

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2295
(Senator Dotzenrod)

AN ACT to create and enact a new section to chapter 61-05 of the North Dakota Century Code, relating to limitations on the creation and jurisdiction of irrigation districts; and to amend and reenact sections 61-09-01 and 61-09-03 of the North Dakota Century Code, relating to permitting an irrigation district to assess lands requiring drainage as a result of irrigation works.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 61-05 of the North Dakota Century Code is created and enacted as follows:

Creation and jurisdiction of irrigation district - Limitations.

Notwithstanding section 61-05-02, an irrigation district may not be created if the primary purpose of the district is to provide drainage benefits to residents of the district. A drainage project proposed, undertaken, approved, or subject to assessment by an irrigation district also is subject to the permit requirements under chapter 61-32. Drainage benefits provided by an irrigation district may not impact the authority of a water resource board to assess for drainage projects under chapter 61-16.1 or 61-21.

SECTION 2. AMENDMENT. Section 61-09-01 of the North Dakota Century Code is amended and reenacted as follows:

61-09-01. District assessor to examine tracts of land to fix annual assessments levied thereon.

Between the first Monday in March and the first Monday in June of each year, the district assessor shall examine each tract of land or legal subdivision of land in the district, including entered and unentered public lands of the United States, subject ~~thereto~~ to entry under any act of Congress, and all other lands publicly or privately owned. In determining irrigation or drainage benefits, the district assessor shall first ascertain the number of irrigable or drained acres [hectares] within each tract or subdivision, as determined by the board of directors, and this ~~shall~~ must form the primary basis for determining the benefits accruing ~~on account of the~~ due to construction, acquisition, or operation of irrigation or drainage works. In addition, the district assessor shall include such factors as methods of irrigation, power consumption, water conservation, and whether or not irrigable acres [hectares] are actually being irrigated. ~~Thereafter, the~~ The amount of benefits ~~se~~ apportioned or distributed to each tract of land as ~~finally~~ determined and equalized shall must be ~~and remain~~ the basis for fixing the annual assessments levied during that year against ~~such~~ the tracts or subdivisions in carrying out the provisions of this chapter.

SECTION 3. AMENDMENT. Section 61-09-03 of the North Dakota Century Code is amended and reenacted as follows:

61-09-03. Assessments spread in proportion to benefits received - Property subject to assessment for deficiency.

Whenever any assessment is made within an irrigation district it ~~shall~~ must be apportioned to and spread upon each unit or tract of land in the district in proportion to the benefits received, as determined by the assessor in accordance with section 61-09-01. Bonds, district improvement warrants, and other obligations incurred by the district ~~shall~~ must be the obligations of the district. Only lands within the district benefited by irrigation or drainage provided by the district and subject to assessment for irrigation or drainage benefits ~~shall be~~ are subject to assessment for any fund created for the payment of bonds, district improvement warrants, and other district obligations. All assessments approved and

levied by an irrigation district for any fund or purpose under the authority of this title ~~shall~~must be in the form of special assessments and ~~shall be~~ levied against both privately and publicly owned lands.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2295.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 76 Nays 13 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State