the powers, operations, and procedures of
10 a water resource district, not in conflict with the provisions of this chapter, govern the
11 administration of a watershed district in this chapter.