

HOUSE BILL NO. 1339

Introduced by

Representatives Skroch, Ertelt, B. Koppelman, McWilliams, Toman, Vigesaa

Senators Burckhard, Luick, Osland

1 A BILL for an Act to amend and reenact sections 61-16.1-22, 61-16.1-23, and 61-16.1-26 of the
2 North Dakota Century Code, relating to notice, appeals, and refunds of special assessments.

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

4 **SECTION 1. AMENDMENT.** Section 61-16.1-22 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **61-16.1-22. Assessment list to be published - Notice of hearing - Alteration of**
7 **assessments - Confirmation of assessment list - Filing.**

8 After entering an order establishing the project, the water resource board shall cause the
9 assessment list to be published once each week for ~~two~~three successive weeks in the
10 newspaper or newspapers of general circulation in the district and in the official county
11 newspaper of each county in which the benefited lands are located together with a notice of the
12 time when, and place where, the board will meet to hear objections to any assessment by any
13 interested party, or an agent or attorney for that party. The board also shall mail a certified copy
14 of the notice to each affected landowner at the landowner's address as shown by the tax rolls of
15 the county or counties in which the affected property is located. The date set for the hearing
16 may not be less than ~~twenty~~thirty days after the mailing of the notice. At the hearing, the board
17 may make such alterations in the assessments as in its opinion may be just and necessary to
18 correct any error in the assessment but must make the aggregate of all assessments equal to
19 the total amount required to pay the entire cost of the work for which the assessments are
20 made, or the part of the cost to be paid by special assessment. An assessment may not exceed
21 the benefit as determined by the board to the parcel of land or political subdivision assessed.
22 The board shall then confirm the assessment list and the secretary shall attach to the list a
23 certificate that the same is correct as confirmed by the board and shall file the list in the office of
24 the secretary.

1 **SECTION 2. AMENDMENT.** Section 61-16.1-23 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **61-16.1-23. Appeal to state engineer.**

4 After the hearing provided for in section 61-16.1-22, affected landowners and any political
5 subdivision subject to assessment, ~~having not less than twenty-five percent of the possible~~
6 ~~votes, as determined by section 61-16.1-20,~~ who believe that the assessment had not been
7 fairly or equitably made, or that the project is not properly located or designed, may appeal to
8 the state engineer by petition, within ten days after the hearing on assessments, to make a
9 review of the assessments and to examine the location and design of the proposed project.
10 Upon receipt of such petition the state engineer shall examine the lands assessed and the
11 location and design of the proposed project, and if it appears that the assessments have not
12 been made equitably, the state engineer may proceed to correct the same, and the state
13 engineer's correction and adjustment of said assessment is final. Should it appear that, in the
14 judgment of the state engineer, the project has been improperly located or designed, the state
15 engineer may order a relocation and redesign. Such relocation and redesign must be followed
16 in the construction of the proposed project. Upon filing a bond for two hundred fifty dollars with
17 the board for the payment of the costs of the state engineer in the matter, any landowner or
18 political subdivision who or which claims that the landowner or political subdivision will receive
19 no benefit at all from the construction of a new project may appeal to the state engineer within
20 ten days after the hearing on assessments, the question of whether there is any benefit. The
21 state engineer may not determine the specific amount of benefit upon an appeal by an
22 individual landowner or political subdivision, but shall only determine if there is any benefit to
23 the landowner or political subdivision, and the determination of the state engineer upon such
24 question is final.

25 **SECTION 3. AMENDMENT.** Section 61-16.1-26 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **61-16.1-26. Reassessment of benefits.**

28 The water resource board may hold at any time or, upon petition of any affected landowner
29 or political subdivision which has been assessed after a project has been in existence for at
30 least one year, shall hold a hearing for the purpose of determining the benefits of such project to
31 each tract of land affected. ~~At least ten days' notice~~ Notice of the hearing must be given by

1 publication once each week for three consecutive weeks, beginning at least thirty days before
2 the hearing, in the newspaper or newspapers having general circulation in the district and in the
3 official county newspaper of each county in which the benefited lands are located and by
4 mailing notice thereof ~~by ordinary~~ of the hearing by certified mail to each owner of land ~~whose~~
5 ~~assessment is proposed to be raised as determined by the records of the recorder or county~~
6 ~~treasurer~~ in the assessed district. The provisions of this chapter governing the original
7 determination of benefits and assessment of costs apply to any reassessment of benefits
8 carried out under this section. The board may not be forced to make such reassessment more
9 than once every ten years, nor may any assessment or balance thereof supporting a project
10 fund be reduced or impaired by reassessment or otherwise so long as bonds payable out of
11 such fund remain unpaid and moneys are not available in such fund to pay all such bonds in
12 full, with interest. Costs of maintenance must be prorated in accordance with any plan for
13 reassessment of benefits that has been adopted.