

WATERS

CHAPTER 342

S. B. No. 77
(Pyle and Hagen)

APPLICATION FOR BENEFICIAL USE OF WATER IRRIGATION

AN ACT

To amend and reenact section 61-0402 of the North Dakota Revised Code of 1943, relating to application for beneficial use of water irrigation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) That section 61-0402 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted so as to read as follows:

61-0402. APPLICATION FOR BENEFICIAL USE OF WATER REQUESTED.) Any person, association, or corporation intending to acquire the right to the beneficial use of any waters, before commencing any construction for such purpose, or before taking the same from any constructed works, shall make an application to the state engineer for a permit to appropriate. If applicant shall designate the use of sprinkler equipment for the irrigation of his land the state engineer and state water conservation commission may, in order to permit rotation of crops, grant a permit or license which will be applicable to a gross area containing more than the acreage which can be irrigated in one year with the quantity of water authorized to be beneficially used under such permit or license.

Approved March 4, 1953.

CHAPTER 343

H. B. No. 595

(Anderson of Cass, Simenson, Heimes, Sortland)

WATER CONSERVATION AND FLOOD CONTROL DISTRICT
TAX LEVY; FINANCING SPECIAL ASSESSMENTS

AN ACT

To amend and reenact section 61-1615 of the 1949 Supplement to the North Dakota Revised Code of 1943, being section 15 of chapter 348 of the Session Laws of 1949, relating to the levying of taxes for district expenses, and the financing of improvements by special assessments; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 61-1615 of the 1949 Supplement to the North Dakota Revised Code of 1943, being section 15 of chapter 348 of the session laws of 1949, is hereby amended and reenacted to read as follows:

61-1615. TAX LEVY BY BOARD OF COUNTY COMMISSIONERS; AMOUNT; FINANCING BY SPECIAL ASSESSMENTS.) At the time of levying taxes for other county purposes, the board of county commissioners shall consider the certificate of the board of commissioners of each district within the county, and it shall levy each year upon all taxable property in each district within the county a tax sufficient in amount to pay the actual necessary expenses, including costs of rights-of-way, easements or other interests in property, construction, operation and maintenance of any project of each water conservation and flood control district, not exceeding a total of three mills on each dollar of taxable valuation of the district. Such tax may be levied in excess of the mill limit fixed by law for taxes for general purposes. The county auditor shall credit the proceeds of such tax to each district. The acquisition of rights-of-way, easements or other interests in property, and the construction, operation and maintenance of any project may, in the discretion of the board, be financed in whole or in part by special assessments against the property benefited thereby as provided in this chapter, or the board may meet such expenses by a combination of a tax levy and special assessments.

§ 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 11, 1953.

CHAPTER 344

H. B. No. 744

(McInnes, Anderson of Cass, Saumur, Anderson of)
(Richland and Christopher)

DRAIN COMMISSIONERS OFFICE RECORDS AND
REIMBURSEMENT OF EXPENSES

AN ACT

Relating to drainage projects; amending and reenacting section 61-2104 of the North Dakota Revised Code of 1943, providing for office, records and payment and reimbursement of expenses, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 61-2104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-2104. OFFICE AND RECORD BOOKS SUPPLIED BOARD OF DRAIN COMMISSIONERS; PAYMENT OF CLERICAL ASSISTANCE AND OFFICE EXPENSE.) The board of county commissioners shall provide an office for the board of drain commissioners suitable for its use and the keeping of its records, and shall provide suitable record books for its use, and may pay for necessary clerical and office expense.

§ 2. PAYMENT OF COST OF PROCESS, COMMISSIONER COMPENSATION, LEGAL SERVICES, SURVEY, OTHER EXPENSES AND REIMBURSEMENT.) The board of county commissioners may pay for the cost of mailing and publication of notices, drain board commissioner compensation and expenses, legal services, costs of survey, and other expenses incurred in connection with proceedings pursuant to petition for drain which is incurred prior to entry of order establishing or denying establishment of such drain. If such drain is established then the board of drain commissioners shall issue a warrant reimbursing the county for such payments. If said drain is not established the board of drain commissioners shall pay to the county all moneys collected pursuant to the provisions of section 61-2116 from the petitioners for said drain.

§ 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 27, 1953.

CHAPTER 345

H. B. No. 698
(Einarson, Sommer and Christopher)

PETITION FOR EXCESS LEVY TO CLEAN OUT
AND REPAIR DRAINS

AN ACT

To amend and reenact section 61-21426 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to petition for excess expenditure to clean out and repair drains.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 61-21426 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-21426. EXPENDITURES IN EXCESS OF AMOUNT PRODUCED BY MAXIMUM LEVY.) If the cost of maintaining, cleaning out and repairing any drain shall exceed the amount produced by the maximum levy of fifty cents per acre in any year, together with the amount accumulated in the drainage fund, owners of lands subject to assessment for ten percent or more of such cost may petition the board to clean out and repair such drain. When such petition has been filed with the county auditor, the board shall forthwith give ten days' notice by registered mail to all owners of land liable for assessments, of a hearing upon such petition at a convenient time and place. At such hearing, the purpose of the proposed improvement or repair of the drain shall be explained and the probable cost thereof and other pertinent information shall be furnished. At such hearing, signers of such petition may withdraw their names therefrom, and others may add their names thereto. If, when such hearing has been completed and closed, owners of lands will be subject to assessments aggregating sixty percent or more of the cost of cleaning out or repairing such drain, have signed the original petition, it shall be the duty of the board to cause such drain to be cleaned out and repaired.

Approved March 4, 1953.

CHAPTER 346

H. B. No. 742

(McInnes, Anderson of Cass, Saumur, Anderson of)
(Richland and Christopher)

ISSUANCE OF DRAINAGE WARRANTS BY COUNTY
COMMISSIONERS FOR CLEANING OUT, REPAIRING
AND MAINTAINING DRAINS

AN ACT

Relating to issuance of drainage warrants by the board of county commissioners; providing for issuance of drain warrants for the cleaning out, repairing, maintaining, deepening, widening and lengthening of drains; providing for presentation, interest rate and registration and payment of said warrants, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Warrants in payment of costs and expenses of cleaning out, repairing, and maintenance of drains and such deepening, widening and lengthening of drains as is done by the board of county commissioners are hereby authorized and shall be issued by said board. Said warrants shall be issued by order of said board and shall be signed by the chairman of said board and the county auditor. All such warrants shall be payable from the drain fund for which such costs and expenses were incurred. All such warrants, after presentation to the county treasurer for payment, if not paid for want of funds, shall be registered by him, and thereafter bear interest at the rate of not to exceed five per cent per annum.

§ 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 27, 1953.

CHAPTER 347**H. B. No. 741****(McInnes, Anderson of Cass, Saumur, Anderson of)
(Richland and Christopher)****COMPENSATION OF DRAIN COMMISSIONERS****AN ACT**

To amend and reenact section 61-2146 of the North Dakota Revised Code of 1943 relating to compensation of the board of drain commissioners and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 61-2146 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-2146. COMPENSATION OF COMMISSIONERS; STATEMENT PREPARED BY COMMISSIONERS.) Each drain commissioner shall receive for his services ten dollars per day for the time actually spent by him in the performance of the duties of his office and actual necessary expenses when away from home. Such sums shall be chargeable to the drain or drains on which the time was spent. Not more than the compensation for one day shall be allowed to him for services rendered in any one calendar day of twenty-four hours. The drain commissioners shall render an itemized and verified statement showing the date or dates when their services were rendered.

§ 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 27, 1953.

CHAPTER 348

S. B. No. 150
(Solberg)

RECLAMATION DISTRICTS FOR DRAINAGE OF SURFACE
WATERS FROM LANDS WHEN DRAINAGE NOT
FEASIBLE BY CONSTRUCTION OF DRAIN
BY COUNTY DRAIN COMMISSIONERS

AN ACT

Authorizing the establishment of reclamation district for the drainage of surface waters from lands when it is not deemed feasible or practicable to effect the drainage thereof by the construction of a drain under the jurisdiction of a county board of drain commissioners, or the maintenance of such constructed drain by a board of county commissioners pursuant to the provisions of chapter 61-21 of the North Dakota Revised Code of 1943 and acts amendatory thereof; providing for the election of directors and the appointment of officers and employees of such reclamation district and prescribing the terms of office and providing for compensation of such directors, officers and employees; providing for the issuance of special-assessment warrants and/or bonds to defray the cost of construction and maintenance of facilities for the drainage of lands in such district; authorizing the levy and apportionment of special assessments against benefited lands to meet construction and maintenance costs; declaring the purposes and defining the powers, rights and functions of such reclamation districts; providing for cooperation by state highway commissioner or governing board of any county, city, village or township, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DECLARATION OF INTENTION; INTERPRETATION.) It is hereby declared that the establishment of reclamation districts in accordance with the provisions of this act is necessary.

1. To enable the owners of lands which have been flooded by the runoff waters from melting snow, and because of heavy rainfall, to drain surface waters from such lands when it is not deemed feasible or practicable to effect the drainage thereof by the construction of drainage canals under the jurisdiction and direction of the county board of drain commissioners nor to operate and maintain the required drainage works by the board of county commissioners after construction thereof.
2. When, in order to drain surface waters from lands which are flooded, it is found necessary to construct, operate and maintain equipment and facilities for pumping such

waters into a canal or canals situated at a higher level than the lands sought to be drained and when construction of a drainage ditch through such higher ground is not economically feasible nor practicable.

3. To cooperate with any corporation, public or private, or with any municipality or with any federal agency and the state water conservation commission for the drainage of lands mentioned herein.

§ 2. DEFINITIONS.)

1. "District" shall mean any reclamation district organized and established pursuant to the provisions of this act.
2. "Works" shall be deemed to include all lands, property rights, rights-of-way, easements and franchises relating thereto and necessary for the construction, operation and maintenance of canals, pumping plants and other facilities found necessary to drain surface waters from lands mentioned in section 1 of this act.

§ 3. INTERPRETATION.) This act shall not be construed as repealing, amending or limiting or in any way affecting the laws of this state relating to the organization and maintenance of drainage projects established under and by virtue of the provisions of chapter 61-21 of the North Dakota Revised Code of 1943 and acts amendatory thereof or water conservation and flood control districts.

§ 4. PROPOSAL FOR ESTABLISHMENT OF RECLAMATION DISTRICT; POWERS OF, WHEN ESTABLISHED.) Whenever the owners of at least 75 per cent of the whole number of acres within an area containing lands which are flooded, and which can not be drained by the construction and maintenance of a drain, established under the jurisdiction and direction of a county board of drain commissioners pursuant to the provisions of chapter 61-21 of the North Dakota Revised Code of 1943 and acts amendatory thereof, desire to provide for the drainage of such lands they may propose the organization of a reclamation district under the provisions of this act. When so established, such district:

1. Shall be a body corporate.
2. Shall possess all powers expressly granted or implied in order to accomplish the purpose for which the district has been created, shall have all the powers conferred by law upon a county board of drain commissioners with reference to the establishment and construction of drains, including the power to levy and apportion special assess-

ments to meet construction costs, and shall possess the powers necessary to meet maintenance costs, and shall be authorized to operate and maintain drainage works when constructed.

3. May sue and be sued in its corporate name and may institute and maintain any action in law or in equity necessary or proper to carry out fully the purpose for which the district is organized.
4. May contract and be contracted with.
5. May exercise the right of eminent domain for the purpose of acquiring right-of-way for drainage ditches, flumes, canals, sites for pumping plants, and for any purpose necessary to establish, operate and maintain facilities or works for drainage of the lands within the district.
6. May issue special assessment warrants to meet construction and/or maintenance costs or may issue district bonds to defray the cost of facilities required for the drainage of lands therein.
7. May hold, lease, own and possess such real and personal property as shall come into its possession by contract, gift, conveyance, purchase or otherwise.

§ 5. PETITION FOR A PROPOSED RECLAMATION DISTRICT; FILED WHERE; SIGNED BY WHOM.) A petition for the proposed reclamation district shall be filed with the state engineer and shall be signed by the owners of at least 75 per cent of the total number of acres embraced within such proposed district requesting that the territory described in such petition be organized under the provisions of this act. Such petition shall set forth the name and address of each petitioner and a description of his land. The petition shall be accompanied by a map of the proposed district. Such map shall show the boundaries of the district and shall show the location of proposed canals or works, including pumping plants, if any, by means of which it is intended to drain waters from the lands in such district. The petition shall be signed by at least six free-holders whose lands will be benefited by drainage or surface waters therefrom.

§ 6. PETITION ACCOMPANIED BY BOND; APPROVAL OF BOND; FILING OF CERTIFIED COPY OF PETITION.) The petition for a proposed reclamation district shall be accompanied by a sufficient bond to be approved by the state engineer which shall be in double the amount of the probable cost of organizing such district including the cost of the first election therein, and shall be conditioned that the surety, or sureties, will pay all costs in case said organization shall not be approved by a

majority of the free-holders owning at least 75 per cent of the whole number of acres of land embraced within the boundaries of the proposed reclamation district. Within ten days after the filing of such petition and the approval of such bond, the state engineer shall file a certified copy of such petition with the county auditor of each county in which the proposed reclamation district is situated.

§ 7. HEARING ON PETITION; NOTICE OF; REPORT PREPARED BY STATE ENGINEER ON FEASIBILITY SUBMITTED TO LAND OWNERS.) The state engineer shall examine the petition, maps and data pertaining to the proposed reclamation district and shall fix a time and place for hearing such petition. Such place for hearing shall be convenient and accessible for a majority of the owners of lands in the proposed district. A notice stating that such petition will be heard, and stating the time and place of hearing shall be published once each week for two weeks prior to the date of such hearing in the official newspaper of the county in which the proposed reclamation district is located, and if such proposed district is located in more than one county, then such notice shall be published in the official newspaper of each such county. Prior to such hearing the state engineer shall prepare, or cause to be prepared, a report showing the probable cost of the plan of drainage proposed by the petitioners. A copy of such report shall be filed with the county auditor of each county in which the proposed reclamation district is situated and such report shall be open to public inspection. The state engineer shall submit such report to the land owners of the proposed district at the meeting set for hearing the petition.

§ 8. AMENDMENT OF PLAN FOR DRAINAGE; ADJOURNMENT OF HEARING BY STATE ENGINEER: STATE ENGINEER MAY DENY PETITION.) At the time set for the hearing, as provided in section 7 of this act, the state engineer may with the consent of the petitioners, amend the plan of drainage of the land in the proposed reclamation district and may change the boundaries of the proposed district. The state engineer may adjourn such hearing from time to time and on final hearing may, with the consent of the land owners affected thereby, make such changes in the proposed boundaries as he shall find to be proper and shall establish and define such boundaries. If he shall determine that the plan of draining the lands within the proposed reclamation district is not practicable or that such plan is not economically sound he shall make an order denying the petition for organization of the proposed district and shall state his reasons for his action. A copy of such order shall be filed with the county auditor of each county in which the proposed reclamation district is situated.

§ 9. STATE ENGINEER TO MAKE AN ORDER ESTABLISHING RECLAMATION DISTRICT; CALLING AN ELECTION.) If the state engineer shall find and determine that the establishment of the proposed reclamation district is feasible and that the plan finally adopted for the drainage of the lands therein is practicable and economically sound, he shall make an order establishing such reclamation district, subject to the approval of a majority of the owners of lands therein who together shall own at least 75 per cent of the total number of acres embraced within such proposed district, which will be subject to assessment for the cost of constructing and maintaining the works required for the drainage of the lands therein. Such order shall set forth:

1. The time and place of holding such election.
2. The boundaries of the district which shall conform as nearly as possible with governmental survey lines.
3. That a petition sufficient in form and substance was filed in the office of the state engineer.
4. That notice of the time and place of hearing on petition was duly given to the owners of land within the proposed reclamation district.

A copy of such order shall be filed with the county auditor of each county in which the reclamation district is situated. Such order shall be prima facie evidence of the matter and facts therein stated.

§ 10. NOTICE OF ELECTION BY STATE ENGINEER; CONTENTS; PUBLICATION OF.) Upon making his order establishing a reclamation district the state engineer shall give notice of an election to be held for the purpose of determining whether or not the owners of the lands within such proposed district approve the establishment thereof. Such notice shall state that a land owner desiring to be a candidate for the office of district director shall file his or her name with the state engineer not less than ten days before such election. Such notice shall also refer to the order of the state engineer, establishing the district subject to the approval of the owners of the lands therein, filed with the county auditor, and shall state that the boundaries of the district are described in such order. Such notice of election shall be filed with the county auditor of each county in which the proposed district is situated and shall be published once each week for two weeks prior to such election in the official newspaper of each such county if one is published therein.

§ 11. FORM OF NOTICE OF ELECTION.) The notice of election provided for in section 10 of this act shall substantially be in the following form:

NOTICE OF ELECTION

Notice is hereby given that on the.....day of.....
19....., an election will be held at.....

(Here designate place of holding election)
for the purpose of submitting to the owners of the lands embraced within the boundaries of the territory established by the order of the state engineer as.....
Reclamation District, the question as to whether or not such order shall be approved. Notice is hereby given that the lands in such district are fully described in the order of the state engineer establishing the district and filed in his office at the state capitol in Bismarck, North Dakota, and also filed in the office of the county auditor of.....County, North Dakota. The ballot will be in the following form:

For Reclamation District:

Yes☐
No☐

Notice is further given that a board consisting of three directors will be elected who will serve as provided by law if the establishment of the district is approved. Polls will be open from one o'clock p. m. to five o'clock p. m.

Notice is further given that any owner of land in the district desiring to be a candidate for the office of district director and have his name appear on the ballot must file his request in writing with the state engineer not less than ten days before the said election.

Dated this.....day of....., 19.....

Signed.....

State Engineer

§ 12. STATE ENGINEER TO APPOINT ELECTION BOARD.) Prior to the holding of an election to determine whether or not the order of the state engineer establishing a reclamation district shall be approved, the state engineer shall appoint from the owners of land in the proposed reclamation district one clerk and two judges who shall constitute the board of election. If the land owners appointed do not attend at the opening of the polls on the day of the election, the land owners present at that hour shall choose the members of the election board or fill the place of an absent member thereof. Each member of the board of election shall receive five dollars for his services at such election.

§ 13. VOTES OF LAND OWNERS.) Each owner of land in a reclamation district shall have one vote for each acre of land which he owns therein.

§ 14. CONDUCT OF ELECTION; CANVASS OF VOTES.) An election upon the question of organizing a reclamation district shall be conducted in accordance with the laws of the state prescribing the conduct of general elections. After the polls are closed, the election board shall proceed to canvass the votes cast at the election and the clerk of the election board shall certify to the state engineer the result of such election. The clerk shall then wrap securely the ballots cast at such election and shall express or mail the same to the state engineer who shall also canvass the ballots and verify the result. The state engineer shall file the ballots in his office. After the expiration of two years after such ballots have been filed they may be destroyed.

§ 15. CREATION OF RECLAMATION DISTRICT IF ELECTION IS FAVORABLE.) If upon a canvass of the votes it appears that a majority of the owners of the lands within the proposed reclamation district, who together own at least 75 per cent of the whole number of acres embraced therein, are in favor of the organization of a reclamation district, the state engineer by an order shall declare such territory duly established as a reclamation district under the name stated in such order and shall declare the three persons receiving the highest number of votes duly elected as directors. The state engineer shall cause a certified copy of his order to be filed in the office of the register of deeds of each county in which any part of the district is situated and shall also file a copy of such order with the county auditor of each such county. The state engineer shall immediately make out and mail by registered mail to each person elected to the office of director a certificate of election signed by him. The directors shall thereupon enter upon the duties of their office. The state engineer shall also file in the office of the secretary of state a copy duly certified by him of his order declaring such reclamation district to be duly established. The secretary of state shall make and issue to the state engineer a certificate under the seal of the state of the establishment of such district and shall record such certificate and the said order of the state engineer. Such certificate of the secretary of state, or an authenticated copy thereof, shall be prima facie evidence of the organization and establishment of such reclamation district.

§ 16. APPEAL TO DISTRICT COURT FROM ORDER OF THE STATE ENGINEER; TIME; UNDERTAKING; APPEAL TO SUPREME COURT.) An appeal to the district court from any order or decision of the state engineer authorized under the provisions of this act may be taken by any person claiming to be aggrieved

thereby within the time and in the manner prescribed in chapter 336 of the session laws of North Dakota for 1951, relating to appeals from orders and decisions involving irrigation districts. Such appeal shall be heard and determined by the district court as provided in said chapter 336 of the session laws of 1951. An appeal to the supreme court may be taken by the state engineer, or by any party to the proceeding, from any judgment entered in the district court with reference thereto, and from an order of the district court if an appeal would lie from such order if entered by the court in a civil action.

§ 17. REGULAR ELECTION OF RECLAMATION DISTRICTS; HELD WHEN; TERMS OF OFFICE OF DIRECTORS.) The regular election of reclamation districts after establishment thereof shall be held on the first Tuesday in February of each odd-numbered year. The governing board of a reclamation district shall consist of three directors who shall be owners of land therein which will be subject to assessment for the cost of constructing and the expense of maintaining the works or facilities required to drain water from the lands of the district. Directors elected at the election approving organization of the district shall hold office as follows: One director shall hold office until the first Tuesday in April of the first odd-numbered year following his election; one director shall serve until the first Tuesday in April of the second odd-numbered year following his election; and one director shall serve until the first Tuesday in April of the third odd-numbered year following the year in which he was elected. The terms of office of district directors elected at such first election shall be determined by lot at their first meeting. Directors elected at subsequent elections for full terms shall hold office for six years. Directors shall serve until their successors have been elected and have qualified. In case the office of any director shall for any reason become vacant, the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy shall serve until the next regular district election and until his successor has been elected and qualified. In case vacancies shall occur in the offices of two directors, the state engineer and the remaining director shall fill the vacancies; and in the event that vacancies shall occur in the offices of all the directors, the state engineer shall fill the vacancies by appointment. A director elected to fill a vacancy shall serve the balance of the term in which the vacancy occurred.

§ 18. OATH OF DIRECTORS.) After notice of his election a director shall take the oath of office prescribed for civil officers. Such oath of office shall be filed in the office of the state engineer.

§ 19. MEETING OF DIRECTORS: ORGANIZATION; OFFICERS; QUORUM.) The directors elected at the election approving establishment of a reclamation district shall meet at the time and place designated by the state engineer and shall organize by selecting one of their members as chairman of the board. A temporary secretary shall be named until a permanent secretary of the board has been appointed. After organization of the board a majority of the directors shall constitute a quorum for the transaction of such business as may come before the board. The board shall appoint a secretary and a treasurer and may, if deemed advisable, appoint an assessor and such other employees as the board shall deem necessary for the conduct of the district's business, and shall fix their compensation. Officers and employees appointed by the board shall hold office during the pleasure of the board. The office of secretary, assessor, and treasurer may be held by the same person. Each succeeding board of directors shall appoint its officers and employees.

§ 20. BOND OF TREASURER AND OTHER EMPLOYEES.) The treasurer of a reclamation district shall be bonded in an amount not less than double the amount of money that may come into his hands, such amount to be determined by the board of directors, but such bond shall not be less than one thousand dollars. Other appointive officers and employees shall be bonded in such amounts as the board may prescribe. Every officer or employee of whom a bond is required under the provisions of this act shall be deemed bonded in the state bonding fund upon notice of appointment or election given to the commissioner of insurance by the secretary of the district or by the state engineer. Upon notification by the commissioner of insurance of the amount of the premium of such bond or bonds the secretary of the district shall forthwith remit the same.

§ 21. NOTICE OF DISTRICT ELECTION.) Not more than ten days and not less than a week before an election is held for a reclamation district the secretary of the board of directors shall cause to be published once in the official newspaper of the county or counties in which the district is located a notice of election. Such notice shall be in substantially the following form:

"Notice is hereby given that on the.....day of....., 19....., an election will be held at (here designate the polling place) for the purpose of electing.....members of the board of directors of.....reclamation district and for
Name of District
the purpose of voting upon such questions as shall be submitted to the owners of land in the district. Polls will be opened at

one o'clock p. m. and will be closed at five o'clock p. m. of that day. Failure to give such notice shall not, however, invalidate the election of a director elected at any regular election."

For a regular district election the polls shall be opened at one o'clock p. m. and kept open until five o'clock p. m. of the same day.

§ 22. BOARD OF ELECTION, COMPENSATION OF MEMBERS OF; OATH, CANDIDATES AT ELECTION.) Prior to the date of a district election the board of directors shall appoint from the owners of land in the district one clerk and two judges who shall constitute the board of election. If the directors shall fail to appoint such board of election, or if the members appointed do not attend at the opening of the polls on the day of election, owners of land in the district present at that hour shall select the members of the election board or select a substitute for an absent member thereof. Each member of such board of election shall receive five dollars for his services as a member thereof. The board of directors in its order or resolution appointing the members of the election board shall designate the time and place where the election will be held. Before opening the polls each member of the election board shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will perform my duties as.....according to law and to the best of my
Clerk or Judge
ability." A director may administer such oath.

Any person desiring to be a candidate for the office of director at a district election may file his or her name with the secretary of the board of directors not less than five days before such election. The polls shall be opened at one o'clock p. m. of the election day and for a regular election shall be kept open until five o'clock of the same day.

§ 23. CANVASS OF BALLOTS AFTER CLOSING OF POLLS. RETURN AND CANVASS OF VOTES BY BOARD OF DIRECTORS.) Immediately after the polls are closed, the election board shall publicly open and proceed to canvass the ballots cast and shall declare the result of such canvass. The clerk shall wrap securely all lists, tally sheets, oaths and affirmations, and other documents relating to the progress of the election and shall deliver the same to the secretary of the board of directors of the district.

The board of directors of the district shall meet at its usual place of meeting on the first Tuesday in March after each regular election and canvass the returns. The canvass shall be postponed from day to day until the returns have been received. The canvass shall be made in public by opening the returns and ascertaining the votes for each person voted for, and

declaring the result thereof, and also declaring the result as to each question or proposition voted upon. The board shall declare elected the person having the highest number of votes cast for the office of director. The secretary shall thereupon make out and deliver to the person elected a certificate of election signed by him and authenticated with the seal of the district. A statement of the results of a district election shall be filed by the secretary of the board with the county auditor of each county in which the reclamation district is located, and also with the state engineer.

§ 24. MEETINGS OF DIRECTORS. BOARD MAY ADOPT BY-LAWS, RULES AND REGULATIONS. QUORUM. COMPENSATION OF DIRECTORS.) The board of directors shall hold regular meetings at its usual place of business on the first Tuesday in January, March, July and November of each year at two o'clock p. m. of that day. The board may hold such special meetings as may be found necessary, and may adopt by-laws or rules and regulations with reference to the conduct of meetings and the business of the district. A majority of the members of the board shall constitute a quorum for the transaction of business. Special meetings shall be called by the secretary upon order of the chairman of the board or upon the request of the other two members. All records of the board shall be open to the inspection of any owner of land in the district during business hours. Each director shall receive five dollars per day and mileage at the rate of five cents per mile in attending meetings of the board, and actual and necessary expenses while engaged in official business of the district.

§ 25. OFFICERS NOT TO BE INTERESTED IN ANY CONTRACT.) No officer or director shall be interested in any manner, directly or indirectly in any contract awarded or to be awarded by the board.

§ 26. POWERS AND DUTIES OF BOARD OF DIRECTORS.) The board of directors of a reclamation district shall have the power and it shall be its duty:

1. To manage and conduct the business affairs of the district.
2. To make and execute all necessary contracts.
3. To employ such officers, agents and employees as may be necessary to efficiently conduct the business of the district and to fix their compensation.
4. To adopt a seal for the district. Such seal shall be kept in the custody of the secretary.

5. To enter upon any lands to make surveys and to locate the lines of any canal or canals and to locate the site of any pumping plant.
6. To acquire by purchase, condemnation, or otherwise, all lands and all property necessary for the construction, maintenance and operation of the facilities required to drain waters from the lands of the district.
7. To acquire, construct, or maintain, if found feasible and necessary, electric power lines to operate a pumping plant, or plants, and all necessary appurtenances thereto.
8. To submit, whenever the board shall deem it advisable, to the owners of land in the district, at any special or general election, any question, proposition or proposal relative to the affairs of the district.
9. To determine a plan or method of raising funds to finance the cost of constructing the facilities for the drainage of lands in the district. Such plan may provide for the issuance of bonds, or the issuance of district improvement warrants. The proceeding for issuance of bonds or district improvement warrants shall conform with the method or procedure prescribed by law for the issuance and sale thereof by irrigation districts.
10. To exercise all rights, powers, and authority, express or implied, that may be deemed necessary to do and perform and carry out all of the express purposes of this act, and of all purposes reasonably implied or incidental thereto.
11. To enter into an agreement or contract with any person, public or private corporation, or municipality for the drainage of waters from lots, parcels and pieces of land when drainage will promote public health, convenience, comfort and welfare.

§ 27. CONTRACTS ENTERED INTO BY DISTRICT. ADVERTISING FOR BIDS. LETTING OF CONTRACT; BOND REQUIRED.) All contracts entered into for any work authorized under the provisions of this act shall be entered into in the name of the district, and shall be executed on the part of the district by the chairman of the board of directors and countersigned by the secretary. Contracts entered into for the construction of works and facilities required for the drainage of district lands, and contracts for material, shall be let after advertising for bids in conformity with the requirements prescribed for irrigation districts under Section 61-0709 of the Revised Code of North Dakota for 1943.

§ 28. EXPENSE OF ACQUIRING PROPERTY AND CONSTRUCTION OF DRAINAGE WORKS.) The cost of acquiring property or constructing the works required for the drainage of district lands shall be paid out of funds raised for such purpose. In case bonds, or the proceeds from the sale of any series of bonds, or in case district improvement warrants or the proceeds from the sale thereof, are insufficient for the purpose for which they were issued, additional bonds or warrants may be issued after submission of the question at a general or special election to the owners of lands in the district. Such bonds and improvement warrants must be paid in the order of their priority.

§ 29. PROCEEDINGS FOR ISSUANCE OF BONDS AND FOR DISTRICT IMPROVEMENT WARRANTS.) Proceedings for the issuance of bonds and for issuance of improvement warrants by a reclamation district shall conform with the provisions of the various sections under chapter 61-08 of the Revised Code of North Dakota for 1943 relative to the issuance of bonds and improvement warrants by irrigation districts.

§ 30. BOARD TO LEVY ASSESSMENTS AGAINST LANDS OF DISTRICT; AMOUNT DETERMINED.) The board shall levy assessments against the lands of the district sufficient:

1. To pay interest on outstanding bonds and warrants.
2. To create a sinking fund to retire outstanding bonds or improvement warrants at maturity; and
3. To pay any and all obligations of the district due or to become due, including cost of operation and maintenance of the works established to drain waters from the lands in the district.

§ 31. ASSESSMENTS TO BE SPREAD IN PROPORTION TO BENEFITS.) Whenever an assessment is made by a reclamation district it shall be apportioned to and spread upon the lands therein in proportion to benefits received, either directly or indirectly. Bonds, warrants and other obligations incurred by the district shall be held to be the obligations of the district. The board of directors shall assess the percentage of the cost of constructing and maintaining the works established for the drainage of lands in a district which any lot, piece, or parcel of land shall be liable to pay by reason of the benefits accruing thereto.

§ 32. REVIEW OF ASSESSMENTS; NOTICE OF, PLACE OF HEARING.) Ten days notice of the time and place where objections to assessments apportioned by the board of directors will be heard by the board shall be given by publication in a newspaper of general circulation in each county in which the reclama-

mation district is situated. Printed or typewritten notices shall also be mailed to the last known address of each land owner whose land will be subject to assessment. The place appointed for such hearing shall, insofar as is practicable, be convenient and accessible for the majority of the owners of lands assessed. At the time and place appointed the board shall hear all complaints and objections relative to such assessments and shall correct or confirm the same.

§ 33. APPEAL TO DISTRICT COURT.) Should any land owner believe that the assessment of benefits apportioned to his lands has not been fairly or equitably made he may appeal to the district court of the county wherein such land is situated by filing a petition for a review of such assessment with the clerk of court of such county. Such petition must be filed within fifteen days after such assessment is finally made. The appellant must file with the clerk of the district court, and serve upon a member of the district board, a notice of appeal and must give an undertaking to be approved by the clerk of court in the sum of two hundred fifty dollars for the payment of the costs in the event he is unsuccessful in the district court. An appeal from the decision of the district court to the supreme court may be taken by either party to the proceeding if aggrieved thereby.

§ 34. COLLECTION OF TAXES.) Special assessment taxes assessed by a reclamation district shall be certified to the county auditor of the county in which the lands assessed are situated and shall be spread by him against the lands assessed. Such taxes shall be collected by the county treasurer. The county treasurer, in which a majority of the whole number of acres in a reclamation district are situated, shall be the custodian of district sinking funds. Taxes levied and collected for purposes of operation and maintenance shall be paid by the county treasurer to the district treasurer and shall be deposited by him in the bank or depository designated by the board of directors. Checks or warrants issued by the district treasurer to pay expenses of the district shall be signed by the district treasurer and countersigned by the chairman of the board of directors of the district. Statutory provisions applicable to the collection of taxes for irrigation districts and proceedings founded thereon shall be applicable to the collection of such taxes for reclamation districts and proceedings to enforce the collection of such taxes when unpaid and delinquent.

§ 35. WHEN DRAINAGE WORKS PROMOTE HEALTH; PUBLIC CONVENIENCE, SAFETY AND WELFARE OR BENEFIT HIGHWAYS.) Whenever the state highway commissioner or the governing board of any county or township shall find that the construction and

maintenance of a highway or highways under his or its jurisdiction will be benefited by the establishment of a reclamation district and the construction and operation of drainage works therein, said highway commissioner or such governing board may join in the petition of owners of land in a proposed district for the establishment thereof as a reclamation district and may undertake and agree to pay a part of the cost of such works and part of the annual cost of maintenance thereof. And if the governing board of a city or village shall determine that the health, convenience, comfort and welfare of its inhabitants will be promoted and protected by the construction and operation of such drainage works, such governing board may likewise, but subject to statutory tax limitations, undertake and agree to pay a part of such construction and maintenance costs.

§ 36. EMERGENCY.) An emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1953.