

WATERS

CHAPTER 568

HOUSE BILL NO. 1053
(Rundle, Langley, Atkinson)
(From Legislative Council Study)

FOULING OF WATERS REPEAL

AN ACT to repeal sections 61-01-12, 61-01-13, and 61-01-14 of the North Dakota Century Code, relating to the fouling of public waters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. REPEAL.) Sections 61-01-12 and 61-01-13 of the North Dakota Century Code and section 61-01-14 of the 1973 Supplement to the North Dakota Century Code are hereby repealed.

Approved February 28, 1975

*NOTE: Sections 61-01-12 and 61-01-13 were also repealed by section 673 of Senate Bill No. 2039, chapter 106.

CHAPTER 569

SENATE BILL NO. 2428
(Hoffner)

CLOSING NONCOMPLYING DRAINS

AN ACT to create and enact a new section to chapter 61-16 and a new section to chapter 61-21 of the North Dakota Century Code, relating to the authority of a water management district board and a board of drainage commissioners to cause a noncomplying drain to be closed; to amend and reenact section 61-01-22 of the North Dakota Century Code, relating to acquiring a drainage permit; and to repeal subsection 3 of section 61-21-39 of the North Dakota Century Code, relating to the authority of a board of drainage commissioners to close a noncomplying drain; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 61-01-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

*61-01-22. PERMIT TO DRAIN WATERS REQUIRED - PENALTY.)

Any person proposing to drain waters from a pond, slough, or lake, which impounds waters gathered therein and drained from an area comprising forty acres or more into a present or former natural watercourse, as defined by section 61-01-06, or into a draw, natural drainway, drain, or ditch, before constructing a ditch or facility for the purpose of such drainage shall submit to the state water conservation commission an application for a permit to do so. The state water conservation commission shall refer the application to the board of commissioners of the water management district or districts within which is found a majority of the watershed or drainage area of the natural watercourse, draw, natural drainway, drain, or ditch for consideration and approval. Such permit shall not be granted until an investigation shall disclose that the quantity of water which will be drained from the pond, slough, or lake, as the case may be, will not exceed the capacity of such natural watercourse, draw, natural drainway, drain, or ditch to carry, and will not flood or adversely affect the drainage of lands of lower proprietors. If the investigation shall show that the proposed drainage will cause such natural watercourse, draw, natural drainway, drain, or ditch to overflow and flood the lands of lower landowners, or will adversely affect the drainage of lands of lower landowners, the board of commissioners

*NOTE: Section 61-01-22 was also amended by section 638 of Senate Bill No. 2039, chapter 106.

of the water management district shall not issue a permit until flowage easements are obtained from owners of lands which might be burdened with the flood waters of such natural watercourse, draw, natural drainway, drain, or ditch or which might be adversely affected by the drainage. Such flowage easements shall be filed for record in the office of the register of deeds of the county or counties in which such lands are situated. An owner of land proposing to drain waters from such pond, slough, or lake into a natural watercourse, draw, natural drainway, drain, or ditch shall undertake and agree to pay the expenses incurred in making the required investigation. The provisions of this section shall not be construed to apply to any drain constructed under the supervision of a state or federal agency.

Any person draining, or causing to be drained, waters of a pond, slough, or lake, which impounds waters thereinto from a watershed or drainage area comprising forty acres or more, into a natural watercourse, draw, natural drainway, drain, or ditch without first securing a permit to do so, as provided by this section, shall be liable for all damage sustained by any person caused by such draining, and shall be guilty of a class B misdemeanor.

SECTION 2.) A new section to chapter 61-16 of the North Dakota Century Code is hereby created and enacted to read as follows:

CLOSING A NONCOMPLYING DRAIN - NOTICE AND HEARING - APPEAL - INJUNCTION.) If the board shall determine that a drain, lateral drain, or ditch has been opened or established by a landowner or tenant contrary to the provisions of title 61 or any rules or regulations promulgated by the board, the board shall notify the landowner by registered or certified mail at the landowner's post office of record. A copy of the notice shall also be sent to the tenant, if any. The notice shall specify the nature and extent of the noncompliance and shall state that if the drain, lateral drain, or ditch is not closed or filled within such period as the board shall determine, but not less than thirty days, the board shall procure the closing or filling of the drain, lateral drain, or ditch and assess the cost thereof, or such portion as the board shall determine, against the property of the landowner responsible. The notice shall also state that the affected landowner may, within fifteen days of the date the notice is mailed, demand in writing a hearing upon the matter. Upon receipt of such demand, the board shall set a hearing date within fifteen days from the date the demand is received. In the event of an emergency, the board may immediately apply to the appropriate district court for an injunction prohibiting the landowner or tenant from constructing or maintaining the drain, lateral drain, or ditch. Any assessments levied under the provisions of this section shall be collected in the same manner as other assessments authorized by this chapter. If, in the opinion of the board, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in accordance with the proportionate responsibility of the landowners. Any landowner aggrieved by action of the board under the provisions of this section may

appeal the decision of the board to the district court of the county in which the land is located in accordance with the procedure provided for by sections 61-16-36 through 61-16-39. A hearing as provided for in this section shall not be a prerequisite to such appeal.

SECTION 3.) A new section to chapter 61-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

CLOSING OF NONCOMPLYING DRAIN - NOTICE AND HEARING - APPEAL - INJUNCTION.) If the board shall determine that a drain, lateral drain, or ditch has been opened or established by a landowner or tenant contrary to the provisions of this chapter or any rules or regulations promulgated by the board, the board shall notify the landowner by registered or certified mail at the landowner's post office of record. A copy of the notice shall also be sent to the tenant, if any. The notice shall specify the nature and extent of the noncompliance and shall state that if the drain, lateral drain, or ditch is not closed or filled within such period as the board shall determine, but not less than thirty days, the board shall procure the closing or filling of the drain, lateral drain, or ditch and assess the cost thereof, of such portion as the board shall determine, against the property of the landowner responsible. The notice shall also state that the affected landowner may, within fifteen days of the date the notice is mailed, demand in writing a hearing upon the matter. Upon receipt of such demand, the board shall set a hearing date within fifteen days from the date the demand is received. In the event of an emergency, the board may immediately apply to the appropriate district court for an injunction prohibiting the landowner or tenant from maintaining the drain, lateral drain, or ditch. Any assessments levied under the provisions of this section shall be collected in the same manner as other assessments authorized by this chapter. If, in the opinion of the board, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in accordance with the proportionate responsibility of the landowners. Any landowner aggrieved by action of the board under the provisions of this section may appeal the decision of the board to the district court of the county in which the land is located in accordance with the procedure provided for by sections 61-16-36 through 61-16-39. A hearing as provided for in this section shall not be a prerequisite to such appeal.

SECTION 4. REPEAL.) Subsection 3 of section 61-21-39 of the North Dakota Century Code is hereby repealed.

Approved March 27, 1975

CHAPTER 570

HOUSE BILL NO. 1061
(Atkinson, Rundle)
(From Legislative Council Study)

WATER APPROPRIATION PERMITS AND CONDITIONS

AN ACT to create and enact section 61-04-07.1 of the North Dakota Century Code; and to amend and reenact sections 61-04-07 and 61-04-09 of the North Dakota Century Code, relating to the duties of the state engineer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 61-04-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-04-07. REJECTION OF APPLICATIONS - APPEAL TO DISTRICT COURT.) If, in the opinion of the state engineer, no unappropriated water is available, he shall reject an application made under the provisions of this chapter. He shall decline to order the publication of notice of any application which does not comply with the requirements of the law and the rules and regulations thereunder. He may refuse to consider or approve an application or to order the publication of notice thereof if, in his opinion, the approval thereof would be contrary to the public interest. In determining the public interest, the state engineer shall be limited to those considerations within his jurisdiction. Any applicant, within sixty days from the date of refusal to approve an application, may appeal to the district court of the county in which the proposed place of diversion or storage is situated, from any decision of the state engineer which denies a substantial right. In the absence of such appeal, the decision of the state engineer shall be final.

SECTION 2.) Section 61-04-07.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

64-04-07.1. APPROVAL OF APPLICATIONS WITH CONDITIONS.) The state engineer may, upon his own initiative, or upon the direction of the commission, attach limitations and conditions to any conditional permit issued pursuant to section 61-04-06. Conditions and limitations so attached shall be related to matters within the jurisdiction of the state engineer or the commission; provided, however, that all conditions attached to any permit

issued prior to the effective date of this Act shall be binding upon the permittee.

SECTION 3. AMENDMENT.) Section 61-04-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-04-09. APPLICATION TO BENEFICIAL USE - INSPECTION - PERFECTED WATER PERMIT - INSPECTION BY OTHERS THAN STATE ENGINEER.) On or before the date set for the application of the water to a beneficial use, or prior thereto, upon notice from the owner that water has been applied to a beneficial use, the state engineer shall cause the work to be inspected, after due notice to the holder of the conditional water permit. Such inspection shall be thorough and complete, in order to determine the actual capacity of the work, its safety, and efficiency. If not properly and safely constructed, the state engineer may require the necessary changes to be made within such time as he shall deem reasonable and shall not issue his conditional water permit until such changes are made. Failure to make such changes shall cause the postponement of the priority under the conditional water permit for such time as may elapse from the date for completing such changes until made to the satisfaction of the state engineer, and any application subsequent in time may have the benefit of such postponement of priority. When the works are found in satisfactory condition, after inspection, the state engineer shall issue the perfected water permit, setting forth the actual capacity of the works and such limitations or conditions upon the water permit as shall be warranted by the condition of the works and to the extent and under the conditions of the actual application of the water to a beneficial use. Nothing in this section shall be construed to allow the state engineer or the commission to attach any conditions or limitations, or issue any order extending any right described in the conditional water permit or to allow the state engineer or the commission to attach any condition or limitation, or issue any order, not related to matters within the jurisdiction of the state engineer or the commission; provided, however, that all conditions attached to any permit issued prior to the effective date of this Act shall be binding upon the permittee. For works involving the diversion of not exceeding twenty cubic feet of water per second or a dam not exceeding twenty feet in the extreme height from the foundation, the state engineer, in his discretion, may accept the report of an inspection by a reputable hydraulic engineer.

Approved March 9, 1975

CHAPTER 571

HOUSE BILL NO. 1611
(Laske)
(Committee on Delayed Bills)

IRRIGATION DISTRICT SALARIES

AN ACT to amend and reenact section 61-06-22 of the North Dakota Century Code, relating to the salary of the directors of irrigation districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 61-06-22 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-06-22. DIRECTORS AND OFFICERS - SALARY, MILEAGE, AND EXPENSES.) Each director shall receive the sum of twenty-five dollars per day while performing his duties as a member of the board, and an allowance for actual meals and lodging expense in an amount not to exceed twelve dollars per day for each day spent in the performance of his duties, plus mileage expense reimbursement at the rate provided in section 54-06-09. The salary of the secretary, assessor, and treasurer shall be determined by the board of directors.

Approved April 8, 1975

CHAPTER 572

HOUSE BILL NO. 1393
(Anderson)

MAXIMUM LEVY FOR CLEANING DRAINS

AN ACT to amend and reenact section 61-21-46 of the North Dakota Century Code, relating to the maximum levy for cleaning and repairing drains.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 61-21-46 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-21-46. MAXIMUM LEVY - ACCUMULATION OF FUND.) The levy in any year for cleaning out and repairing a drain shall not exceed one dollar per acre on any agricultural lands in the drainage district. Agricultural lands which carried the highest assessment when the drain was originally established, or received the most benefits under a reassessment of benefits, may be assessed the maximum amount of one dollar per acre. The assessment of other agricultural lands in the district shall be based upon the proportion that the assessment of benefits at the time of construction or at the time of any reassessment of benefits bears to the assessment of the benefits of the agricultural land assessed the full one dollar per acre. Nonagricultural property shall be assessed such sum in any one year as the ratio of the benefits under the original assessment or any reassessment bears to the assessment of agricultural lands bearing the highest assessment. In case the maximum levy of one dollar per acre for any year will not produce an amount sufficient to cover the cost of cleaning out and repairing such drain, the board may accumulate a fund in an amount not exceeding the sum produced by such maximum permissible levy for two years. If the cost of, or obligations for, the cleaning and repair of any drain shall exceed the total amount which can be levied by the board in any two-year period, the board shall obtain an affirmative vote of the majority of the landowners as determined by section 61-21-16 prior to obligating the district for such costs.

Approved March 17, 1975

CHAPTER 573

HOUSE BILL NO. 1230
(Clancy, Winge, Hildebrand, Matheny)

GARRISON DIVERSION RELOCATION ASSISTANCE

AN ACT to create and enact subsection 14 of section 61-24-08 of the North Dakota Century Code, relating to the powers and duties of the Garrison conservancy district board of directors, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Subsection 14 of section 61-24-08 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

14. To provide administrative aid and assistance in the relocation of buildings and the replacement of land to persons affected by the Garrison diversion development in an effort to make certain that such persons are treated fairly and that they do not suffer financial hardship due to the development of the Garrison diversion unit.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1975

CHAPTER 574

SENATE BILL NO. 2227
(Committee on Social Welfare)
(At the request of the Health Department)

WATER POLLUTION CONTROL AMENDMENTS

AN ACT to create and enact two new subsections of section 61-28-02, two new subsections of section 61-28-04, and one new subsection of section 61-28-06 of the North Dakota Century Code, relating to definitions, powers, and duties of the state department of health and prohibitions; amending and reenacting subsections 1 and 2 of section 61-28-02, relating to definitions, and subsections 12 and 16 of section 61-28-04 of the North Dakota Century Code, relating to powers and duties of the state department of health.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) A new subsection to section 61-28-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Point source" shall mean any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which wastes are or may be discharged.

SECTION 2.) A new subsection to section 61-28-02 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Discharge" means the addition of any waste to state waters from any point source.

SECTION 3.) A new subsection to section 61-28-04 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To apply and enforce against industrial users of publicly owned treatment works, toxic effluent standards and pretreatment standards for the introduction into such treatment works of wastes which interfere with, pass through, or otherwise are incompatible with such treatment works. The department may promulgate such rules and regulations

as are necessary to implement this section.

SECTION 4.) A new subsection to section 61-28-04 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To impose as conditions in permits for the discharge of wastes from publicly owned treatment works requirements for information to be provided by the permittee concerning new introductions of wastes or substantial changes in the volume or character of wastes being introduced into such treatment works.

SECTION 5.) A new subsection to section 61-28-06 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Notwithstanding any other provisions of this Act, and except as in compliance with the provisions of this Act, and any rules and regulations promulgated hereunder, the discharge of any wastes by any person shall be unlawful.

SECTION 6. AMENDMENT.) Subsection 1 of section 61-28-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Pollution" means the man-made or man-induced alteration of the physical, chemical, biological, or radiological integrity of any waters of the state;

SECTION 7. AMENDMENT.) Subsection 2 of section 61-28-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. "Wastes" means all substances which cause or tend to cause pollution of any waters of the state, including but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radiological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural pollution discharged into any waters of the state;

SECTION 8. AMENDMENT.) Subsection 12 of section 61-28-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. The state department of health is hereby designated as the state water pollution control agency for all purposes of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of that Act and similar federal acts.

SECTION 9. AMENDMENT.) Subsection 16 of section 61-28-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16. Adopt effluent and new source performance standards, which include as a minimum all categories for which the federal government has set standards pursuant to the Federal Water Pollution Control Act, as amended. Such state standards shall be at least as stringent as the standards adopted by the federal government.

Approved March 19, 1975

CHAPTER 575

HOUSE BILL NO. 1054
(Atkinson, Rundle)
(From Legislative Council Study)

WASTE TREATMENT AUTHORITY

AN ACT to amend and reenact subsection 9 of section 61-28-04 of the North Dakota Century Code, relating to the powers of the state health department pertaining to pollution; and to repeal section 40-22-04, subdivision c of subsection 2 of section 61-02-14, and sections 61-02-15 and 61-02-21 of the North Dakota Century Code, relating to the powers of the state water commission or state health department pertaining to water pollution.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 9 of section 61-28-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. To require the prior submission of plans, specifications, and other data relative to, and to inspect the construction of, disposal systems or any part thereof in connection with the issuance of approvals as are required by this chapter and to submit such plans, specifications, and data to the state water commission for its information and advice.

SECTION 2. REPEAL.) Section 40-22-04 of the North Dakota Century Code, subdivision c of subsection 2 of section 61-02-14 of the 1973 Supplement to the North Dakota Century Code, and sections 61-02-15 and 61-02-21 of the North Dakota Century Code are hereby repealed.

Approved February 28, 1975

CHAPTER 576

HOUSE BILL NO. 1172
(K. Johnson, Rundle)

LITTLE MISSOURI STATE SCENIC RIVER ACT

AN ACT to provide for classification of the Little Missouri River as a state scenic river, and for its protection and preservation as a free-flowing and navigable river.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. TITLE.) This Act may be cited as the "Little Missouri State Scenic River Act".

SECTION 2. INTENT.) The purpose of this Act shall be to preserve the Little Missouri River as nearly as possible in its present state, which shall mean that the river will be maintained in a free-flowing natural condition, and to establish a Little Missouri River commission.

SECTION 3. DEFINITIONS.) For the purposes of this Act, unless the context otherwise indicates:

1. "Little Missouri River" means the river commencing at the North Dakota-South Dakota state border and terminating at its juncture with Lake Sakakawea, with such juncture defined as the bridge crossing of state highway 22 in section 34, range 95 west, township 148 north, with boundaries established as the natural channels of the river to the low water mark; and
2. "Free-flowing" shall mean existing or flowing in a natural condition without impoundment, diversion, straightening, or other modification of the waterway.

SECTION 4. ADMINISTRATION.) This Act shall be administered by a Little Missouri River commission composed of the state liaison officer of the state outdoor recreation agency, the state health officer of the state health department, the chief engineer of the state water commission, or their designated representatives, and one member from each of the following counties: McKenzie, Billings, Slope, Golden Valley, Dunn, and Bowman. The commission members representing the above mentioned counties shall be appointed by their respective boards of county commissioners and shall serve without compensation. The county representatives appointed shall be resident landowners who live adjacent to the Little Missouri River

with the exception of the Golden Valley county representative. The county members shall serve terms of office as follows: Two members shall serve one-year terms, two members shall serve two-year terms, and two members shall serve three-year terms.

SECTION 5. POWERS AND DUTIES OF COMMISSION.) The commission may advise local or other units of government to afford the protection adequate to maintain the scenic, historic, and recreational qualities of the Little Missouri River and its tributary streams. The commission shall also have the power and duties of promulgating management policies to coordinate all activities within the confines of the Little Missouri River when such action is deemed necessary.

SECTION 6. MANAGEMENT.) Channelization, reservoir construction, or diversion other than for agricultural or recreational purposes and the dredging of waters within the confines of the Little Missouri scenic river and all Little Missouri tributary streams are expressly prohibited. Flood control dikes may be constructed within the flood plain of the Little Missouri. Diking and riprapping for bank erosion control shall be permitted within the confines of the Little Missouri scenic river. The construction of impoundments for any purpose on the Little Missouri mainstem shall be prohibited.

This Act shall in no way affect or diminish the rights of owners of the land bordering the river to use the waters for domestic purposes, including livestock watering, or any other rights of riparian landowners.

Approved March 18, 1975

CHAPTER 577

HOUSE BILL NO. 1587
(Mertens, Hildebrand)

DEVILS LAKE BASIN ADVISORY COMMITTEE

AN ACT to create a Devils Lake basin advisory committee, providing an appropriation, and providing for an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. FINDINGS AND DECLARATION OF POLICY.) It is hereby found and declared by the legislative assembly that the waters of the Devils Lake basin and other natural resources of the basin are threatened with deterioration or degeneration, which may endanger the natural stability and economic productivity of the basin. It is further found and declared that by virtue of the special conditions and circumstances of the natural ecology, agricultural pattern, conservation interests, and human needs of the Devils Lake basin, the basin is experiencing problems of resource use and deficiencies of water resource control; and that there is a need to maintain an equilibrium between the basin's natural endowment and its man-made environment, to preserve the recreational opportunities of the region, and to enhance the agricultural productivity of the basin. It is therefore imperative that there be established a basin-wide planning advisory committee to develop a basin plan of water and related resource conservation and orderly development.

SECTION 2. DEFINITIONS.) Unless the context and subject matter otherwise requires:

1. "Commission" shall mean the North Dakota state water commission;
2. "Advisory committee" shall mean the Devils Lake basin advisory committee; and
3. "Basin" shall mean the Devils Lake basin.

SECTION 3. ADVISORY COMMITTEE - COMPOSITION - COMPENSATION.) There is hereby created a Devils Lake advisory committee to the state water commission, which committee shall consist of:

1. The chairman of the water commission, or his representative.

2. One representative from each of the Benson, Cavalier, Nelson, Towner, Pierce, and Ramsey County water management districts, who shall be appointed by the respective district's board of commissioners.
3. One member of the Devils Lake city commission, who shall be selected by such city commission.
4. One representative to be designated by the Fort Totten tribal council.
5. The regional director of the fish and wildlife service, United States department of the interior, or his representative.
6. One representative of region no. 1 of the North Dakota soil conservation districts, who shall be chosen by the executive board of the association of soil conservation districts.
7. One representative of the north central regional council, who shall be chosen by such council.
8. One representative of the upper Mississippi River basins commission, who shall be chosen by the chairman of such commission.
9. Two citizens to be selected by the chairman of the commission. One of the two citizens shall be a recognized conservationist.

In the event of a consolidation or division of existing water management districts pursuant to sections 61-16-48 and 61-16-49, the representation of the several water management districts on the advisory committee shall be adjusted accordingly by the chairman of the commission.

The committee shall appoint a project director. It shall be the responsibility of the project director to carry out the policies and directions of the committee and shall, within the limits of personnel and funds available, perform such other duties as may be assigned to him by the advisory committee. Each member of the advisory committee, not employed by the state or an agency thereof, shall be paid a per diem of thirty dollars for each day he is engaged in the official business of the advisory committee. Each member shall also be reimbursed for necessary and actual expenses at the rates and in the manner provided by law for other state officers.

SECTION 4. POWERS AND DUTIES.) The advisory committee shall serve as the focal point within the basin for comprehensive water and related natural resource planning. Its principal function shall be that of a planning and coordinating committee for the water resources programs on all levels of local govern-

ment. The advisory committee shall be vested with the power and duty to:

1. Plan the development and implementation of long-term water resource policies for the basin as a whole.
2. Coordinate and appraise water resource programs administered by all levels of government and private enterprise in the basin.
3. Develop a comprehensive basin management plan, which plan shall be recommended to the governor no later than October, 1976 and shall include:
 - a. A water use plan for the integrated utilization of water and related land resources within the basin.
 - b. A conservation plan for the preservation, development, utilization, and management of water and other related natural resources within the basin.

The plan developed under this subsection shall be accomplished with the input of local and state-wide interests.

4. Cooperate with the United States government, and any appropriate agency or department thereof, concerning water resources planning programs within the basin.
5. Encourage cooperation among public and private conservation groups, and commercial organizations.

The advisory committee shall recommend legislation to the governor designed to enhance water management and planning for the several water management agencies having jurisdiction over the waters in the basin. The advisory committee shall also determine the feasibility of establishing a basin-wide water management district.

In formulating a basin management plan, the advisory committee shall seek to harmonize the needs of the basin as a whole, the plans of the counties and municipalities within the basin, the plans and planning activities of the region, state, federal, and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region. Where necessary for the realization of the basin plan, the committee may engage in collaborative planning with local governmental jurisdictions located outside the basin, but contiguous to the basin's boundaries.

SECTION 5. STATE WATER COMMISSION TO PROVIDE ADMINISTRATIVE SUPPORT.) The advisory committee shall, for admin-

istrative purposes, be a division of the state water commission. The commission shall advise, assist, cooperate with, and enter into all contracts necessary and desirable on behalf of the advisory committee. The commission is hereby appointed fiscal agent for the advisory committee, and as such is authorized to receive and expend gifts, donations, grants, and other financial aids and funds received for the benefit of the advisory committee.

SECTION 6. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$180,000.00, or so much thereof as may be necessary, to the state water commission for the purpose of carrying out the provisions of this Act for the biennium beginning July 1, 1975, and ending June 30, 1977.

SECTION 7. LIMITATION.) This Act shall not diminish or in any way affect the existing powers or duties of the commission, water management districts, or other governmental subdivisions of the state of North Dakota to manage and control the surface waters of the basin or to develop or construct projects in connection therewith.

SECTION 8. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

SECTION 9. EXPIRATION.) This Act shall expire on June 30, 1977.

Approved April 8, 1975