

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED 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 against the land and premises benefited
12 by the project. The benefits of a project must be determined in the manner
13 provided in section 61-16.1-17. Revenue from an assessment under this section
14 may not be used for construction of a drain or reconstruction or maintenance of an
15 existing assessment drain. Any question as to whether the board is maintaining a
16 natural watercourse or is constructing a drain or reconstructing or maintaining an
17 existing assessment drain must be determined by the state engineer. All
18 provisions of this chapter apply to 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 (1) If a board that undertakes a project finds that the project will benefit
5 lands outside water resource district boundaries, the board shall
6 provide notice to the water resource board where the benefited lands
7 are located together with the report prepared under section 61-16.1-17.

8 (2) The board of each water resource district containing lands benefited by
9 a project must approve the project and assessment by a vote of
10 two-thirds of its members. The board of county commissioners in each
11 county that contains lands benefited by a project must approve and
12 levy the assessment to be made by a vote of two-thirds of its members.

13 (3) If a project and assessment is not approved by all affected water
14 resource boards and county commission boards, the board of each
15 water resource district and the board of county commissioners of each
16 county shall meet to ensure that all common water management
17 problems are resolved pursuant to section 61-16.1-10. In addition, the
18 water resource board that undertakes the project may proceed with the
19 project if the board finances the cost of the project and does not assess
20 land outside the boundaries of the district.

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

24 2. Before an assessment may be levied under this section, a public hearing must be
25 held and attended by a quorum of the ~~board~~ affected water resource boards and a
26 quorum of the ~~board~~ affected boards of county commissioners. The hearing must
27 be preceded by notice as to date, time, location, and subject matter published in
28 the official newspaper in the county or counties in which the proposed assessment
29 is to be levied. The notice must be published at least ten days but not more than
30 thirty days before the public hearing.

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