

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~~ provides the water supply for people, industry, irrigation, agriculture,  
9 energy, fish and wildlife, and recreational opportunities. A Missouri River ~~empower~~ advisory  
10 council is established to ~~create a unified vision and voice for North Dakota and its~~ coordinate  
11 communication among stakeholders regarding the use and management of the Missouri River,  
12 and to advise the governor; ~~and~~ legislative assembly, ~~and state agencies~~ on issues concerning  
13 the Missouri River. A member or employee of the council may not represent to any person that  
14 the council has the authority to negotiate on behalf of the state.

15 **61-42-02. Members - Terms - Expenses.**

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

- 18 ~~\_\_\_\_\_ a. A representative of recreation;~~  
19 ~~\_\_\_\_\_ b. A representative of irrigation;~~  
20 ~~\_\_\_\_\_ c. A representative of cities;~~  
21 ~~\_\_\_\_\_ d. A representative of regional rural water systems;~~  
22 ~~\_\_\_\_\_ e. A representative of agriculture;~~  
23 ~~\_\_\_\_\_ f. A representative of energy;~~  
24 ~~\_\_\_\_\_ g. A representative of environment and conservation;~~

- 1 ~~h. A representative of the Garrison Diversion Conservancy District;~~
- 2 ~~i. Two at-large representatives;~~
- 3 ~~j. Three county representatives, each representing counties along the Missouri-~~  
4 ~~River, one representing counties along the free flowing reach of the Missouri-~~  
5 ~~River, one representing counties bordering Lake Sakakawea, and one-~~  
6 ~~representing counties bordering Lake Oahe; and~~
- 7 a. A representative of agriculture;
- 8 b. A representative of cities;
- 9 c. A representative of energy interests;
- 10 d. A representative of environment or natural resource conservation issues,  
11 including fish and wildlife;
- 12 e. A representative of the Garrison Diversion Conservancy District;
- 13 f. A representative of irrigation;
- 14 g. A representative of the Missouri River Joint Water Board to represent counties  
15 along the free flowing reach of the Missouri River, counties bordering Lake  
16 Sakakawea, and counties bordering Lake Oahe;
- 17 h. A representative of recreation interests;
- 18 i. A representative of water supply;
- 19 j. One at-large representative; and
- 20 k. The governor's designee.
- 21 ~~2. Additional voting members of the council must include~~ The governor shall invite the  
22 following to join the council as voting members:
- 23 a. The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation, or  
24 designee; and
- 25 b. The chairman of the Standing Rock Sioux Tribe, or designee; and
- 26 ~~c. The chairman of the Trenton Indian service area, or designee.~~
- 27 ~~3. The following entities may be represented on the council, but are nonvoting members:~~
- 28 ~~a. A legislator, appointed by the legislative management;~~
- 29 ~~b. The director of the game and fish department, or designee;~~
- 30 ~~c. The director of the parks and recreation department, or designee;~~
- 31 ~~d. The state engineer, or designee;~~

- 1 ~~e. The state health officer, or designee;~~  
2 ~~f. The commissioner of the department of commerce, or designee;~~  
3 ~~g. The director of the Indian affairs commission, or designee;~~  
4 ~~h. The commissioner of the department of trust lands, or designee;~~  
5 ~~i. The director of the oil and gas division, or designee; and~~  
6 ~~j. The commissioner of the department of agriculture, or designee.~~  
7 ~~4. All other state agencies shall provide assistance to the council as requested.~~  
8 ~~5. The chairman of the legislative management shall appoint to the council as voting~~  
9 ~~members three legislative members to include at least one member of the minority~~  
10 ~~party.~~  
11 4. All appointed members shall serve for a term of four years or until their successors are  
12 appointed and qualified. Terms expire on the first day of July. The terms of appointed  
13 members must be staggered so that the expiration of terms of at least four members  
14 expire each year is evenly distributed. Appointed members may be reappointed for one  
15 additional term term and serve at the pleasure of the governor.  
16 ~~6.5. The governor or the governor's designee is chairman of the council.~~  
17 ~~7.6. The~~ Except for the members appointed by the chairman of the legislative management,  
18 members of the council are entitled to receive mileage and expenses at the rates and  
19 under the terms as provided by law for state employees. The ~~Except for the members~~  
20 appointed by the chairman of the legislative management, the state water commission  
21 shall pay the expenses of council members. The legislative council shall pay the  
22 compensation and expense reimbursement for the legislative members.  
23 ~~8.7. The state water commission shall provide staffing and support services to the council.~~  
24 **61-42-03. Duties - Report to legislative assembly.**  
25 1. The council shall hold meetings at least twice per year, or as often as the chairman  
26 deems necessary. The meetings must be open to the public and provide an  
27 opportunity for the public to present issues or concerns to the council. The council  
28 shall provide the governor, and legislative assembly, and state agencies with  
29 recommendations related to issues needing to be studied or addressed and relating to  
30 the protection and use of the Missouri River and operations of the reservoirs. The  
31 council shall gather input to build consensus, collaboration, and partnership

- 1            opportunities to promote and advocate for North Dakota and its stakeholders' rights  
2            and interests in the Missouri River. ~~The council shall recommend ways to strengthen~~  
3            ~~the state's working relationship with the United States army corps of engineers, in~~  
4            ~~order to improve the state's negotiating position with the United States army corps of~~  
5            ~~engineers.~~
- 6            2. The ~~county and stakeholder~~appointed representatives shall work to understand and  
7            represent grassroots efforts being undertaken by organizations and individuals.
- 8            3. Any recommendations developed by the council must receive support from ~~ten~~nine  
9            voting members before submission to the governor, ~~or legislative assembly, or state~~  
10           agencies.
- 11           4. The council may establish working groups and collaborate with organizations to make  
12           recommendations ~~or~~to accomplish its objectives to ~~protect~~fairly represent all interests  
13           and ~~rights~~ of North Dakota and stakeholders in the Missouri River. This includes the  
14           eight authorized purposes identified in the Flood Control Act of 1944 and implemented  
15           by the United States army corps of engineers in ~~their~~its master manual, along with  
16           erosion and sedimentation, the management of federal lands, and any other existing  
17           or potentially beneficial uses.
- 18           5. The council shall report accomplishments, ongoing activities, and ~~potential~~  
19           legislationrecommendations to the legislative assembly.