



# North Dakota Legislative Council

Prepared for the Water Topics Overview Committee  
LC# 25.9209.01000  
February 2024

## **JOINT WATER RESOURCE BOARDS AND SENATE BILL NO. 2372 (2023)**

This memorandum summarizes Senate Bill No. 2372 (2023) and relative statutory provisions regarding the joint exercise of powers and joint water resource boards.

### **JOINT EXERCISE OF POWERS**

Two or more water resource districts may, by agreement, jointly or cooperatively exercise any powers authorized under North Dakota Century Code Title 61, relating to the regulation of waters of the state. Under Section 61-16.1-11, if an agreement is made between two or more water resource districts, the agreement:

- Must state its purpose and the powers to be exercised;
- Must provide for the methods by which the powers shall be exercised;
- Must provide for the disposition of any property required as the result of a joint or cooperative exercise of powers, and the return of any surplus money after the purpose of the agreement has been completed;
- May specify the number, composition, terms, or qualifications of the members of the joint water resource board; and
- May be continued for a definite term or until rescinded or terminated in accordance with the terms of the agreement.

A joint board established under Section 61-16.1-11 is a political subdivision of the state. When an agreement provides for the use of a joint water resource board, the joint water resource board represents the boards which are parties to the agreement.

### **SENATE BILL NO. 2372 (2023)**

#### **Joint Water Resource Boards**

Senate Bill No. 2372 created a new subsection to Section 61-16.1-11 requiring all county water boards within the Red River, James River, Mouse River, Missouri River, and Devils Lake drainage basins to form and remain a member of a joint water resource board to collaborate on water-related projects. The bill allows the joint water resource board to approve a levy of tax not to exceed two mills upon the taxable valuation of the real property within each joint water resource board's respective drainage basin.

#### **Projects or Benefits in More Than One County**

In addition, Senate Bill No. 2372 created Section 61-16.1-15.1 regarding water-related projects that benefit or are located in more than one county. Under the new section, if two or more districts cannot agree to undertake a joint project, a district may undertake the project by providing notice to the joint water resource board where the project is located, in either the Red River, James River, Mouse River, Missouri River, or Devils Lake drainage basin, together with the engineer's report. If the joint water resource board finds the project to be necessary, and the benefits of the project exceed the costs, the joint water resource board must follow all procedures required by joint boards under Sections 61-16.1-15 through 61-16.1-36 when constructing, assigning, and assessing the project. If the assessment vote is successful, the joint water resource board has to construct, own, operate, and maintain the project.