

IRRIGATION

CHAPTER 142

S. B. No. 161—(Brostuen.)

IRRIGATION DISTRICTS

An Act to amend and re-enact Sections 8247a1, 8247a3 and 8247a10, Supplement to the Compiled Laws of North Dakota, 1913, relating to irrigation districts, the qualifications of directors of such districts, the voting places at elections of directors held therein, and fixing the time of holding meetings of board of directors of such districts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ I. AMENDMENT.] That Section 8247a1 Supplement to the Compiled Laws of North Dakota, 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 8247a1. IRRIGATION DISTRICTS: ORGANIZATION: ELECTORS.] Whenever a majority of the electors owning lands or holding leasehold estates in the manner and to the extent hereinafter provided in any district susceptible of one mode of irrigation from a common source and by the same system of works, desire to provide for the irrigation of the same, they may propose the organization of an irrigation district under the provisions of this act, and when so organized, each district shall have the powers conferred or that may hereafter be conferred by law upon such irrigation district. Provided, that where ditches or canals have been constructed before the passage of this act of sufficient capacity to water the lands thereunder for which the water taken in such ditches is appropriated, such ditches and franchises and the land subject to be watered thereby, shall be exempt from operation of this law, except such district shall be formed to make purchase of such ditches, canals and franchises. Provided, that this law shall not be construed to in any way affect the rights of ditches already constructed. Provided, further, that the term elector, as used in this chapter shall include any resident of the state of North Dakota, owning not less than ten acres of land within any district or proposed district, or entryman upon public lands therein, or any resident of the state of North Dakota holding a leasehold estate in not less than forty acres of state land within said district for a period of not less than five years from the date at which said elector seeks to exercise the elective franchise. Provided, however, when the elector is the owner or entryman of land in more than one division of the irrigation district and resides without the district he shall be considered an elector in that division of the district in which the major portion of his land is situated; provided, further, that no person other than an elector as herein defined shall be eligible and permitted to hold the office of director of said irrigation district.

§ 2. That Section 8247a3 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, be, and the same is hereby amended and re-enacted to read as follows:

§ 8247a3. SAME: ELECTION: .ORGANIZATION.] Such election shall be conducted in accordance with the general laws of the state. The said county board shall meet on the second Monday next succeeding such election and proceed to canvass the vote cast thereat; and if upon such canvass it appears that a majority of all the votes cast are "Irrigation District — Yes," the said board shall, by an order entered on their minutes, declare such territory duly organized as an irrigation district, under the name and style therefor designated, and shall declare the persons receiving the highest number of votes for such several offices to be duly elected to such offices. The said board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county register of deeds of each county in which any portion of such lands are situated, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each of the counties in which any portion of the district may lie; and no board of county commissioners of any county, including any portion of such district, shall, after the date of the organization of such district, permit another district to be formed including any of the lands of such district, without the consent of the board of directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices until their successors are elected and qualified.

For the purpose of the election above provided for the said county board must establish a convenient number of election precincts in the said proposed district, and define the boundaries thereof, which precincts may thereafter be changed, consolidated or reduced in number by the board of directors of such district at the discretion of and as it may seem advisable to said board, and the said board may, if it deems it advisable so to do, establish one voting precinct only in each irrigation district.

§ 3. That Section 8247a10 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, be, and the same is hereby amended and re-enacted to read as follows:

§ 8247a10. SAME: MEETINGS: QUORUM: RECORD.] The board of directors shall hold regular meetings at their office on the first Tuesday of each month, and during the months of December, January, February, March and April of each year and the said meetings shall be held and continue in session from 2 o'clock in the afternoon to 6 o'clock in the afternoon, and during the months of May, June, July, August, September, October and November the said meetings shall be held and continue in session from 7 o'clock P. M. to 10

o'clock P. M. ; and the said board shall hold such other special meetings as may be required for the proper transaction of business. Provided, all special meetings shall be ordered by the president of the board, the order must be entered of record, and five days notice thereof must be given each member. The order must specify the business to be transacted, and no other than that specified shall be transacted at such special meeting. All meetings of the board must be published, and a majority of the members shall constitute a quorum for the transaction of business and upon all questions requiring a vote there shall be a concurrence of at least a majority of such board. All records of the board must be open to the inspection of any elector during business hours, and said board shall cause to be published at the close of each regular or special meeting a brief statement of the proceedings thereof in one newspaper of general circulation in the district, if same can be done at an expense not exceeding one-third of the legal rate for advertising notices. The board, its agents and employees shall have the right to enter upon any land within the district, to make surveys, and may locate the line of any canal, or canals, and the necessary branches for such location. The board shall also have the right to acquire either by purchase or condemnation, all lands and waters and other property necessary for the construction, use, maintenance and repair and improvement of any canals, power plants of any kind or nature, and lands for reservoirs for storage of water and all necessary appurtenances. The board shall also have the right to acquire by purchase or condemnation any irrigation works, power plant, ditches, canals or reservoirs already constructed, for the use of said district. In case of purchase, the bonds of the district hereinafter provided for may be used at their par value in payment. The board may also construct the necessary dams, reservoirs and works for the collection of water for the district and do any and every lawful act necessary to be done that sufficient water may be furnished to each tract of land in the district for irrigation purposes, and may enter into any obligation or contract with the United States for the construction, operation and maintenance of the necessary work for the delivery and distribution of water therefrom under the provision of the Federal Reclamation Act and all Acts amendatory thereof, or supplementary thereto, and the rules and regulations established thereunder ; or the board may contract with the United States for a water supply under any Act of Congress providing for or permitting such contract, and in case contract has been, or may be hereafter made with the United States as herein provided, bonds of the district may be deposited with the United States at ninety per cent of their par value, to the amount to be paid by the district to the United States under any such contract, the interest on such bonds to be provided for by assessment and levy as in the case of other bonds of the district and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited it shall

be the duty of the board of directors to include as part of any levy or assessment provided for in Section 19 of this Act, an amount sufficient to meet each year all payments accruing under the terms of any such contract; and the board may accept on behalf of the district appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collections of money for and on behalf of the United States in connection with any federal reclamation project, whereupon the district shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said board, shall have full power to do any and all things required by the federal statutes in connection therewith, and all things required by the rules and regulations established by any department of the federal government in regard thereto. The use of all water required for irrigation of lands of any district formed under the provisions of this Article, together with canals and ditches already constructed, the right of ways for canals and ditches, sites for reservoirs, and pumping plants, and all other property required in fully carrying out the provisions of this Article, is hereby declared to be a public use, subject to the regulation and control of the state in the manner prescribed by law. If contract is made with the United States, as in this Section provided, and bonds are not to be deposited with the United States in connection with such contract, bonds need not be issued, or if required to raise funds in addition to the amount of such contract, shall be issued only in the amount needed in addition thereto.

Approved March 6, 1933.

LAW

CHAPTER 143

H. B. No. 86—(Patterson, by request.)

PROHIBITING UNLAWFUL PRACTICE OF LAW

An Act to amend and re-enact Section 811 of the Supplement to the Compiled Laws of North Dakota of 1913; relating to admission to the bar; requiring and fixing an annual license fee to be paid by members of the State Bar; providing that no person shall practice law within the state who has not made payment of the annual license fee; prohibiting the practice of law by any member of the bar or other persons not so qualified and fixing a penalty therefor; providing for the deposit of the license fee with the treasurer of the state bar board, and specifying the manner in which said annual license fee shall be disbursed.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ I. AMENDMENT.] That Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows: