

**North Dakota
Water Resource
Districts Association**

JACK P. DWYER, EXECUTIVE SECRETARY
701-730-5469 (c) • jack@ndwaterlaw.com
P.O. Box 2254 • Bismarck, North Dakota 58502
701-223-4615 (o) • staff@ndwater.net

HB 1462

**Testimony of Jack Dwyer
House Political Subdivisions Committee**

Dear Chairman Longmuir and members of the House Political Subdivisions Committee, my name is Jack Dwyer, and I serve as the Executive Secretary of the North Dakota Water Resource Districts Association.

The Water Resource Districts Association has concerns about HB 1462. This bill would require all local boards, including water boards, serve notice of a decision on every affected party. This would put a significant cost and burden on water boards, and all other local boards. The bill fails to define both "notice" and "affected party." Due to the lack of definition, my advice to water boards would be to serve personal notice under Rule 4 of the North Dakota Rules of Civil Procedure to as broad an audience as possible to ensure compliance with this vague requirement.

Not only do the water resource districts lack the staff and funding to "serve" all affected parties by any decision, water resource districts oppose using public funds to pay for appellants' attorney fees. This will encourage lawsuits and appeals against water boards. We suggest that water boards be treated similarly to other political subdivisions in this regard. If water boards are required to pay for appellants' attorney fees, then other political subdivisions should be held to the same requirement.

On behalf of the Water Resource Districts Association, I respectfully request a do not pass recommendation on HB 1462.