

SB 2036
3/30/23 AM
HNAT Hager

Amendments to SB 2036

1. Section 1 – This amendment was proposed by the Water Resource Districts Association. Currently, other political subdivisions are authorized to invest funds with an array of financial products identified by NDCC 21-06-07. Because water resource boards are not specifically named with the other political subdivisions in this statute, water resource boards are not authorized to invest in these financial products like other political subdivisions and must comply with NDCC 21-04, generally. This proposed amendment simply authorizes water resource boards to invest public funds in financial products that have better rates of returns like other political subdivisions.
2. Section 2 – No change to Engrossed SB 2036.
3. Section 3 and Section 23 – This amendment was proposed by the Dept. of Water Resources. Currently, a statute exists at NDCC 61-01-23 which allows cities, counties, WRD's, and federal agencies to investigate obstructions due to ice and to remove the obstruction to prevent damage or pollution. Currently, NDCC 61-16.1-51 provides upstream landowners and WRD's with a remedy for obstructions caused by downstream landowners. Engrossed SB 2036 expanded NDCC 61-01-23 to provide upstream landowners and WRD's with a remedy for natural obstructions. However, because NDCC 61-01-23 also provides obstruction removal authority to cities, counties, and federal agencies, and because the obstruction remedies provided to landowners and WRD's would fit better in NDCC 61-16.1-53, Section 3 removes any alteration to NDCC 61-01-23 and instead adds the remedy for natural obstructions to NDCC 61-16.1-53.
4. Section 3 – No change to Engrossed SB 2036.
5. Section 4 – This amendment was proposed by the Dept. of Water Resources. This amendment adds definitions to the words "Benefited Property" and "Benefits."
6. Section 5 – No change to Engrossed SB 2036.
7. Section 6 – No change to Engrossed SB 2036.
8. Section 7 – No change to Engrossed SB 2036.
9. Section 8 – No change to Engrossed SB 2036.
10. Section 9 – No change to Engrossed SB 2036.
11. Section 10 – No change to Engrossed SB 2036.
12. Section 11 – No change to Engrossed SB 2036.
13. Section 12 – No change to Engrossed Sb 2036.

14. Section 13 – No change to Engrossed SB 2036.
15. Section 14 – No change to Engrossed SB 2036.
16. Section 15 and Section 25 – This amendment was proposed by the Water Resource Districts Association. Engrossed SB 2036 provides any “aggrieved person” with the right to request that the North Dakota mediation service assist in resolving any grievance arising from an order or decision of a water resource board. This could apply to any order or decision, including those that result from a landowner vote, and the mediation would toll deadlines for appeal. Currently, under NDCC 61-16.1-23, a group of landowners can appeal the final assessment list of any assessment project if they believe it was done unfairly. This amendment proposes to delete the broad mediation language that tolls appeal deadlines created under Section 25, and moves that mediation language to NDCC 61-16.1-23 scoped to final assessment lists. The language was modified so that it does not toll the deadline to appeal, so that the mediation and the appeal can run concurrently.

*Please note that WRD’s suggested lowering the threshold for appeal to 20% of landowners instead of 33%.

17. Section 16 – No change to Engrossed SB 2036
18. Section 17 – No change to Engrossed SB 2036.
19. Section 18 – No change to Engrossed SB 2036.
20. Section 19 – No change to Engrossed SB 2036.
21. Section 20 – No change to Engrossed SB 2036.
22. Section 21 – This amendment was proposed by the Water Resource Districts Association. Under current law, for road openings along assessment drains, the local cost of construction is split between the water resource district, which covers sixty (60%) percent of the cost, and the county, which covers forty (40%) percent of the cost. In practice, significant costs associated with maintenance are covered under the same split. This amendment clarifies that the cost of construction and maintenance are both covered under the same 60/40 split. The Association of Counties has approved this amendment.
23. Section 22 – No change to Engrossed SB 2036.
24. Section 24 – No change to Engrossed SB 2036.
25. Section 26 – No change to Engrossed SB 2036.
26. Section 27 - No change to Engrossed SB 2036.
27. Section 28 - No change to Engrossed SB 2036.

28. Section 29 - No change to Engrossed SB 2036.
29. Section 30 – No change to Engrossed SB 2036.
30. Section 31 – No change to Engrossed SB 2036.
31. Section 32 - No change to Engrossed SB 2036.
32. Section 33 - No change to Engrossed SB 2036.
33. Section 34 - No change to Engrossed SB 2036.
34. Section 35 – No change to Engrossed SB 2036.
35. Section 36 – No change to Engrossed SB 2036.