

Introduced by

Representatives Schatz, Bellew, Dockter, Hauck, VanWinkle

Senators Boehm, Luick, Paulson

1 A BILL for an Act to amend and reenact sections 61-16.1-04 and 61-16.1-45 of the North  
2 Dakota Century Code, relating to the publication and distribution of water resource board  
3 meeting minutes and maintenance of an assessment drain.

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

5 **SECTION 1. AMENDMENT.** Section 61-16.1-04 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **61-16.1-04. Minutes, books, and records.**

8 The water resource board shall keep accurate minutes of its meetings and accurate records  
9 and books of account, clearly setting out and reflecting the entire operation, management, and  
10 business of the district. The minutes of the meeting must be published and distributed within  
11 seventy-two hours after any meeting date. These books and records shall be kept at the  
12 principal office of the district or at such other regularly maintained office or offices of the district  
13 as shall be designated by the board, with due regard to the convenience of the district, its  
14 customers, and residents. The books and records shall be open to public inspection during  
15 reasonable business hours.

16 **SECTION 2. AMENDMENT.** Section 61-16.1-45 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **61-16.1-45. Maintenance of drainage projects.**

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

- 1           a.   Agricultural lands that carried the highest assessment when the drain was  
2                   originally established, or received the most benefits under a reassessment of  
3                   benefits, may be assessed the maximum amount of four dollars per acre  
4                   [.40 hectare]. The assessment of other agricultural lands in the district must be  
5                   based upon the proportion that the assessment of benefits at the time of  
6                   construction or at the time of any reassessment of benefits bears to the  
7                   assessment of the benefits of the agricultural land assessed the full four dollars  
8                   per acre [.40 hectare]. Nonagricultural property must be assessed the sum in any  
9                   one year as the ratio of the benefits under the original assessments or any  
10                  reassessment bears to the assessment of agricultural lands bearing the highest  
11                  assessment.
- 12           b.   Agricultural lands must be assessed uniformly throughout the entire assessed  
13                   area. Nonagricultural property must be assessed an amount not to exceed two  
14                   dollars for each five hundred dollars of taxable valuation of the nonagricultural  
15                   property.
- 16           2.   In case the maximum levy or assessment on agricultural and nonagricultural property  
17                   for any year will not produce an amount sufficient to cover the cost of cleaning out and  
18                   repairing the drain, a water resource board may accumulate a fund in an amount not  
19                   exceeding the sum produced by the maximum permissible levy for six years.
- 20           3.   If the cost of, or obligation for, the cleaning and repairing of any drain exceeds the total  
21                   amount that may be levied by the board in any six-year period, the board shall obtain  
22                   the approval of the majority of the landowners as determined by chapter 61-16.1  
23                   before obligating the district for the costs. The cost of cleaning and repairing a drain  
24                   must include the engineer's probable cost or contracted costs, without consideration of  
25                   any cost-share opportunities, and may not be reduced by general funds, account  
26                   funds, or any other available funds.