

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2208
(Senator Wardner)
(Representative Schmidt)

AN ACT to provide for a legislative management study of drainage and other water-related issues.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - WATER REGULATION.

1. During the 2021-22 interim, the legislative management shall consider studying the regulation of water in the state, including eliminating redundancy and conflicts in chapters 61-16.1, 61-21, and 61-32; making assessment procedures uniform across all types of water projects, including drain projects; revising procedures for appeals from water resource board decisions, including the possible creation of an appeals board or appealing the decisions to an existing entity such as the North Dakota mediation service within the department of agriculture; managing water on the basis of watersheds or water basins throughout the state; reviewing responsibility for culvert sizing decisions; applying cost-benefit analyses to additional projects before the state water commission considers whether to approve the projects; reviewing the cost-share for additional assessment drains across the state; reviewing the cost-share for and regulation of snagging and clearing; reviewing the structural relationship between the state water commission and water resource districts; the process for awarding irrigation permits; the length of time irrigation permit applications are held in abeyance; prioritization of irrigation permit applications; methods for maximizing water resources; possible development of an irrigation permit that may be suspended during periods of water scarcity; methods for on-time monitoring of well water levels; improving communication between the office of state engineer and irrigation permit applicants; and related issues. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.
2. The study committee must include the following eleven voting members and nine nonvoting members:
 - a. Two voting members representing agriculture producers, appointed by the agriculture commissioner;
 - b. Two voting members who are members of water resource boards, appointed by the North Dakota water resource districts association;
 - c. Seven voting members including:
 - (1) Two members of the majority party in the house of representatives;
 - (2) One member of the minority party in the house of representatives;
 - (3) One member of the majority party in the senate;
 - (4) One member of the minority party in the senate;
 - (5) One member from either party in either chamber to serve as the committee chairman; and
 - (6) A road superintendent or engineer selected by the voting members in paragraphs 1 through 5;

- d. One nonvoting member appointed by North Dakota township officers association;
 - e. One nonvoting member appointed by the North Dakota association of counties;
 - f. One nonvoting member appointed by the North Dakota state's attorneys' association;
 - g. The agriculture commissioner or the commissioner's designee who is a nonvoting member;
 - h. The state engineer or the state engineer's designee who is a nonvoting member;
 - i. The legal counsel to the state water commission who is a nonvoting member;
 - j. One nonvoting member appointed by the director of the department of transportation;
and
 - k. Two nonvoting citizen members appointed by the legislative management.
3. A member of the committee who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the legislative council. A state employee who is a member of the committee is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency. A member of the committee who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the committee. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the committee who is a member of the legislative assembly.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2208.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 94 Nays 0 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State