

Introduced by

Representatives O'Brien, Bahl, Ista, Sanford, Satrom

Senators Barta, Meyer, Patten, Conley

1 A BILL for an Act to amend and reenact section 6-09.4-22 of the North Dakota Century Code,
2 relating to water service agreement protection of service during the term of the loan; and to
3 provide for retroactive application.

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

5 **SECTION 1. AMENDMENT.** Section 6-09.4-22 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **6-09.4-22. Protection of service during term of loan.**

- 8 1. The water service provided or made available by a political subdivision through the
9 construction or acquisition of an improvement, or the revenues therefrom, financed in
10 whole or in part with a loan to the political subdivision from the public finance authority
11 or any other state agency or enterprise, may not be curtailed or limited by inclusion of
12 all or any part of the area served by the political subdivision within the boundaries of
13 any other political subdivision, or by the granting of any private franchise for similar
14 service within the area served by the political subdivision, during the term of the loan.
15 The political subdivision providing the service may not be required to obtain or secure
16 any franchise, license, or permit as a condition of continuing to serve the area if it is
17 included within the boundaries of another political subdivision during the term of the
18 loan. As used in this section, "water service" means service provided under chapter
19 61-28.1.
- 20 2. Under the circumstances described in subsection 1, nothing prevents the two political
21 subdivisions, ~~with the public finance authority or other state agency or enterprise,~~ from
22 negotiating an agreement for the right or obligation to provide the service in question,
23 ~~provided that any agreement is invalid and unenforceable unless the public finance~~
24 ~~authority or other state agency or enterprise is a party to the agreement and unless~~

1 ~~the agreement contains adequate safeguards to ensure the security and timely-~~
2 ~~payment of any outstanding bonds of the public finance authority issued to fund the-~~
3 ~~loan.~~

4 3. Only the public finance authority or other state agency providing the financing
5 described in subsection 1 may enforce the provisions of this section. This section does
6 not create or provide a cause of action or claim to a political subdivision.

7 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to July 31,
8 1997.