

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1249

Introduced by

Representatives Steiner, Carlson, Delzer, Hofstad, Onstad

Senators Schneider, Wardner

1 A BILL for an Act to create and enact chapter 61-42 of the North Dakota Century Code, relating
2 to the creation of the Missouri River empower advisory council.

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

4 **SECTION 1.** Chapter 61-42 of the North Dakota Century Code is created and enacted as
5 follows:

6 **61-42-01. Missouri River empower advisory council - Generally.**

7 The Missouri River comprises the vast majority of surface water flow in the state and is
8 essential for providing the water supply for people, industry, irrigation, agriculture, energy, fish
9 and wildlife, and recreational opportunities. A Missouri River empower advisory council is
10 established to create a unified vision and voice for North Dakota and its stakeholders regarding
11 the use and management of the Missouri River, and to advise the governor, legislative
12 assembly, and state agencies on issues concerning the Missouri River.

13 **61-42-02. Members - Terms - Expenses.**

14 1. The following voting stakeholder members of the council must be appointed by the
15 governor:

- 16 a. A representative of recreation;
17 b. A representative of irrigation;
18 c. A representative of cities;
19 d. A representative of regional rural water systems;
20 e. A representative of agriculture;
21 f. A representative of energy;
22 g. A representative of environment and conservation;
23 h. A representative of the Garrison Diversion Conservancy District;
24 i. Two at-large representatives;

- 1 j. Three county representatives, each representing counties along the Missouri
- 2 River, one representing counties along the free flowing reach of the Missouri
- 3 River, one representing counties bordering Lake Sakakawea, and one
- 4 representing counties bordering Lake Oahe; and
- 5 k. The governor's designee.
- 6 2. Additional voting members of the council must include:
- 7 a. The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation, or
- 8 designee;
- 9 b. The chairman of the Standing Rock Sioux Tribe, or designee; and
- 10 c. The chairman of the Trenton Indian service area, or designee.
- 11 3. The following entities may be represented on the council, but are nonvoting members:
- 12 a. A legislator, appointed by the legislative management;
- 13 b. The director of the game and fish department, or designee;
- 14 c. The director of the parks and recreation department, or designee;
- 15 d. The state engineer, or designee;
- 16 e. The state health officer, or designee;
- 17 f. The commissioner of the department of commerce, or designee;
- 18 g. The director of the Indian affairs commission, or designee;
- 19 h. The commissioner of the department of trust lands, or designee;
- 20 i. The director of the oil and gas division, or designee; and
- 21 j. The commissioner of the department of agriculture, or designee.
- 22 4. All other state agencies shall provide assistance to the council as requested.
- 23 5. All appointed members shall serve for a term of four years or until their successors are
- 24 appointed and qualified. Terms expire on the first day of July. The terms of appointed
- 25 members must be staggered so that the terms of at least four members expire each
- 26 year. Appointed members may be reappointed for additional terms and serve at the
- 27 pleasure of the governor.
- 28 6. The governor or the governor's designee is chairman of the council.
- 29 7. The members of the council are entitled to receive mileage and expenses at the rates
- 30 and under the terms as provided by law for state employees. The state water
- 31 commission shall pay the expenses of council members.

1 8. The state water commission shall provide staffing and support services to the council.

2 **61-42-03. Duties - Report to legislative assembly.**

3 1. The council shall hold meetings at least twice per year, or as often as the chairman
4 deems necessary. The meetings must be open to the public and provide an
5 opportunity for the public to present issues or concerns to the council. The council
6 shall provide the governor, legislative assembly, and state agencies with
7 recommendations related to issues needing to be studied or addressed and relating to
8 the protection and use of the Missouri River and operations of the reservoirs. The
9 council shall gather input to build consensus, collaboration, and partnership
10 opportunities to promote and advocate for North Dakota and its stakeholders' rights
11 and interests in the Missouri River. The council shall recommend ways to strengthen
12 the state's working relationship with the United States army corps of engineers, in
13 order to improve the state's negotiating position with the United States army corps of
14 engineers.

15 2. The county and stakeholder representatives shall work to understand and represent
16 grassroots efforts being undertaken by organizations and individuals.

17 3. Any recommendations developed by the council must receive support from ten voting
18 members before submission to the governor, legislative assembly, or state agencies.

19 4. The council may establish working groups and collaborate with organizations to make
20 recommendations or accomplish objectives to protect all interests and rights of North
21 Dakota and stakeholders in the Missouri River. This includes the eight authorized
22 purposes identified in the Flood Control Act of 1944 and implemented by the United
23 States army corps of engineers in their master manual, along with erosion and
24 sedimentation, the management of federal lands, and any other existing or potentially
25 beneficial uses.

26 5. The council shall report accomplishments, ongoing activities, and potential legislation
27 to the legislative assembly.