Sixty-sixth Legislative Assembly of North Dakota

## **HOUSE BILL NO. 1320**

Introduced by

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Representatives Pollert, Headland

Senators G. Lee, Wanzek

1	A BILL for an Act to amend and reenact section 40-33-16, subsections 11 and 27 of
2	section 61-24-08, and subsection 8 of section 61-39-05 of the North Dakota Century Code,
3	relating to Red River valley water supply project contract terms and elimination of voter
4	approval requirements.for an Act to create and enact a new section to chapter 54-07 of the
5	North Dakota Century Code, relating to the Theodore Roosevelt presidential library and
6	museum endowment fund; to provide a continuing appropriation; to provide for a transfer; to
7	authorize a loan; and to declare an emergency.

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9 SECTION 1. AMENDMENT. Section 40-33-16 of the North Dakota Century Code is 10 amended and reenacted as follows: 11 40-33-16. Municipality may purchase water for distribution. 12 Any city owning a system for the distribution of water for fire protection and other 13 public purposes and for selling water to its inhabitants and industries, but for which the 14 water supply is unsuitable or inadequate, may contract to purchase water at wholesale-15 for suchthose purposes from any person, firm, public or private corporation, or limited-16 liability company able and willing to furnish the same, upon suchthe terms and during-17 suchthe period, not exceeding forty years, as the city governing body shall-18 deemdeems appropriate. Any such The contract shall must be authorized by an-19 ordinance submitted to the voters for approval by a majority of those voting on the 20 proposition before it takes effect. In and by such Pursuant to the ordinance and 21 contract, the city may bind itself: 22 To establish and maintain rates and charges for supplying water by it to its 23 inhabitants and industries, either according to a prescribed schedule agreed-

upon or sufficient to produce net stated amounts for specified periods during the

1	life of the contract, or both, and to appropriate and use the same for payments to
2	become due under the contract, and, if the contract so provides, the city shall
3	beis obligated to pay for suchthe water solely out of suchthe net revenues;
4	2. <u>b.</u> To pay, at an agreed rate or rates, for all water taken by the city under suchthe
5	contract and not resold by it; and
6	3. <u>c.</u> To do and perform any other acts or things which, in the discretion of the
7	governing body, are deemed deems reasonable and appropriate for the
8	procurement of suchthe water on the most efficient and economical basis.
9	2. Notwithstanding subsection 1, contracts to purchase water from the water supply
10	system created by the Red River valley water supply project may have a term
11	exceeding forty years and, if executed in relation to the initial construction of the
12	system, need not be submitted to the voters for approval.
13	3. If any payments under any contract are to be made solely out of net revenues, the
14	contract may fix and prescribe the method or basis on which net revenues are to be
15	<del>computed.</del>
16	SECTION 2. AMENDMENT. Subsection 11 of section 61-24-08 of the North Dakota Century
17	Code is amended and reenacted as follows:
18	—11. To operate and maintain or to contract for the operation and maintenance of water
19	supply and irrigation works serving lands and uses within or outside the district, and in-
20	connection therewith, to maintain a reserve fund to meet major unforeseen costs of
21	operation and maintenance. The acquisition, construction, operation, and maintenance
22	of dams, reservoirs, ground water storage areas, canals, conduits, pipelines, tunnels,
23	and any other plants, works, facilities, improvements, or property necessary to operate
24	or maintain water supply or irrigation works under this section are exempt from any
25	requirements for voter approval.
26	SECTION 3. AMENDMENT. Subsection 27 of section 61-24-08 of the North Dakota
27	Century Code is amended and reenacted as follows:
28	— 27. To enter water service contracts with municipalities, water districts, or other political
29	subdivisions in this state and public utilities in Minnesota as part of the Red River
30	valley water supply project, regardless of whether the acquisition, construction, or
31	reconstruction of any Red River valley water supply project is actually completed and

whether water actually is delivered under the contracts. These contracts with cities and water districts are authorized to be executed without limitation on term of years notwithstanding any limitation to the contraryand, if the contracts are executed in relation to the initial construction of the system, without voter approval.

SECTION 4. AMENDMENT. Subsection 8 of section 61-39-05 of the North Dakota Century

Code is amended and reenacted as follows:

8. Enter a contract or contracts to provide for a supply of bulk water from the Garrison Diversion Conservancy District which contract or contracts may provide for payments to fund some or all of the Garrison Diversion Conservancy District's costs of acquiring, designing, constructing, or reconstructing one or more features of a Red-River valley water supply project, which project the that the Garrison Diversion Conservancy District may acquire, design, construct, improve, and own, as well as the Garrison Diversion Conservancy District's costs of operating and maintaining one or more Red River valley water supply projects, whether the acquisition, construction, or reconstruction of any Red River valley water supply project actually is completed and whether water actually is delivered pursuant to the contract or contracts, and which contract or contracts the Garrison Diversion Conservancy District may execute.

Contracts executed under this subsection may be executed without limitation on the term of years and, if executed in relation to the initial construction of the system, need not be submitted to the voters for approval.

**SECTION 1.** A new section to chapter 54-07 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt presidential library and museum endowment fund - Continuing appropriation.

There is created in the state treasury the Theodore Roosevelt presidential library and museum endowment fund. The governor may provide for the fund to be invested under the supervision of the board of university and school lands. The interest and earnings of the fund are appropriated to the governor on a continuing basis to pay interest expenses on a loan from the Bank of North Dakota and to provide grants pursuant to this section. The governor may provide grants to a private entity subject to the following:

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years and the interest rate must be set at the prevailing interest rate charged by the Bank of

- 1 North Dakota to governmental entities. The governor shall repay the loan authorized in this
- 2 section from funds appropriated by the legislative assembly. The governor shall deposit the
- 3 proceeds of the loan in the Theodore Roosevelt presidential library and museum endowment
- 4 fund.
- 5 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.