

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2213

Introduced by

Senators Schaible, Heckaman, Wardner

Representatives Boschee, Lefor, J. Nelson

1 A BILL for an Act to amend and reenact ~~section~~sections 61-24.5-03, 61-24.5-04, 61-24.5-07,
2 61-24.5-08, and 61-24.5-10 of the North Dakota Century Code, relating to the southwest water
3 authority and district budget tax levies.

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

5 **SECTION 1. AMENDMENT.** Section 61-24.5-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-24.5-03. Southwest water authority created.**

8 The southwest water authority ~~shall consist~~consists of that part of the state which is
9 included within the boundaries of Dunn, Stark, Golden Valley, Billings, Slope, Bowman, Adams,
10 Grant, Hettinger, ~~Morton,~~ and Mercer Counties and all of Morton County outside the boundaries
11 of Mandan.

12 ~~Such~~The authority is a governmental agency, body politic and corporate with the authority
13 to exercise the powers specified in this chapter, or which reasonably may be ~~reasonably~~
14 implied.

15 Any county adjoining the authority ~~as herein created, or as hereafter composed,~~ may join
16 ~~such~~the authority upon application of its board of county commissioners and the approval of
17 ~~such~~the application by the board of directors of the authority. The board of directors, as a
18 condition of approval of ~~such an~~ application, may require equitable payments ~~as may be~~
19 ~~equitable~~ to equalize the burden of ~~such~~the county with the obligations paid or assumed by the
20 other counties in the authority.

21 **SECTION 2. AMENDMENT.** Section 61-24.5-04 of the North Dakota Century Code is
22 amended and reenacted as follows:

61-24.5-04. Board of directors - Officers - Meetings - Compensation.

The authority must be governed by a board of directors who must be chosen in accordance with this chapter. One director must be elected from each county within the authority, and two directors must be elected in the city of from Dickinson, ~~and one director must be elected in the city of Mandan~~. The director from Stark County may not be a resident of the city of Dickinson. The director from Morton County may not be a resident of Mandan. The board shall elect from the directors a chairman, vice chairman, and secretary. A majority of the directors constitutes a quorum for ~~the purpose of~~ conducting the business of the board. The board shall meet at the time and place designated by the secretary. Board members are entitled to receive as compensation an amount determined by the board not to exceed the amount per day provided members of the legislative management under section 54-35-10 and must be reimbursed for their mileage and expenses in the amount provided for by sections 44-08-04 and 54-06-09.

SECTION 3. AMENDMENT. Section 61-24.5-07 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-07. Election of city directors of the southwest water authority.

Any person individual who is a resident and qualified elector of the city of Dickinson ~~or Mandan~~ who aspires to the office of director of the southwest water authority shall, before four p.m. on the sixty-fourth day before the election, file with the city auditor a petition signed by not less than ten percent of the number of qualified electors who voted for that office in the last city election, except that the petition for the first election must be signed by not less than two hundred qualified electors. Signers of a petition must reside within the corporate limits of the city, and each signer of the petition shall include with the signer's name the signer's mailing address. The petition must include the candidate's name, post-office address, and the title of the office of the southwest water authority for which the candidate is seeking election.

The petition must be accompanied by an affidavit substantially as follows:

State of North Dakota)

) ss.

City of _____)

I _____, being sworn, say that I reside in the city of _____ and State of North Dakota; that I am a qualified elector therein; that I am a candidate for the office of director of the Southwest Water Authority to be elected at the municipal election to

1 be held on _____, _____, and I request that my name be printed upon the
2 election ballot as provided by law, as a candidate for the office.

3 _____
4 Subscribed and sworn to before me on _____, _____.

5 _____
6 Notary Public

7 Upon receipt of the petition, the city auditor shall without fee place the name of the aspirant
8 on the election ballot as a candidate for the office of director. The candidate or candidates,
9 depending on whether one or two directors are being elected, receiving the highest number of
10 votes are elected. The provisions of chapter 40-21 govern the election of directors from the city
11 of Dickinson ~~or Mandan~~ for the southwest water authority.

12 **SECTION 4. AMENDMENT.** Section 61-24.5-08 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **61-24.5-08. Term of office of directors - Oath of office - Bonds.**

15 1. Members of the board of directors of the authority hold office for a term of four years,
16 until a successor has been duly elected and qualified. If the office of any director
17 becomes vacant by reason of the failure of any director elected at any election to
18 qualify or for any other reason, the director's successor must be appointed to fill the
19 vacancy by the board of county commissioners of the county in which the vacancy
20 occurs, or by the governing body of the city of Dickinson ~~or Mandan~~, as appropriate. A
21 director appointed to fill a vacancy shall hold office for the unexpired term of the
22 director whose office has become vacant, and until a successor has been elected and
23 qualified.

24 2. Members of the board of directors elected from a county must be elected at the
25 primary election and assume office on the first Monday in July following their election.
26 Members of the board of directors elected from the city of Dickinson ~~or Mandan~~ must
27 be elected at the municipal election and assume office on the first Monday in July
28 following their election.

29 ~~In 2002 all directors' terms are deemed to have expired, and each county shall elect one~~
30 ~~director to serve on the board of directors and the city of Dickinson shall elect two directors to~~
31 ~~serve on the board of directors. In 2002 one director from the city of Dickinson and directors~~

1 ~~from Adams, Billings, Dunn, Grant, Oliver, and Slope Counties must be elected for two-year~~
2 ~~terms and in 2004 and thereafter must be elected for four-year terms. In 2010 the director from~~
3 ~~the city of Mandan must be elected to a four-year term.~~ All ~~subsequent~~ directors elected must
4 be elected for four-year terms.

5 3. Before assuming the duties of the office of director, each director shall take and
6 subscribe to the oath of office prescribed by law for civil officers. The authority
7 treasurer must be bonded in an amount as the board may prescribe.

8 **SECTION 5. AMENDMENT.** Section 61-24.5-10 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **61-24.5-10. District budget - Tax levy.**

11 For each taxable year through ~~2020~~2030, the authority may levy a tax of not to exceed one
12 mill annually on each dollar of taxable valuation within the boundaries of the authority for the
13 payment of administrative expenses of the authority, including per diem, mileage, and other
14 expenses of directors, expenses of operating the office, engineering, surveying, investigations,
15 legal, administrative, clerical, and other related expenses of the authority. All moneys collected
16 pursuant to the levy must be deposited to the credit of the authority and may be disbursed only
17 as herein provided. The board may invest any funds on hand, not needed for immediate
18 disbursement or which are held in reserve for future payments, in bonds of the United States,
19 certificates of deposit guaranteed or insured by the United States or an instrumentality or
20 agency thereof, and bonds or certificates of indebtedness of the state of North Dakota or any of
21 its political subdivisions. During the period of time in which the authority may levy one mill
22 annually as provided herein, any joint water resource board created pursuant to section
23 61-16.1-11, by or among one or more of the water resource districts in the counties which are
24 included in the authority, must be limited to one mill under the authority of section 61-16.1-11.