

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1206

Introduced by

Representatives Schmidt, Devlin, Kasper, Pollert, Skarphol, Streyle, Thoreson

Senators Bowman, Lyson

1 A BILL for an Act to amend and reenact sections 61-02-04 and 61-02-05 of the North Dakota
2 Century Code, relating to the state water commission; and to authorize the legislative council to
3 replace certain statutory references to the water commission and state engineer.

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

5 **SECTION 1. AMENDMENT.** Section 61-02-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-02-04. State water commission - Members - Terms - Qualifications.**

8 The state water commission shall consist of the governor, agriculture commissioner, and
9 seven other members to be appointed by the governor ~~who shall take into account reasonable~~
10 ~~geographic considerations in making such appointments.~~ Each river basin commission shall
11 forward the names of two of its members to the governor. The governor shall appoint one
12 individual from the recommendations of each river basin commission. The governor shall
13 appoint one member of the water commission at large. The governor or the agriculture
14 commissioner, or both, may appoint a representative to serve in that official's capacity at such
15 meetings as that official may be unable to attend. The seven appointive members of the
16 commission must be appointed for a term of ~~six~~four years each with their terms of office so
17 arranged that ~~two~~at least three terms and ~~but~~ not more than ~~three~~four terms expire on the first
18 day of July of each odd-numbered year. Each appointive member may not serve for more than
19 two full, successive terms. Each appointive member must be a qualified elector of the state and
20 is subject to removal by judicial procedure. In case of a vacancy, the vacancy must be filled by
21 appointment by the governor for the remainder of the unexpired term. Before entering upon the
22 discharge of official duties, each appointive member shall take, subscribe, and file with the
23 secretary of state the oath prescribed for civil officers.

1 **SECTION 2. AMENDMENT.** Section 61-02-05 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **61-02-05. Chairman of commission.**

4 The governor shall be the chairman of the commission. The governor shall designate a vice
5 chairman who shall be a member of the commission. The ~~state engineer~~commissioner of the
6 department of water resources shall be the secretary of the commission.

7 For purposes of this section, the state is divided into six hydrologic basins--upper Missouri
8 River basin, lower Missouri River basin, Red River basin, Devils Lake basin, Sheyenne-James
9 River basin, and Mouse River basin, each as delineated by the commissioner of the department
10 of water resources.

11 A river basin commission consisting of a representative from the following entities is
12 established in each basin:

- 13 1. Water resource districts;
- 14 2. Rural water systems;
- 15 3. Municipalities;
- 16 4. Tribal governments;
- 17 5. Irrigation districts; and
- 18 6. Other entities as deemed appropriate by the river basin commission.

19 Each river basin commission may organize, prioritize, and implement water resource
20 projects in accordance with a basin water management plan. The prioritization process must
21 include an economic analysis that is equal in complexity to the proposed project.

22 Each river basin commission may elect a chairman and vice chairman and may hire a
23 coordinator as it deems appropriate.

24 **SECTION 3. LEGISLATIVE COUNCIL TO REPLACE REFERENCES TO WATER**

25 **COMMISSION AND STATE ENGINEER.** Except with respect to North Dakota Century Code
26 sections 61-02-04, 61-02-04.1, 61-02-05, 61-02-07, 61-02-08, 61-02-09, 61-02-10, 61-02-11,
27 and 61-02-12, and sections relating to financing projects, the legislative council shall replace
28 "state water commission" or "water commission" or any derivatives of those terms, which when
29 used in context indicate an intention to refer to those terms, wherever they appear in the North
30 Dakota Century Code or legislation enacted by the sixty-third legislative assembly of North
31 Dakota with references to "department of water resources" or "department", as appropriate. The

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- 1 legislative council shall replace "state engineer" or any derivative of the term, which when used
- 2 in context indicates an intention to refer to this term, wherever it appears in the North Dakota
- 3 Century Code or legislation enacted by the sixty-third legislative assembly of North Dakota with
- 4 references to "commissioner of the department of water resources" or "commissioner", as
- 5 appropriate.