

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1399

Introduced by

Representatives Damschen, DeKrey, Monson

Senators Fischer, Trenbeath

1 A BILL for an Act to amend and reenact section 61-16.1-09.1 of the North Dakota Century
2 Code, relating to special assessments for snagging, clearing, and maintaining watercourses;
3 and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 61-16.1-09.1 of the North Dakota Century Code
6 is amended and reenacted as follows:

7 **61-16.1-09.1. Watercourses, bridges, and low water crossings.**

8 1. A water resource board may undertake the snagging, clearing, and maintaining of
9 natural watercourses and the debrisment of bridges and low water crossings. The
10 board may finance the project in whole or in part with funds raised through the
11 collection of a special assessment levied within the boundaries of the water
12 resource district against the land and premises benefited by the project. Revenue
13 from an assessment under this section may not be used for construction of a drain
14 or reconstruction or maintenance of an existing assessment drain. Any question
15 as to whether the board is maintaining a natural watercourse or is constructing a
16 drain or reconstructing or maintaining an existing assessment drain must be
17 determined by the state engineer. All provisions of this chapter apply to
18 assessments levied under this section except:

- 19 a. An assessment may not exceed fifty cents per acre [.40 hectare] annually on
20 agricultural lands and may not exceed fifty cents annually for each five
21 hundred dollars of taxable valuation of nonagricultural property; and
22 b. If the assessment is for a project costing less than one hundred thousand
23 dollars, no action is required for the establishment of the assessment district
24 or the assessments except the board must approve the project and

1 assessment by a vote of two-thirds of the members and the board of county
2 commissioners of the county in which the project is located must approve and
3 levy the assessments to be made by a vote of two-thirds of its members.

4 c. All revenue from an assessment under this section must be exhausted before
5 a subsequent assessment covering any portion of lands subject to a prior
6 assessment may be levied.

7 2. Before an assessment may be levied under this section, a public hearing must be
8 held attended by a quorum of the board and a quorum of the board of county
9 commissioners. The hearing must be preceded by notice as to date, time, location,
10 and subject matter published in the official newspaper in the county or counties in
11 which the proposed assessment is to be levied. The notice must be published at
12 least ten days but not more than thirty days before the public hearing.

13 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.