

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1218

Introduced by

Representatives Nelson, D. Anderson, Davis, M. Ruby

Senators Sorvaag, Vedaa

1 A BILL for an Act to amend and reenact sections 61-24.6-02, 61-24.6-03, 61-24.6-04, and
2 61-24.6-06 of the North Dakota Century Code, relating to the creation of the northwest area
3 water supply authority; and to provide for application.

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

5 **SECTION 1. AMENDMENT.** Section 61-24.6-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-24.6-02. Northwest area water supply advisory committee authority - Created.**

8 The northwest area water supply advisory committee authority consists of the following
9 representatives; who, except for the members elected under subsection 4, are appointed by the
10 director of the department of water resources state water commission:

- 11 1. One person Four representatives from the city of Minot recommended by the Minot city
12 council.
- 13 2. One representative from the North Prairie regional water district.
- 14 3. One person from the Bottineau, Burke, McHenry, McLean, Pierce, Renville, and Ward
15 County water resource districts recommended jointly by the governing boards of the
16 Bottineau, Burke, McHenry, McLean, Pierce, Renville, and Ward County water
17 resource districts representative of all seasons water users district recommended by
18 the all seasons users district board of directors.
- 19 3.4. One representative of the state water commission recommended by the
20 commission upper Souris water district recommended by the upper Souris water
21 district board of directors.
- 22 4.5. One representative of the Turtle Mountain Band of Chippewa Indians recommended
23 by the tribal council who will serve as a nonvoting member One representative of cities
24 other than the city of Minot, with direct water service from the northwest area water

1 supply project to be selected by election by cities during the annual meeting of the
2 North Dakota league of cities.

3 ~~5.6.~~ One representative of rural water distribution systems located in northwestern North-
4 Dakota. This representative must be a resident of Bottineau, Burke, McHenry,
5 McLean, Pierce, Renville, or Ward Countythe state water commission who resides in
6 the Souris River basin recommended by the state water commission.

7 ~~6.7.~~ One representative of a municipality other than the city of Minot, located in Bottineau,
8 Burke, McHenry, McLean, Pierce, Renville, or Ward Countythe Garrison Diversion
9 Conservancy District recommended by the Garrison Diversion Conservancy District
10 board of directors who serves as a nonvoting member.

11 ~~7.8.~~ One representative of the Garrison Diversion Conservancy District recommended by
12 the board of directors of the conservancy districtTurtle Mountain Band of Chippewa
13 Indians recommended by the tribal council who will serve as a nonvoting member.

14 ~~8.~~ One at-large representative.

15 **SECTION 2. AMENDMENT.** Section 61-24.6-03 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **61-24.6-03. ~~Advisory committee~~Northwest area water supply authority - Duty -**
18 **Officers - Meetings - Compensation - Staffing.**

19 The northwest area water supply advisory ~~committee~~authority shall develop
20 recommendations for the legislative management regarding the transition of long-term
21 operations and management of the northwest area water supply project. The members of the
22 authority shall serve four-year terms. The advisory ~~committee~~authority shall elect a chairman
23 and vice chairman and meet no less often than once per quarter at the times and places
24 necessary to carry out the purposes of this chapter. The advisory ~~committee~~authority members
25 may be reimbursed for their mileage and expenses in the amount provided for by sections
26 44-08-04 and 54-06-09. The advisory ~~committee~~authority members serve at the pleasure of the
27 ~~director of the department of water resources~~state water commission. Vacancies must be filled
28 in the same manner as original appointments are made. The ~~state water~~
29 ~~commission~~department of water resources shall provide staffing and support for the advisory
30 ~~committee~~authority.

1 **SECTION 3. AMENDMENT.** Section 61-24.6-04 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **61-24.6-04. Powers of the state water commission in consultation with the northwest**
4 **area water supply advisory committee authority.**

5 The state water commission shall consult with the northwest area water supply advisory-
6 ~~committee authority~~ regarding the following duties of the commission:

- 7 1. Accept funds, property, services, or other assistance, financial or otherwise, from
8 federal, state, tribal, and other public or private sources for the purpose of aiding and
9 promoting the development of a project to deliver water to northwestern North Dakota.
- 10 2. Cooperate and contract with the state, its agencies, or its political subdivisions, the
11 Three Affiliated Tribes, or any agency of the United States, in research and
12 investigation or other activities promoting the development of a project to deliver water
13 to northwestern North Dakota.
- 14 3. Appoint and procure the services of engineers, attorneys, and others to assist in
15 developing a project to deliver water to northwestern North Dakota.
- 16 4. Exercise such other powers as may be necessary for, or incidental to, the
17 achievement of the purposes of this chapter.
- 18 5. Construct, operate, and manage a project to deliver water throughout the project area.

19 **SECTION 4. AMENDMENT.** Section 61-24.6-06 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **61-24.6-06. Commission to fix water rates for the northwest area water supply**
22 **project.**

23 The state water commission, after consulting with the northwest area water supply advisory-
24 ~~committee authority~~, shall establish the payments for water service to be paid by water user
25 entities for purchase of water from the northwest area water supply project. The payments for
26 water service must include each water user entity's proportionate share of the operation,
27 maintenance, and replacement costs, and also include a component for payment for capital
28 costs. The commission shall include in its determination of each water user entity's share of
29 operation, maintenance, and replacement costs an amount to be deposited in the northwest
30 area water supply project reserve fund for replacement, as established by section 61-24.6-07,

- 1 for replacement and extraordinary maintenance of northwest area water supply project works.
- 2 The amount of the reserve fund for replacement must be determined by the commission.
- 3 **SECTION 5. APPLICATION.** Notwithstanding section 60-24.6-03, the terms of the initial
- 4 members of the northwest area water supply authority may be for a period of less than four
- 5 years in order to initiate staggered terms.