

SENATE BILL NO. 2239

Introduced by

Senators Fischer, G. Nelson, Robinson

Representatives Olson, Soukup

1 A BILL for an Act to provide for creation of a Devils Lake outlet management advisory
2 committee.

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

4 **SECTION 1. Devils Lake outlet management advisory committee - Members -**
5 **Terms - Vacancies.** The Devils Lake outlet management advisory committee consists of the
6 state engineer or the state engineer's designee, one member appointed by the Red River joint
7 water resource board, one member appointed by the Devils Lake joint water resource board,
8 one county commissioner from Ramsey County appointed by the Ramsey County board of
9 county commissioners, one county commissioner from Benson County appointed by the
10 Benson County board of county commissioners, a representative of the Spirit Lake Nation
11 appointed by the tribal council of the Spirit Lake Nation, and three members appointed by the
12 governor. At least one of the members appointed by the governor must represent the interests
13 affected by downstream impacts of operating an outlet to Devils Lake. An appointed member
14 may designate a substitute to serve in that person's capacity at such meetings that person may
15 be unable to attend. Except for the first term, all appointed members serve for a term of four
16 years or until their successors are appointed and qualified. For the first term, two of the
17 members from the Devils Lake basin must serve two-year terms and two of the other appointed
18 members must serve two-year terms, provided that at least one member representing the
19 interests affected by downstream impacts of operating an outlet to Devils Lake must remain on
20 the committee for a four-year term. The chairman shall hold the first meeting within two months
21 after the effective date of this Act. Terms expire on the first day of July. Each appointed
22 member must be a qualified elector of the state and is subject to removal by judicial procedure.
23 A vacancy must be filled in the same manner as original appointments for the remainder of the

1 unexpired term. Before entering upon the discharge of official duties, each appointed member
2 shall take, subscribe, and file with the secretary of state the oath prescribed for civil officers.

3 **SECTION 2. Chairman - Quorum - Meetings.** The state engineer is the chairman of
4 the committee. A majority of the members of the committee constitutes a quorum. The
5 committee may hold meetings at the call of the chairman or at the request of three members of
6 the committee at such times and places as the chairman provides.

7 **SECTION 3. Compensation and expenses.** Each member appointed by the governor
8 is entitled to receive the same compensation per day and must be reimbursed for expenses,
9 while attending meetings of the committee, in the same amounts as provided for in section
10 54-35-10 for members of the legislative council.

11 **SECTION 4. Development of an annual operating plan.** The committee shall
12 develop an annual operating plan for the operation of the Devils Lake outlet. The plan must
13 specify the lake elevation at which pumping will take place. In developing the annual operating
14 plan, the committee shall consider spring runoff forecasts, weather forecasts, summer flooding
15 potential, downstream impacts including water quality and streambank erosion, flooding, and
16 any other factors the committee determines should be considered. The committee must
17 recommend a plan of operation to the state water commission within two weeks following the
18 first official numeric national weather service spring snowmelt flood outlook. If a majority of
19 members are unable to agree on a plan, one or more minority plans may be submitted to the
20 state water commission. The state water commission may approve, recommend changes, or
21 make changes to the annual operating plan.