

**FIRST ENGROSSMENT  
with Conference Committee 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 agriculture;  
18 b. A representative of cities;  
19 c. A representative of energy interests;  
20 d. A representative of environment or natural resource conservation issues,  
21 including fish and wildlife;  
22 e. A representative of the Garrison Diversion Conservancy District;  
23 f. A representative of irrigation;

- 1           g. A representative of the Missouri River Joint Water Board to represent counties  
2           along the free flowing reach of the Missouri River, counties bordering Lake  
3           Sakakawea, and counties bordering Lake Oahe;
- 4           h. A representative of recreation interests;  
5           i. A representative of water supply;  
6           j. One at-large representative; and  
7           k. The governor's designee.
- 8        2. The governor shall invite the following to join the council as voting members:
- 9           a. The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation, or  
10          designee; and
- 11          b. The chairman of the Standing Rock Sioux Tribe, or designee.
- 12        3. The chairman of the legislative management shall appoint to the council as voting  
13          members three legislative members to include at least one member of the minority  
14          party.
- 15        4. All appointed members shall serve for a term of four years or until their successors are  
16          appointed and qualified. Terms expire on the first day of July. The terms of appointed  
17          members must be staggered so that the expiration of terms is evenly distributed.  
18          Appointed members may be reappointed for one additional term and serve at the  
19          pleasure of the governor.
- 20        5. The governor or the governor's designee is chairman of the council.
- 21        6. Except for the members appointed by the chairman of the legislative management,  
22          members of the council are entitled to receive mileage and expenses at the rates and  
23          under the terms as provided by law for state employees. Except for the members  
24          appointed by the chairman of the legislative management, the state water commission  
25          shall pay the expenses of council members. The legislative council shall pay the  
26          compensation and expense reimbursement for the legislative members.
- 27        7. The state water commission shall provide staffing and support services to the council.
- 28        **61-42-03. Duties - Report to legislative assembly.**
- 29           1. The council shall hold meetings at least twice per year, or as often as the chairman  
30           deems necessary. The meetings must be open to the public and provide an  
31           opportunity for the public to present issues or concerns to the council. The council

- 1           shall provide the governor and legislative assembly with recommendations related to  
2           issues needing to be studied or addressed and relating to the protection and use of  
3           the Missouri River and operations of the reservoirs. The council shall gather input to  
4           build consensus, collaboration, and partnership opportunities to promote and advocate  
5           for North Dakota and its stakeholders' rights and interests in the Missouri River.
- 6           2. The appointed representatives shall work to understand and represent grassroots  
7           efforts being undertaken by organizations and individuals.
- 8           3. Any recommendations developed by the council must receive support from nine voting  
9           members before submission to the governor or legislative assembly.
- 10          4. The council may establish working groups and collaborate with organizations to make  
11          recommendations to accomplish its objectives to fairly represent all interests of North  
12          Dakota and stakeholders in the Missouri River. This includes the eight authorized  
13          purposes identified in the Flood Control Act of 1944 and implemented by the United  
14          States army corps of engineers in its master manual, along with erosion and  
15          sedimentation, the management of federal lands, and any other existing or potentially  
16          beneficial uses.
- 17          5. The council shall report accomplishments, ongoing activities, and recommendations to  
18          the legislative assembly.