

**FIRST ENGROSSMENT
with Senate Amendments
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 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 advisory council - Generally.**

7 The Missouri River comprises the vast majority of surface water flow in the state and
8 provides the water supply for people, industry, irrigation, agriculture, energy, fish and wildlife,
9 and recreational opportunities. A Missouri River advisory council is established to coordinate
10 communication among stakeholders regarding the use and management of the Missouri River,
11 and to advise the governor and legislative assembly on issues concerning the Missouri River. A
12 member or employee of the council may not represent to any person that the council has the
13 authority to negotiate on behalf of the state.

14 **61-42-02. Members - Terms - Expenses.**

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

- 17 a. A representative of domestic water supply interests;
18 b. A representative of energy interests;
19 c. A representative of historical and cultural values protection;
20 d. A representative of industrial water supply interests;
21 e. A representative of irrigation interests;
22 f. A representative of natural resource conservation issues, including fish and
23 wildlife;
24 g. A representative of public recreational facilities;

- 1 h. A representative of water quality interests;
- 2 i. The governor's designee.
- 3 2. The governor shall invite the following to join the council as voting members:
- 4 a. The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation, or
- 5 designee; and
- 6 b. The chairman of the Standing Rock Sioux Tribe, or designee.
- 7 3. All appointed members shall serve for a term of four years or until their successors are
- 8 appointed and qualified. Terms expire on the first day of July. The terms of appointed
- 9 members must be staggered so that the expiration of terms is evenly distributed.
- 10 Appointed members may be reappointed for one additional term and serve at the
- 11 pleasure of the governor.
- 12 4. The governor or the governor's designee is chairman of the council.
- 13 5. The members of the council are entitled to receive mileage and expenses at the rates
- 14 and under the terms as provided by law for state employees. The state water
- 15 commission shall pay the expenses of council members.

16 **61-42-03. Duties - Report to legislative assembly.**

- 17 1. The council shall hold meetings at least twice per year, or as often as the chairman
- 18 deems necessary. The meetings must be open to the public and provide an
- 19 opportunity for the public to present issues or concerns to the council. The council
- 20 shall provide the governor and legislative assembly with recommendations related to
- 21 issues needing to be studied or addressed and relating to the protection and use of
- 22 the Missouri River and operations of the reservoirs. The council shall gather input to
- 23 build consensus, collaboration, and partnership opportunities to promote and advocate
- 24 for North Dakota and its stakeholders' rights and interests in the Missouri River.
- 25 2. The appointed representatives shall work to understand and represent grassroots
- 26 efforts being undertaken by organizations and individuals.
- 27 3. Any recommendations developed by the council must receive support from six voting
- 28 members before submission to the governor or legislative assembly.
- 29 4. The council may establish working groups and collaborate with organizations to make
- 30 recommendations to accomplish its objectives to fairly represent all interests of North
- 31 Dakota and stakeholders in the Missouri River. This includes the eight authorized

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- 1 purposes identified in the Flood Control Act of 1944 and implemented by the United
2 States army corps of engineers in its master manual and any other existing or
3 potentially beneficial uses.
4 5. The council shall report accomplishments, ongoing activities, and recommendations to
5 the legislative assembly.