

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2372**

Introduced by

Senators Lemm, Luick

1 A BILL for an Act to create and enact a new subsection to section 61-16.1-11 and section
2 61-16.1-15.1 of the North Dakota Century Code, relating to joint water resource boards and the
3 construction of a water project in more than one county; and to amend and reenact section
4 61-16.1-12.1 of the North Dakota Century Code, relating to joint water resource boards.

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

6 **SECTION 1.** A new subsection to section 61-16.1-11 of the North Dakota Century Code is
7 created and enacted as follows:

8 All districts within the Red River, James River, Mouse River, Missouri River, and Devils
9 Lake drainage basins shall, by agreement, form and remain a member of a joint water
10 resource board relative to the district's respective drainage basin. All agreements and
11 subsequent amendments must be filed with the department of water resources.
12 Notwithstanding other provisions of law, the board of county commissioners of the
13 member districts in the Red River, James River, Mouse River, Missouri River, and
14 Devils Lake drainage basins shall approve a levy of tax not to exceed two mills upon
15 the taxable valuation of the real property within each joint board's respective drainage
16 basin.

17 **SECTION 2. AMENDMENT.** Section 61-16.1-12.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **61-16.1-12.1. Water resource boards - Agreements with state or federal agencies for**
20 **certain improvements.**

21 A water resource board may enter into an agreement with any federal or state agency, or
22 any combination thereof, for the construction of a project, under the terms of which the contract
23 for the work is to be let by the federal or state agency or any combination thereof. If under the
24 terms of the agreement at least fifty percent of the total cost of constructing the project is to be

1 paid by the agency or agencies and if any portion of the cost of the project is to be paid by the
2 levy of special assessments, the board may by resolution create a project assessment district
3 for the purpose of levying special assessments to finance the amount ~~that~~ the district will be
4 obligated to pay in accordance with the agreement, over and above any other funds ~~which~~that
5 are on hand and properly available for that purpose. The assessment district must be of a size
6 and form as to include all properties ~~which~~that in the judgment of the board, after consultation
7 with a registered engineer designated by the board for that purpose, will be benefited by the
8 construction of the proposed project, and the board shall direct the engineer to prepare a map
9 showing the boundaries of the proposed assessment district. The board shall by resolution
10 declare the necessity of the project, set forth the general nature and purpose of the proposed
11 project, estimate the total cost of the project, and the approximate amount or fraction of the cost
12 ~~which~~that the district will be obligated to pay under the agreement, and the fact that this
13 amount, or a lesser amount as the board may specify, is proposed to be paid by the levy of
14 special assessments upon property within the assessment district determined to be benefited
15 by the project. The board shall cause the resolution of necessity together with a copy of the map
16 showing the boundaries of the assessment district and a notice stating the date and time by
17 which the owners of any property liable to be specially assessed for the proposed project must
18 file their votes on the proposed project with the secretary of the board to be mailed to each
19 landowner affected by the proposed project as determined by the tax rolls of the county in which
20 the affected property is located. The board may send the material by certified mail or by regular
21 mail attested by an affidavit of mailing signed by the attorney or secretary of the board. The
22 notice also must ~~also~~ set forth the time and place where the board shall meet to determine
23 whether the project is approved. The notice must also be published once in a newspaper of
24 general circulation in the district and once in the official county newspaper of each county in
25 which the benefited lands are located. Within five days after the first mailing of the resolution the
26 board shall cause a copy of the resolution to be personally served upon any county, city, or
27 township, school district, park district, or other political subdivision, in its corporate capacity
28 which may be benefited directly or indirectly from the construction of the proposed project and
29 upon any county which may become liable for any deficiency in the fund to be created for the
30 project, by delivering a copy of the resolution to any member of the governing body thereof. The
31 meeting must be held not less than thirty days after the mailing of the resolution, at which time

1 the board shall determine whether the project is approved. If the board finds that fifty percent or
2 more of the total votes filed are against a proposed project, then the board may not proceed
3 further with the proposed project. If the board finds that less than fifty percent of votes filed are
4 against the proposed project, the board may proceed with the project. In any assessment
5 district created under this section the board may dispense with all other requirements of this
6 chapter, other than those stated in this section. After the contract for the work has been let, the
7 board may issue warrants on the fund of the project for the total amount of the cost thereof, and
8 the board, without holding the hearing required by section 61-16.1-18, shall proceed to
9 determine and levy any assessments against property benefited by the project and prepare an
10 assessment list ~~all~~ in accordance with the procedures required by sections 61-16.1-21 through
11 61-16.1-24. ~~The provisions of sections~~Sections 61-16.1-25 through 61-16.1-36 are
12 ~~applicable~~apply to the assessments and the special warrants issued pursuant to this section.

13 **SECTION 3.** Section 61-16.1-15.1 of the North Dakota Century Code is created and
14 enacted as follows:

15 **Projects or benefits in more than one county.**

- 16 1. The districts from two or more counties may agree to jointly construct or assign
17 benefits and assessments for a project. Two or more districts shall create a joint board
18 under section 61-16.1-11 before constructing a project and before assessing the lands
19 or premises for a project that benefits or is located in more than one county. If the
20 districts do not agree to undertake a joint project, a district may undertake the project
21 by providing notice to the joint board where the project is located, in either the
22 Red River, James River, Mouse River, Missouri River, or Devils Lake drainage basin,
23 together with the engineer's report required under section 61-16.1-17.
- 24 2. If the joint board finds the project is necessary, and the benefits of the project will
25 exceed the costs, the joint board shall proceed with the procedures in sections
26 61-16.1-15 through 61-16.1-36 regarding:
- 27 a. The creation, construction, alteration, repair, operation, and maintenance of a
28 project and an assessment district;
- 29 b. The determination and levy of assessments against property benefited by the
30 project; and
- 31 c. The special warrants issued pursuant to this chapter.

- 1 3. If the assessment vote is successful, the joint board shall construct, own, operate, and
- 2 maintain the project. The joint board shall administer the corresponding assessment
- 3 district for the project in accordance with this chapter.