

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2299

Introduced by

Senators Paulson, Castaneda, Luick

Representatives D. Ruby, VanWinkle, Wolff

1 A BILL for an Act to amend and reenact subsection 1 of section 54-10-14, subsection 1 of
2 section 54-10-15, and sections 61-35-09 and 61-35-10 of the North Dakota Century Code,
3 relating to oversight of water districts.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 54-10-14 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 1. The state auditor shall audit the following political subdivisions once every two years,
8 except as provided in this section or otherwise by law:
- 9 a. Counties.
 - 10 b. Cities, and when a city is audited, to include any political subdivision that was
11 created by the city and has bonding authority.
 - 12 c. Park districts.
 - 13 d. School districts.
 - 14 e. Firefighters relief associations.
 - 15 f. Airport authorities.
 - 16 g. Public libraries.
 - 17 h. Water resource districts, created under chapter 61-16 and operating under
18 chapter 61-16.1.
 - 19 i. Garrison Diversion Conservancy District.
 - 20 j. Rural fire protection districts.

- 1 k. Special education districts.
- 2 l. Area career and technology centers.
- 3 m. Correction centers.
- 4 n. Recreation service districts.
- 5 o. Weed boards.
- 6 p. Irrigation districts.
- 7 q. Rural ambulance service districts.
- 8 r. Southwest water authority.
- 9 s. Regional planning councils.
- 10 t. Soil conservation districts.
- 11 u. Western area water supply authority industrial water sales on an annual basis.
- 12 v. Water districts subject to chapter 61-35.

13 **SECTION 2. AMENDMENT.** Subsection 1 of section 54-10-15 of the North Dakota Century
14 Code is amended and reenacted as follows:

- 15 1. The state auditor, by duly appointed deputy auditors or other authorized agents, shall
16 audit or review the books, records, and financial accounts of any political subdivision
17 when ordered by the legislative audit and fiscal review committee. The state auditor,
18 by duly appointed auditors or other authorized agents, may audit or review the books,
19 records, and financial accounts of any political subdivisions when requested by the
20 governor, requested by the governing board, or upon petition of at least thirty-five
21 percent of the qualified electors of any political subdivision enumerated in section
22 54-10-14 voting for the office of governor at the preceding general election ~~or, in the~~
23 ~~ease of~~ regarding school districts, upon petition of at least thirty-five percent of the
24 qualified electors voting at the preceding school board election; regarding water
25 districts subject to chapter 61-35, upon a petition of at least ~~thirty-five~~ten percent of the
26 qualified electors voting at the preceding annual meeting held under section
27 61-35-10 or three hundred participating members, whichever is fewer, or upon the
28 request of the state court administrator with respect to clerk of district court services
29 provided by a county in accordance with chapter 27-05.2. Fees for the audits must be
30 paid in accordance with the provisions of section 54-10-14.

1 **SECTION 3. AMENDMENT.** Section 61-35-09 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **61-35-09. Bylaws submitted at special meeting.**

4 Within thirty days after election of the original board, proposed bylaws must be submitted
5 for adoption at a special meeting of members of the district, written notice of which must be
6 mailed to each member. Members present at the special meeting may adopt or amend any of
7 the proposed bylaws, and may propose and adopt alternative or additional bylaws by a majority
8 vote. The bylaws may subsequently be amended at any annual or special meeting of the
9 participating members of the district. However, the bylaws of each district must provide:

10 1. For an annual meeting of participating members each year after the year of
11 organization of the district and for mailing of written notice of the time and place of
12 each annual meeting to each participating member and publication of the notice in the
13 official newspaper of the county or counties served by the district not less than ten nor
14 more than thirty days before each meeting.

15 2. That each participating member of the district is entitled to one vote at all annual and
16 special meetings of the district for each benefit unit to which the member has
17 subscribed.

18 3. ~~That each participating member of the district may nominate an individual to be a~~
19 ~~candidate at a special election to fill a vacancy or at a regularly scheduled election at~~
20 ~~an annual meeting to elect a successor director. A nomination for a candidate may be~~
21 ~~made beginning thirty days before the election up to the date of election. A nomination~~
22 ~~also may be made at the annual or special meeting before the commencement of the~~
23 ~~election~~seeking election to the board shall present a petition containing signatures of
24 ten participating members. All petitions must be submitted to the secretary of the
25 board or nominating committee at least thirty days before the election or by the mail
26 election deadline established under the district's bylaws. Any participating member
27 who submits a petition must be added to the ballot, provided they reside in the
28 appropriate district and qualify to serve as a director under the district's bylaws.

29 **SECTION 4. AMENDMENT.** Section 61-35-10 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **61-35-10. Directors divided into classes - Terms - Vacancies.**

2 1. The initial board of each district shall divide its members by lot into three classes of as
3 nearly equal size as possible. The terms of the directors in the first, second, and third
4 classes expire on dates of the annual meetings in the first, second, and third years,
5 respectively, following the year in which the district is organized, or as soon thereafter
6 as their successors are elected and have qualified.

7 2. At the annual meeting in each year after the year in which the district is organized, a
8 director must be elected to succeed each director whose term of office expires on that
9 date, and each director so elected holds office for a term of three years and until a
10 successor is elected and has qualified. ~~The county auditor of the county in which the~~
11 ~~majority of the district is located shall oversee the election under this subsection.~~

12 3. Vacancies must be filled for the unexpired term by appointment by the remaining
13 directors ~~through a special election administered by the county auditor of the county in~~
14 ~~which the majority of the district is located~~ until the next annual meeting of participating
15 members, at which the participating members shall elect a director for the unexpired
16 term.

17 4. ~~Except as otherwise provided by law, all~~ All elections held under this chapter must be
18 conducted ~~and the votes must be canvassed in the same manner as in the election of~~
19 ~~county officers~~ to allow participating members to access all stages of the election
20 process, including voting and vote tabulation in a uniform and nondiscriminatory
21 manner. Each meeting must be arranged in a manner that permits each participating
22 member to plainly observe the election process.