

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Fischer

1 A BILL for an Act to create and enact a new section to chapter 61-24.7 of the North Dakota
2 Century Code, relating to the state water commission as lead agency for the Red River valley
3 water supply project; and to amend and reenact section 61-39-01 and subsections 8, 9, and 12
4 of section 61-39-05 of the North Dakota Century Code, relating to the Red River valley water
5 supply project.

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

7 **SECTION 1.** A new section to chapter 61-24.7 of the North Dakota Century Code is
8 created and enacted as follows:

9 **State water commission to have primary responsibility for Red River valley water**
10 **supply project.** The state water commission has primary responsibility for and is the lead
11 agency for the Red River valley water supply project.

12 **SECTION 2. AMENDMENT.** Section 61-39-01 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **61-39-01. Findings and declaration of policy.** The legislative assembly declares that
15 many areas and localities in eastern North Dakota do not enjoy adequate quantities of
16 high-quality drinking water; that other areas and localities in eastern North Dakota do not have
17 sufficient quantities of water to ensure a dependable, long-term supply; that greater economic
18 security and the protection of health and property benefits the land and water resources of this
19 state; and that the promotion of the prosperity and general welfare of all of the people of this
20 state depend on the effective development and utilization of the land and water resources of
21 this state and necessitates and requires the exercise of the sovereign powers of this state and
22 concern a public purpose. To accomplish this public purpose, it is declared necessary that a
23 water authority to store and distribute water to eastern North Dakota be established to provide
24 for the supply and distribution of water to the people of eastern North Dakota for purposes,

1 including domestic, rural water, municipal, livestock, light industrial, and other uses, with
2 primary emphasis on domestic, rural water, and municipal uses; and provide for the future
3 economic welfare and prosperity of the people of this state, and particularly the people of
4 eastern North Dakota, by the bulk purchase of water from the Garrison Diversion Conservancy
5 District delivered by the Red River valley water supply project for beneficial and public uses.
6 The ~~Garrison Diversion Conservancy District~~ state water commission may acquire, construct,
7 improve, and own the Red River valley water supply project and the Lake Agassiz water
8 authority may enter one or more contracts to provide for the authority to acquire bulk water from
9 the Garrison Diversion Conservancy District and may enter water supply contracts with member
10 cities and water districts for the resale of this water for consumption within or outside the state.

11 The legislative assembly acknowledges that North Dakota and Minnesota communities
12 jointly use the Red River as a water resource. It is in the best interest of eastern North Dakota
13 also to study and possibly provide for the water needs of those Minnesota communities through
14 a Red River valley water supply project, particularly if that project maintains the use of the Red
15 River for North Dakota communities.

16 In furtherance of this public purpose, the state water commission may provide for the
17 issuance of bonds in accordance with chapter 61-02 to finance the costs of any project to
18 deliver water to eastern North Dakota. This chapter does not abrogate or limit the rights,
19 powers, duties, and functions of the state water commission or state engineer, but is
20 supplementary to those rights, powers, duties, and functions.

21 **SECTION 3. AMENDMENT.** Subsections 8, 9, and 12 of section 61-39-05 of the North
22 Dakota Century Code are amended and reenacted as follows:

- 23 8. Enter a contract or contracts to provide for a supply of bulk water from the Garrison
24 Diversion Conservancy District which contract or contracts may provide for
25 payments to fund some or all of the ~~Garrison Diversion Conservancy District's~~
26 state water commission's costs of acquiring, constructing, or reconstructing one or
27 more Red River valley water supply projects, which Red River valley water supply
28 projects the ~~Garrison Diversion Conservancy District~~ state water commission may
29 acquire, construct, improve, and own, as well as the ~~Garrison Diversion~~
30 ~~Conservancy District's~~ state water commission's costs of operating and
31 maintaining one or more Red River valley water supply projects, whether the

1 acquisition, construction, or reconstruction of any Red River valley water supply
2 project actually is completed and whether water actually is delivered pursuant to
3 the contract or contracts, and which contract or contracts the ~~Garrison Diversion~~
4 ~~Conservancy District~~ state water commission may execute without limitation on
5 term of years.

- 6 9. Enter a contract or contracts to provide for a bulk sale, lease, or other supply of
7 water for beneficial use to persons within or outside the authority, which contract or
8 contracts may provide for payments to fund some or all of the ~~Garrison Diversion~~
9 ~~Conservancy District's~~ state water commission's costs of acquiring, constructing, or
10 reconstructing one or more Red River valley water supply projects, as well as the
11 ~~Garrison Diversion Conservancy District's~~ state water commission's costs of
12 operating and maintaining one or more Red River valley water supply projects,
13 whether the acquisition, construction, or reconstruction of any Red River valley
14 water supply project actually is completed and whether water actually is delivered
15 pursuant to the contract or contracts, which contract or contracts cities and water
16 districts that are members of the Lake Agassiz water authority are authorized to
17 execute without limitation on term of years.

- 18 12. Lend some or all proceeds of its revenue bonds to the ~~Garrison Diversion~~
19 ~~Conservancy District~~, to the state of North Dakota, or to a political subdivision or
20 public body within the state, to facilitate the ~~Garrison Diversion Conservancy~~
21 ~~District's~~ state water commission's acquisition, construction, reconstruction, or
22 improvement of one or more Red River valley water supply projects, or any
23 feasibility study or preliminary economic, engineering, or legal work relating to any
24 Red River valley water supply project.