

April 7, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

In lieu of the amendments adopted by the Senate as printed on pages 1033 and 1034 of the Senate Journal, Engrossed House Bill No. 1206 is amended as follows:

Page 1, line 2, replace "grant repayment by the authority" with "an appropriation; to provide for loan and grant repayment"

Page 2, line 2, after the underscored period insert "The western area water supply authority shall consider in the process of locating industrial water depots the location of private water sellers so as to minimize the impact on private water sellers."

Page 2, line 14, remove "any bonds or refunding bonds issued under this chapter remain"

Page 2, line 15, remove "outstanding or"

Page 2, line 18, replace "two" with "one"

Page 2, line 19, replace "representatives" with "representative"

Page 2, line 20, after the second underscored comma insert "BDW water system association."

Page 2, line 21, after "association" insert ", and one county commissioner each from Burke County, Divide County, McKenzie County, Mountrail County, and Williams County"

Page 2, line 21, replace "Each" with "The governing body of each"

Page 2, line 21, replace "two representatives" with "the representative"

Page 2, line 22, replace "that" with "the governing body of the"

Page 2, line 23, after the underscored period insert "Directors have a term of one year and may be reappointed. In addition, the governor shall select one member of the state water commission as a voting member on the authority's board of directors. The commission member serves on the board at the pleasure of the governor."

Page 2, line 30, after the underscored comma insert "except for the state water commission member and the county commissioners on the board."

Page 5, line 24, remove "Issue and sell revenue bonds, including notes, certificates, leases, or other evidences"

Page 5, remove lines 25 through 31

Page 6, remove lines 1 through 16

Page 6, line 17, remove "17."

Page 6, line 21, replace "18." with "13."

Page 6, line 24, replace "19." with "14."

Page 6, line 27, replace "20." with "15."

Page 6, remove lines 29 and 30

Page 7, remove lines 1 and 2

Page 7, line 3, replace "22." with "16."

Page 7, line 4, replace "23." with "17."

Page 7, line 9, replace "24." with "18."

Page 7, line 17, replace "25." with "19."

Page 7, line 22, replace "26." with "20."

Page 7, line 27, replace "report to" with "comply with the policy on cost-sharing of"

Page 7, line 27, replace "on the" with "as the policy relates to"

Page 7, line 27, after the second underscored comma insert "and"

Page 7, line 28, replace the first underscored comma with "of the project. The authority shall report to and consult with the state water commission regarding the"

Page 7, line 28, remove the second underscored comma

Page 7, line 29, remove "initial construction of the system and"

Page 7, line 30, remove "and contract plans and specifications"

Page 8, line 1, remove "bonds issued by the authority utilize section 61-40-17 or"

Page 8, remove lines 6 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 17

Page 11, line 18, replace "61-40-15." with "61-40-07."

Page 11, line 26, replace "61-40-16." with "61-40-08."

Page 12, remove lines 1 through 26

Page 12, line 27, replace "60-40-18." with "61-40-09."

Page 12, line 29, remove ", if the legislative assembly has appropriated"

Page 12, line 30, remove "moneys to restore the reserve fund for the obligation in default under this chapter."

Page 13, after line 9, insert:

"61-40-10. Taxing authority.

If projected or actual revenues are insufficient to prevent default, each board of county commissioners of Burke County, Divide County, McKenzie County, Mountrail County, and Williams County shall levy property tax in equal mills as is necessary to prevent default within a maximum of five mills for each county.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$75,000,000, or so much of the sum as may be necessary, to the state water commission for the purpose of providing a loan to the western area water authority for

a maximum term of twenty years at five percent interest per year, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Page 13, line 10, replace "**STATE WATER COMMISSION**" with "**LOAN AND**"

Page 13, line 10, remove "After"

Page 13, remove lines 11 and 12

Page 13, line 13, replace "shall" with "The western area water authority shall make payments on the loan provided in section 2 of this Act to the state water commission. The state water commission shall transfer the funds to the state treasurer for deposit of the principal in the permanent oil tax trust fund and deposit of the interest in the resources trust fund. Upon the repayment of the principal, the authority shall make payments in at least the amount of the principal payments to"

Page 13, line 14, after the period insert "In addition, upon repayment of the state water commission grant, the authority shall provide five percent of the net profits to the state water commission for deposit by the state treasurer in the resources trust fund until June 30, 2040."

Renumber accordingly