

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.~~ for an Act to
4 create and enact section 61-02-01.3 of the North Dakota Century Code, relating to development
5 of a comprehensive water development plan; and to provide for a legislative management study.

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

7 ~~— **SECTION 1. AMENDMENT.** Section 61-02-04 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **61-02-04. State water commission – Members – Terms – Qualifications.**~~

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

1 discharge of official duties, each appointive member shall take, subscribe, and file with the
2 secretary of state the oath prescribed for civil officers.

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

5 ~~— **61-02-05. Chairman of commission.**~~

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

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

13 ~~— A river basin commission consisting of a representative from the following entities is~~
14 ~~established in each basin:~~

15 ~~— 1. Water resource districts;~~

16 ~~— 2. Rural water systems;~~

17 ~~— 3. Municipalities;~~

18 ~~— 4. Tribal governments;~~

19 ~~— 5. Irrigation districts; and~~

20 ~~— 6. Other entities as deemed appropriate by the river basin commission.~~

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

24 ~~— Each river basin commission may elect a chairman and vice chairman and may hire a~~
25 ~~coordinator as it deems appropriate.~~

26 ~~— **SECTION 3. LEGISLATIVE COUNCIL TO REPLACE REFERENCES TO WATER**~~

27 ~~**COMMISSION AND STATE ENGINEER.** Except with respect to North Dakota Century Code~~
28 ~~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,~~
29 ~~and 61-02-12, and sections relating to financing projects, the legislative council shall replace~~
30 ~~"state water commission" or "water commission" or any derivatives of those terms, which when~~
31 ~~used in context indicate an intention to refer to those terms, wherever they appear in the North~~

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

SECTION 1. Section 61-02-01.3 of the North Dakota Century Code is created and enacted as follows:

61-02-01.3. Comprehensive water development plan.

Biennially, the commission shall develop and maintain a comprehensive water development plan organized on a river basin perspective, including an inventory of future water projects for budgeting and planning purposes. As part of the commission's planning process, in order to facilitate local project sponsor participation and project prioritization and to assist in project cost-benefit analysis for projects expected to cost more than five hundred thousand dollars, the commission shall develop a policy that outlines procedures for commissioner-hosted meetings within the Red River, James River, Mouse River, upper Missouri River, lower Missouri River, and Devils Lake drainage basins.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - WATER PROJECT

PRIORITIZATION. During the 2013-2014 interim, the legislative management shall conduct a study to evaluate current water project prioritization processes for effectiveness in determining high priority water projects for state water commission funding. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.