

HOUSE BILL NO. 1396

Introduced by

Representatives Brandenburg, Grueneich, Headland, Mitskog, Monson, Schreiber-Beck

Senators Erbele, Myrdal, Wanzek, Weber

1 A BILL for an Act to amend and reenact section 61-16.1-45 of the North Dakota Century Code,
2 relating to maintenance of drainage projects.

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.**

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

12 a. 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 four dollars per acre
15 [.40 hectare]. The assessment of other agricultural lands in the district must be
16 based upon the proportion that the assessment of benefits at the time of
17 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 four dollars
19 per acre [.40 hectare]. Nonagricultural property must be assessed the sum in any
20 one 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 b. Agricultural lands must be assessed uniformly throughout the entire assessed
24 area. Nonagricultural property must be assessed an amount not to exceed two

- 1 dollars for each five hundred dollars of taxable valuation of the nonagricultural
2 property.
- 3 2. 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
5 repairing the drain, a water resource board may accumulate a fund in an amount not
6 exceeding the sum produced by the maximum permissible levy for six years.
- 7 3. If the cost of, or obligation for, the cleaning and repairing of any drain exceeds the total
8 amount that may be levied by the board in any six-year period, the board shall obtain
9 the approval of the majority of the landowners as determined by chapter 61-16.1
10 before obligating the district for the costs.
- 11 4. A vote for a question under subsection 3 must be a recorded vote. The board shall
12 keep a record of the votes in favor and votes against. For individuals who voted
13 against a project, the board is not required to approve surface drainage or subsurface
14 drainage under section 61-32-03.3 for five years following the vote against the project.