

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

Appropriations Committee

1 A BILL for an Act test.

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

3 **SECTION 1. AMENDMENT.** Section 4-22-26 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **4-22-26. Powers and duties of districts and supervisors.** A soil conservation district  
6 may exercise the public powers ordinarily exercised by a governmental subdivision of the state,  
7 and the district and the supervisors thereof have the following powers in addition to those  
8 granted in other sections of this chapter:

- 9 1. To conduct surveys, investigations, and research relating to the character of soil  
10 erosion and the preventive and control measures needed, and to publish the  
11 results of such surveys, investigations, or research, and to disseminate information  
12 concerning such preventive and control measures. To avoid duplication of  
13 research activities, no district may initiate any research program except in  
14 cooperation with the government of this state or any of its agencies, or with the  
15 United States or any of its agencies.
- 16 2. To conduct demonstrational projects within the district on lands owned or  
17 controlled by this state or any of its agencies, with the cooperation of the agency  
18 administering and having jurisdiction thereof, and on any other lands within the  
19 district after obtaining the consent of the occupier of such lands or the necessary  
20 rights or interests in such lands, to demonstrate by example the means, methods,  
21 and measures by which soil and soil resources may be conserved and soil erosion  
22 in the form of soil blowing and soil washing may be prevented and controlled.
- 23 3. To carry out preventive and control measures within the district, including, but not  
24 limited to, engineering operations, methods of cultivation, the growing of

1           vegetation, and changes in use of land, on lands owned or controlled by this state  
2           or any of its agencies, with the cooperation of the agency administering and having  
3           jurisdiction thereof, and on any other lands within the district upon obtaining the  
4           consent of the occupier of such lands or the necessary rights or interest in such  
5           lands.

6           4. To cooperate or enter into agreements with, and, within the limits of appropriations  
7           duly made available to it by law, to furnish financial or other aid to any agency,  
8           governmental or otherwise, or any occupier of lands within the district in the  
9           carrying on of erosion control and prevention operations within the district, subject  
10          to such conditions as the supervisors may deem necessary to advance the  
11          purposes of this chapter.

12          5. To obtain options upon and to acquire by purchase, exchange, lease, gift, grant,  
13          bequest, devise, or otherwise any property, real or personal, or any rights or  
14          interest therein; to maintain, administer, and improve any properties acquired; to  
15          receive income from such properties, and to expend such income in carrying out  
16          the purposes and provisions of this chapter; and to sell, lease, or dispose of  
17          otherwise any of its property or interest therein in furtherance of the purposes and  
18          the provisions of this chapter.

19          6. To make available, on such terms as it shall prescribe, to land occupiers,  
20          government units or qualified electors within the district, agricultural and  
21          engineering machinery and equipment, fertilizer, seeds and seedlings, and such  
22          other material or equipment as will assist such land occupiers, government units or  
23          qualified electors to carry on operations upon their lands for the conservation of soil  
24          and water resources and for the prevention and control of soil erosion.

25          7. To construct, improve, and maintain such structures as may be necessary or  
26          convenient for the performance of any of the operations authorized in this chapter.

27          8. To develop comprehensive plans for the conservation of soil resources and for the  
28          control and prevention of soil erosion within the district, which plans must specify in  
29          such detail as may be possible the acts, procedures, performances, and  
30          avoidances which are necessary or desirable for the effectuation of such plans,  
31          including the specification of engineering operations, methods of cultivation, the

- 1 growing of vegetation, cropping programs, tillage practices, and changes in use of  
2 land, and to publish such plans and information and bring them to the attention of  
3 occupiers of lands within the district.
- 4 9. To take over, by purchase, lease, or otherwise, and to administer any soil  
5 conservation, erosion control, or erosion prevention project located within its  
6 boundaries undertaken by the United States or any of its agencies, or by this state  
7 or any of its agencies; to manage, as agent of the United States, or any of its  
8 agencies or of this state or any of its agencies, any soil conservation, erosion  
9 control, or erosion prevention project within its boundaries; to act as agent for the  
10 United States or any of its agencies or for this state or any of its agencies in  
11 connection with the acquisition, construction, operation, or administration of any  
12 soil conservation, erosion control, or erosion prevention project within its  
13 boundaries; to accept donations, gifts, and contributions in money, services,  
14 materials, or otherwise from the United States or any of its agencies or from this  
15 state or any of its agencies, and to use or expend such moneys, services,  
16 materials, or other contributions in carrying on its operations.
- 17 10. To sue and be sued in the name of the district.
- 18 11. To have a seal, which seal must be noticed judicially.
- 19 12. To have perpetual succession unless terminated as hereinafter provided.
- 20 13. To make and execute contracts and other instruments necessary or convenient to  
21 the exercise of its powers; to borrow funds and pledge all or any part of any income  
22 from the district's facilities, equipment, and operations for the repayment thereof.
- 23 14. To make, and from time to time, to amend and repeal, rules and regulations not  
24 inconsistent with this chapter to carry into effect its purposes and powers.
- 25 15. As a condition to the extending of any benefits under this chapter to, or the  
26 performance of work upon, any lands not owned or controlled by this state or any  
27 of its agencies, to require contributions in money, services, materials, or otherwise  
28 to any operations conferring such benefits, and to require land occupiers to enter  
29 into and perform such agreements or covenants as to the permanent use of such  
30 lands as will tend to prevent or control erosion thereon.

- 1           16. To expend moneys for education, promotion, and recognition activities consistent  
2                   with the purposes of this chapter.
- 3           17. To levy taxes as follows:
- 4               a. The supervisors may make a tax levy, not exceeding one mill, for the payment  
5                   of the expenses of the district, including mileage and other expenses of the  
6                   supervisors, and technical, administrative, clerical, and other operating  
7                   expenses.
- 8               b. Immediately after the completion of the district budget and the adoption of the  
9                   annual tax levy by the district supervisors, but not later than July first, the  
10                  supervisors shall send one certified copy of the levy as adopted to the county  
11                  auditor of each county in the districts.
- 12              c. The county auditor of each county in the district shall extend the levy upon the  
13                  tax list of the county for the current year against each description of real  
14                  property lying both within the county and the district in the same manner and  
15                  with the same effect as other taxes are extended.
- 16              d. The treasurer of each county in the district shall collect all district taxes  
17                  together with interest and penalty thereon in the same manner as the general  
18                  taxes are collected, and shall pay over to the soil conservation district by the  
19                  tenth working day of each month, all taxes so collected during the preceding  
20                  month, with interest and penalties collected thereon and shall immediately  
21                  send notification of such payment to the treasurer of the soil conservation  
22                  district.
- 23              e. Whenever the supervisors of a soil conservation district deem it advisable to  
24                  raise funds by taxation in excess of the levy provided by this section, for any  
25                  purpose for which the supervisors of a district are authorized to expend  
26                  moneys raised by taxes, the supervisors of the district shall submit to the  
27                  qualified electors of the district at the next general election the question of  
28                  increasing the levy by a certain number of mills. Notice of the question must  
29                  be filed with the county auditor fifty-five days before the election. When  
30                  authorized by a majority of qualified electors of the soil conservation district

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- 1 voting on the question at an election in which the question has been
- 2 submitted, the supervisors may increase the levy in the amount so authorized.
- 3 No provisions with respect to the acquisition, operation, or disposition of property by other
- 4 public bodies are applicable to a district unless the same specifically are made applicable by
- 5 law.