

Introduced by

Representatives Schatz, Bellew, Dockter, Hauck, VanWinkle

Senators Boehm, Luick, Paulson

1 | A BILL for an Act to amend and reenact ~~sections~~section 61-16.1-04 ~~and 61-16.1-45~~ of the North
2 | Dakota Century Code, relating to the publication and distribution of water resource board
3 | meeting minutes ~~and maintenance of an assessment drain~~.

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

5 | **SECTION 1. AMENDMENT.** Section 61-16.1-04 of the North Dakota Century Code is
6 | amended and reenacted as follows:

7 | **61-16.1-04. Minutes, books, and records.**

8 | The water resource board shall keep accurate minutes of its meetings and accurate records
9 | and books of account, clearly setting out and reflecting the entire operation, management, and
10 | business of the district. ~~The minutes of the meeting must be published and distributed within~~
11 | ~~seventy-two hours after any meeting date~~The minutes of the meeting must be provided to the
12 | official newspaper of the county for publication or posted to the water resource board's website
13 | within ten days. These books and records shall be kept at the principal office of the district or at
14 | such other regularly maintained office or offices of the district as shall be designated by the
15 | board, with due regard to the convenience of the district, its customers, and residents. The
16 | books and records shall be open to public inspection during reasonable business hours.

17 | ~~SECTION 2. AMENDMENT.~~ Section ~~61-16.1-45~~ of the North Dakota Century Code is
18 | ~~amended and reenacted as follows:~~

19 | ~~61-16.1-45. Maintenance of drainage projects.~~

20 | ~~1. If it is desired to provide for maintenance of an assessment drain in whole or in part by~~
21 | ~~means of special assessments, the levy in any year for the maintenance may not~~
22 | ~~exceed four dollars per acre [.40 hectare] on any agricultural lands benefited by the~~
23 | ~~drain. The district, at its own discretion, may utilize either of the following methods for~~
24 | ~~levying special assessments for the maintenance:~~

- 1 ~~———— a. — Agricultural lands that carried the highest assessment when the drain was~~
2 ~~originally established, or received the most benefits under a reassessment of~~
3 ~~benefits, may be assessed the maximum amount of four dollars per acre~~
4 ~~[.40 hectare]. The assessment of other agricultural lands in the district must be~~
5 ~~based upon the proportion that the assessment of benefits at the time of~~
6 ~~construction or at the time of any reassessment of benefits bears to the~~
7 ~~assessment of the benefits of the agricultural land assessed the full four dollars~~
8 ~~per acre [.40 hectare]. Nonagricultural property must be assessed the sum in any~~
9 ~~one year as the ratio of the benefits under the original assessments or any~~
10 ~~reassessment bears to the assessment of agricultural lands bearing the highest~~
11 ~~assessment.~~
- 12 ~~———— b. — Agricultural lands must be assessed uniformly throughout the entire assessed~~
13 ~~area. Nonagricultural property must be assessed an amount not to exceed two~~
14 ~~dollars for each five hundred dollars of taxable valuation of the nonagricultural~~
15 ~~property.~~
- 16 ~~—— 2. — In case the maximum levy or assessment on agricultural and nonagricultural property~~
17 ~~for any year will not produce an amount sufficient to cover the cost of cleaning out and~~
18 ~~repairing the drain, a water resource board may accumulate a fund in an amount not~~
19 ~~exceeding the sum produced by the maximum permissible levy for six years.~~
- 20 ~~—— 3. — If the cost of, or obligation for, the cleaning and repairing of any drain exceeds the total~~
21 ~~amount that may be levied by the board in any six-year period, the board shall obtain~~
22 ~~the approval of the majority of the landowners as determined by chapter 61-16.1~~
23 ~~before obligating the district for the costs. The cost of cleaning and repairing a drain~~
24 ~~must include the engineer's probable cost or contracted costs, without consideration of~~
25 ~~any cost-share opportunities, and may not be reduced by general funds, account~~
26 ~~funds, or any other available funds.~~