

Sixty-fourth  
Legislative Assembly  
of North Dakota

**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 section 61-02-79 of the North Dakota Century Code,  
2 relating to creation of the Missouri River empower council; and to provide for a report.

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

4 **SECTION 1.** Section 61-02-79 of the North Dakota Century Code is created and enacted as  
5 follows:

6 **61-02-79. Missouri River empower council - Report.**

7 1. Because the Missouri River provides most of the surface water flow in the state and is  
8 essential for water supplies of cities and rural water systems across the state, because  
9 the Missouri River system provides extraordinary recreational opportunities, because it  
10 is a goal of the state that the United States army corps of engineers accommodate  
11 North Dakota's interests in developing and implementing the annual operating plan  
12 under the Missouri River master manual, and because the Three Affiliated Tribes of  
13 the Fort Berthold Reservation and the Standing Rock Sioux Tribe have a significant  
14 stake in the use and development of the water resources in the Missouri River system,  
15 the Missouri River empower council is created to advocate for North Dakota's rights in  
16 the Missouri River, to achieve greater utilization of the lands adjacent to and  
17 surrounding the Missouri River system, and to provide grassroots and stakeholder  
18 representation for developing policies, priorities, and recommendations to the  
19 legislative assembly.

20 2. The Missouri River empower council is composed of:

21 a. The following ex officio members:

22 (1) The governor or the governor's designee;

23 (2) The director of the game and fish department or the director's designee,  
24 who serves as a nonvoting member;

- (3) The director of the parks and recreation department or the director's designee, who serves as a nonvoting member;
- (4) The state engineer or the state engineer's designee, who serves as a nonvoting member;
- (5) The state health officer or the state health officer's designee, who serves as a nonvoting member;
- (6) The commissioner of the department of commerce or the commissioner's designee, who serves as a nonvoting member;
- (7) The director of the department of commerce division of tourism or the director's designee, who serves as a nonvoting member;
- (8) The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation or the chairman's designee; and
- (9) The chairman of the Standing Rock Sioux Tribe or the chairman's designee;

b. The following members appointed by the governor:

- (1) A representative of the Missouri River joint water board, or similar organization;
- (2) A representative of friends of Lake Oahe, or similar organization;
- (3) A representative of friends of Lake Sakakawea, or similar organization;
- (4) A representative of the North Dakota irrigation association, or similar organization;
- (5) A representative of the North Dakota water users association, or similar organization;
- (6) A representative of the North Dakota water resource districts association, or similar organization;
- (7) A representative of the North Dakota rural water systems association, or similar organization;
- (8) A representative of the independent water providers, or similar organization;
- (9) A representative of the oil industry;
- (10) A representative of the lignite energy industry;
- (11) A representative of the generation and transmission electric cooperative industry;

- 1           (12) A representative of the North Dakota association of oil and gas producing  
2           counties, or similar organization;  
3           (13) A representative of the North Dakota league of cities, or similar organization;  
4           (14) Six county commissioners, each representing a different one of the six  
5           counties bordering Lake Sakakawea;  
6           (15) A representative of the southwest water authority, who serves as a  
7           nonvoting member;  
8           (16) A representative of the western area water supply authority, who serves as  
9           a nonvoting member;  
10          (17) A representative of the northwest area water supply project, who serves as  
11          a nonvoting member; and  
12          (18) A representative of the Garrison Diversion Conservancy District, who serves  
13          as a nonvoting member; and

14          c. Any additional members appointed by the governor, who will serve as nonvoting  
15          members.

- 16          3. Each member of the council appointed by the governor shall serve for a term of two  
17          years, beginning July first; may be reappointed for additional terms, not to exceed  
18          eight consecutive years; and serves at the pleasure of the governor.  
19          4. The governor or the governor's designee is chairman of the council. The board may  
20          elect an executive committee to consist of five or more voting members, with such  
21          powers and duties as may be delegated by the council.  
22          5. The council shall meet at least quarterly or as often as the chairman deems  
23          necessary. A majority of the voting membership constitutes a quorum. The council  
24          shall hold at least two public hearings per biennium at which time interested parties  
25          may present testimony regarding issues pertinent to the Missouri River, Lake  
26          Sakakawea, or Lake Oahe. The council may travel outside the state to meet with the  
27          United States army corps of engineers or other federal agency or to meet with the  
28          United States congress to address issues concerning North Dakota's interests in the  
29          Missouri River.  
30          6. The council shall establish working groups and shall collaborate with existing  
31          organizations to make recommendations and accomplish objectives in the areas of

irrigation, hydropower, water supply, energy development, conservation and wildlife, Lake Sakakawea, and Lake Oahe. The council shall work to strengthen the state's working relationship with the United States army corps of engineers in order to improve the state's negotiating position with the United States army corps of engineers and to enhance the economic development of the state.

7. Periodically the council shall report to the water topics overview committee on the activities of the council.

8. The members of the council who are not state employees are entitled to receive mileage and expenses as provided by law for state officers and employees. Unless otherwise provided in this subsection, the expenses of appointed members are to be paid by the state water commission. A state employee who is an ex officio member of the council is entitled to receive that employee's regular salary and is entitled to receive mileage and expenses, to be paid by the employing agency.

9. Funds from the resources trust fund will be appropriated to the the state water commission to fund the activities of the council. The state water commission shall provide staffing and support services for the council. The state water commission may contract with a third party to provide staffing and support services for the council and may hire an executive director and other personnel as necessary to provide staffing and support services for the council.

## **SECTION 2. MISSOURI RIVER EMPOWER COUNCIL - STUDY - REPORT.**

1. During the 2015-16 interim, in accordance with the duties of the Missouri River empower council under subsection 6 of section 61-02-79, the council shall establish working groups and shall collaborate with existing organizations to develop recommendations and goals for:
  - a. Providing adequate water supplies from the Missouri River system to areas of need;
  - b. Recreation and development opportunities around Lake Sakakawea and Lake Oahe;
  - c. Irrigation development;
  - d. Conservation and wildlife enhancement in the Missouri River system;
  - e. Water needs for energy development; and

- 1           f.   Hydropower and electrical generation.
- 2           2.   During the 2015-16 interim, the Missouri River empower council shall undertake a
- 3               study of resources, opportunities, costs, legal challenges, and other issues relating to
- 4               the Missouri River, Lake Sakakawea, and Lake Oahe.
- 5           3.   Before July 1, 2016, the council shall report to the water topics overview committee on
- 6               the study outcomes, recommendations, and goals as well as any related proposed
- 7               legislation.