

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2254

Introduced by

Senators Fischer, J. Lee, Miller

Representatives Kasper, Nelson, Nottestad

1 A BILL for an Act to amend and reenact section 61-16.1-40.1 of the North Dakota Century
2 Code, relating to maintenance of federal water management projects.

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

4 **SECTION 1. AMENDMENT.** Section 61-16.1-40.1 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **61-16.1-40.1. Maintenance of federally constructed projects - Assessment district**
7 **established.** ~~If a water resource board enters or has been assigned rights in a contract with a~~
8 ~~federal agency for construction of a flood control project or soil conservation service project,~~
9 ~~and the terms of the contract require the water resource board to provide for maintenance of~~
10 ~~the project after construction~~ With regard to projects constructed by a federal agency, including
11 the soil conservation service or natural resources conservation service, the water resource
12 board may finance in whole or in part the maintenance of the project with funds raised through
13 the collection of a special assessment levied against the land and premises benefited by
14 maintenance of the project. The assessments to be levied may not exceed two dollars per acre
15 [.40 hectare] annually on agricultural lands and may not exceed two dollars annually for each
16 five hundred dollars of taxable valuation of nonagricultural property. No action is required for
17 the establishment of the assessment district or the assessments except the water resource
18 board must approve the maintenance and assessment therefor by a vote of two-thirds of the
19 members and the board of county commissioners of the county in which the project is located
20 must approve and levy the assessments to be made by a vote of two-thirds of its members. If a
21 board that undertakes a project finds that the project may benefit lands in this state outside
22 water resource district boundaries, the board shall provide notice to the water resource board
23 where the benefited lands are located. The board of each water resource district containing
24 lands benefited by a project must approve the project and assessment by vote of two-thirds of

1 its members. The board of county commissioners in each county that contains lands benefited
2 by a project must approve and levy the assessment to be made by vote of two-thirds of its
3 members. If a project and assessment is not approved by all affected water resource boards
4 and boards of county commissioners, the board of each water resource district and the board of
5 county commissioners of each county shall meet to ensure that all common water management
6 problems are jointly addressed. In addition, the water resource board that undertakes the
7 project may proceed with the project if the board finances the cost of the project and does not
8 assess land outside of the district. Before an assessment may be levied under this section, a
9 public hearing must be held. 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 which the
11 proposed assessment is to be levied. The notice must be published at least ten days but not
12 more than thirty days before the public hearing.