

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Olafson

1 A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota
2 Century Code, relating to state engineer review of water project disputes; and to provide a
3 continuing appropriation.

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

5 **SECTION 1.** A new section to chapter 61-16.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Water project disputes - State engineer review - Continuing appropriation.** If a
8 water resource board undertakes a project and finds that the project may benefit lands in this
9 state outside the water resource district boundaries, the board undertaking the project shall
10 provide notice to the water resource board where the benefited lands outside the district are
11 located. If the nonsponsoring board determines not to participate in the water project, the board
12 undertaking the project may appeal the decision of the nonparticipating board to the state
13 engineer. The appeal to the state engineer must be made within thirty days from the date
14 notice of the nonparticipating board's decision has been received by the participating board.
15 The appeal must be made by submitting a written notice to the state engineer which specifically
16 sets forth the reason why the nonparticipating board's decision is erroneous. The appealing
17 board shall also submit copies of the written appeal notice to the nonparticipating board. The
18 state engineer shall handle the appeal by conducting an independent investigation and making
19 an independent determination of the matter. The state engineer may hold hearings on the
20 matter and may enter property affected by the appeal for the purpose of investigating the
21 appeal. If the state engineer determines that the project benefits lands in the nonparticipating
22 water resource district and the project is in the public interest, the state engineer shall make an
23 assessment of costs and certify the assessment to the county auditor of the county where the
24 benefited lands within the nonparticipating district or districts are located. The county auditor

- 1 shall extend the assessment against the property assessed. Each assessment must be
- 2 collected and paid as other taxes are collected and paid. Assessments collected must be
- 3 deposited with the state treasurer and are appropriated out of the state treasury to the state
- 4 water commission on a continuing basis and must be credited to the water resource district
- 5 undertaking the project. A person aggrieved by action of the state engineer under this section
- 6 may appeal the decision of the state engineer to the district court in accordance with chapter
- 7 28-32.