

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2276

Introduced by

Senator Luick

1 A BILL for an Act to amend and reenact section 61-16.1-15.1 of the North Dakota Century
2 Code, relating to mandating the formation of joint water resource boards for projects affecting
3 two or more counties.

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

5 **SECTION 1. AMENDMENT.** Section 61-16.1-15.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-16.1-15.1. Projects or benefits in more than one county.**

- 8 1. The districts from two or more counties ~~may agree to~~shall jointly construct or assign
9 benefits and assessments for a project. Two or more districts shall create a joint board
10 under section 61-16.1-11 before constructing a project and before assessing the lands
11 or premises for a project that benefits or is located in more than one county. The joint
12 board may exercise all powers afforded to a water resource board under section
13 61-16.1-09. If the districts do not agree to undertake a joint project, a district may
14 undertake the project by providing notice to the joint board where the project is
15 located, in either the ~~Red River, James River, Mouse River, Missouri River, or Devils-~~
16 ~~Lake~~Cannon Ball-Heart-Knife Rivers, Devils Lake-Sheyenne River, Grand
17 River-Moreau River, James River, Lake Oahe, Lake Sakakawea, Little Missouri River,
18 Lower Red River, Lower Yellowstone, Missouri-Poplar River, Mouse River, and Upper
19 Red River major drainage basin, as mapped by the department of water resources,
20 together with the engineer's report required under section 61-16.1-17.
- 21 2. If the joint board finds the project is necessary, and the benefits of the project will
22 exceed the costs, the joint board shall proceed with the procedures in sections
23 61-16.1-15 through 61-16.1-36 regarding:

- 1 a. The creation, construction, alteration, repair, operation, and maintenance of a
- 2 project and an assessment district;
- 3 b. The determination and levy of assessments against property benefited by the
- 4 project; and
- 5 c. The special warrants issued pursuant to this chapter.
- 6 3. If the assessment vote is successful, the joint board shall construct, own, operate, and
- 7 maintain the project. The joint board shall administer the corresponding assessment
- 8 district for the project in accordance with this chapter.