

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1391

Page 1, line 1, after "61-16.1-04" insert "and 61-16.1-45"

Page 1, line 2, after "minutes" insert "and maintenance of an assessment drain"

Page 1, line 9, remove "provided to the official newspaper"

Page 1, line 10, replace "of the county for publication or posted to the water resource board's website within ten days" with "published and distributed within seventy-two hours after any meeting date"

Page 1, after line 14, insert:

**"SECTION 2. AMENDMENT.** Section 61-16.1-45 of the North Dakota Century Code is amended and reenacted as follows:

**61-16.1-45. Maintenance of drainage projects.**

1. If it is desired to provide for maintenance of an assessment drain in whole or in part by means of special assessments, the levy in any year for the maintenance may not exceed four dollars per acre [.40 hectare] on any agricultural lands benefited by the drain. The district, at its own discretion, may utilize either of the following methods for levying special assessments for the maintenance:
  - a. Agricultural lands that carried the highest assessment when the drain was originally established, or received the most benefits under a reassessment of benefits, may be assessed the maximum amount of four dollars per acre [.40 hectare]. The assessment of other agricultural lands in the district must be based upon the proportion that the assessment of benefits at the time of construction or at the time of any reassessment of benefits bears to the assessment of the benefits of the agricultural land assessed the full four dollars per acre [.40 hectare]. Nonagricultural property must be assessed the sum in any one year as the ratio of the benefits under the original assessments or any reassessment bears to the assessment of agricultural lands bearing the highest assessment.
  - b. Agricultural lands must be assessed uniformly throughout the entire assessed area. Nonagricultural property must be assessed an amount not to exceed two dollars for each five hundred dollars of taxable valuation of the nonagricultural property.
2. In case the maximum levy or assessment on agricultural and nonagricultural property for any year will not produce an amount sufficient to cover the cost of cleaning out and repairing the drain, a water resource board may accumulate a fund in an amount not exceeding the sum produced by the maximum permissible levy for six years.
3. If the cost of, or obligation for, the cleaning and repairing of any drain exceeds the total amount that may be levied by the board in any six-year

period, the board shall obtain the approval of the majority of the landowners as determined by chapter 61-16.1 before obligating the district for the costs. The cost of cleaning and repairing a drain must include the engineer's probable cost or contracted costs, without consideration of any cost-share opportunities, and may not be reduced by general funds, account funds, or any other available funds."

Renumber accordingly