

HOUSE BILL NO. 1266

Introduced by

Representative Aarsvold

Senator Fischer

1 A BILL for an Act to amend and reenact sections 61-16.1-45 and 61-21-46 of the North Dakota
2 Century Code, relating to maintenance of assessment drains.

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

4 **SECTION 1. AMENDMENT.** Section 61-16.1-45 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-16.1-45. Maintenance of drainage projects.** If it is desired to provide for
7 maintenance of an assessment drain in whole or in part by means of special assessments, the
8 levy in any year for the maintenance may not exceed ~~one dollar and fifty cents~~ two dollars per
9 acre [.40 hectare] on any agricultural lands benefited by the drain. The district, at its own
10 discretion, may utilize either of the following methods for levying special assessments for the
11 maintenance:

12 1. Agricultural lands that carried the highest assessment when the drain was
13 originally established, or received the most benefits under a reassessment of
14 benefits, may be assessed the maximum amount of ~~one dollar and fifty cents~~ two
15 dollars per acre [.40 hectare]. The assessment of other agricultural lands in the
16 district must be based upon the proportion that the assessment of benefits at the
17 time of construction or at the time of any reassessment of benefits bears to the
18 assessment of the benefits of the agricultural land assessed the full one dollar per
19 acre [.40 hectare]. Nonagricultural property must be assessed the sum in any one
20 year as the ratio of the benefits under the original assessments or any
21 reassessment bears to the assessment of agricultural lands bearing the highest
22 assessment.

23 2. Agricultural lands must be assessed uniformly throughout the entire assessed
24 area. Nonagricultural property must be assessed an amount not to exceed one

1 dollar for each five hundred dollars of taxable valuation of the nonagricultural
2 property.

3 In case the maximum levy or assessment on agricultural and nonagricultural property
4 for any year will not produce an amount sufficient to cover the cost of cleaning out and repairing
5 the drain, a water resource board may accumulate a fund in an amount not exceeding the sum
6 produced by the maximum permissible levy for ~~four~~ six years.

7 If the cost of, or obligation for, the cleaning and repair of any drain exceeds the total
8 amount that may be levied by the board in any ~~four-year~~ six-year period, the board shall obtain
9 the approval of the majority of the landowners as determined by chapter 61-16.1 before
10 obligating the district for the costs.

11 **SECTION 2. AMENDMENT.** Section 61-21-46 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **61-21-46. Maximum levy - Accumulation of fund.** The levy in any year for cleaning
14 out and repairing a drain may not exceed ~~one dollar and fifty cents~~ two dollars per acre [.40
15 hectare] on any agricultural lands in the drainage district.

16 1. Agricultural lands that carried the highest assessment when the drain was
17 originally established, or received the most benefits under a reassessment of
18 benefits, may be assessed the maximum amount of ~~one dollar and fifty cents~~ two
19 dollars per acre [.40 hectare]. The assessment of other agricultural lands in the
20 district must be based upon the proportion that the assessment of benefits at the
21 time of construction or at the time of any reassessment of benefits bears to the
22 assessment of the benefits of the agricultural land assessed the full ~~one dollar and~~
23 ~~fifty cents~~ two dollars per acre [.40 hectare]. Nonagricultural property must be
24 assessed the sum in any one year as the ratio of the benefits under the original
25 assessments or any reassessments bears to the assessment of agricultural land
26 bearing the highest assessment.

27 2. Agricultural lands must be assessed uniformly throughout the entire assessed
28 area. Nonagricultural property must be assessed an amount not to exceed one
29 dollar for each five hundred dollars of taxable valuation of the nonagricultural
30 property.

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Legislative Assembly

1 In case the maximum levy or assessment on agricultural and nonagricultural property for any
2 year will not produce an amount sufficient to cover the cost of cleaning out and repairing the
3 drain, the board may accumulate a fund in an amount not exceeding the sum produced by the
4 maximum permissible levy for ~~four~~ six years. If the cost of, or obligation for, the cleaning and
5 repair of any drain exceeds the total amount that can be levied by the board in any ~~four-year~~
6 six-year period, the board shall obtain an affirmative vote of the majority of the landowners as
7 determined by section 61-21-16 before obligating the district for the costs.