

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1218
(Representatives Nelson, D. Anderson, Davis, M. Ruby)
(Senators Sorvaag, Vedaa)

AN ACT to amend and reenact sections 61-24.6-02, 61-24.6-03, 61-24.6-04, and 61-24.6-06 of the North Dakota Century Code, relating to the creation of the northwest area water supply authority; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

The northwest area water supply advisory ~~committee~~authority consists of the following representatives, who, except for the members elected under subsection 5, are appointed by the director of the department of water resources state water commission:

1. ~~One person~~Four representatives from the city of Minot recommended by the Minot city council.
2. One representative from the North Prairie regional water district.
3. ~~One person from the Bottineau, Burke, McHenry, McLean, Pierce, Renville, and Ward County water resource districts recommended jointly by the governing boards of the Bottineau, Burke, McHenry, McLean, Pierce, Renville, and Ward County water resource districts~~representative of all seasons water users district recommended by the all seasons users district board of directors.
- 3.4. ~~One representative of the state water commission recommended by the commission~~upper Souris water district recommended by the upper Souris water district board of directors.
- 4.5. ~~One representative of the Turtle Mountain Band of Chippewa Indians recommended by the tribal council who will serve as a nonvoting member~~One representative of cities other than the city of Minot, with direct water service from the northwest area water supply project to be selected by election by cities during the annual meeting of the North Dakota league of cities.
- 5.6. ~~One representative of rural water distribution systems located in northwestern North Dakota. This representative must be a resident of Bottineau, Burke, McHenry, McLean, Pierce, Renville, or Ward County~~the state water commission who resides in the Souris River basin recommended by the state water commission.
- 6.7. ~~One representative of a municipality other than the city of Minot, located in Bottineau, Burke, McHenry, McLean, Pierce, Renville, or Ward County~~the Garrison Diversion Conservancy District recommended by the Garrison Diversion Conservancy District board of directors who serves as a nonvoting member.
- 7.8. ~~One representative of the Garrison Diversion Conservancy District recommended by the board of directors of the conservancy district~~Turtle Mountain Band of Chippewa Indians recommended by the tribal council who will serve as a nonvoting member.
8. ~~One at-large representative.~~

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

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

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

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

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

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

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

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

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

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

water supply project works. The amount of the reserve fund for replacement must be determined by the commission.

SECTION 5. APPLICATION. Notwithstanding section 60-24.6-03, the terms of the initial members of the northwest area water supply authority may be for a period of less than four years in order to initiate staggered terms.

Dennis E. Johnson
Speaker of the House

Tammy Miller
President of the Senate

Buell J. Reut
Chief Clerk of the House

Sharon Moyer
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1218.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 46 Nays 1 Absent 0

Buell J. Reut
Chief Clerk of the House

Received by the Governor at 3:00 PM. on April 7, 2023.

Approved at 12:27 PM. on April 11, 2023.

Doug Burgum
Governor

Filed in this office this 12th day of April, 2023,

at 12:03 o'clock P. M.

Michael Howe
Secretary of State