

## MINUTES

### **North Dakota State Water Commission Bismarck, North Dakota December 8, 2023**

The ND State Water Commission (Commission or SWC) held a meeting at the Bank of North Dakota, 1200 Memorial Highway, Bismarck, ND, and via phone conference on December 8, 2023. Lt. Governor Miller called the meeting to order at 9:00 AM. A quorum was present. The board opened the meeting by reciting the Pledge of Allegiance.

#### **STATE WATER COMMISSION MEMBERS PRESENT:**

Lt. Governor Miller, Acting Chairman  
Doug Goehring, Commissioner, ND Dept. of Agriculture  
Michael Anderson, Lower Red River Basin  
Jeff Frith, Devils Lake Basin  
James Odermann, Little Missouri, Upper Heart, and Upper Cannonball River Basins  
Gene Veeder, Upper Missouri River Basin  
Jay Volk, Lower Missouri River Basin  
April Walker, Upper Red River Basin  
Jason Zimmerman, Mouse River Basin

#### **STATE WATER COMMISSION MEMBERS ABSENT:**

Connie Ova, James River Basin

#### **OTHERS PRESENT:**

Dr. Andrea Travnicek, Director, ND Dept. of Water Resources (DWR) and Commission Secretary  
John Paczkowski, DWR State Engineer  
DWR Staff  
Matthew Sagsveen, General Counsel, Attorney General's Office  
Approximately 77 people present online and in person.

### CONSIDERATION OF AGENDA

**It was moved by Commissioner Anderson, seconded by Commissioner Zimmerman, and carried unanimously the agenda for the December 8, 2023, Commission meeting was approved as presented.**

### CONSIDERATION OF DRAFT MEETING MINUTES

**It was moved by Commissioner Volk, seconded by Commissioner Frith, and carried unanimously the minutes of the October 12, 2023, Commission meeting be approved as written.**

**It was moved by Commissioner Zimmerman, seconded by Commissioner Anderson, and carried unanimously the minutes of the November 9, 2023, Pre-Commission meeting be approved as written.**

## **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST**

State Water Commissioners disclosed potential conflicts of interest. Commissioner Odermann disclosed he is a member of the Southwest Water Authority Board of Directors.

## **COMMISSION SECRETARY UPDATE**

Andrea Travnicek, Ph. D., Secretary, reported it has been a great water week and thanked the DWR for putting together the State Water Address and the Commission for their leadership. Travnicek added it has also been a busy week with mediation with Southwest Pipeline Project (SWPP). Travnicek stated there was a press release that went out discussing the ability to now search water permits online, making the application process more transparent also revealed the Know Your Aquifer campaign will be coming in 2024.

## **FINANCIAL REPORT**

The Glossary of Terms, allocated program expenditures, and financial reports were presented by Chris Kadrmaz, DWR Administration Division Director (**APPENDIX A**).

The oil extraction tax deposits total \$84,148,496 estimated through November 2023 for the 2023-25 biennium, which is \$4,410,064 over the projected biennium revenue of \$79,738,432 through November 2023. No transfers from the Resources Trust Fund to the Water Projects Stabilization Fund have occurred through November 2023.

The 68th Legislative Assembly estimates oil extraction tax deposits for the 2023-2025 biennium to total \$449,860,000 through June 2025. It also provided for the transfer of oil extraction tax deposits in excess of the legislative forecast for the 2023-2025 biennium to be transferred quarterly to the water projects stabilization fund.

## **2025 WATER DEVELOPMENT PLAN**

Patrick Fridgen, DWR Planning and Education Division Director, presented the Commission with a timeline for the 2025 Water Development Plan (**APPENDIX C**). The Planning and Education Division has set a deadline for project information submittals for late April. After projects have been submitted, they will then be reviewed and prioritized by staff and presented to Commissioners for final review. A draft inventory will then be developed for Commissioner-hosted meetings and sponsor review. The dashboard concept will be used again to keep changes up-to-date online.

## **NEW COMMISSIONER ONBOARDING GUIDANCE**

Travnicek discussed the new Commissioner Onboarding Guidance document (**APPENDIX D**) that was developed to provide consistency in the process of onboarding new commissioners. The onboarding guidelines provides background on the State Water Commission, the Department of Water Resources, basin representation, and an overview of how meetings are conducted. The guidelines also include the new hire paperwork, information on commission pay and travel, and references North Dakota law regarding open meetings and records.

There was no discussion, and the following motion was made:

**It was moved by Commissioner Odermann and seconded by Commissioner Walker the Commission adopt the New Commissioner Onboarding Guidelines to be used as new Commissioners are appointed to the State Water Commission.**

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Miller voted aye. There were no nay votes. The motion carried.

### **SOUTHWEST PIPELINE PROJECT (SWPP)**

#### **Capital Repayment, Replacement and Extraordinary Maintenance (REM) Rates, and Southwest Water Authority (SWA) Budget 2024**

Justin Froseth, SWPP Project Manager, stated water rates are a primary component of the Southwest Water Authority's (SWA) budgeting process. The Capital Repayment rate and the reserve fund for Replacement and Extraordinary Maintenance (REM) rate are approved explicitly by Commission action.

After a brief discussion, the following motion was made:

**It was moved by Commissioner Veeder and seconded by Commissioner Anderson the Commission establish 2024 Capital Repayment and REM rates as follows:**

**Capital Repayment for contract and rural customers: \$1.48 per thousand gallons for contract users, \$35.66 for rural users in Morton County with water service from Missouri West Water System, \$45.02 per month for other rural users. Capital Repayment for oil industry contracts: \$3.00 per thousand gallons for Dickinson Water Depot and \$4.00 per thousand gallons for other oil industry contracts.**

**REM Rate: \$0.82 per thousand gallons for the current contract users. \$0.94 per thousand gallons for rural users, \$3.00 per thousand gallons for the SWA's Dickinson Water Depot, and \$4.00 per thousand gallons for other oil industry contracts.**

**Commissioners Anderson, Frith, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Miller voted aye. There were no nay votes. Commissioner Odermann abstained. The motion carried.**

### **CONSENT AGENDA**

The Consent Agenda included the following cost-share projects with requested funding amounts for approval:

#### **Flood Control**

- J1. City of Neche: Highway 18 Project - \$98,742
- J2. Traill Co WRD: Blanchard Norman Drain No. 23-40 Improvements - \$157,284

#### **General Water**

- K1. Barnes Co WRD: Little Dam Improvement Project - \$814,500

#### **Water Supply (Municipal/Regional)**

- L1. City of Minot: Westfield Water Main Replacement - \$108,480
- L2. City of Minot: University Ave Water Main Replacement - \$108,480
- L3. City of Valley City: Improvement District 105 - \$479,625

## **Water Supply (Rural)**

- M1. Cass RWD: Reservoir D Supply Pipeline - \$270,000
- M2. Southeast WUD: West Water Treatment Plant Improvements - \$927,270

There were no questions, and the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Anderson the Commission approve the Consent Agenda items as presented.**

**Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Miller voted aye. There were no nay votes. The motion carried.**

## **STATE COST-SHARE REQUESTS**

### **FLOOD CONTROL**

Abigail Franklund, DWR Cost-Share Manager, presented the following requests for flood control projects.

#### **Maple River WRD: Cass County Drain No. 34 Improvements - \$643,376 (SWC Project No. 1085)**

The Maple River Water Resource District is requesting cost-share for construction costs associated with improvements to Cass County Drain No. 34. The purpose of the project is to reestablish a new grade line with flattened side slopes for channel stability on a four (4) mile portion of the legal drain and replace existing crossings that are undersized or past their service life. The benefit-cost ratio associated with the project is 0.69; therefore, the project is eligible for 31 percent reimbursement, or 69 percent of the maximum 45 percent of the eligible construction costs.

Commissioner Volk stated these projects bring tremendous value to the areas with drainage and his concern is the SWC spending cost-share dollars on these projects and the long-term maintenance is not getting done. Kurt Lysne, Moore Engineering, stated they levy a maintenance fund, and the board has a desired level of funding on hand for annual maintenance.

This project meets requirements of the Water Commission's cost-share policy for flood control projects. After brief discussion, the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Anderson the Commission approve the request from the Maple River Water Resource District for state cost-share participation in the Cass County Drain No. 34 Improvements project at 31 percent of eligible costs, not to exceed \$643,376. This approval is contingent on available funding.**

**Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Miller voted aye. There were no nay votes. The motion carried.**

**Maple River WRD: Cass County Drain No. 37 Improvements - \$292,909  
(SWC Project No. 1088)**

The Maple River Water Resource District is requesting cost-share for construction costs associated with improvements to Cass County Drain No. 37. The purpose of the project is to repair channel erosion and slope erosion issues by reducing channel gradient and flattening side slopes on 2.6 miles of the existing Cass County Drain No. 37. The benefit-cost ratio associated with the project is 0.53; therefore, the project is eligible for 24 percent reimbursement, or 53 percent of the maximum 45 percent of eligible construction costs.

Roger Olson, Chairman of Maple River Water Resource District, asked the Commission to table the request since they do not have the funds to cover the project without the full funding. The following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Walker the Commission table the cost-share assistance request from the Maple River Water Resource District for the Cass County Drain No. 37 Improvements project**

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**Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Miller voted aye. There were no nay votes. The motion carried.**

**WATER SUPPLY (RURAL)**

Julie Prescott, DWR Engineer Manager, presented the following rural water supply project.

**Agassiz Water Users District: 2022 Expansion Phase 2 - \$3,289,340  
(SWC Project No. 2050RAM)**

The Agassiz Water Users District is requesting cost-share for their 2022 Expansion Phase 2 project. The project is approximately 26.5 miles in length and will include the replacement and upgrade of aging transmission pipeline between Reservoirs 1 and 2, between Reservoir 7 and Manvel, and between Reservoir 8 and the City of Grand Forks. The project will also include expansion to add seven (7) new users.

This project meets requirements of the Water Commission's cost-share policy for rural water supply projects. There were no questions, and the following motion was made:

**It was moved by Commissioner Frith and seconded by Commissioner Zimmerman the Commission approve the request from the Agassiz Water Users District for state cost-share participation in the 2022 Expansion Phase 2 project for an additional \$3,289,340 at 75 percent of eligible costs, with total cost-share not to exceed \$3,621,840. This approval is contingent on available funding.**

**Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Miller voted aye. There were no nay votes. The motion carried.**

## **PROJECT UPDATES**

DWR staff provided brief updates on the following projects:

- Sindhuja S. Pillai-Grinolds, DWR Water Development Division Director: Devils Lake.
- Laura Ackerman, Water Resource Engineer: Mouse River.
- Alexis Faber, Water Resource Engineer Manager: Missouri River.
- Tim Freije, NAWS Project Manager: NAWS.
- Justin Froseth, SWPP Manager: SWPP.

## **LEGAL UPDATE**

Matthew Sagsveen, General Counsel, Attorney General's Office, provided a brief update on current legal matters involving the SWC and DWR.

## **EXECUTIVE SESSION UNDER AUTHORITY OF NDCC § 44-04-19.1(9) FOR ATTORNEY CLIENT CONSULTATION REGARDING SWPP - INTAKE. CONTRACT 1-2A**

It was the recommendation of Lt. Governor Miller that the discussion relating to the SWPP/Fowler Intake to be held in Executive Session, under the provisions of NDCC § 44-04-19.1(9), for the purpose of attorney consultation. The Commission invited the following to participate in the Executive Session:

### **STATE WATER COMMISSION MEMBERS PRESENT:**

Lt. Governor Miller, Acting Chairman  
Doug Goehring, Commissioner, ND Dept. of Agriculture  
Michael Anderson, Lower Red River Basin  
Jeff Frith, Devils Lake Basin  
James Odermann, Little Missouri, Upper Heart, and Upper Cannonball River Basins  
Connie Ova, James River Basin  
Gene Veeder, Upper Missouri River Basin  
Jay Volk, Lower Missouri River Basin  
April Walker, Upper Red River Basin  
Jason Zimmerman, Mouse River Basin

### **OTHERS PRESENT:**

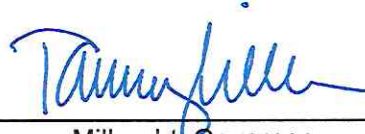
Dr. Andrea Travnicek, Director, ND Dept. of Water Resources (DWR) and Commission Secretary  
John Paczkowski, DWR State Engineer  
Matthew Sagsveen, General Counsel, Attorney General's Office  
Sindhuja S.Pillai-Grinolds, DWR Water Development Division Director  
Justin Froseth, Southwest Pipeline Project Manager  
Chris Kadrmaz, DWR Administrative Services Director  
Abby Ebach, DWR Director of Public Policy  
Shana Brost, DWR Administrative Officer  
Ben Gehrig, DWR Data & Technology Services  
John Reiten, Policy Advisor, Governor's Office  
Ryan Norrell, General Counsel, Governor's Office  
Mark Becker, Fabyanske, Westra, Hart & Thomson, P.A.

**It was moved by Commissioner Goehring and seconded by Commissioner Walker that under the provision of NDCC § 44-04-19.1(9), the Commission proceed into Executive Session on December 8, 2023, at 10:29 AM for the purpose of attorney consultation relating to the Southwest Pipeline Project/Fowler Intake—Contract 1-2A.**

**Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Miller voted aye. There were no nay votes. The motion carried.**

Following attorney consultation regarding the Southwest Pipeline Project/Fowler Intake, Contract 1-2A, Lt. Governor Miller reconvened the open session of the Commission meeting at 10:52 AM.

There being no further business to come before the Commission, Lt. Governor Miller adjourned the December 8, 2023, meeting at 10:53 AM. The next State Water Commission meeting will be held on February 8, at 1:00 PM CST in #238 Lewis and Clark Room, Bank of North Dakota, 1200 Memorial Highway, Bismarck, North Dakota.



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Tammy Miller, Lt. Governor  
Acting Chair, State Water Commission



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Andrea Travnicek, Ph.D.  
Director, DWR, and Secretary to the State  
Water Commission

## Glossary of Terms

**Allocated-**To apportion for a specific purpose. To set apart or earmark.

**Anticipated Construction Request-**Potential construction requests for prior approved and current projects.

**Appropriation-**Specifies the amount of funds to be used for a particular purpose during a period of time, normally one biennium.

**Original-**Legislative authorization to expend.

**Current-**Requesting authorization to allocate funds.

**Unobligated-** Funding available to be obligated to a project.

**Appropriation Authority-**Legislative authority in an Appropriation Act for an agency to expend funds.

**Appropriation Bill-**A bill which appropriations are given legal effect.

**Approved-**Funds approved and allocated by the State Water Commission.

**Beginning Balance-**Resource Trust Fund cash balance that carries over from the previous biennium. This information is provided by Legislative Council and includes carryover and funds not approved or allocate by the State Water Commission.

**Carryover Funds-**Approved funds unpaid during the current biennium which are transferred to the appropriation for the following biennium.

**Carryover Projects-**Projects approved but not finished by the end of the current biennium. The time is limited to 2 years after the end of the current biennium, 6/30/21, unless approved by the State Water Commission to continue past that date.

**Cash-**Resource Trust Fund money received and not allocated to a specific appropriation purpose.

**Cost Increase-**Funding needed above original cost estimate.

**De-Obligation-**Funds released from project allocation made from the current biennium appropriation.

**Expenditure-**Payment or funds spent.



**Obligation**-Funds allocated from current biennium appropriation to pay based on a contract.

**Unexpended**-Not yet spent or paid.

**Turnback**-Carryover funds released from prior biennium from a project allocation.

**Unobligated Carryover**-Previous biennium funding, not associated with a project released to the Resource Trust Fund.

**Unpaid Approval**-A commitment to an expense at a future date.

**Water Infrastructure Revolving Loan Fund (WIRLF) Eligibility**-Approval by the State Water Commission of the eligibility of projects to apply for a Water Infrastructure Revolving Loan in compliance with cost share and statutory authority. Final loan approval is by the Bank of North Dakota.

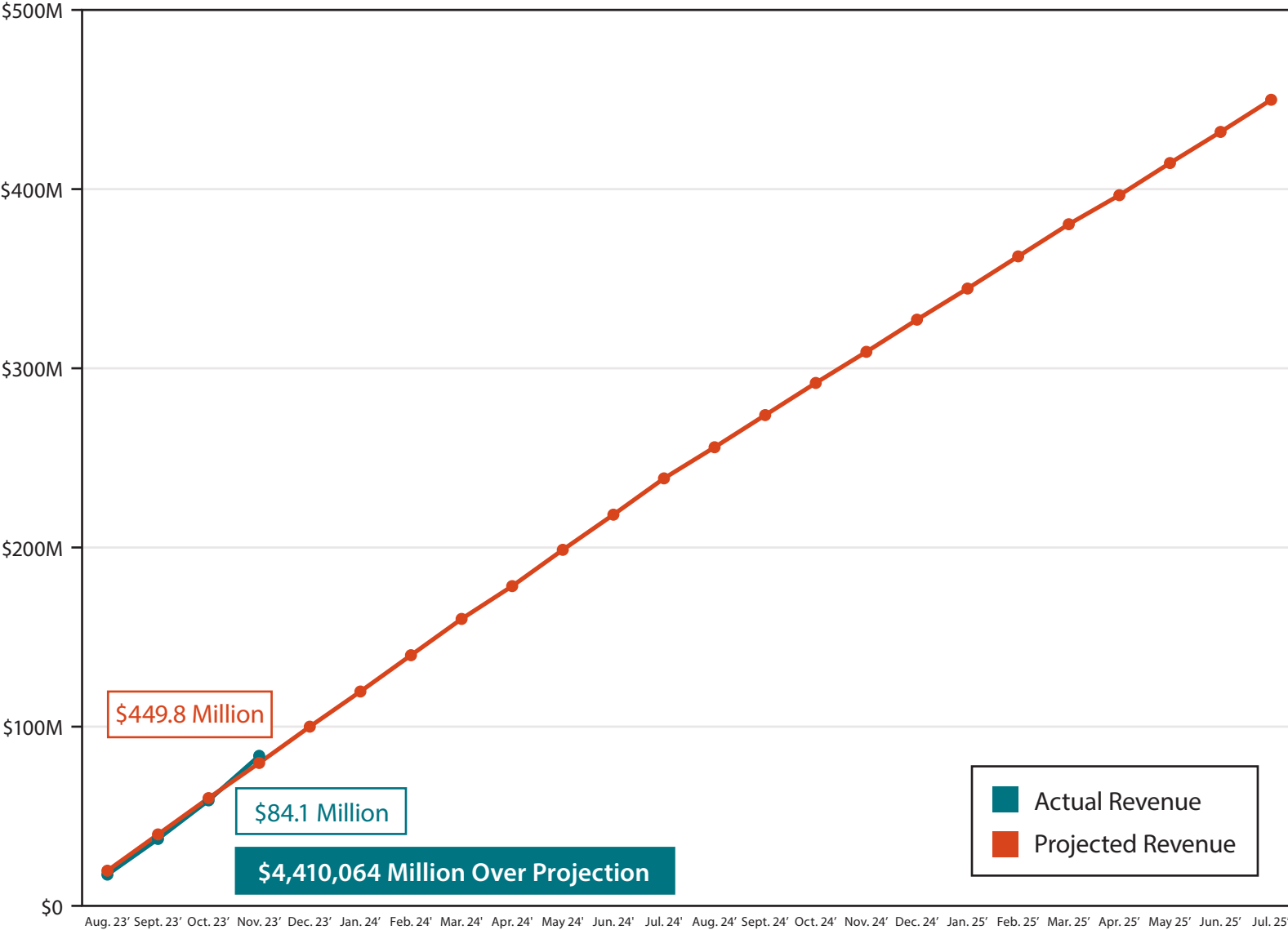
# RESOURCES TRUST FUND REVENUE

2023-2025 (Month by Month) | November 2023



# RESOURCES TRUST FUND REVENUE

2023-2025 (Cumulative) | November 2023



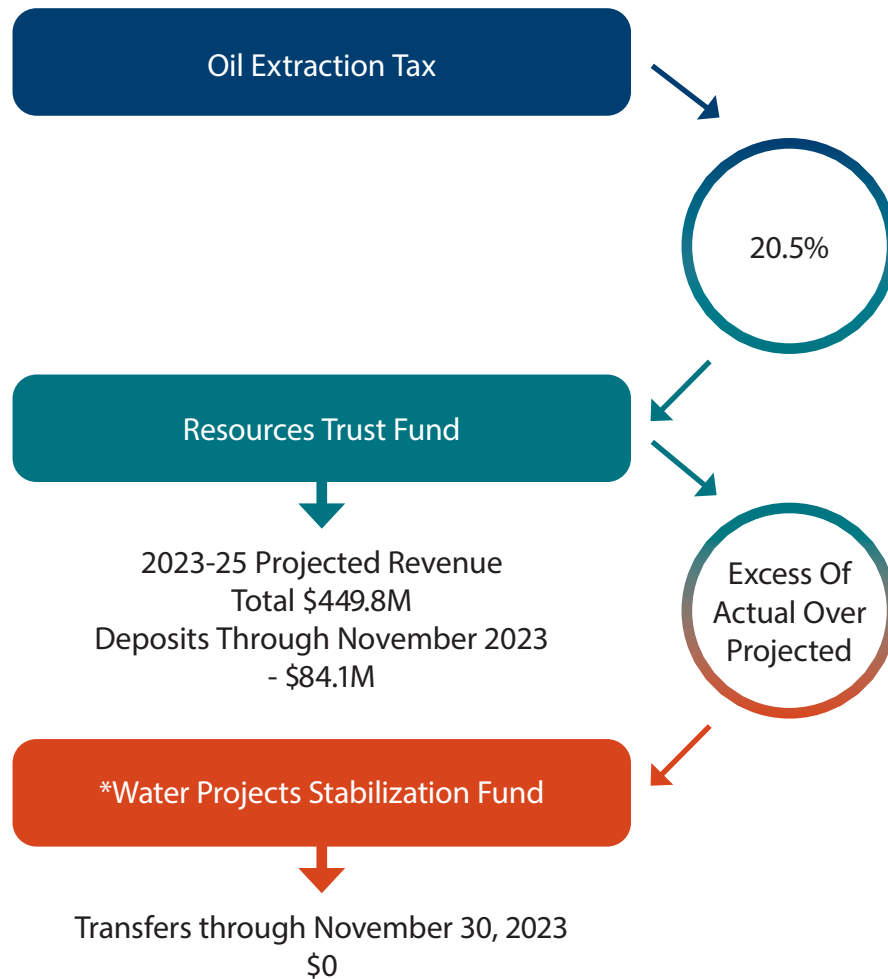
OIL EXTRACTION REVENUE  
FOR THE 2023 - 2025 BIENNIUM

MONTH / YEAR	PROJECTED				ACTUAL				
	REVENUE	ENERGY CONS. <sup>1</sup> ALLOCATION	RENEWABLE <sup>1</sup> ALLOCATION	RESOURCES TRUST FUND ALLOCATION	REVENUE	TRANSFERS TO <sup>1</sup> ENERGY CONS.	TRANSFERS TO <sup>1</sup> RENEWABLE	RESOURCES TRUST FUND NET DEPOSIT	TRANSFERS TO <sup>2</sup> WATER PROJECTS STABILIZATION FUND
AUGUST, 2023	\$19,607,811	\$98,039	\$588,234	\$18,921,538	\$17,438,367	\$87,192	\$523,151	\$16,828,025	\$0
SEPTEMBER, 2023	20,261,405	101,307	607,842	19,552,256	19,897,352	99,487	596,921	19,200,945	0
OCTOBER, 2023	20,261,405	101,307	607,842	19,552,256	22,030,025	110,150	660,901	21,258,974	0
NOVEMBER, 2023	19,607,811	98,039	588,234	18,921,538	24,782,752	123,914	743,483	23,915,355	4,255,711
DECEMBER, 2023	20,261,405	101,307	607,842	19,552,256					
JANUARY, 2024	19,607,811	98,039	6	19,509,766					
FEBRUARY, 2024	20,261,405	101,307		20,160,098					
MARCH, 2024	20,261,405	101,307		20,160,098					
APRIL, 2024	18,300,624	91,503		18,209,121					
MAY, 2024	20,261,405	101,307		20,160,098					
JUNE, 2024	19,607,811	98,039		19,509,772					
JULY, 2024	20,261,405	101,307		20,160,098					
AUGUST, 2024	17,366,918	7,192		17,359,726					
SEPTEMBER, 2024	17,945,816			17,945,816					
OCTOBER, 2024	17,945,816			17,945,816					
NOVEMBER, 2024	17,366,918			17,366,918					
DECEMBER, 2024	17,945,816			17,945,816					
JANUARY, 2025	17,366,918			17,366,918					
FEBRUARY, 2025	17,945,816			17,945,816					
MARCH, 2025	17,945,816			17,945,816					
APRIL, 2025	16,209,124			16,209,124					
MAY, 2025	17,945,816			17,945,816					
JUNE, 2025	17,366,918			17,366,918					
JULY 2025-JUNE REVENUE	17,945,816			17,945,816					
<b>TOTALS</b>	<b>\$449,859,211</b>	<b>\$1,200,000</b>	<b>\$3,000,000</b>	<b>\$445,659,211</b>	<b>\$84,148,496</b>	<b>\$420,742</b>	<b>\$2,524,455</b>	<b>\$81,203,299</b>	<b>\$4,255,711</b>

<sup>1</sup> Transfers to the renewable energy development fund and the energy conservation grant fund are established in North Dakota Century Code Section 57-51.1-07.

<sup>2</sup> Transfers to the water project stabilization fund are calculated after transfers to the renewable energy development fund and energy conservation grant fund occur

# RESOURCES TRUST FUND REVENUE



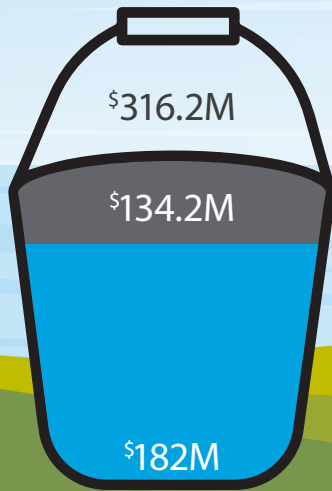
\*Authorized in Sections 5-7 of Senate Bill 2020 during the November special session.

# 2023 - 25 PURPOSE FUNDING

November 30, 2023

APPROVED

UNOBLIGATED



Water Supply



\* Capital Assets



Flood Control Projects

\*Capital Assets bucket includes \$100M line of credit.



Rural Water



General Water

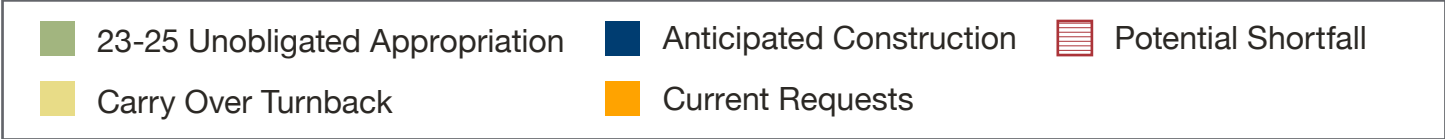
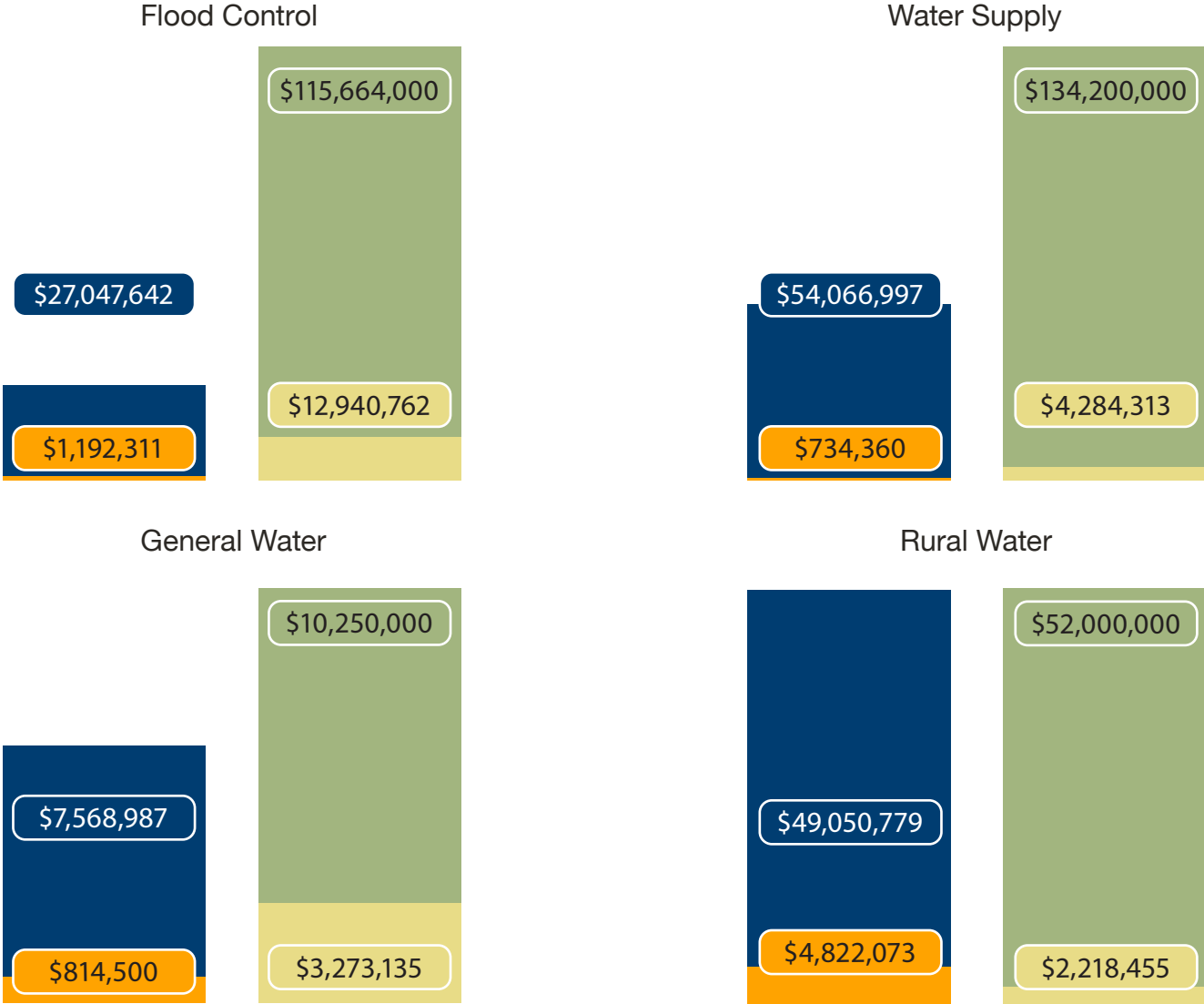


Discretionary Funds

NOTE: The State Water Commission and Secretary have approved \$8.9 million for water supply projects, \$8.3 million for rural water projects, \$2.2 million for flood control projects, and \$419,963 for general water projects since the beginning of the 2023-25 biennium out of the unobligated carryover funds.

# 2023-25 PURPOSE FUNDING

Project Funds | November 2023



**PURPOSE FUNDING SUMMARY**  
**State Water Commission Cost-Share**  
**for December 8, 2023**  
*November 30, 2023*

<b>2023-2025</b>	<b>Carryover</b>
<b>Unobligated</b>	<b>Turnback</b>
<b>Appropriation</b>	<b>06-30-23</b>
<b>11-30-23</b>	<b>06-30-23</b>

		Unobligated Appropriation	\$ 115,664,000	\$ 12,940,762
		<b>Cost-Share</b>		
Preconstruction	1	Neche Highway 18 Project		\$ 98,742
Cost Increase	2	Traill Co WRD: Blanchard Norman Drain No 23-40 Improvements		\$ 157,284
Construction	3	Maple River WRD: Cass Co Drain No. 34 Improvements		\$ 643,376
Construction	4	Maple River WRD: Cass Co Drain No. 37 Improvements		\$ 292,909
		<b>Current Requests</b>	\$ -	\$ 1,192,311
		Estimated Unobligated Appropriation =	\$ 115,664,000	\$ 11,748,451

		Unobligated Appropriation	\$ 10,250,000	\$ 3,273,135
		<b>Cost-Share</b>		
Construction	1	Barnesf Co WRD: Little Dam Improvement Project		\$ 814,500
		<b>Current Requests</b>	\$ -	\$ 814,500
		Estimated Unobligated Appropriation =	\$ 10,250,000	\$ 2,458,635

		Unobligated Appropriation	\$ 134,200,000	\$ 4,284,313
		<b>Cost-Share</b>		
Preconstruction	1	Minot: Westfield Water Main Replacement		\$ 108,480
Preconstruction	2	Minot: University Ave Water Main Replacement		\$ 108,480
Construction	3	Valley City: Improvement District 105		\$ 517,400
		<b>Current Requests</b>	\$ -	\$ 734,360
		Estimated Unobligated Appropriation =	\$ 134,200,000	\$ 3,549,953

		Unobligated Appropriation	\$ 52,000,000	\$ 2,218,455
		<b>Cost-Share</b>		
Preconstruction	1	Cass RWD: Reservoir D Supply Pipeline		\$ 270,000
Preconstruction	2	Southeast WUD: West Water Treatment Plant Improvements		\$ 927,270
Construction	3	\$ 3,624,813	Agassiz WUD: 2022 Expansion Phase 2	
		<b>Current Requests</b>	\$ 3,624,813	\$ 1,197,270
		Estimated Unobligated Appropriation =	\$ 48,375,187	\$ 1,021,185

		Unobligated Appropriation	\$ 9,000,000	\$ 3,569,441
		<b>Cost-Share</b>		
	1			
		<b>Current Requests</b>	\$ -	\$ -
		Estimated Unobligated Appropriation =	\$ 9,000,000	\$ 3,569,441



**PURPOSE FUNDING SUMMARY**  
**State Water Commission Cost-Share**  
**for December 8, 2023**  
*November 30, 2023*

<b>2023-2025 Unobligated Appropriation 11-30-23</b>	<b>Carryover Turnback 06-30-23</b>
-----------------------------------------------------------------	--------------------------------------------

<b>Capital Assets</b>		Unobligated Appropriation	\$ 296,000,000	\$ 13,295,517
<b>SWPP</b>		<b>Cost-Share</b>		
1				
2				
		<b>Current Requests</b>	\$ -	
<b>NAWS</b>				
1				
2				
		<b>Current Requests</b>	\$ -	
		<b>Capital Assets Current Requests</b>	\$ -	
		Less line of credit	\$ 100,000,000	
		Anticipated Unobligated Appropriation Capital Assets =	\$ 196,000,000	

2023-2025 Unobligated Appropriation for Purpose and Capital Assets	\$ 617,114,000	\$ 39,581,623
<b>Current Requests</b>	\$ 3,624,813	\$ 3,938,441
2023-2025 Anticipated Unobligated Appropriation =	\$ 613,489,187	

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2023-2025 BIENNIUM**

**November 20, 2023**

	2021-2023 CARRYOVER	2023-2025 APPROPRIATION	TOTAL	SWC/Secretary APPROVED	UNOBLIGATED APPROPRIATION
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>					
MUNICIPAL WATER SUPPLY	52,325,228.78	2,000,000	54,325,229	54,325,229	0
RED RIVER VALLEY	38,269,021.57	180,000,000	218,269,022	218,269,022	0
OTHER REGIONAL WATER SUPPLY	27,300,734.22	0	27,300,734	27,300,734	0
UNOBLIGATED MUNICIPAL/REG WATER SUPPLY	4,284,312.70	134,200,000	138,484,313		138,484,313
Total	122,179,297.27	316,200,000	438,379,297	299,894,985	138,484,313
% OBLIGATED		58%			
<b>RURAL WATER SUPPLY:</b>					
RURAL WATER SUPPLY	54,127,390.97	0	54,127,391	54,127,391	0
UNOBLIGATED RURAL WATER SUPPLY	2,218,454.55	52,000,000	54,218,455		54,218,455
Total	56,345,845.52	52,000,000	108,345,846	54,127,391	54,218,455
% OBLIGATED		0			
<b>FLOOD CONTROL:</b>					
FARGO	0.00	0	0	0	0
MOUSE RIVER	9,425,991.44	0	9,425,991	9,425,991	0
MOUSE RIVER HB1431 BOND PROCEEDS	64,354,625.31	0	64,354,625	64,354,625	0
VALLEY CITY	10,072,489.70	0	10,072,490	10,072,490	0
LISBON	62,489.00	0	62,489	62,489	0
OTHER FLOOD CONTROL	4,770,091.21	0	4,770,091	4,770,091	(0)
PROPERTY ACQUISITIONS	78,332.12	0	78,332	78,332	0
WATER CONVEYANCE	8,861,061.95	36,000	8,897,062	8,897,062	0
UNOBLIGATED FLOOD CONTROL	12,940,762.47	115,664,000	128,604,762		128,604,762
Total	110,565,843.20	115,700,000	226,265,843	97,661,081	128,604,762
% OBLIGATED		0			
<b>GENERAL WATER:</b>					
GENERAL WATER	9,378,128.80	0	9,378,129	9,378,129	0
UNOBLIGATED GENERAL WATER	3,273,135.04	10,250,000	13,523,135		13,523,135
Total	12,651,263.84	10,250,000	22,901,264	9,378,129	13,523,135
% OBLIGATED		0%			
<b>SUBTOTAL</b>	<b>301,742,249.83</b>	<b>494,150,000</b>	<b>795,892,250</b>	<b>461,061,585</b>	<b>334,830,665</b>
<b>CAPITAL ASSETS:</b>					
SWPP CAPITAL ASSETS	19,928,592	0	19,928,592	19,928,592	0
NAWS CAPITAL ASSETS	36,181,771	0	36,181,771	36,181,771	0
UNOBLIGATED CAPITAL ASSETS	13,295,517	296,000,000	309,295,517		309,295,517
Total	69,405,880	296,000,000	365,405,880	56,110,363	309,295,517
% OBLIGATED		0%			
<b>DISCRETIONARY FUNDING:</b>					
DISCRETIONARY FUNDING PROJECTS	2,033,564	0	2,033,564	2,033,564	0
UNOBLIGATED DISCRETIONARY FUNDS	3,569,441	9,000,000	12,569,441		12,569,441
Total	5,603,005	9,000,000	14,603,005	2,033,564	12,569,441
% OBLIGATED		0%			
<b>BASINWIDE PLAN IMPLEMENTATION:</b>					
BASINWIDE PLAN IMPLEMENTATION	773,787	0	773,787	773,787	0
UNOBLIGATED BASINWIDE PLAN IMPLEMENTATION FUNDS	0	0	0		0
Total	773,787	0	773,787	773,787	0
% OBLIGATED		0%			
<b>STATE FISCAL RECOVERY FUND:</b>					
STATE FISCAL RECOVERY FUNDS - SB 2345	10,972,317	0	10,972,317	10,972,317	0
UNOBLIGATED STATE FISCAL RECOVERY FUNDS	0	0	0.00		0
Total	10,972,317	0	10,972,317	10,972,317	0
% OBLIGATED		0%			
<b>TOTAL</b>	<b>388,497,238</b>	<b>799,150,000</b>	<b>1,187,647,239</b>	<b>530,951,615</b>	<b>656,695,623</b>

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2023-2025 BIENNIUM**

**Nov-23**

	SWC/Secretary APPROVED	EXPENDITURES	UNPAID APPROVALS
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>			
MUNICIPAL WATER SUPPLY	54,325,229	9,694,014	44,631,215
RED RIVER VALLEY	218,269,022	12,185,296	206,083,726
OTHER REGIONAL WATER SUPPLY	27,300,734	4,907,157	22,393,577
<b>TOTAL</b>	<b>299,894,985</b>	<b>26,786,466</b>	<b>273,108,518</b>
<b>RURAL WATER SUPPLY:</b>			
RURAL WATER SUPPLY	54,127,391	15,425,152	38,702,239
<b>FLOOD CONTROL:</b>			
FARGO	0	0	0
MOUSE RIVER	9,425,991	1,644,711	7,781,280
MOUSE RIVER HB1431	64,354,625	8,193,759	56,160,867
VALLEY CITY	10,072,490	0	10,072,490
LISBON	62,489	0	62,489
OTHER FLOOD CONTROL	4,770,091	299,462	4,470,629
PROPERTY ACQUISITIONS	78,332	0	78,332
WATER CONVEYANCE	8,897,062	1,017,281	7,879,781
<b>TOTAL</b>	<b>97,661,081</b>	<b>11,155,214</b>	<b>86,505,867</b>
<b>GENERAL WATER:</b>			
GENERAL WATER	9,378,129	<b>1,030,851</b>	8,347,278
<b>SUBTOTAL</b>	<b>461,061,585</b>	<b>54,397,683</b>	<b>406,663,902</b>
<b>CAPITAL ASSETS:</b>			
SWPP CAPITAL ASSETS	19,928,592	507,817	19,420,775
NAWS CAPITAL ASSETS	36,181,771	2,298,483	33,883,288
<b>TOTAL</b>	<b>56,110,363</b>	<b>2,806,300</b>	<b>53,304,063</b>
<b>DISCRETIONARY FUNDING:</b>			
DISCRETIONARY FUNDING PROJECTS	2,033,564	0	2,033,564
<b>BASINWIDE PLAN IMPLEMENTATION:</b>			
BASINWIDE PLAN IMPLEMENTATION	773,787	90,245	683,541
<b>STATE FISCAL RECOVERY FUNDS SB2345</b>			
STATE FISCAL RECOVERY FUND PROJECTS	10,972,317	3,623,616	7,348,701
<b>TOTALS</b>	<b>530,951,615</b>	<b>60,917,845</b>	<b>470,033,771</b>

# 2025 Water Development Plan Timeline & Milestones

Tasks	2024												2025
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan
Request Project Information From Sponsors Via Letter, Email, Social Media Posts, Website, The Current Newsletter	█												
Reminder Post-card Mailing, Email, Social Media, Website, The Current Newsletter			█	█									
Project Sponsor Information Development & Submittals		█	█	█									
Post-Submittal Deadline Correspondence With Project Sponsors - As Necessary					█								
Water Commision Project Information Form Reviews					█	█							
Commissioner-Hosted Basin Meetings (8 Total) - Project Inventory Made Available For Public Review/Updates							█						
Potential Meetings With Tribal Nations		█	█	█	█	█	█	█					
Project Inventory Updates & Water Development Plan/Dashboard Development								█	█	█	█	█	
First Draft To SWC For Review										█			
Final Draft To SWC For Review											█		
SWC Approval of 2025 WDP Funding Recommendations												█	

Process Milestones

11/15/23

# STATE WATER COMMISSION

GUIDELINES

## ONBOARDING

NORTH  
**Dakota** | Water Commission  
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# OUTLINE

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## 1 EXECUTIVE SUMMARY

Congratulations on your appointment by the Governor of North Dakota to the North Dakota State Water Commission (SWC)!

The Office of the State Engineer was created in 1905 to regulate and administer matters concerning allocation of the state's water and related land resources in compliance with Article XI, §3 of the North Dakota Constitution, which declares all waters to be property of the state for public use. As a result of the 1930s drought, the State Water Conservation Commission was created by legislative action in 1937 for the specific purpose of fostering and promoting water resources development throughout the state. Additional duties were added to the Office of the State Engineer when the State Engineer was designated Chief Engineer and Secretary to the newly created State Water Conservation Commission.

The State Water Conservation Commission was eventually renamed the State Water Commission (SWC) in 1981 and was used to describe both the Governor-appointed Commission and the state team members responsible for supporting the SWC and its initiatives. During the 2021 Legislative Assembly, House Bill 1353 reorganized the Office of the State Engineer and State Water Commission into the Department of Water Resources (DWR). The reorganization became effective August 1, 2021, when an agency Director was appointed, and the agency became a member of the Governor's Cabinet. The Director is designated as the Secretary to the SWC and oversees the State Engineer and DWR.

While the agency team members were reorganized into the DWR in 2021, the appointed State Water Commission still remains. The SWC disburses cost-share funding for water projects and oversees state-owned water projects, including the Devils Lake Outlets, Northwest Area Water Supply, and Southwest Pipeline Project.

DWR is responsible for all administrative and regulatory functions; including, reviewing, and making determinations on permit applications related to drains, dikes, dams, and sovereign lands. In addition, the Department has the responsibility for analyzing and allocating the state's water resources. The Department also has the authority to investigate, plan, construct and develop water-related projects, and serves as a mechanism to financially support those efforts throughout North Dakota.

The commission will strive to use the expertise of individual members to enhance the ability of the commission as a body, rather than to substitute the individual judgments for the commission's values.

North Dakota Century Code (N.D.C.C.) dealing specifically with the SWC can be found in N.D.C.C. ch. [61-02](#).

## 2 BASIN REPRESENTATION

The SWC consists of the Governor, Agriculture Commissioner, and eight other members appointed by the Governor who shall consider reasonable geographic considerations in making the appointments with the intent of having each of the eight major drainage basins represented by a Commissioner who resides in the basin. The major drainage basins are the Upper Missouri River basin; the Lower Missouri River basin; the James River basin; the Upper Red River basin; the Lower Red River basin; the Mouse River basin; the Devils Lake basin; and the Little Missouri River, Upper Heart River, and Upper Cannonball River basin.



### 2.1 APPOINTMENT

The eight appointed members of the SWC must be appointed for a term of six years each with the terms of office so arranged that not more than four terms expire on the first day of July of each odd-numbered year. Each appointed member must be a qualified elector of the state and is subject to removal by judicial procedure. In case of a vacancy, the vacancy must be filled by appointment by the Governor for the remainder of the unexpired term. Before entering upon the discharge of official duties, each appointed member shall take, subscribe, and file with the Secretary of State the oath prescribed for civil officers. If the Governor or the Agriculture Commissioner are unable to attend, they may appoint a representative to serve in that official's capacity at meetings.



## 2.2 REQUIRED PAPERWORK

To enroll commissioners on the state payroll system, various forms will have to be completed and turned in to DWR Human Resources. Missy Schmidt, HR Business Partner, can be reached at 701.328.2751 or [mkschmidt@nd.gov](mailto:mkschmidt@nd.gov) if you have any questions or need assistance in completing the forms.

The following forms will need to be filled out (**APPENDIX A**):

- State HMRS Personal Data (SFN 13091)
- Form W-4, Employee's Withholding Certificate
- Direct Deposit Employee Authorization (SFN 50428). The state is requiring all new hires to use direct deposit.

Once the forms are completed, please return them to:

Missy Schmidt  
ND Dept of Water Resources  
1200 Memorial Highway, Dept. 770  
Bismarck ND 58504-5262

Or email to: [mkschmidt@nd.gov](mailto:mkschmidt@nd.gov)

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## 3 STATE WATER COMMISSION RESPONSIBILITIES

### 3.1 COST-SHARE PROGRAM

Policy development and program application decisions that are related to the DWR Cost-Share Program are the responsibility of the SWC.

The SWC has adopted a policy to support local sponsors in development of sustainable water-related projects in North Dakota. The policy reflects cost-share priorities and provides the basic requirements for all projects considered for prioritization during the agency's budgeting process. Projects and studies that receive cost-share funding from DWR's appropriated funds are consistent with the public interest. The SWC values and relies on local sponsors and their participation to assure on-the-ground support for projects and prudent expenditure of funding for evaluations and project construction. The policy lists eligible and non-eligible items for cost-share. It is the policy of the SWC that only the items described in the policy are eligible for cost-share, unless specifically authorized by SWC action.

Periodically, the SWC will review the Cost-Share Project Funding Policy, Procedures, and General Requirements and update them as needed.

[Click here](#) to view the Cost-Share Project Funding Policy, Procedures, and General Requirements.

### 3.2 WATER DEVELOPMENT PLAN

As required by statute, on a biennial basis the SWC develops and maintains a comprehensive water development plan organized on a river basin perspective, including an inventory of future water projects for budgeting and planning purposes.

To view the most recent Water Development Plan, [click here](#). The state statute dealing specifically with the Water Development Plan can be found in N.D.C.C. § [61-02-01.3](#).

### 3.3 COMMISSIONER-HOSTED MEETINGS

Each Commissioner hosts a meeting in their respective basin on a biennial basis, as required by N.D.C.C. § 61-02-01.3, to promote and encourage local project sponsor participation in water planning and in legislative and agency biennial budgeting efforts. As required by statute, the meetings are to be held in the Lower and Upper Red River; James River; Mouse River; Lower and Upper Missouri River; Little Missouri, Upper Heart, and Cannonball; and Devils Lake basins.

For the eight basin meetings, water management and development stakeholders, and project sponsors are invited and encouraged to attend and provide input. The specific areas of focus for the commission-hosted meetings can include things such as the DWR Five Year Strategic Plan, DWR budget update, the Water Development Plan process, Cost-Share Policy and Prioritization Guidance modifications, and project summaries and updates from sponsors as well as public comments.

### 3.4 STATE-OWNED PROJECTS

DWR budgets and manages construction related to state-owned projects on behalf of the SWC. The SWC considers requests from DWR to fund project construction efforts related to each state-owned project. The SWC owns the following projects:

#### 3.4.1 SOUTHWEST PIPELINE PROJECT (SWPP)

N.D.C.C. ch. 61-24.3 declares necessary that the Southwest Pipeline Project be established and constructed, to provide for the supplementation of the water resources of a portion of the area of North Dakota south and west of the Missouri River with water supplies from the Missouri River for multiple purposes, including domestic, rural, and municipal uses. The DWR has been working to develop the SWPP ever since – with construction beginning in 1986. The SWPP is operated and maintained by the Southwest Water Authority (SWA).

SWPP serves a population of more than 56,000 people in southwest North Dakota in 33 communities, with over 7,300 rural service connections, 24 raw water customers, and 24 contract customers. SWA also provides potable water to two rural water systems: Missouri West Water System in Morton County and Perkins County Rural Water System in South Dakota.

To learn more about the SWPP [click here](#).

#### 3.4.2 NORTHWEST AREA WATER SUPPLY (NAWS)

N.D.C.C. ch. 61-24.6 declares necessary the pursuit of a project that would supply and distribute water to the people of northwestern North Dakota through a pipeline transmission and delivery system. In 1991, the state passed into law a bill creating the NAWS Advisory Committee, while giving SWC the authority to construct, operate, and manage the project.

DWR began construction on the NAWS project in April 2002. The first four contracts involving 45 miles of pipeline from the Missouri River to Minot were completed in the spring of 2009.

That same year, lawsuits were initiated regarding bringing water across the continental divide, but various elements of project construction had been allowed to proceed by court order including most of the distribution system and nearly the entirety of the supply pipeline.

In August 2017, the District of Columbia District Court ruled on the case in favor of the United States Bureau of Reclamation and the State of North Dakota. Manitoba and Missouri both appealed the District Court's ruling to the United States Appellate Court for the District of Columbia Circuit. Manitoba and the Bureau of Reclamation entered into settlement negotiations, after which Manitoba withdrew its appeal. In May 2019, the Circuit Court upheld the District Court's Ruling. Missouri had until August 2019 to appeal the case to the

Supreme Court but did not, thus ending nearly 17 years of litigation on the project.

NAWS is designed to service a project area of 81,000 people. The project is currently serving Berthold, Kenmare, Burlington, West River Water District, Upper Souris Water District, Mohall, Sherwood, All Seasons Water District, and Minot (also serves North Prairie Water District and Minot Air Force Base). NAWS is getting interim water supply through an agreement with Minot.

In 2023, the state passed into law House Bill 1218 that elevates the NAWS Advisory Committee to an Authority, that consists of representatives who are appointed by the SWC for four-year terms.

To learn more about NAWS [click here](#) and [here](#).

### 3.4.3 DEVILS LAKE OUTLETS

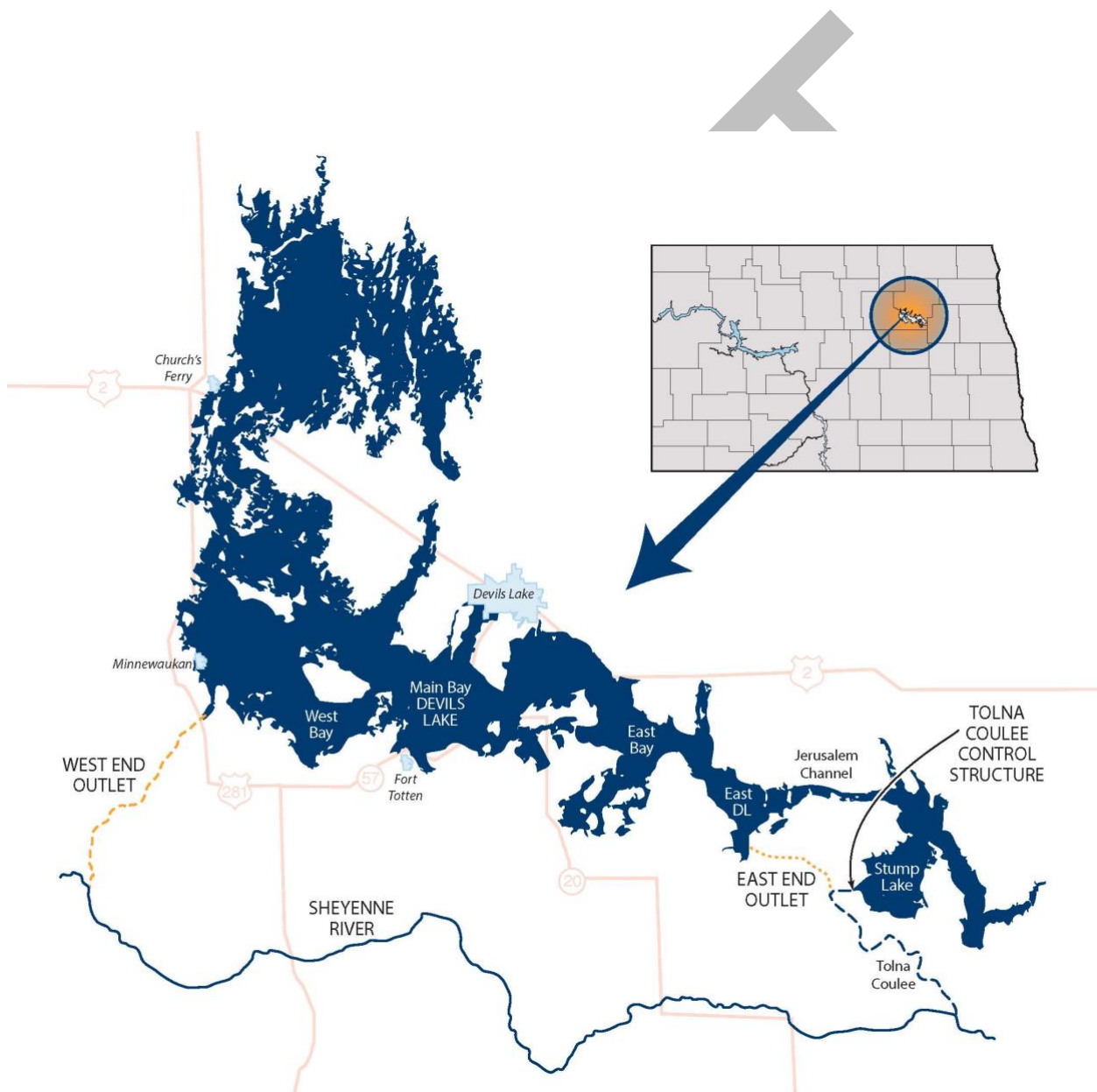
Since the lake began its rise in 1993, over \$1 billion has been spent on infrastructure in the Devils Lake region. As the lake crept higher, the levee that protects the city of Devils Lake was raised numerous times, roads were raised or moved, as were homes, businesses, and all of the other structures that make modern life possible. While vital infrastructure such as roads, the levee around the city of Devils Lake, or rail lines have, or are being raised above the overflow elevation of Devils Lake, the lake continues to flood homesteads and farmland in rural areas, creating significant impacts.

The State of North Dakota began construction on an outlet from the West Bay of Devils Lake to the Sheyenne River in 2002 and completed it in 2005. The outlet began operating during the summer of 2005, was not operated due to permit constraints in 2006, and was operated again in 2007 and 2008. In 2010, construction increased the capacity of the West Devils Lake outlet to a maximum of 250 cubic feet per second (cfs). In 2012, in response to rapid increases in lake levels, the state built an additional outlet on the east side of Devils Lake, with a maximum capacity of 350 cfs. The combined operating capacity of both east and west outlets is 600 cfs. To keep stakeholders informed about outlet operations, a Devils Lake Outlets Advisory Board is appointed by the Governor and meets at least once per year.

In addition to the outlets, the Tolna Coulee Control Structure serves as an added level of protection from a natural uncontrolled overflow. The purpose of the structure is to prevent a potentially catastrophic uncontrolled overflow of Stump Lake through the Tolna Coulee while allowing the Devils Lake water levels to fall to the level that they would have without the project. The control structure was constructed by the Army Corps of Engineers. It was completed in May 2012 and is owned and operated by the DWR.

There have been numerous efforts at upper basin water management in the Devils Lake basin, including storage and land management programs. Various efforts to store water and reduce runoff in the upper basin continue, mostly through a variety of conservation programs.

To learn about the Devils Lake outlets [click here](#). Members of the Outlets Advisory Board can be found [here](#).



## 4 OVERVIEW OF STATE WATER COMMISSION MEETINGS

### 4.1 COMMISSION MEETINGS

The Commission shall hold at least one meeting every two months at places as it, by resolution, may provide. The Governor or the Governor's appointed representative shall preside at all meetings of the Commission as the chairperson, and in case of the absence or disability of the Governor and Governor's appointed representative, the vice chairperson shall preside. The chairperson or vice chairperson may issue a call for any meeting at any time.

In the months of February, April, June, August, October, and December the SWC holds their regular meetings in person—typically at a location in Bismarck. Meetings are posted on the ND Secretary of State's website and on the DWR website. A list of the meeting dates can be viewed by clicking [here](#).

### 4.2 PRE-COMMISSION MEETINGS

The SWC meets virtually and/or in person for a Pre-Commission meeting in the months of January, March, May, July, September, and November. Pre-Commission meetings are held to do an initial review of projects and other items on the agenda, to identify any areas of concern or items that necessitate more information and further discussion, and to establish consent agenda items.

### 4.3 EXECUTIVE SESSIONS

Under the authority of N.D.C.C. § 44-04-19.1 and N.D.C.C. § 44-04-19.2, discussion pertaining to attorney work product, attorney consultation, and negotiation preparation may be held in executive session rather than in an open meeting. The executive session will be recorded, and all members of the governing body must limit their discussion to the announced topic. Any final action by the SWC must occur after it reconvenes in open meeting. The prohibition on taking final action during the executive session does not apply to providing guidance or instructions to the attorney.

### 4.4 CHAIRPERSON RESPONSIBILITIES

The Governor is the chairperson of the commission. The Governor shall designate a vice chairperson from the members of the Commission. The Director of the DWR is the secretary of the Commission.

#### 4.4.1 DUTIES OF THE CHAIRPERSON (NOT LIMITED TO):

- Providing coordination, guidance, and leadership to ensure successful functioning of the Commission;
- Representing the SWC in the public domain; and
- Ensuring the administrative and other tasks from meetings are carried out.

#### 4.4.2 DURING MEETINGS, THE CHAIRPERSON IS TO ENSURE:

- The agenda is followed;
- Meetings are correctly convened;
- Motions and amendments are unambiguous and otherwise in order;
- All members are given the opportunity to speak;
- Matters are dealt with in an orderly, timely, and efficient manner;
- A quorum is present for all decisions; and
- Maintaining order.

If the chairperson or the chairperson's appointed representative is absent from a meeting, the vice chairperson will convene the meeting. If the commission does not have a vice chairperson, the commission may temporarily appoint another of its members as the substitute chairperson.

The chairperson may vote on any motion considered at the meeting and in the event of a tied vote, the agenda item will be moved to the next agenda.

#### 4.5 VICE CHAIRPERSON RESPONSIBILITIES

The vice chairperson's role shadows that of the chairperson. The vice chairperson should be able to stand in for the chairperson at short notice.

## 5 WORKING GROUPS

The SWC has the authority to form working groups to collaborate to achieve specific goals, tasks, or projects. The working groups may be established to clarify issues, formulate strategies, and develop action plans. All working groups are subject to open meetings laws, and all final action is determined by a vote of the SWC.

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## 6 DEPARTMENT OF WATER RESOURCES (DWR)

The DWR was created in 2021 by Legislative action. DWR was previously called the State Water Commission and the Office of the State Engineer.

DWR has the authority to investigate, plan, construct, and develop water-related projects, and serves as a mechanism to financially support those efforts throughout North Dakota. Currently, there are six divisions that make up the DWR: Administration, Atmospheric Resources, Planning and Education, Regulatory, Water Appropriation, and Water Development.

The Director provides overall leadership and decision-making, has hiring responsibilities, and oversees the State Engineer and Department of Water Resources division directors and team members.

North Dakota's State Engineer is responsible for several regulatory functions and responsibilities as part of the Department of Water Resources, including allocation of the state's waters, dam safety, and drainage.

DWR is primarily located in the Bank of ND Building, 1200 Memorial Highway, Bismarck, North Dakota. In addition, DWR has field offices in Fargo, Minot, and Devils Lake and a shop located at 2901 E Main Ave, Bismarck, North Dakota.

### 6.1 MISSION STATEMENT

To responsibly manage North Dakota's water needs and risks for the people's benefit.

### 6.2 VISION STATEMENT

The Department of Water Resources will sustainably manage and develop North Dakota's water resources for the health, safety, and prosperity of its people, businesses, agriculture, energy, industry, recreation, and natural resources.

### 6.3 VALUES STATEMENT

The Department of Water Resources values fairness, objectivity, accountability, responsiveness, engagement, and credibility. We pledge to use professional and scientific methods to maintain the highest of standards in our delivery of services.

### 6.4 STRATEGIC INITIATIVES

The DWR Strategic Plan furthers the implementation of Governor Doug Burgum's strategic initiatives: Main Street Initiative; Tribal Engagement; Reinventing Government; Behavioral Health and Addiction; and Transforming Education.

### 6.5 OBJECTIVES

The DWR Strategic Plan outlines key overarching objectives to be accomplished with establishment of goals and tactics for each objective. [Click here](#) for the Strategic Plan.

## 7 COMMISSIONER PAY/TRAVEL

### 7.1 COMMISSIONER PAY

Commissioner pay follows legislative management pay as specified in N.D.C.C. § 54-35-10 which is set at a rate of \$102.50 for a half ( ½ ) day or \$205.00 for a full day.

These rates are effective July 1, 2023 through June 30, 2024. After June 30, 2024, it will increase to \$213.00 per full day. Commissioners are to fill out the Board Member Pay form (SFN 58674) and submit to the HR Business Partner by mail, email, or by fax on a monthly basis. [Click here](#) to view the current board member pay.

### 7.2 TRAVEL

#### 7.2.1 MILEAGE REIMBURSEMENT

Commissioners are reimbursed for their mileage to and from meetings, field site visits, and any mileage accrued while acting in the official capacity as a commissioner.

Necessary official travel by commissioners will be reimbursed at a rate not to exceed the Privately Owned Vehicle (POV) Mileage Reimbursement Rate established by the U.S. General Services Administration (GSA) for an automobile. As of January 1, 2023, this rate is 65.5¢ per mile.

[Click here](#) for the current rate on mileage reimbursement.

#### 7.2.2 MEALS

N.D.C.C. § 44-08-04 provides for reimbursement of Commissioner expenses for meals and lodging while a Commissioner is away from their normal working and living residence. If meals are included as part of a registration fee for a conference, seminar, or other meeting, the Commissioner should be reimbursed for the entire registration fee, if paid by the Commissioner. However, the Commissioner cannot claim reimbursement for the applicable meal allowance for that quarter.

A Commissioner should be reimbursed for meals paid by the Commissioner while attending a meeting at the request of, or on behalf of, the state or any of its subdivisions, agencies, bureaus, boards, or commissions, up to the allowable rates established below.

N.D.C.C. § 44-08-04 provides that reimbursement is allowed only for overnight travel and other travel while away from the normal place of employment for four hours or more. Commissioners will not be reimbursed for the first quarter if travel began after 7:00 a.m. In order to claim expenses for the second and third quarters, the Commissioner must have been in travel status one hour before the start of the quarter being claimed, and travel status must extend at least one hour into the quarter being claimed. The expense allowance for each quarter of any 24-hour period effective August 1, 2023, is as follows:

Meal Allowance

- |                                          |         |                      |
|------------------------------------------|---------|----------------------|
| 1. First quarter, 6 a.m. to 12 noon      | \$9.00  | 20% of GSA M&IE rate |
| 2. Second quarter, 12 noon to 6 p.m.     | \$14.00 | 30% of GSA M&IE rate |
| 3. Third quarter, 6 p.m. to 12 midnight  | \$22.00 | 50% of GSA M&IE rate |
| 4. Fourth quarter, 12 midnight to 6 a.m. |         |                      |

**7.2.3 LODGING**

In-State Lodging: Maximum of 90% of the GSA rate for lodging in North Dakota plus applicable state and local taxes. As of October 1, 2023, the GSA rate for lodging in ND is \$107, therefore, the maximum amount that can be claimed is \$96.30 plus applicable taxes ( $\$107 \times 90\% = \$96.30$ ). The GSA will update their rates periodically during the biennium and the allowable lodging reimbursement will also change at that time.

Out-of-State Lodging: Actual lodging expense. Commissioners engaged in travel outside of North Dakota shall be reimbursed for meals equal to the per diem meals rate in the city of final destination.

[Click here](#) for the current GSA per diem rates.

All mileage, meals, and lodging can be recorded on a Travel Expense Voucher (SFN 52785). If a commissioner is claiming reimbursement for meals for travel when no overnight stay is involved, the meal reimbursement is taxable. When completing the Travel Expense Voucher, taxable meals must be noted accordingly. The commissioner will receive the full meal reimbursement and the taxes will be withheld through the payroll system during the next payroll cycle. Completed travel vouchers can be sent to Shana Brost [slbrost@nd.gov](mailto:slbrost@nd.gov) or turned in at a commission meeting.

The Board Member Pay form and the Travel Expense Voucher are attached as **APPENDIX B.**

## 8 OPEN MEETINGS/RECORDS

North Dakota law states that all government records and meetings must be open to the public unless otherwise authorized by specific law. The applicable laws are found in the N.D.C.C., beginning at § 44-04-17-1. The public has the right to know how government functions are performed and how public funds are spent.

### 8.1 OPEN MEETINGS

Anyone has the right to attend SWC pre-commission and regular meetings, regardless of where they live. All meetings of the SWC are open, unless a specific law authorizes the commission to close a portion of the meeting or to hold an executive session.

A meeting is any gathering of a quorum of the members of a governing body of a public entity regarding public business. It includes committees, sub-committees, informal gatherings, fact-finding, work sessions, and discussions where a quorum of members are participating by phone or other electronic format either at the same time or in a series of individual contacts. Emails or text messages between members of a committee or subcommittee regarding public business may constitute a meeting and violate open meeting laws. If the SWC delegates any authority or assigns a task or portfolio to two or more people, it has created a committee which is subject to open records and meetings law, even if the committee does not have decision-making authority.

Training seminars and purely social gatherings attended by a quorum of a public entity are not meetings, however, as soon as the members discuss any public business, it becomes a meeting.

### 8.2 OPEN RECORDS

A record includes all recorded information regardless of physical form (e.g. paper, e-mail, computer file, photograph, audiotape or recording, video, text message, etc.) that has a connection with how public funds are spent or with the public entity's performance of its governmental functions or its public business, regardless of format or location. Minutes, memos, reports, outlines, notes, employee salary and job performance records, contracts, telephone records, and travel vouchers are all open records and must be provided upon request.

Anyone has the right to view or get a copy of public records, regardless of the reason or where they live. A request for public records can be made in any available medium. Generally, a public entity cannot ask why the records are requested, ask for identification, or require a request be made in writing (or in person). However, a request must reasonably identify existing records. If a request is unclear, the entity may require written clarification but cannot ask the requester's motive or identity. The entity can delay taking action until receiving written clarification.

More info can be found by [clicking here](#).

## 9 CODE OF CONDUCT

The SWC members are expected to conduct themselves so as to inspire the confidence, respect, and trust of the people of North Dakota and to strive to avoid not only professional impropriety but also the appearance of impropriety. SWC member conduct and actions reflect upon the integrity and professionalism of the SWC and DWR. Actions that bring into question the reputation of the SWC or DWR are expected to be avoided.

### 9.1 CONFLICT OF INTEREST

The North Dakota Ethics Commission was established in 2018 by initiated measure to create Article XIV of the North Dakota Constitution. The Ethics Commission has oversight over North Dakota's public officials including those that are elected or appointed officials of the state's executive or legislative branch. This includes members of the State Water Commission.

The Conflict of Interest Policy, along with the Conflict of Interest Disclosure Form is attached as **APPENDIX C**.

### 9.2 ACTIVE PARTICIPATION

Commissioners are expected to exercise the duties and responsibilities of their positions with integrity, collegiality, and care. This includes:

- Making attendance at all meetings of the SWC a high priority.
- Being prepared to discuss the issues and business on the agenda and having read all background material relevant to the topics at hand.
- Cooperating with and respecting the opinions of fellow Commissioners, and leaving personal prejudices out of all board discussions, as well as supporting actions of the Commission even when the Commissioner personally did not support the action taken.
- Putting the interests of the SWC above personal interests.
- Representing the SWC in a positive and supportive manner at all times and in all places.
- Showing respect and courteous conduct in all SWC meetings.
- Refraining from intruding on administrative issues that are the responsibility of the Director, except to monitor the results and ensure that procedures are consistent with Commission policies.

## 10 HISTORY

**Adopted:** Date

**Effective:**

**Previous Revision(s):** No Revisions Available

DRAFT

## APPENDIX A







# Employee's Withholding Certificate

Department of the Treasury  
Internal Revenue Service

Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay.

Give Form W-4 to your employer.

Your withholding is subject to review by the IRS.

**2023**

<b>Step 1:</b> <b>Enter Personal Information</b>	(a) First name and middle initial	Last name	(b) Social security number
	Address		Does your name match the name on your social security card? If not, to ensure you get credit for your earnings, contact SSA at 800-772-1213 or go to <a href="http://www.ssa.gov">www.ssa.gov</a> .
	City or town, state, and ZIP code		
	(c) <input type="checkbox"/> Single or Married filing separately <input type="checkbox"/> Married filing jointly or Qualifying surviving spouse <input type="checkbox"/> Head of household (Check only if you're unmarried and pay more than half the costs of keeping up a home for yourself and a qualifying individual.)		

Complete Steps 2-4 ONLY if they apply to you; otherwise, skip to Step 5. See page 2 for more information on each step, who can claim exemption from withholding, other details, and privacy.

**Step 2: Multiple Jobs or Spouse Works**

Complete this step if you (1) hold more than one job at a time, or (2) are married filing jointly and your spouse also works. The correct amount of withholding depends on income earned from all of these jobs. Do only one of the following.

(a) Reserved for future use.

(b) Use the Multiple Jobs Worksheet on page 3 and enter the result in Step 4(c) below; or

(c) If there are only two jobs total, you may check this box. Do the same on Form W-4 for the other job. This option is generally more accurate than (b) if pay at the lower paying job is more than half of the pay at the higher paying job. Otherwise, (b) is more accurate

**TIP:** If you have self-employment income, see page 2.

Complete Steps 3-4(b) on Form W-4 for only ONE of these jobs. Leave those steps blank for the other jobs. (Your withholding will be most accurate if you complete Steps 3-4(b) on the Form W-4 for the highest paying job.)

<b>Step 3: Claim Dependent and Other Credits</b>	If your total income will be \$200,000 or less (\$400,000 or less if married filing jointly): Multiply the number of qualifying children under age 17 by \$2,000 \$ _____ Multiply the number of other dependents by \$500 . . . . . \$ _____ Add the amounts above for qualifying children and other dependents. You may add to this the amount of any other credits. Enter the total here . . . . .	<b>3</b>	\$
<b>Step 4 (optional): Other Adjustments</b>	(a) <b>Other income (not from jobs).</b> If you want tax withheld for other income you expect this year that won't have withholding, enter the amount of other income here. This may include interest, dividends, and retirement income . . . . .	<b>4(a)</b>	\$
	(b) <b>Deductions.</b> If you expect to claim deductions other than the standard deduction and want to reduce your withholding, use the Deductions Worksheet on page 3 and enter the result here . . . . .	<b>4(b)</b>	\$
	(c) <b>Extra withholding.</b> Enter any additional tax you want withheld each pay period . . . . .	<b>4(c)</b>	\$

**Step 5: Sign Here**

Under penalties of perjury, I declare that this certificate, to the best of my knowledge and belief, is true, correct, and complete.

\_\_\_\_\_  
Employee's signature (This form is not valid unless you sign it.)

\_\_\_\_\_  
Date

<b>Employers Only</b>	Employer's name and address	First date of employment	Employer identification number (EIN)
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## General Instructions

Section references are to the Internal Revenue Code.

### Future Developments

For the latest information about developments related to Form W-4, such as legislation enacted after it was published, go to [www.irs.gov/FormW4](http://www.irs.gov/FormW4).

### Purpose of Form

Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. If too little is withheld, you will generally owe tax when you file your tax return and may owe a penalty. If too much is withheld, you will generally be due a refund. Complete a new Form W-4 when changes to your personal or financial situation would change the entries on the form. For more information on withholding and when you must furnish a new Form W-4, see Pub. 505, Tax Withholding and Estimated Tax.

**Exemption from withholding.** You may claim exemption from withholding for 2023 if you meet both of the following conditions: you had no federal income tax liability in 2022 and you expect to have no federal income tax liability in 2023. You had no federal income tax liability in 2022 if (1) your total tax on line 24 on your 2022 Form 1040 or 1040-SR is zero (or less than the sum of lines 27, 28, and 29), or (2) you were not required to file a return because your income was below the filing threshold for your correct filing status. If you claim exemption, you will have no income tax withheld from your paycheck and may owe taxes and penalties when you file your 2023 tax return. To claim exemption from withholding, certify that you meet both of the conditions above by writing "Exempt" on Form W-4 in the space below Step 4(c). Then, complete Steps 1(a), 1(b), and 5. Do not complete any other steps. You will need to submit a new Form W-4 by February 15, 2024.

**Your privacy.** If you have concerns with Step 2(c), you may choose Step 2(b); if you have concerns with Step 4(a), you may enter an additional amount you want withheld per pay period in Step 4(c).

**Self-employment.** Generally, you will owe both income and self-employment taxes on any self-employment income you receive separate from the wages you receive as an employee. If you want to pay income and self-employment taxes through withholding from your wages, you should enter the self-employment income on Step 4(a). Then compute your self-employment tax, divide that tax by the number of pay periods remaining in the year, and include that resulting amount per pay period on Step 4(c). You can also add half of the annual amount of self-employment tax to Step 4(b) as a deduction. To calculate self-employment tax, you generally multiply the self-employment income by 14.13% (this rate is a quick way to figure your self-employment tax and equals the sum of the 12.4% social security tax and the 2.9% Medicare tax multiplied by 0.9235). See Pub. 505 for more information, especially if the sum of self-employment income multiplied by 0.9235 and wages exceeds \$160,200 for a given individual.

**Nonresident alien.** If you're a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

## Specific Instructions

**Step 1(c).** Check your anticipated filing status. This will determine the standard deduction and tax rates used to compute your withholding.

**Step 2.** Use this step if you (1) have more than one job at the same time, or (2) are married filing jointly and you and your spouse both work.

If you (and your spouse) have a total of only two jobs, you may check the box in option (c). The box must also be checked on the Form W-4 for the other job. If the box is checked, the standard deduction and tax brackets will be cut in half for each job to calculate withholding. This option is roughly accurate for jobs with similar pay; otherwise, more tax than necessary may be withheld, and this extra amount will be larger the greater the difference in pay is between the two jobs.



**Multiple jobs.** Complete Steps 3 through 4(b) on only one Form W-4. Withholding will be most accurate if you do this on the Form W-4 for the highest paying job.

**Step 3.** This step provides instructions for determining the amount of the child tax credit and the credit for other dependents that you may be able to claim when you file your tax return. To qualify for the child tax credit, the child must be under age 17 as of December 31, must be your dependent who generally lives with you for more than half the year, and must have the required social security number. You may be able to claim a credit for other dependents for whom a child tax credit can't be claimed, such as an older child or a qualifying relative. For additional eligibility requirements for these credits, see Pub. 501, Dependents, Standard Deduction, and Filing Information. You can also include **other tax credits** for which you are eligible in this step, such as the foreign tax credit and the education tax credits. To do so, add an estimate of the amount for the year to your credits for dependents and enter the total amount in Step 3. Including these credits will increase your paycheck and reduce the amount of any refund you may receive when you file your tax return.

### Step 4 (optional).

**Step 4(a).** Enter in this step the total of your other estimated income for the year, if any. You shouldn't include income from any jobs or self-employment. If you complete Step 4(a), you likely won't have to make estimated tax payments for that income. If you prefer to pay estimated tax rather than having tax on other income withheld from your paycheck, see Form 1040-ES, Estimated Tax for Individuals.

**Step 4(b).** Enter in this step the amount from the Deductions Worksheet, line 5, if you expect to claim deductions other than the basic standard deduction on your 2023 tax return and want to reduce your withholding to account for these deductions. This includes both itemized deductions and other deductions such as for student loan interest and IRAs.

**Step 4(c).** Enter in this step any additional tax you want withheld from your pay **each pay period**, including any amounts from the Multiple Jobs Worksheet, line 4. Entering an amount here will reduce your paycheck and will either increase your refund or reduce any amount of tax that you owe.

Step 2(b) – Multiple Jobs Worksheet (Keep for your records.)



If you choose the option in Step 2(b) on Form W-4, complete this worksheet (which calculates the total extra tax for all jobs) on only ONE Form W-4. Withholding will be most accurate if you complete the worksheet and enter the result on the Form W-4 for the highest paying job. To be accurate, submit a new Form W-4 for all other jobs if you have not updated your withholding since 2019.

Note: If more than one job has annual wages of more than \$120,000 or there are more than three jobs, see Pub. 505 for additional tables.

- 1 Two jobs. If you have two jobs or you're married filing jointly and you and your spouse each have one job, find the amount from the appropriate table on page 4. Using the "Higher Paying Job" row and the "Lower Paying Job" column, find the value at the intersection of the two household salaries and enter that value on line 1. Then, skip to line 3. 1 \$
2 Three jobs. If you and/or your spouse have three jobs at the same time, complete lines 2a, 2b, and 2c below. Otherwise, skip to line 3.
a Find the amount from the appropriate table on page 4 using the annual wages from the highest paying job in the "Higher Paying Job" row and the annual wages for your next highest paying job in the "Lower Paying Job" column. Find the value at the intersection of the two household salaries and enter that value on line 2a. 2a \$
b Add the annual wages of the two highest paying jobs from line 2a together and use the total as the wages in the "Higher Paying Job" row and use the annual wages for your third job in the "Lower Paying Job" column to find the amount from the appropriate table on page 4 and enter this amount on line 2b. 2b \$
c Add the amounts from lines 2a and 2b and enter the result on line 2c. 2c \$
3 Enter the number of pay periods per year for the highest paying job. For example, if that job pays weekly, enter 52; if it pays every other week, enter 26; if it pays monthly, enter 12, etc. 3
4 Divide the annual amount on line 1 or line 2c by the number of pay periods on line 3. Enter this amount here and in Step 4(c) of Form W-4 for the highest paying job (along with any other additional amount you want withheld). 4 \$

Step 4(b) – Deductions Worksheet (Keep for your records.)



- 1 Enter an estimate of your 2023 itemized deductions (from Schedule A (Form 1040)). Such deductions may include qualifying home mortgage interest, charitable contributions, state and local taxes (up to \$10,000), and medical expenses in excess of 7.5% of your income. 1 \$
2 Enter: { \$27,700 if you're married filing jointly or a qualifying surviving spouse; \$20,800 if you're head of household; \$13,850 if you're single or married filing separately } 2 \$
3 If line 1 is greater than line 2, subtract line 2 from line 1 and enter the result here. If line 2 is greater than line 1, enter "-0-" 3 \$
4 Enter an estimate of your student loan interest, deductible IRA contributions, and certain other adjustments (from Part II of Schedule 1 (Form 1040)). See Pub. 505 for more information. 4 \$
5 Add lines 3 and 4. Enter the result here and in Step 4(b) of Form W-4. 5 \$

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. Internal Revenue Code sections 3402(f)(2) and 6109 and their regulations require you to provide this information; your employer uses it to determine your federal income tax withholding. Failure to provide a properly completed form will result in your being treated as a single person with no other entries on the form; providing fraudulent information may subject you to penalties. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation; to cities, states, the District of Columbia, and U.S. commonwealths and territories for use in administering their tax laws; and to the Department of Health and Human Services for use in the National Directory of New Hires. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.

**Married Filing Jointly or Qualifying Surviving Spouse**

Higher Paying Job Annual Taxable Wage & Salary	Lower Paying Job Annual Taxable Wage & Salary											
	\$0 - 9,999	\$10,000 - 19,999	\$20,000 - 29,999	\$30,000 - 39,999	\$40,000 - 49,999	\$50,000 - 59,999	\$60,000 - 69,999	\$70,000 - 79,999	\$80,000 - 89,999	\$90,000 - 99,999	\$100,000 - 109,999	\$110,000 - 120,000
\$0 - 9,999	\$0	\$0	\$850	\$850	\$1,000	\$1,020	\$1,020	\$1,020	\$1,020	\$1,020	\$1,020	\$1,870
\$10,000 - 19,999	0	930	1,850	2,000	2,200	2,220	2,220	2,220	2,220	2,220	3,200	4,070
\$20,000 - 29,999	850	1,850	2,920	3,120	3,320	3,340	3,340	3,340	3,340	4,320	5,320	6,190
\$30,000 - 39,999	850	2,000	3,120	3,320	3,520	3,540	3,540	3,540	4,520	5,520	6,520	7,390
\$40,000 - 49,999	1,000	2,200	3,320	3,520	3,720	3,740	3,740	4,720	5,720	6,720	7,720	8,590
\$50,000 - 59,999	1,020	2,220	3,340	3,540	3,740	3,760	4,750	5,750	6,750	7,750	8,750	9,610
\$60,000 - 69,999	1,020	2,220	3,340	3,540	3,740	4,750	5,750	6,750	7,750	8,750	9,750	10,610
\$70,000 - 79,999	1,020	2,220	3,340	3,540	4,720	5,750	6,750	7,750	8,750	9,750	10,750	11,610
\$80,000 - 99,999	1,020	2,220	4,170	5,370	6,570	7,600	8,600	9,600	10,600	11,600	12,600	13,460
\$100,000 - 149,999	1,870	4,070	6,190	7,390	8,590	9,610	10,610	11,660	12,860	14,060	15,260	16,330
\$150,000 - 239,999	2,040	4,440	6,760	8,160	9,560	10,780	11,980	13,180	14,380	15,580	16,780	17,850
\$240,000 - 259,999	2,040	4,440	6,760	8,160	9,560	10,780	11,980	13,180	14,380	15,580	16,780	17,850
\$260,000 - 279,999	2,040	4,440	6,760	8,160	9,560	10,780	11,980	13,180	14,380	15,580	16,780	18,140
\$280,000 - 299,999	2,040	4,440	6,760	8,160	9,560	10,780	11,980	13,180	14,380	15,870	17,870	19,740
\$300,000 - 319,999	2,040	4,440	6,760	8,160	9,560	10,780	11,980	13,470	15,470	17,470	19,470	21,340
\$320,000 - 364,999	2,040	4,440	6,760	8,550	10,750	12,770	14,770	16,770	18,770	20,770	22,770	24,640
\$365,000 - 524,999	2,970	6,470	9,890	12,390	14,890	17,220	19,520	21,820	24,120	26,420	28,720	30,880
\$525,000 and over	3,140	6,840	10,460	13,160	15,860	18,390	20,890	23,390	25,890	28,390	30,890	33,250

**Single or Married Filing Separately**

Higher Paying Job Annual Taxable Wage & Salary	Lower Paying Job Annual Taxable Wage & Salary											
	\$0 - 9,999	\$10,000 - 19,999	\$20,000 - 29,999	\$30,000 - 39,999	\$40,000 - 49,999	\$50,000 - 59,999	\$60,000 - 69,999	\$70,000 - 79,999	\$80,000 - 89,999	\$90,000 - 99,999	\$100,000 - 109,999	\$110,000 - 120,000
\$0 - 9,999	\$310	\$890	\$1,020	\$1,020	\$1,020	\$1,860	\$1,870	\$1,870	\$1,870	\$1,870	\$2,030	\$2,040
\$10,000 - 19,999	890	1,630	1,750	1,750	2,600	3,600	3,600	3,600	3,600	3,760	3,960	3,970
\$20,000 - 29,999	1,020	1,750	1,880	2,720	3,720	4,720	4,730	4,730	4,890	5,090	5,290	5,300
\$30,000 - 39,999	1,020	1,750	2,720	3,720	4,720	5,720	5,730	5,890	6,090	6,290	6,490	6,500
\$40,000 - 59,999	1,710	3,450	4,570	5,570	6,570	7,700	7,910	8,110	8,310	8,510	8,710	8,720
\$60,000 - 79,999	1,870	3,600	4,730	5,860	7,060	8,260	8,460	8,660	8,860	9,060	9,260	9,280
\$80,000 - 99,999	1,870	3,730	5,060	6,260	7,460	8,660	8,860	9,060	9,260	9,460	10,430	11,240
\$100,000 - 124,999	2,040	3,970	5,300	6,500	7,700	8,900	9,110	9,610	10,610	11,610	12,610	13,430
\$125,000 - 149,999	2,040	3,970	5,300	6,500	7,700	9,610	10,610	11,610	12,610	13,610	14,900	16,020
\$150,000 - 174,999	2,040	3,970	5,610	7,610	9,610	11,610	12,610	13,750	15,050	16,350	17,650	18,770
\$175,000 - 199,999	2,720	5,450	7,580	9,580	11,580	13,870	15,180	16,480	17,780	19,080	20,380	21,490
\$200,000 - 249,999	2,900	5,930	8,360	10,660	12,960	15,260	16,570	17,870	19,170	20,470	21,770	22,880
\$250,000 - 399,999	2,970	6,010	8,440	10,740	13,040	15,340	16,640	17,940	19,240	20,540	21,840	22,960
\$400,000 - 449,999	2,970	6,010	8,440	10,740	13,040	15,340	16,640	17,940	19,240	20,540	21,840	22,960
\$450,000 and over	3,140	6,380	9,010	11,510	14,010	16,510	18,010	19,510	21,010	22,510	24,010	25,330

**Head of Household**

Higher Paying Job Annual Taxable Wage & Salary	Lower Paying Job Annual Taxable Wage & Salary											
	\$0 - 9,999	\$10,000 - 19,999	\$20,000 - 29,999	\$30,000 - 39,999	\$40,000 - 49,999	\$50,000 - 59,999	\$60,000 - 69,999	\$70,000 - 79,999	\$80,000 - 89,999	\$90,000 - 99,999	\$100,000 - 109,999	\$110,000 - 120,000
\$0 - 9,999	\$0	\$620	\$860	\$1,020	\$1,020	\$1,020	\$1,020	\$1,650	\$1,870	\$1,870	\$1,890	\$2,040
\$10,000 - 19,999	620	1,630	2,060	2,220	2,220	2,220	2,850	3,850	4,070	4,090	4,290	4,440
\$20,000 - 29,999	860	2,060	2,490	2,650	2,650	3,280	4,280	5,280	5,520	5,720	5,920	6,070
\$30,000 - 39,999	1,020	2,220	2,650	2,810	3,440	4,440	5,440	6,460	6,880	7,080	7,280	7,430
\$40,000 - 59,999	1,020	2,220	3,130	4,290	5,290	6,290	7,480	8,680	9,100	9,300	9,500	9,650
\$60,000 - 79,999	1,500	3,700	5,130	6,290	7,480	8,680	9,880	11,080	11,500	11,700	11,900	12,050
\$80,000 - 99,999	1,870	4,070	5,690	7,050	8,250	9,450	10,650	11,850	12,260	12,460	12,870	13,820
\$100,000 - 124,999	2,040	4,440	6,070	7,430	8,630	9,830	11,030	12,230	13,190	14,190	15,190	16,150
\$125,000 - 149,999	2,040	4,440	6,070	7,430	8,630	9,980	11,980	13,980	15,190	16,190	17,270	18,530
\$150,000 - 174,999	2,040	4,440	6,070	7,980	9,980	11,980	13,980	15,980	17,420	18,720	20,020	21,280
\$175,000 - 199,999	2,190	5,390	7,820	9,980	11,980	14,060	16,360	18,660	20,170	21,470	22,770	24,030
\$200,000 - 249,999	2,720	6,190	8,920	11,380	13,680	15,980	18,280	20,580	22,090	23,390	24,690	25,950
\$250,000 - 449,999	2,970	6,470	9,200	11,660	13,960	16,260	18,560	20,860	22,380	23,680	24,980	26,230
\$450,000 and over	3,140	6,840	9,770	12,430	14,930	17,430	19,930	22,430	24,150	25,650	27,150	28,600



## APPENDIX B



**BOARD MEMBER PAY**  
 NORTH DAKOTA DEPARTMENT OF WATER RESOURCES  
 ADMINISTRATION  
 SFN 58674 (7/2023)

Last Name	First Name	Employee ID Number	Date
Note: Please submit to Department of Water Resources Human Resources on the last day of each month.			
Beginning Date	Ending Date	1/2 Day	Full Day
Location			
Purpose Of Meeting			
Beginning Date	Ending Date	1/2 Day	Full Day
Location			
Purpose Of Meeting			
Beginning Date	Ending Date	1/2 Day	Full Day
Location			
Purpose Of Meeting			
Beginning Date	Ending Date	1/2 Day	Full Day
Location			
Purpose Of Meeting			
Beginning Date	Ending Date	1/2 Day	Full Day
Location			
Purpose Of Meeting			
<b>SUBTOTAL</b>		<b>\$102.50</b>	<b>\$205.00</b>
		1/2 Day	Full Day
<b>TOTAL</b>		1/2 Day \$ 0.00	Full Day \$ 0.00
		Signature	
Approval		Date	





## INSTRUCTIONS FOR THE TRAVEL EXPENSE VOUCHER

**Be sure to "Tab" from one field to another, rather than using the mouse.**

Month – Enter the month of travel.

Year – Enter the year of travel.

Department Name – Enter the name of your Agency.

Official Position – Enter your job title.

Employee Name – Enter your name.

Employee ID – This number is assigned by payroll.

Business Unit – Your agency's 5-digit number.

Fiscal Month – Enter the fiscal month.

Biennium – Enter the biennium.

Day - Enter the day of the month in which the activity occurred.

Points Covered By Travel – Enter the departure/destination points.

Hour – Enter the departures and arrival time for the actual travel day (example: 7:00 am).

Vehicle Miles – Enter the number of vehicle miles traveled. If you have in state and out of state miles, separate them and list them on separate lines.

Ref – Enter an "I" for in-state travel or an "O" for out-of-state travel. **If this is not entered, the form will not calculate correctly.**

Comm'l Air Trans. – Enter the amount of commercial air transportation.

Ref – Enter an "I" for in-state travel or an "O" for out-of-state travel. **If this is not entered, the form will not calculate correctly.**

Taxi & Other Air Trans. – Enter taxi fares and any other air transportation.

Ref – Enter an "I" for in-state travel or an "O" for out-of-state travel. **If this is not entered, the form will not calculate correctly.**

Misc. Exp – Enter your other expenses that do not belong in any other column. Explain these expenses in the "Purpose of Travel and Explanation of Expenses" section.

Meals In State – Enter the dollar amount of the meals in state.

Meals Out of State – Enter the dollar amount of the meals out-of-state.

Ref – Enter a "T" if your meals are taxable. Meals are taxable if no overnight stay is involved.

Lodging in State – Enter the dollar amount of lodging in state.

Lodging Out of State – Enter the dollar amount of lodging out-of-state.

Purpose of Travel and Explanation of Expenses – Enter the reason for travel and any explanations for your miscellaneous expenses.

The amounts entered in the top section of the form will automatically be totaled and filled in the appropriate fields of the middle section, as long as the correct reference codes were entered and you used the tab key to navigate between fields. The only exceptions are the following two fields:

**Vehicle Miles in State** – Calculates the total vehicle miles traveled within the state. You will need to enter the current rate. The total will then automatically calculate.

**Vehicle Miles out of State** – Calculates the total vehicle miles out of state. You will need to enter the current rate. The total will automatically calculate.

**Total Expenses** – Calculates the total expenses automatically.

**Ref. Doc. No. of Advance** – Enter the document number if you received a travel advance and the dollar amount.

**Net Expenses** – Calculates the net expenses automatically.

Print two copies of the Travel Expense Voucher.

Sign one copy, attach all of your receipts, and submit it for approval. Once approved and forwarded to accounting, the bottom fields will be cost-coded and entered. Remember to keep copies of the receipts for yourself as well.

## APPENDIX C



# CONFLICTS OF INTEREST

POLICY | SWC\_02.2023

NORTH  
**Dakota** | Water Commission  
Be Legendary.™

Effective Date 10/12/2023

## OUTLINE

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## 1 SUMMARY

State Water Commissioners represent the eight drainage basins in North Dakota and are appointed by the Governor to represent the various interests of water resource constituents across the state.

The North Dakota Ethics Commission was established in 2018 by an initiated measure to create Article XIV of the North Dakota Constitution. The Ethics Commission has oversight over the Commission, and these guidelines were developed in response to the Ethics Commission's Conflict of Interest (COI) training provided to the Commission in 2022.

In some cases, Commissioners may have relationships to entities that come before the Commission, including requesting funding for infrastructure related projects. SWC\_02 outlines the general guidelines and processes that Commissioners must follow when there is a Potential Conflict of Interest (Potential COI).

### 1.1 AUTHORITY OR IMPLEMENTATION

These guidelines garner authority from North Dakota Century Code (N.D.C.C.) § 54-66-04.2 and North Dakota Administrative Code (N.D.A.C) Article 115-04.

### 1.2 ACCEPTANCE OR ENFORCEMENT

These guidelines will be updated as necessary to ensure the Commission fulfills its statutory duties.

## 2 DISCLOSURE PROCEDURES

### 2.1 DISCLOSURE AT REGULAR COMMISSION MEETINGS

The disclosure of Potential COIs will be an agenda item at each Commission meeting. During this agenda item the following will occur:

- a. Each Commissioner will disclose their Potential COIs and indicate if those Potential COIs are relevant to any of the upcoming agenda items.
- b. The Neutral Reviewer will determine if the Potential COIs are Disqualifying COIs for any items on the agenda and fill out the Conflict of Interest Disclosure Form (Appendix A) for each Potential COI. Common occurrences are listed in Section 4. The Neutral Reviewer will give appropriate weight and deference to the Commissioner to perform their duties provided that the Commissioner has properly disclosed the Potential COIs as required in code.
  - If a Potential COI is determined to be a Disqualifying COI, the Commissioner will be required to abstain from voting on specified agenda items.
  - If a Potential COI is determined not to be a Disqualifying COI, the Commissioner will be able to vote on all agenda items.
- c. After each meeting, a copy of the Conflict of Interest Disclosure Forms will be retained by the Department of Water Resources (DWR) and submitted to the Ethics Commission by the Secretary.

### 2.2 DISCLOSURE OF ONGOING POTENTIAL CONFLICTS OF INTEREST

By virtue of their appointment to the Commission, Commissioners may have an ongoing Potential COI that will need to be disclosed. Commissioners may disclose their ongoing Potential COI on an annual basis by filling out the Conflict of Interest Disclosure Form and submitting it to the Neutral Reviewer at the first meeting of the year. The Neutral Reviewer will review the submission and make a determination on the status of the COI. The DWR will retain a copy of the form, and a copy will be submitted to the Ethics Commission by the Secretary.

Commissioners with ongoing Potential COIs are not exempt from Section 2.1 and are still required to verbally disclose their COIs during the meeting and abstain from voting as determined by the Neutral Reviewer.



### 3 NEUTRAL REVIEWER

For the purpose of these guidelines, the Commission has designated their General Counsel to be their Neutral Reviewer.

N.D.A.C. § 115-04-01-03(7) reads as follows:

The following standards shall guide the review and decision of either a public official or the neutral reviewer with respect to any public official's potential conflict of interest:

- a. Appropriate weight and proper deference must be given to the requirement that a public official perform the duties of elected or appointed office, including the duty to vote or otherwise act upon a matter, provided the public official has properly disclosed the potential conflict of interest as required by this rule.
- b. A decision that requires a public official to recuse or abstain from further action or decision in a matter should only occur in cases where the independence of judgment of a reasonable person in the public official's situation would be materially affected by the disclosed potential conflict of interest.
- c. The review of a potential conflict of interest and any decision that would require a public official to recuse themselves or abstain from further involvement in a matter shall consider any applicable North Dakota law which precludes the public official from recusal or abstention in the matter.
- d. It is presumed that a public official does not have a disqualifying conflict of interest if the public official would not derive any personal benefit which is greater than that accruing to any other member of the general public or any general business, profession, occupation, or group affected by the matter.
- e. Any guidance issued by the ethics commission, including informal guidance, advisory opinions, rules, standards, and precedent.

## 4 COMMON OCCURANCES

The scenarios below indicate the Commission's current guidelines regarding specific Potential COIs. Other COIs may exist, and this list is not meant to be exhaustive. See Section 2.1 for procedures regarding COI's outside of this list.

### 4.1 COMMISSIONER AS A CUSTOMER

It is not a Potential COI when a Commissioner is a customer of an entity that directly provides water to the Commissioner at their business or residence.

Unless there are other circumstances, Commissioners are able to vote on the following:

- a. Project that would benefit the entire entity.
- b. Project that would directly benefit the Commissioner's business or residence such as a flood protection project or water line expansion.
- c. Project that would directly benefit the Commissioner that is funded through a special assessment that is assessed at the same level as the rest of the assessment district.

### 4.2 COMMISSIONER AS A REPRESENTATIVE OF A POLITICAL SUBDIVISION

It is a Potential COI when a Commissioner serves on a water board, water supply authority, or other similar political subdivision or oversight body.

In general, Commissioners will be required to abstain from voting on the following:

- a. Cost-share for a project from the board on which they sit.
- b. Policy or funding for a state-owned project from the Authority on which they sit.
- c. Project that would benefit the community for which they represent.

### 4.3 COMMISSIONER AS A CONSULTANT

It is a Potential COI when a Commissioner is an employee at a consulting firm that works on water resource projects.

In general, a Commissioner will be required to abstain from voting when the Commissioner's firm represents the entity requesting cost-share.

## 5 DEFINITIONS

**Commission:** State Water Commission as defined in N.D.A.C. §89-01-01-02

**Commissioners:** Members of the State Water Commission

**Disqualifying Conflict of Interest (Disqualifying COI):** Defined in N.D.A.C. § 115-04-01-01 as one of the following:

- a. “A potential conflict of interest disclosed pursuant to this rule which the public official has determined requires recusal and abstention from further action in the matter; or
- b. A potential conflict of Interest disclosed pursuant to this rule which the neutral reviewer has determined requires the public official to recuse and abstain from further action in the matter.”

**Potential Conflict of Interest (Potential COI):** Defined in N.D.A.C. § 115-04-01-01 as “a public official as part of the public official's duties must make a decision or take action in a matter in which the public official has:

- a. Received a gift from one of the parties;
- b. A significant financial interest in one of the parties or in the outcome of the proceeding; or
- c. A relationship in private capacity with one of the parties.”

**Immediate Family:** Defined in N.D.A.C. § 115-04-01-01 as “a public official's parent, sibling, spouse, grandparent, grandchild, stepchild, or child by blood or adoption.”

**Neutral Reviewer:** Defined in N.D.A.C. § 115-04-01-01 as “the individual or committee designated by an agency, legislative body, board, commission, or committee to receive disclosures of potential conflicts of interest and determine whether the potential conflict of interest is a disqualifying conflict of interest. In the absence of a rule or policy designating a neutral reviewer, the following shall apply:

- a. If a public official with a potential conflict of interest is a member of a legislative body, board, commission, or committee the remaining individuals who are members of the legislative body, board, commission, or committee shall be considered as the neutral reviewer;
- b. If a public official with a potential conflict of interest is an employee of the legislature, the public official's supervisor may be considered as the neutral reviewer;
- c. If a public official with a potential conflict of interest is a member of the governor's cabinet, the governor's designated ethics officer shall be considered as the neutral reviewer;
- d. If the public official with a potential conflict of interest is an appointed public official, the appointing official shall be considered as the neutral reviewer; or
- e. If none of the above apply, the public official shall make the determination but must report the disclosure and decision in the manner set forth in section 115-04-01-04 within seven calendar days.”

*For the purpose of these guidelines, the Commission has designated their General Counsel to be their Neutral Reviewer.*

**Ongoing Potential Conflict of Interest:** An Ongoing Potential Conflict of Interest is a Potential Conflict of Interest that lasts for longer than one year. For example, a water board or authority appointment or employment with an engineering, legal, environmental, or other private firm.

**Public Official:** Defined in N.D.A.C. § 115-04-01-01 as “any elected or appointed official of the North Dakota executive or legislative branches, including members of the ethics commission, members of the governor's cabinet, and employees of the legislative branch.”

*Commissioners are public officials.*

**Relationship in a Private Capacity:** Defined in N.D.A.C. § 115-04-01-01 as “a past or present commitment, interest or relationship of the public official in a matter involving the public official's immediate family, individual's residing in the public official's household, the public official's employer, or employer of the public official's immediate family, or individuals with whom the public official has a substantial and continuous business relationship.”

**Secretary:** As defined in N.D.C.C. § 61-02-05, “the director of the department of water resources is the secretary of the commission.”

**Significant Financial Interest:** Defined in N.D.A.C. § 115-04-01-01 as “a direct and substantial in-kind or monetary interest, or its equivalent, not shared by the general public; however, does not include investments in a widely held investment fund, such as mutual funds, exchange-traded funds, participation in a public employee benefits plan, or lawful campaign contributions.”

## 6 HISTORY

**Policy Adopted:** 8/10/2023

**Policy Effective:** 10/12/2023

**Previous Revision(s):** No Revisions Available



CONFLICT OF INTEREST DISCLOSURE FORM

Pursuant to N.D.A.C 115-04-01-04, disclosure of conflicts of interest are required. This form allows public officials and directors, officers, commissioners, heads, or other executives of agencies to input information and attach relevant documentation as required.

The Neutral Reviewer or director, officer, commissioner, head, or other executive shall document the decision regarding a disclosure of a possible conflict of interest. Upon completion, the Neutral Reviewer or director, officer, commissioner, head, or other executive shall provide a copy of the completed form to the disclosing Public Official, the relevant department, agency, board, body, commission or committee, and to the North Dakota Ethics Commission.

Departments, agencies, boards, commissions or public entities shall document in the official minutes of a proceeding information, if applicable, that a Public Official or director, officer, commissioner, head, or other executive has been recused from any further involvement in the matter.

Reporting Official's Name:

Associated Entity/Organization:

Title or Position of Reporting Official:

Phone #:

Email Address:

Detailed Description of Conflict of Interest: [Multiple horizontal lines for text entry]



