

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;

- 1 (3) The director of the parks and recreation department or the director's
- 2 designee, who serves as a nonvoting member;
- 3 (4) The state engineer or the state engineer's designee, who serves as a
- 4 nonvoting member;
- 5 (5) The state health officer or the state health officer's designee, who serves as
- 6 a nonvoting member;
- 7 (6) The commissioner of the department of commerce or the commissioner's
- 8 designee, who serves as a nonvoting member;
- 9 (7) The director of the department of commerce division of tourism or the
- 10 director's designee, who serves as a nonvoting member;
- 11 (8) The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation
- 12 or the chairman's designee; and
- 13 (9) The chairman of the Standing Rock Sioux Tribe or the chairman's designee;
- 14 b. The following members appointed by the governor:
- 15 (1) A representative of the Missouri River joint water board, or similar
- 16 organization;
- 17 (2) A representative of friends of Lake Oahe, or similar organization;
- 18 (3) A representative of friends of Lake Sakakawea, or similar organization;
- 19 (4) A representative of the North Dakota irrigation association, or similar
- 20 organization;
- 21 (5) A representative of the North Dakota water users association, or similar
- 22 organization;
- 23 (6) A representative of the North Dakota water resource districts association, or
- 24 similar organization;
- 25 (7) A representative of the North Dakota rural water systems association, or
- 26 similar organization;
- 27 (8) A representative of the independent water providers, or similar organization;
- 28 (9) A representative of the oil industry;
- 29 (10) A representative of the lignite energy industry;
- 30 (11) A representative of the generation and transmission electric cooperative
- 31 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

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

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

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

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

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

21 1. During the 2015-16 interim, in accordance with the duties of the Missouri River
22 empower council under subsection 6 of section 61-02-79, the council shall establish
23 working groups and shall collaborate with existing organizations to develop
24 recommendations and goals for:

- 25 a. Providing adequate water supplies from the Missouri River system to areas of
26 need;
- 27 b. Recreation and development opportunities around Lake Sakakawea and Lake
28 Oahe;
- 29 c. Irrigation development;
- 30 d. Conservation and wildlife enhancement in the Missouri River system;
- 31 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.