

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

Appropriations Committee

1 A BILL for an Act test.

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

3 **SECTION 1. AMENDMENT.** Section 4-22-26 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **4-22-26. Powers and duties of districts and supervisors.** A soil conservation district
6 may exercise the public powers ordinarily exercised by a governmental subdivision of the state,
7 and the district and the supervisors thereof have the following powers in addition to those
8 granted in other sections of this chapter:

- 9 1. To conduct surveys, investigations, and research relating to the character of soil
10 erosion and the preventive and control measures needed, and to publish the
11 results of such surveys, investigations, or research, and to disseminate information
12 concerning such preventive and control measures. To avoid duplication of
13 research activities, no district may initiate any research program except in
14 cooperation with the government of this state or any of its agencies, or with the
15 United States or any of its agencies.
- 16 2. To conduct demonstrational projects within the district on lands owned or
17 controlled by this state or any of its agencies, with the cooperation of the agency
18 administering and having jurisdiction thereof, and on any other lands within the
19 district after obtaining the consent of the occupier of such lands or the necessary
20 rights or interests in such lands, to demonstrate by example the means, methods,
21 and measures by which soil and soil resources may be conserved and soil erosion
22 in the form of soil blowing and soil washing may be prevented and controlled.
- 23 3. To carry out preventive and control measures within the district, including, but not
24 limited to, engineering operations, methods of cultivation, the growing of

1 vegetation, and changes in use of land, on lands owned or controlled by this state
2 or any of its agencies, with the cooperation of the agency administering and having
3 jurisdiction thereof, and on any other lands within the district upon obtaining the
4 consent of the occupier of such lands or the necessary rights or interest in such
5 lands.

6 4. To cooperate or enter into agreements with, and, within the limits of appropriations
7 duly made available to it by law, to furnish financial or other aid to any agency,
8 governmental or otherwise, or any occupier of lands within the district in the
9 carrying on of erosion control and prevention operations within the district, subject
10 to such conditions as the supervisors may deem necessary to advance the
11 purposes of this chapter.

12 5. To obtain options upon and to acquire by purchase, exchange, lease, gift, grant,
13 bequest, devise, or otherwise any property, real or personal, or any rights or
14 interest therein; to maintain, administer, and improve any properties acquired; to
15 receive income from such properties, and to expend such income in carrying out
16 the purposes and provisions of this chapter; and to sell, lease, or dispose of
17 otherwise any of its property or interest therein in furtherance of the purposes and
18 the provisions of this chapter.

19 6. To make available, on such terms as it shall prescribe, to land occupiers,
20 government units or qualified electors within the district, agricultural and
21 engineering machinery and equipment, fertilizer, seeds and seedlings, and such
22 other material or equipment as will assist such land occupiers, government units or
23 qualified electors to carry on operations upon their lands for the conservation of soil
24 and water resources and for the prevention and control of soil erosion.

25 7. To construct, improve, and maintain such structures as may be necessary or
26 convenient for the performance of any of the operations authorized in this chapter.

27 8. To develop comprehensive plans for the conservation of soil resources and for the
28 control and prevention of soil erosion within the district, which plans must specify in
29 such detail as may be possible the acts, procedures, performances, and
30 avoidances which are necessary or desirable for the effectuation of such plans,
31 including the specification of engineering operations, methods of cultivation, the

growing of vegetation, cropping programs, tillage practices, and changes in use of land, and to publish such plans and information and bring them to the attention of occupiers of lands within the district.

9. To take over, by purchase, lease, or otherwise, and to administer any soil conservation, erosion control, or erosion prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States, or any of its agencies or of this state or any of its agencies, any soil conservation, erosion control, or erosion prevention project within its boundaries; to act as agent for the United States or any of its agencies or for this state or any of its agencies in connection with the acquisition, construction, operation, or administration of any soil conservation, erosion control, or erosion prevention project within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise from the United States or any of its agencies or from this state or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations.
10. To sue and be sued in the name of the district.
11. To have a seal, which seal must be noticed judicially.
12. To have perpetual succession unless terminated as hereinafter provided.
13. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers; to borrow funds and pledge all or any part of any income from the district's facilities, equipment, and operations for the repayment thereof.
14. To make, and from time to time, to amend and repeal, rules and regulations not inconsistent with this chapter to carry into effect its purposes and powers.
15. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, to require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and to require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

1 16. To expend moneys for education, promotion, and recognition activities consistent
2 with the purposes of this chapter.

3 17. To levy taxes as follows:

4 a. The supervisors may make a tax levy, not exceeding one mill, for the payment
5 of the expenses of the district, including mileage and other expenses of the
6 supervisors, and technical, administrative, clerical, and other operating
7 expenses.

8 b. Immediately after the completion of the district budget and the adoption of the
9 annual tax levy by the district supervisors, but not later than July first, the
10 supervisors shall send one certified copy of the levy as adopted to the county
11 auditor of each county in the districts.

12 c. The county auditor of each county in the district shall extend the levy upon the
13 tax list of the county for the current year against each description of real
14 property lying both within the county and the district in the same manner and
15 with the same effect as other taxes are extended.

16 d. The treasurer of each county in the district shall collect all district taxes
17 together with interest and penalty thereon in the same manner as the general
18 taxes are collected, and shall pay over to the soil conservation district by the
19 tenth working day of each month, all taxes so collected during the preceding
20 month, with interest and penalties collected thereon and shall immediately
21 send notification of such payment to the treasurer of the soil conservation
22 district.

23 e. Whenever the supervisors of a soil conservation district deem it advisable to
24 raise funds by taxation in excess of the levy provided by this section, for any
25 purpose for which the supervisors of a district are authorized to expend
26 moneys raised by taxes, the supervisors of the district shall submit to the
27 qualified electors of the district at the next general election the question of
28 increasing the levy by a certain number of mills. Notice of the question must
29 be filed with the county auditor fifty-five days before the election. When
30 authorized by a majority of qualified electors of the soil conservation district

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- 1 voting on the question at an election in which the question has been
- 2 submitted, the supervisors may increase the levy in the amount so authorized.
- 3 No provisions with respect to the acquisition, operation, or disposition of property by other
- 4 public bodies are applicable to a district unless the same specifically are made applicable by
- 5 law.