

**HOUSE BILL NO. 1168**

Introduced by

Representatives Herbel, Kingsbury

Senator Tallackson

1 A BILL for an Act to amend and reenact section 4-22-26 of the North Dakota Century Code,  
2 relating to the powers and duties of soil conservation districts and soil conservation district  
3 supervisors.

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

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

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

- 11 1. To conduct surveys, investigations, and research relating to the character of soil  
12 erosion and the preventive and control measures needed, and to publish the  
13 results of such surveys, investigations, or research, and to disseminate information  
14 concerning such preventive and control measures. To avoid duplication of  
15 research activities, no district may initiate any research program except in  
16 cooperation with the government of this state or any of its agencies, or with the  
17 United States or any of its agencies.
- 18 2. To conduct demonstrational projects within the district on lands owned or  
19 controlled by this state or any of its agencies, with the cooperation of the agency  
20 administering and having jurisdiction ~~thereof~~, and on any other lands within the  
21 district after obtaining the consent of the land occupier ~~of such lands~~ or the  
22 necessary rights or interests in ~~such~~ the lands, to demonstrate by example the  
23 means, methods, and measures by which soil and soil resources may be

- 1 conserved and soil erosion in the form of soil blowing and soil washing may be  
2 prevented and controlled.
- 3 3. To carry out preventive and control measures within the district, including, ~~but not~~  
4 ~~limited to~~, engineering operations, methods of cultivation, the growing of  
5 vegetation, and changes in use of land, on lands owned or controlled by this state  
6 or any of its agencies, with the cooperation of the agency administering and having  
7 jurisdiction ~~thereof~~, and on any other lands within the district upon obtaining the  
8 consent of the land occupier of such lands or the necessary rights or interest in  
9 ~~such the~~ lands.
- 10 4. To cooperate or enter into agreements with, and, within the limits of appropriations  
11 ~~duly made available to it by law~~, to furnish financial or other aid to any agency;  
12 ~~governmental or otherwise~~, or any land occupier of lands within the district in the  
13 carrying on of erosion control and prevention operations within the district, subject  
14 to ~~such any~~ conditions as the supervisors may deem determines necessary to  
15 advance ~~the purposes of~~ this chapter.
- 16 5. To obtain options upon and to acquire by purchase, exchange, lease, gift, grant,  
17 bequest, devise, or otherwise any property, real or personal, or any rights or  
18 interest ~~therein~~ in the property; to maintain, administer, and improve any properties  
19 acquired; to receive income from ~~such the~~ properties, and to expend ~~such the~~  
20 income in carrying out ~~the purposes and provisions of~~ this chapter; and to sell,  
21 lease, or dispose of otherwise any of its property or interest ~~therein~~ in the property  
22 in furtherance of ~~the purposes and the provisions of~~ this chapter.
- 23 6. To make available, on such terms as it shall prescribe, to land occupiers,  
24 government units or qualified electors within the district, agricultural and  
25 engineering machinery and equipment, fertilizer, seeds and seedlings, and ~~such~~  
26 any other material or equipment as will to assist such land occupiers, government  
27 units or qualified electors ~~to carry~~ in carrying on operations upon their lands for the  
28 conservation of soil and water resources and for the prevention and control of soil  
29 erosion.

- 1           7. To construct, improve, and maintain ~~such~~ any structures ~~as~~ that may be necessary  
2           or convenient for the performance of any ~~of the~~ operations authorized in this  
3           chapter.
- 4           8. To develop comprehensive plans for the conservation of soil resources and for the  
5           control and prevention of soil erosion within the district, which plans must specify in  
6           ~~such~~ detail ~~as may be possible~~ the acts, procedures, performances, and  
7           avoidances which are necessary or desirable for the effectuation of ~~such~~ the plans,  
8           including the specification of engineering operations, methods of cultivation, the  
9           growing of vegetation, cropping programs, tillage practices, and changes in use of  
10          land, and to publish ~~such~~ the plans and information and bring them to the attention  
11          of land occupiers ~~of lands within~~ in the district.
- 12          9. To take over, by purchase, lease, or otherwise, and to administer any soil  
13          conservation, erosion control, or erosion prevention project located within its  
14          boundaries undertaken by the United States or any of its agencies, or by this state  
15          or any of its agencies; to manage, as agent of the United States, or any of its  
16          agencies or of this state or any of its agencies, any soil conservation, erosion  
17          control, or erosion prevention project within its boundaries; to act as agent for the  
18          United States or any of its agencies or for this state or any of its agencies in  
19          connection with the acquisition, construction, operation, or administration of any  
20          soil conservation, erosion control, or erosion prevention project within its  
21          boundaries; to accept donations, gifts, and contributions in money, services,  
22          materials, or otherwise from the United States or any of its agencies or from this  
23          state or any of its agencies, and to use or expend such moneys, services,  
24          materials, or other contributions in carrying on its operations.
- 25          10. To sue and be sued in the name of the district.
- 26          11. To have a seal, ~~which seal~~ that must be noticed judicially.
- 27          12. To have perpetual succession unless terminated ~~as hereinafter provided~~.
- 28          13. To make and execute contracts and other instruments necessary or convenient to  
29          the exercise of its powers; to borrow funds and pledge all or any part of any income  
30          from the district's facilities, equipment, and operations for the repayment ~~thereof~~.

- 1           14. To make, and from time to time, to amend and repeal, rules ~~and regulations~~ not  
2           inconsistent with this chapter to carry into effect its purposes and powers.
- 3           15. As a condition to the extending of any benefits under this chapter to, or the  
4           performance of work upon, any lands not owned or controlled by this state or any  
5           of its agencies, to require contributions in money, services, materials, or otherwise  
6           to any operations conferring ~~such~~ benefits, and to require land occupiers to enter  
7           into and perform ~~such~~ any agreements or covenants as to the permanent use of  
8           ~~such~~ lands as will tend to prevent or control erosion thereon.
- 9           16. To expend moneys for education, promotion, and recognition activities consistent  
10          with the purposes of this chapter.
- 11          17. To levy taxes as follows:
- 12           a. The supervisors may make a tax levy, not exceeding ~~one mill~~ three mills, for  
13           the payment of the expenses of the district, including mileage and other  
14           expenses of the supervisors, and technical, administrative, clerical, and other  
15           operating expenses.
- 16           b. Immediately after the completion of the district budget and the adoption of the  
17           annual tax levy by the district supervisors, but not later than July first, the  
18           supervisors shall send one certified copy of the levy as adopted to the county  
19           auditor of each county in the districts.
- 20           c. The county auditor of each county in the district shall extend the levy upon the  
21           tax list of the county for the current year against each description of real  
22           property lying both within the county and the district in the same manner and  
23           with the same effect as other taxes are extended.
- 24           d. The treasurer of each county in the district shall collect all district taxes  
25           together with any interest and penalty ~~thereon~~, in the same manner as the  
26           general taxes are collected, and shall pay over to the soil conservation district  
27           by the tenth working day of each month; all taxes ~~so~~ collected during the  
28           preceding month, with interest and penalties ~~collected thereon~~, and shall  
29           immediately send notification of ~~such~~ payment to the treasurer of the soil  
30           conservation district.

- 1           e. Whenever the supervisors of a soil conservation district deem it advisable to  
2           raise funds by taxation in excess of the levy provided by this section, for any  
3           purpose for which the supervisors of a district are authorized to expend  
4           moneys raised by taxes, the supervisors of the district shall submit to the  
5           qualified electors of the district at the next general election the question of  
6           increasing the levy by a certain number of mills. Notice of the question must  
7           be filed with the county auditor fifty-five days before the election. When  
8           authorized by a majority of qualified electors of the soil conservation district  
9           voting on the question at an election in which the question has been  
10          submitted, the supervisors may increase the levy in the amount so authorized.
- 11 No provisions with respect to the acquisition, operation, or disposition of property by other  
12 public bodies are applicable to a district unless the same specifically are made applicable by  
13 law.