

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2223
(Senators Urlacher, Krauter, Wardner)
(Representative Haas)

AN ACT to amend and reenact sections 61-24.5-04, 61-24.5-08, and subsection 7 of section 61-35-12 of the North Dakota Century Code, relating to the board of directors of the southwest water authority and the reimbursement of water district employee expenses; and to repeal section 61-24.5-05 of the North Dakota Century Code, relating to the initial board of directors of the southwest water authority.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-24.5-04 of the 1999 Supplement to the North Dakota Century Code is 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. ~~At the first election after the initial board of directors has been appointed, two directors~~ One director must be elected from each county within the authority, and ~~three~~ two directors must be elected in the city of Dickinson. The ~~two directors~~ director from Stark County may not be ~~residents~~ a resident of the city of Dickinson. 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 compensation in the amount not to exceed sixty-two dollars and fifty cents per day and must be reimbursed for their mileage and expenses in the amount provided for by sections 44-08-04 and 54-06-09.

SECTION 2. AMENDMENT. Section 61-24.5-08 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-08. Term of office of directors - Oath of office - Bonds. Members of the board of directors of the authority ~~shall~~ hold office for a term of four years, until a successor has been duly elected and qualified; ~~but one half of the first county directors elected shall hold office for a term of two years, and one half shall hold office for a term of four years. Two of the three first city directors shall hold office for a term of four years, and the third shall hold office for a term of two years. Terms of office of directors elected at the first election must be determined by lot. Each county shall have one two-year director and one four-year director, and the city of Dickinson shall have one two-year and two four-year directors on the first elected board of directors. Directors elected thereafter shall hold office for a term of four years.~~ If the office of any director becomes vacant by reason of the failure of any director elected at any election to qualify or for any other reason, the director's successor must be appointed to fill the vacancy by the board of county commissioners of the county in which the vacancy occurs, or by the governing body of the city of Dickinson. A director appointed to fill a vacancy shall hold office for the unexpired term of the director whose office has become vacant, and until a successor has been elected and qualified.

Members of the board of directors elected from a county must be elected at the primary election, ~~beginning in 1992,~~ and shall assume office on the first Monday in July following their election. Members of the board of directors elected from the city of Dickinson must be elected at the municipal election, ~~beginning in 1992,~~ and shall assume office on the first Monday in July following their election.

In 2002 all directors' terms are deemed to have expired, and each county shall elect one director to serve on the board of directors and the city of Dickinson shall elect two directors to serve on the board of directors. In 2002 one director from the city of Dickinson and directors from Adams, Billings, Dunn, Grant, Oliver, and Slope counties must be elected for two-year terms and in 2004 and

thereafter must be elected for four-year terms. All other directors elected in 2002 must be elected for four-year terms.

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

SECTION 3. AMENDMENT. Subsection 7 of section 61-35-12 of the North Dakota Century Code is amended and reenacted as follows:

7. Appoint and fix the compensation and reimbursement of expenses of such employees as the board deems necessary to conduct the business and affairs of the district and to procure the services of engineers and other technical experts, and to retain attorneys to assist, advise, and act for it in its proceedings.

SECTION 4. REPEAL. Section 61-24.5-05 of the North Dakota Century Code is repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2223.

Senate Vote: Yeas 47 Nays 0 Absent 2

House Vote: Yeas 83 Nays 14 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State