

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1207

Introduced by

Representatives Timm, Price, Thorpe

Senators Krebsbach, O'Connell, Tollefson

1 A BILL for an Act to create and enact chapter 11-36, a new subsection to section 57-15-06.7, a
2 new subsection to section 57-15-10, a new subsection to section 57-15-20.2, and two new
3 sections to chapter 57-15 of the North Dakota Century Code, relating to local port authorities.

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

5 **SECTION 1.** Chapter 11-36 of the North Dakota Century Code is created and enacted
6 as follows:

7 **11-36-01. Definitions.** As used in this chapter unless the context requires otherwise:

- 8 1. "Bonds" means any bonds, notes, interim certificates, debentures, or similar
9 obligations issued by a port authority pursuant to this chapter.
- 10 2. "Governing body" means the official or officials authorized by law to exercise
11 ordinance or other lawmaking powers of a municipality.
- 12 3. "Municipal port authority" means a port authority created pursuant to section
13 11-36-03.
- 14 4. "Municipality" means any political subdivision of this state.
- 15 5. "Port authority" means any regional port authority or municipal port authority
16 created pursuant to this chapter, and the governing body of a municipality which
17 has determined to exercise the powers of a municipal port authority, pursuant to
18 section 11-36-03.
- 19 6. "Real property" means lands, structures, and interests in land, including lands
20 under water and riparian rights, and any and all things and rights usually included
21 within the term real property, including not only fee simple absolute but also any
22 and all lesser interests, such as easements, rights of way, uses, leases, licenses,
23 and all other incorporeal hereditaments and every estate, interest, or right, legal or
24 equitable, pertaining to real property.

1 7. "Regional port authority" means a port authority created pursuant to section
2 11-36-04.

3 **11-36-02. General powers.** A port authority may operate a port that includes all real
4 and personal property, structures, machinery, equipment, and appurtenances or facilities that
5 are part of the port or used or useful in connection with the port either as facilities for the
6 convenience of handling equipment, passengers, and freight or as part of port or port facilities
7 operation. In the process of operating a port, a port authority may:

- 8 1. Promote, stimulate, develop, and advance the general welfare, commerce,
9 economic development, and prosperity of its jurisdiction and of the state and its
10 citizens;
- 11 2. Endeavor to increase the volume of commerce within the jurisdiction of the port
12 authority and the state through planning, advertising, acquisition, establishment,
13 development, construction, improvement, maintenance, equipment, operation,
14 regulation, and protection of transportation, storage, or other facilities that promote
15 the safe, efficient, and economical handling of commerce, and through having
16 foreign trade zone authority;
- 17 3. Cooperate and act in conjunction with other organizations, public or private, in the
18 development of commerce, industry, manufacturing, services, natural resources,
19 agriculture, livestock, recreation, tourism, health care, and other economic activity
20 in the state; and
- 21 4. Support the creation, expansion, modernization, retention, and relocation of new
22 and existing businesses and industries in the state and otherwise stimulate, assist
23 in, and support the growth of all kinds of economic activity that will tend to promote
24 commerce and business development, maintain the economic stability and
25 prosperity of its jurisdiction and of the state, and thus provide maximum
26 opportunities for employment and improvement in the standard of living of citizens
27 of the state.

28 **11-36-03. Creation of municipal port authority.** Any municipality located near the
29 junction of two paved and divided multilane highways, where two competing railroad intermodal
30 lines intersect, and where two class I railroads interchange freight cars, may create by
31 resolution of its governing body a public body corporate and politic to be known as a municipal

1 port authority, which is authorized to exercise its functions upon the appointment and
2 qualification of the first commissioners of the authority. The governing body by resolution may
3 determine to exercise any or all powers granted to the authorities in this chapter until the
4 powers have been conferred upon a municipal or regional port authority. Upon the adoption of
5 a resolution creating a municipal port authority, the governing body of the municipality shall
6 appoint, pursuant to the resolution, five persons as commissioners of the port authority. The
7 commissioners who are first appointed are designated to serve for terms of one, two, three,
8 four, and five years, respectively, but thereafter, each commissioner must be appointed for a
9 term of five years, except that vacancies occurring otherwise than by expiration of term must be
10 filled for the unexpired term by the governing body.

11 **11-36-04. Creation of regional port authority.**

- 12 1. Two or more municipalities, one of which is in this state located near the junction of
13 two paved and divided multilane highways, where two competing railroad
14 intermodal lines intersect, and where two class I railroads interchange freight cars,
15 may create by joint resolution a public body, corporate and politic, to be known as
16 a regional port authority, which is authorized to exercise its functions upon the
17 issuance by the secretary of state of a certificate of incorporation. The governing
18 bodies of the municipalities participating in the creation of a regional port authority
19 shall appoint, pursuant to the joint resolution, no fewer than five persons as
20 commissioners of the regional port authority. The number to be appointed and
21 representation must be provided for in the joint resolution. The term of office of
22 each regional port authority commissioner must be in accordance with subsection
23 5. Each regional port authority, once created, shall organize, elect officers for
24 terms of office to be fixed by agreement, and adopt and amend rules for its own
25 procedure not inconsistent with section 11-36-07.
- 26 2. A regional port authority may be increased to serve one or more additional
27 municipalities if each additional municipality and each of the municipalities then
28 included in the regional port authority and the commissioners of the regional port
29 authority, respectively, adopt a resolution consenting to the addition. If a municipal
30 port authority for any municipality seeking to be included in the regional port
31 authority is then in existence, the commissioners of the municipal port authority

1 must consent to the inclusion of the municipality in the regional port authority, and
2 if the municipal port authority has any bonds outstanding, all of the holders of the
3 bonds must consent, in writing, to the inclusion of the municipality in the regional
4 port authority. Upon the inclusion of any municipality in the regional port authority,
5 all rights, contracts, obligations, and property of the municipal port authority must
6 be in the name of and vest in the regional port authority.

7 3. A regional port authority may be decreased if each of the municipalities then
8 included in the regional port authority and the commissioners of the regional port
9 authority consent to the decrease and make provisions for the retention or
10 disposition of its assets and liabilities. If the regional port authority has any bonds
11 outstanding, no decrease may be effected unless all of the holders of the bonds
12 consent to the decrease.

13 4. A municipality may not adopt any resolution authorized by this section without a
14 public hearing. Notice must be given at least ten days before the hearing in a
15 newspaper published in the municipality, or if there is no newspaper published in
16 the municipality, then in a newspaper having general circulation in the municipality.

17 5. All commissioners of a regional port authority must be appointed for terms of five
18 years each, except that a vacancy occurring otherwise than by expiration of term
19 must be filled for the unexpired term in the same manner as the original
20 appointments.

21 **11-36-05. Certificate of incorporation of regional port authority.**

22 1. Upon the appointment and qualification of the commissioners first appointed to a
23 regional port authority, the commissioners shall submit to the secretary of state a
24 certified copy of each resolution adopted pursuant to section 11-36-03 by the
25 municipalities included in the regional port authority. Upon receipt of the
26 resolution, the secretary of state shall issue a certificate of incorporation to the
27 regional port authority.

28 2. When a regional port authority is increased or decreased pursuant to section
29 11-36-04, it shall forward to the secretary of state a certified copy of each
30 resolution adopted pursuant to that section, and upon receipt of the resolution, the
31 secretary of state shall issue an amended certificate of incorporation.

1 **11-36-06. Proof of existence of authority.**

2 1. In any proceeding involving the validity or enforcement of, or relating to, any
3 contract of a municipal port authority, created pursuant to section 11-36-03, the
4 municipal port authority is deemed to have become established and authorized to
5 transact its business and exercise its powers upon proof of the adoption by the
6 municipality of the resolution creating the municipal port authority and of the
7 appointment and qualification of the first commissioners. Duly certified copies of
8 the resolution creating the authority and of the certificates of appointment of the
9 commissioners are admissible in evidence in any proceeding.

10 2. In any proceeding involving the validity or enforcement of, or relating to, any
11 contract of a regional port authority, the regional port authority is deemed to have
12 become established and authorized to transact its business and exercise its
13 powers upon proof of the issuance by the secretary of state of a certificate of
14 incorporation of such regional port authority. A copy of such certificate of
15 incorporation, duly certified by the secretary of state, is admissible in evidence in
16 any suit, action, or proceeding.

17 **11-36-07. Commissioners - Compensation - Meetings - Officers.**

18 1. A commissioner of an authority may not receive compensation for services but is
19 entitled to the reimbursement of necessary expenses incurred in the discharge of
20 duties. Each commissioner shall hold office until a successor has been appointed
21 and has qualified. The certificates of the appointment and reappointment of
22 commissioners must be filed with the port authority.

23 2. The powers of each port authority are vested in the commissioners.

24 3. There must be elected a chairman and vice chairman from among the
25 commissioners. A port authority may employ an executive director, secretary,
26 technical experts, and such other officers, agents, and employees, permanent and
27 temporary, as it may require, and shall determine their qualifications, duties, and
28 compensation. For legal services it may require, a port authority may call upon the
29 chief law officer of the municipality or municipalities included in the port authority or
30 may employ its own counsel and legal staff. A port authority may delegate to one
31 or more of its agents or employees the powers or duties as it may deem proper.

1 **11-36-08. Specific powers of a port authority.** A port authority has all the powers
2 necessary or convenient to carry out the purposes of this chapter, including the power to certify
3 annually to the governing bodies creating it, the amount of tax to be levied by the governing
4 bodies for port purposes, including the power:

- 5 1. To sue and be sued.
- 6 2. To execute such contracts and other instruments and take such other action as
7 may be necessary or convenient to carry out the purposes of this chapter.
- 8 3. To plan, establish, acquire, develop, construct, purchase, enlarge, improve,
9 maintain, equip, operate, regulate, and protect transportation, storage, or other
10 facilities. For such purposes a port authority may by purchase, gift, devise, lease,
11 or otherwise acquire property, including easements.
- 12 4. To establish comprehensive port zoning regulations in accordance with the laws of
13 this state. For the purposes of this chapter, a regional port authority has the same
14 powers as all other political subdivisions in the adoption and enforcement of
15 comprehensive port zoning regulations as provided for by the laws of this state.
- 16 5. To acquire, by purchase, gift, devise, lease, or otherwise, existing transportation,
17 storage, or other facilities that may be necessary or convenient to carry out this
18 chapter. A port authority may not acquire or take over any transportation, storage,
19 or other facilities owned or controlled by another port authority, municipality, or
20 public agency of this or any other state without the consent of that port authority,
21 municipality, or public agency.
- 22 6. To provide financial and other support to organizations in its jurisdiction, including
23 corporations whose purpose is to promote, stimulate, develop, and advance the
24 general welfare, economic development, and prosperity of its jurisdiction and of the
25 state and its citizens by stimulating, assisting in, and supporting the growth of all
26 kinds of economic activity, including the creation, expansion, modernization,
27 retention, and relocation of new and existing businesses and industries in the
28 state, all of which will tend to promote business development, maintain the
29 economic stability and prosperity of the state, and thus provide maximum
30 opportunities for employment and improvement in the standard of living of citizens
31 of the state.

1 **11-36-09. Disposal of port property.** Except as may be limited by the terms and
2 conditions of any grant, loan, or agreement authorized by section 11-36-13, an authority, by
3 sale, lease, or otherwise, may dispose of any transportation, storage, or other facility or other
4 property, or portion thereof or interest therein, acquired pursuant to this chapter. A disposal
5 must be in accordance with the laws of this state governing the disposition of other public
6 property, except that in the case of disposal to another port authority, a municipality, or an
7 agency of the state or federal government for use and operation as a public port, the sale,
8 lease, or other disposal may be effected in such manner and upon such terms as the
9 commissioners of the port authority may deem in the best interest of transportation. Upon the
10 termination of a port and controlling authority, remaining funds shall revert to the general fund
11 of the political subdivision that levied a tax in support of the port.

12 **11-36-10. Bonds and other obligations.**

- 13 1. A port authority may borrow money for any of its corporate purposes and issue its
14 bonds for that purpose, including refunding bonds, in the form and upon the terms
15 as it may determine, payable out of any revenues of the port authority, including
16 grants or contributions from the federal government or other sources, which bonds
17 may be sold at not less than ninety-eight percent of par plus the interest accrued
18 on the bonds to the date of the delivery of the bonds.
- 19 2. Bond issues sold at private sale must bear interest at a rate or rates and be sold at
20 a price resulting in an average net interest cost not exceeding twelve percent per
21 annum. There is no interest rate ceiling on those issues sold at public sale or to
22 this state or any of its agencies or instrumentalities.
- 23 3. Any bonds issued pursuant to this chapter by a port authority, or by a governing
24 body exercising the powers of a port authority, are payable, as to principal and
25 interest, solely from revenues of a port or facilities, and must so state on the face
26 of the bond, but if any issue of bonds constitutes an indebtedness within the
27 meaning of any constitutional or statutory debt limitation or restriction, each bond
28 of the issue is, subject to the requirements of subsection 9, an equally valid and
29 binding special obligation of the authority or municipality, as the case may be, in
30 accordance with its terms, in an amount proportionate to the total amount of the
31 issue which is within the limitation or restriction. Neither the commissioners of a

1 port authority nor the governing body of a municipality nor any person executing
2 such bonds is liable personally thereon by reason of the issuance thereof, except
3 to the extent that the bonds, if constituting an indebtedness, exceed any applicable
4 limitation or restriction.

5 4. In case any of the commissioners or officers of a port authority or municipality
6 whose signatures appear on any bonds or coupons cease to be such
7 commissioners or officers after authorization but before the delivery of the bonds,
8 the signature, nevertheless, is valid and sufficient for all purposes, the same as if
9 the commissioners or officers had remained in office until delivery.

10 Notwithstanding any other provision of any law, any bonds issued pursuant to this
11 chapter are fully negotiable.

12 5. Any bond reciting in substance that it has been issued by the port authority or
13 municipality pursuant to this chapter and for a purpose or purposes authorized by
14 this chapter is conclusively deemed, in any proceeding involving the validity or
15 enforceability of the bond or the security therefor, to have been issued pursuant to
16 this chapter and for such purpose or purposes.

17 6. Bonds issued by a port authority or municipality pursuant to this chapter are
18 declared to be issued for an essential public and governmental purpose and,
19 together with interest on the bonds, and income from the bonds are exempt from
20 all taxes.

21 7. For the security of any such bonds, the port authority or municipality by resolution
22 may make any covenant, agreement, or indenture authorized to be made as
23 security for revenue bonds issued under chapter 40-35. The sums required from
24 time to time to pay principal and interest and to create and maintain a reserve for
25 the bonds may be made payable from any and all revenues referred to in this
26 chapter, before the payment of current costs of operation and maintenance of the
27 facilities.

28 8. Whenever bonds are issued under this chapter and made payable from revenues
29 of a port involving municipalities with over ten thousand population, subject to
30 requirements of subsection 9, the governing body of the municipality, if at any time
31 all revenues, including taxes, appropriated and to that time collected for the bonds

1 are insufficient to pay principal or interest then due, shall levy a general tax upon
2 all of the taxable property in the municipality for the payment of the deficiency. If at
3 any time a deficiency is likely to occur within one year for the payment of principal
4 and interest due on the bonds, the governing body, in its discretion, may levy a
5 general tax upon all the taxable property in the municipality for the payment of the
6 deficiency. The taxes are not subject to any limitation of rate or amount applicable
7 to other municipal taxes.

8 9. For bonds issued under this section to be an obligation of a municipality or port
9 authority, the issuance of the bonds must be approved by a majority vote of the
10 governing body of each municipality involved or, within thirty days after the port
11 authority decides it wishes to issue the bonds, the municipality or port authority
12 must put the question, specifying the amount of the bond at issue, to the people at
13 an election. The question may be put at a general election, a primary election, a
14 municipal election, or at an election called for the purpose. If a majority of the
15 qualified electors voting on the issue vote in favor of issuing the bonds, the port
16 authority or municipality, to the amount authorized in the election, may pledge the
17 general obligation of the port authority or municipality to guarantee the repayment
18 of the principal and interest on the bonds.

19 **11-36-11. Operation and use privileges.**

- 20 1. In connection with the operation of a port or port facility owned or controlled by a
21 port authority, the port authority may enter a contract, lease, and other
22 arrangement for terms not to exceed thirty years with any person:
- 23 a. Granting the privilege of using or improving the port or port facility or any
24 portion or space in the port or port facility for commercial purposes;
 - 25 b. Conferring the privilege of supplying goods, commodities, things, services, or
26 facilities at the port or port facility; and
 - 27 c. Making available services to be furnished by the authority or its agents at the
28 port or port facility.
- 29 2. In each case the port authority may establish the terms and conditions and fix the
30 charges, rentals, or fees for the privileges or services, which must be reasonable
31 and uniform for the same class or privilege or service and must be established with

1 due regard to the property and improvements used and the expenses of operation
2 to the authority; provided that in no case may the public be deprived of its rightful,
3 equal, and uniform use of the port, port facility, or portion of a port or port facility.

4 3. Except as may be limited by the terms and conditions of any grant, loan, or
5 agreement authorized by section 11-36-13, a port authority by contract, lease, or
6 other arrangements, upon a consideration fixed by it, may grant to any qualified
7 person for a term not to exceed thirty years the privilege of operating, as agent of
8 the port authority or otherwise, any port owned or controlled by the port authority;
9 provided that no person may be granted any authority to operate a port other than
10 as a public port or to enter any contract, lease, or other arrangement in connection
11 with the operation of the port which the port authority might not have undertaken
12 under subsection 1.

13 **11-36-12. Regulations.** A port authority may adopt, amend, and repeal such
14 reasonable resolutions, regulations, and orders as it determines necessary for the
15 management, government, and use of any port or port facility owned by it or under its control.
16 No rule, regulation, order, or standard prescribed by the port authority may be inconsistent with,
17 or contrary to, any Act of the Congress of the United States or any regulation promulgated or
18 standard established pursuant to an Act of Congress. The port authority shall keep on file at
19 the principal office of the port authority for public inspection a copy of all its regulations.

20 **11-36-13. Federal and state aid.** A port authority may accept, receive, receipt for,
21 disburse, and expend federal and state moneys and other moneys, public or private, made
22 available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this
23 chapter. All federal moneys accepted under this section must be accepted and expended by
24 the port authority upon such terms and conditions as are prescribed by the United States and
25 as are consistent with state law; and all state moneys accepted under this section must be
26 accepted and expended by the port authority upon such terms and conditions as are prescribed
27 by the state.

28 **11-36-14. Tax levy may be certified by port authority or municipality.** The port
29 authority may certify annually to the governing bodies the amount of tax to be levied by each
30 municipality participating in the creation of the port authority, and the municipality shall levy the
31 amount certified, pursuant to provisions of law authorizing political subdivisions of this state to

1 levy taxes for port purposes. The levy made may not exceed the maximum levy permitted by
2 the laws of this state for port purposes. The municipality shall collect the taxes certified by a
3 port authority in the same manner as other taxes are levied and collected. The proceeds of
4 such taxes must be deposited in a special account or accounts in which other revenues of the
5 port authority are deposited and may be expended by the port authority as provided in this
6 chapter. Before issuance of bonds under section 11-36-10, the port authority or the
7 municipality by resolution may covenant and agree that the total amount of the taxes then
8 authorized by law, or such portion of the taxes as may be specified by the resolution, will be
9 certified, levied, and deposited annually until the bonds and interest are fully paid.

10 **11-36-15. County tax levy for port purposes.** In counties supporting ports or port
11 authorities, a levy not exceeding the limitation in section 2 of this Act may be made but this levy
12 may not apply to any municipality that has a port levy.

13 **11-36-16. Joint operations.**

14 1. For the purposes of this section, unless otherwise qualified, the term "public
15 agency" includes municipality and port authority, any agency of the state
16 government and of the United States, and any political subdivision and agency of
17 an adjoining state; and the term "governing body" includes commissioners of a port
18 authority, the governing body of a municipality, and the head of an agency of a
19 state or the United States if the public agency is other than a port authority or
20 municipality. All powers, privileges, and authority granted by this chapter may be
21 exercised and enjoyed by an authority jointly with any public agency of this state,
22 and jointly with any public agency of any adjoining state or of the United States to
23 the extent that the laws of such other state or of the United States permit such joint
24 exercise of enjoyment. Any agency of the state government, when acting jointly
25 with any authority, may exercise and enjoy all the powers, privileges, and authority
26 conferred by this chapter upon an authority.

27 2. Any two or more public agencies may enter agreements with each other for joint
28 action pursuant to the provisions of this section. Each agreement must specify its
29 duration, the proportionate interest which each public agency must have in the
30 property, facilities, and privileges involved in the joint undertaking, the proportion of
31 costs of operation, and other items to be borne by each public agency, and such

1 other terms as are deemed necessary or required by law. The agreement may
2 also provide for amendments and termination; disposal of all or any of the
3 property, facilities, and privileges jointly owned, prior to, or at such times as said
4 property, facilities, and privileges, or any part thereof, cease to be used for the
5 purposes provided in this chapter, or upon termination of the agreement; the
6 distribution of the proceeds received upon any disposal, and of any funds or other
7 property jointly owned and undisposed of; the assumption of payment of any
8 indebtedness arising from the joint undertaking which remains unpaid upon the
9 disposal of all assets or upon a termination of the agreement; and such other
10 provisions as may be necessary or convenient.

11 3. Public agencies acting jointly under this section shall create a joint board to consist
12 of members appointed by the governing body of each participating public agency.
13 The number to be appointed, the term, and any compensation must be provided in
14 the joint agreement. Each joint board shall organize, select officers for such terms
15 as are fixed by the agreement, and adopt and amend rules for its own procedure.
16 The joint board has power, as agent of the participating public agencies, to plan,
17 acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate,
18 regulate, protect, and police any port or port facility to be jointly acquired,
19 controlled, and operated, and the board may be authorized by the participating
20 public agencies to exercise on behalf of its constituent public agencies all the
21 powers of each with respect to the port or port facility, subject to the limitations of
22 subsection 4.

23 4. a. The total expenditures to be made by the joint board for any purpose in any
24 calendar year must be as determined by a budget approved by the
25 constituent public agencies on or before the preceding December first, or as
26 otherwise specifically authorized by the constituent public agencies.

27 b. A port, port facility, or real property, the cost of which is in excess of sums
28 fixed by the joint agreement or allotted in the annual budget, may not be
29 acquired, established, or developed by the joint board without the approval of
30 the governing bodies of its constituent public agencies.

- 1 c. The joint board may not dispose of any port, port facility, or real property
2 under its jurisdiction except with the consent of the governing bodies of its
3 constituent public agencies, provided that the joint board, without such
4 consent, may enter contracts, leases, or other arrangements contemplated by
5 section 11-36-11.
- 6 d. Any resolutions, regulations, or orders of the joint board dealing with subjects
7 authorized by section 11-36-11 become effective only upon approval of the
8 governing bodies of the constituent public agencies, provided that upon such
9 approval, the resolutions, regulations, or orders of the joint board have the
10 same force and effect in the territories or jurisdictions involved as the
11 ordinances, resolutions, regulations, or orders of each public agency would
12 have in its own territory or jurisdiction.
- 13 5. For the purpose of providing the joint board with moneys for the necessary
14 expenditures in carrying out this section, a joint fund must be created and
15 maintained, into which must be deposited the share of each of the constituent
16 public agencies as provided by the joint agreement. Any federal, state, or other
17 grants, contributions, or loans, and the revenues obtained from the joint ownership,
18 control, and operation of any port or port facility under the jurisdiction of the joint
19 board must be paid into the joint fund. Disbursements from such fund must be
20 made by order of the board, subject to the limitations prescribed in subsection 4.

21 **11-36-17. Public purpose.** The acquisition of any land, or interest therein, pursuant to
22 this chapter, the planning, acquisition, establishment, development, construction, improvement,
23 maintenance, equipment, operation, regulation, and protection of ports and port facilities and
24 the exercise of any other powers granted to port authorities and other public agencies, to be
25 severally or jointly exercised, are to be public and governmental functions, exercised for a
26 public purpose, and matters of public necessity. All land and other property and privileges
27 acquired and used by or on behalf of any authority or other public agency in the manner and for
28 the purposes enumerated in this chapter must be acquired and used for public and
29 governmental purposes and as a matter of public necessity.

30 **11-36-18. Port property and income exempt from taxation.** Any property in this
31 state acquired by a port authority for port purposes pursuant to this chapter, and any income

1 derived by the port authority from the ownership, operation, or control of this property, is
2 exempt from taxation to the same extent as other property used for public purposes.

3 **11-36-19. Municipal cooperation.** For the purpose of aiding and cooperating in the
4 planning, undertaking, construction, or operation of ports and port facilities pursuant to this
5 chapter, any municipality for which an authority has been created, upon such terms, with or
6 without consideration, may:

- 7 1. Lend or donate money to the authority.
- 8 2. Provide that all revenues received by the municipality for port purposes be
9 transferred, paid, or credited to a port authority fund. The city auditor or county
10 treasurer may establish and maintain the fund to account for port authority
11 revenues and shall make payments from the fund for invoices that have been
12 submitted and approved by the governing body of the port authority. On request of
13 the city auditor or county treasurer and during an audit, the governing board of the
14 port authority shall supply its records. The records must be provided on a timely
15 basis. The fund may not revert to the governing body of the municipality at the end
16 of any fiscal year. The fund must be used exclusively for the establishment and
17 maintenance of port facilities.
- 18 3. Cause water, sewer, or drainage facilities, or any other facilities which it is
19 empowered to provide, to be furnished adjacent to or in connection with the port or
20 port facilities.
- 21 4. Dedicate, sell, convey, or lease any of its interest in any property, or grant
22 easements, licenses, or any other rights or privileges therein to the port authority.
- 23 5. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets,
24 roads, roadways, and walks from established streets or roads to ports or port
25 facilities.
- 26 6. Take any action, whether or not specifically authorized in this section and not
27 otherwise prohibited by law, that is necessary or convenient to aid and cooperate
28 with the authority in the planning, undertaking, construction, or operation of ports
29 and port facilities.
- 30 7. Enter agreements with the port authority respecting action to be taken by the
31 municipality pursuant to this section.

1 **11-36-20. Out-of-state port jurisdiction authorized - Reciprocity with adjoining**
2 **states and governmental agencies.**

- 3 1. This state or any public entity within this state having any powers with respect to
4 planning, establishing, acquiring, developing, constructing, enlarging, improving,
5 maintaining, equipping, operating, regulating, or protecting ports or port facilities
6 within this state may exercise those powers within any state or jurisdiction
7 adjoining this state, subject to the laws of that state or jurisdiction.
- 8 2. Any state adjoining this state or any public entity of that state may plan, establish,
9 acquire, develop, construct, enlarge, improve, maintain, equip, operate, regulate,
10 and protect ports and port facilities with this state, subject to the laws of this state
11 applicable to ports and port facilities.
- 12 3. The powers granted in this section may be exercised jointly by two or more states
13 or public entities, including this state and its governmental agencies, in any
14 agreed-upon combination.

15 **11-36-21. Supplemental authority.** In addition to the general and special powers
16 conferred by this chapter, every port authority may exercise any power necessary incidental to
17 the exercise of general and special powers.

18 **11-36-22. Debt service fund.** A port authority may create a debt service fund and
19 accumulate in the fund a sum determined by the governing body, together with interest on that
20 sum, for the use, repairs, maintenance, and capital outlays of a port.

21 **SECTION 2.** A new subsection to section 57-15-06.7 of the North Dakota Century
22 Code is created and enacted as follows:

23 Counties supporting ports or port authorities may levy a tax not exceeding four
24 mills in accordance with section 11-36-15.

25 **SECTION 3.** A new subsection to section 57-15-10 of the North Dakota Century Code
26 is created and enacted as follows:

27 Taxes levied for port purposes in accordance with section 5 of this Act may be
28 levied in an amount not exceeding four mills.

29 **SECTION 4.** A new subsection to section 57-15-20.2 of the North Dakota Century
30 Code is created and enacted as follows:

1 A township levying a tax for port purposes in accordance with section 6 of this Act
2 may levy a tax not exceeding four mills.

3 **SECTION 5.** A new section to chapter 57-15 of the North Dakota Century Code is
4 created and enacted as follows:

5 **Tax levy for port purposes.** In cities supporting ports for which no levy has been
6 made by a taxing district within the corporate limits of such city, a levy not exceeding the
7 limitation in section 3 of this Act may be made for such purposes.

8 **SECTION 6.** A new section to chapter 57-15 of the North Dakota Century Code is
9 created and enacted as follows:

10 **Township levy for port purposes.** The electors of each township may vote at the
11 annual meeting to levy a tax for the purpose of supporting a port or port authority in an amount
12 not exceeding the limitation in section 4 of this Act. The tax levy provided in this section does
13 not apply to any city, park district, or other taxing district that already has a port levy.