

HOUSE BILL NO. 1431

Introduced by

Representatives Porter, Rohr, Schmidt, Toman

Senators Cook, Unruh

1 A BILL for an Act to amend and reenact sections 61-24.5-03, 61-24.5-04, 61-24.5-07, and
2 61-24.5-08 of the North Dakota Century Code, relating to the parts of the state included in the
3 southwest water authority and the membership of the board of directors of the southwest water
4 authority; and to provide an effective date.

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

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

8 **61-24.5-03. Southwest water authority created.**

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

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

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

22 **SECTION 2. AMENDMENT.** Section 61-24.5-04 of the North Dakota Century Code is
23 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 Members of the board of directors of the authority hold office for a term of four years, until a
16 successor has been duly elected and qualified. If the office of any director becomes vacant by
17 reason of the failure of any director elected at any election to qualify or for any other reason, the
18 director's successor must be appointed to fill the vacancy by the board of county commissioners
19 of the county in which the vacancy occurs, or by the governing body of the city of Dickinson ~~or~~
20 ~~Mandan~~, as appropriate. A director appointed to fill a vacancy shall hold office for the unexpired
21 term of the director whose office has become vacant, and until a successor has been elected
22 and qualified.

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

27 ~~In 2002 all directors' terms are deemed to have expired, and each county shall elect one~~
28 ~~director to serve on the board of directors and the city of Dickinson shall elect two directors to~~
29 ~~serve on the board of directors. In 2002 one director from the city of Dickinson and directors~~
30 ~~from Adams, Billings, Dunn, Grant, Oliver, and Slope Counties must be elected for two year~~
31 ~~terms and in 2004 and thereafter must be elected for four year terms. In 2010 the director from~~

1 ~~the city of Mandan must be elected to a four-year term.~~ All subsequent directors elected must
2 be elected for four-year terms.

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

6 **SECTION 5. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
7 December 31, 2018.