

Introduced by

Representatives Damschen, Monson

Senators Fischer, Olafson

1 A BILL for an Act to amend and reenact section 61-16.1-40.1 of the North Dakota Century  
2 Code, relating to approval of assessments for maintenance of federally constructed flood  
3 control or soil conservation service projects.

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

5 **SECTION 1. AMENDMENT.** Section 61-16.1-40.1 of the North Dakota Century Code  
6 is amended and reenacted as follows:

7 **61-16.1-40.1. Maintenance of federally constructed projects - Assessment district**  
8 **established.** If a water resource board enters or has been assigned rights in a contract with a  
9 federal agency for construction of a flood control project or soil conservation service project,  
10 and the terms of the contract require the water resource board to provide for maintenance of  
11 the project after construction, the water resource board may finance in whole or in part the  
12 maintenance of the project with funds raised through the collection of a special assessment  
13 levied against the land and premises benefited by maintenance of the project. The  
14 assessments to be levied may not exceed one dollar and fifty cents per acre [.40 hectare]  
15 annually on agricultural lands and may not exceed one dollar and fifty cents annually for each  
16 five hundred dollars of taxable valuation of nonagricultural property. No action is required for  
17 the establishment of the assessment district or the assessments except the water resource  
18 board must approve the maintenance and assessment therefor by a vote of two-thirds of the  
19 members and the board of county commissioners of the county in which the project is located  
20 must approve and levy the assessments to be made by a vote of two-thirds of its members. If a  
21 board that undertakes a project finds that the project will benefit lands outside water resource  
22 district boundaries, the board shall provide notice to the water resource board where the  
23 benefited lands are located. The board of each water resource district containing lands  
24 benefited by a project must approve the project and assessment by vote of two-thirds of its

1 members. The board of county commissioners in each county that contains lands benefited by  
2 a project must approve and levy the assessment to be made by vote of two-thirds of its  
3 members. If a project and assessment is not approved by all affected water resource boards  
4 and boards of county commissioners, the board of each water resource district and the board of  
5 county commissioners of each county shall meet to ensure that all common water management  
6 problems are resolved pursuant to section 61-16.1-10. In addition, the water resource board  
7 that undertakes the project may proceed with the project if the board finances the cost of the  
8 project and does not assess land outside of the district. Before an assessment may be levied  
9 under this section, a public hearing must be held and attended by a quorum of the affected  
10 water resource boards and a quorum of the affected boards of county commissioners. The  
11 hearing must be preceded by notice as to date, time, location, and subject matter published in  
12 the official newspaper in the county or counties in which the proposed assessment is to be  
13 levied. The notice must be published at least ten days but not more than thirty days before the  
14 public hearing.