

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE BILL NO. 1284
(Representatives Rennerfeldt, DeKrey, Gulleson, Lloyd)
(Senators Solberg, Wanzek)

AN ACT to amend and reenact sections 61-05-13, 61-06-01, 61-10-31, and 61-10-38 of the North Dakota Century Code, relating to organization, government, and boundaries of irrigation districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-05-13 of the North Dakota Century Code is amended and reenacted as follows:

61-05-13. State engineer to make order establishing irrigation district - Calling election - Dividing district - Contents of order. If the state engineer ~~shall have found~~ finds and ~~determined~~ determines that the establishment of the proposed irrigation district is advisable, and that the plan proposed for irrigating the lands therein is practicable and economically sound, the state engineer shall make an order establishing ~~such the~~ irrigation district, subject to the approval of the electors of the district at an election called by the state engineer for that purpose. If the district embraces more than ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] of land, the state engineer by ~~such the~~ order shall divide the district into five or seven divisions or precincts as the state engineer ~~shall deem~~ determines necessary for the convenience of the electors of the district. The divisions or precincts ~~shall must be~~ as nearly equal in size as may be deemed practicable, ~~such the~~ divisions ~~shall must be~~ numbered, and one director ~~shall must be~~ elected from, and by the electors of, each division. If an elector owns land in more than one division, the elector ~~shall must~~ cast all the elector's votes for director and be eligible for election as a director in the division in which the majority of the elector's land subject to assessment lies. ~~Such The~~ order ~~shall must~~ set forth:

1. The time and place of holding ~~such the~~ election.
2. The boundaries of the district.
3. That a petition sufficient in form and substance was filed with the state engineer.
4. That due and reasonable notice of time and place of hearing on petition was given to the qualified electors of the proposed irrigation district.

A copy of ~~such the~~ order ~~shall must be~~ filed with the county auditor of each county in which the irrigation district is situated. ~~Such The~~ order ~~shall be~~ is prima facie evidence of the matter and facts therein stated.

SECTION 2. AMENDMENT. Section 61-06-01 of the North Dakota Century Code is amended and reenacted as follows:

61-06-01. Board of directors of irrigation district - Terms - Vacancies. If an irrigation district contains less than ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] of land and is not divided into precincts or divisions, the board of directors ~~thereof shall consist~~ consists of five directors who must be residents of the state and electors of the district and must be elected at large. Two directors elected at the election for the organization of the district ~~shall~~ serve until the first Tuesday in April following the first regular district election, and three ~~directors shall~~ serve until the first Tuesday in April following the second regular election.

If an irrigation district contains ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] or more, it must be divided into five or seven divisions or precincts, as the case may be, and one director must be elected from and by the electors of each division or precinct.

If an irrigation district contains ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] or more and is divided into five divisions or precincts, the board of directors of ~~such the~~ irrigation district ~~shall consist~~ consists of five directors. Two directors elected at the election for the organization of the district ~~shall~~ serve until the first Tuesday in April following the first regular district election, and three directors ~~shall~~ serve until the first Tuesday in April following the second regular district election.

If an irrigation district contains ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] or more and is divided into seven divisions or precincts, the board of directors of ~~such the~~ irrigation district ~~shall consist~~ consists of seven directors. Three directors elected at the election for the organization of the district ~~shall~~ serve until the first Tuesday in April following the first regular district election, and four directors ~~shall~~ serve until the first Tuesday in April following the second regular district election.

The terms of office of the directors elected at ~~such the~~ first election for the organization of the district must be determined by lot at their first meeting. Directors elected at subsequent elections ~~shall~~ serve for four years and until their successors are duly elected and qualified. In case the office of any director becomes vacant, the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy ~~shall serve~~ serves the unexpired term of the director whose office ~~he~~ that director has been appointed to fill. ~~In the event that~~ If vacancies occur in the offices of a majority of the directors of an irrigation district, the remaining members and the state engineer shall fill the vacancies; and ~~in the event that~~ if the offices of all the directors become vacant, the state engineer shall appoint the members of the board and they ~~shall~~ serve until the next regular election of the district. Their successors in office must then be elected to serve the unexpired term of the directors whose offices became vacant. The unexpired term of office ~~which~~ that each director thus elected ~~shall fill~~ fills must be determined by lot.

~~At the regular irrigation district election in 1984, the secretary of any existing irrigation district which has only three directors shall include in the notice of election a statement that irrigation districts must have five directors, and that the two new positions for director will be filled at the upcoming district election. The notice must also state that any elector desiring to be a candidate for the office of district director and to have the elector's name appear on the ballot for one of the new openings for the office of director must file a request with the secretary of the board not less than twenty days before the election. For the irrigation districts with only three directors, the directors elected for the two new positions, and the director elected to fill the office of the existing director whose regular term would have expired in 1984, must be elected to four year terms. The remaining directors of existing irrigation districts with three directors whose terms do not expire in 1984 shall serve until the next regular election of the irrigation district, which must be in 1986. Directors elected at the regular election of an irrigation district in 1986 must then be elected for four year terms.~~

SECTION 3. AMENDMENT. Section 61-10-31 of the North Dakota Century Code is amended and reenacted as follows:

61-10-31. Redivision of district into divisions. When lands are included in an irrigation district by means of the procedure described in this chapter, and if the district will contain after inclusion of ~~such the~~ lands ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] or more, at least thirty days ~~prior to~~ before the next general election, the board shall make an order dividing or redividing ~~such the~~ district into divisions in conformity with section 61-05-13. ~~Such~~ The divisions ~~shall~~ must be as nearly equal in size as may be practicable and they ~~shall~~ must be numbered, with one director thereafter elected by and from each division.

SECTION 4. AMENDMENT. Section 61-10-38 of the North Dakota Century Code is amended and reenacted as follows:

61-10-38. Elimination of divisions of district. When lands are excluded from an irrigation district by means of the procedure described in this chapter, and if the district will contain less than ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] after the exclusion of ~~such the~~ lands, the board of directors shall issue an order eliminating district divisions in conformity with section 61-05-13.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1284.

House Vote: Yeas 95 Nays 0 Absent 3

Senate Vote: Yeas 46 Nays 1 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State