

SENATE BILL NO. 2295

Introduced by

Senator Dotzenrod

1 A BILL for an Act to create and enact a new section to chapter 61-05 of the North Dakota
2 Century Code, relating to limitations on the creation and jurisdiction of irrigation districts; and to
3 amend and reenact sections 61-09-01 and 61-09-03 of the North Dakota Century Code, relating
4 to permitting an irrigation district to assess lands requiring drainage as a result of irrigation
5 works.

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

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

9 **Creation and jurisdiction of irrigation district - Limitations.**

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

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

18 **61-09-01. District assessor to examine tracts of land to fix annual assessments levied**
19 **thereon.**

20 Between the first Monday in March and the first Monday in June of each year, the district
21 assessor shall examine each tract of land or legal subdivision of land in the district, including
22 entered and unentered public lands of the United States, subject ~~theretoto~~ entry under any act
23 of Congress, and all other lands publicly or privately owned. In determining irrigation or
24 drainage benefits, the district assessor shall first ascertain the number of irrigable or drained

1 acres [hectares] within each tract or subdivision, as determined by the board of directors, and
2 this shall ~~must~~ form the primary basis for determining the benefits accruing ~~on account of the due~~
3 ~~to~~ construction, acquisition, or operation of irrigation or drainage works. In addition, the district
4 assessor shall include such factors as methods of irrigation, power consumption, water
5 conservation, and whether or not irrigable acres [hectares] are actually being irrigated.
6 ~~Thereafter, the~~ The amount of benefits ~~se~~ apportioned or distributed to each tract of land as
7 finally determined and equalized shall ~~must~~ be ~~and remain~~ the basis for fixing the annual
8 assessments levied during that year against ~~such~~ the tracts or subdivisions in carrying out the
9 provisions of this chapter.

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

12 **61-09-03. Assessments spread in proportion to benefits received - Property subject**
13 **to assessment for deficiency.**

14 Whenever any assessment is made within an irrigation district it shall ~~must~~ be apportioned
15 to and spread upon each unit or tract of land in the district in proportion to the benefits received,
16 as determined by the assessor in accordance with section 61-09-01. Bonds, district
17 improvement warrants, and other obligations incurred by the district shall ~~must~~ be the obligations
18 of the district. Only lands within the district benefited by irrigation or drainage provided by the
19 district and subject to assessment for irrigation or drainage benefits shall ~~bear~~ be subject to
20 assessment for any fund created for the payment of bonds, district improvement warrants, and
21 other district obligations. All assessments approved and levied by an irrigation district for any
22 fund or purpose under the authority of this title shall ~~must~~ be in the form of special assessments
23 and shall be levied against both privately and publicly owned lands.