

Introduced by

Legislative Management

(Water-Related Topics Overview Committee)

1 A BILL for an Act to amend and reenact sections 54-35-02.7 and 61-06-21, subsection 13 of
2 section 61-07-03, and sections 61-24.8-09 and 61-24.8-10 of the North Dakota Century Code
3 and section 4 of chapter 496 of the 2011 Session Laws, relating to the water topics overview
4 committee, irrigation districts, irrigation project financing, and the expiration date of Garrison
5 Diversion Conservancy District irrigation special assessments.

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

7 **SECTION 1. AMENDMENT.** Section 54-35-02.7 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **54-35-02.7. ~~(Effective through November 30, 2013)~~ Water-related Water topics**
10 **overview committee - Duties.**

11 The legislative management, during each interim, shall appoint a ~~water-related~~water topics
12 overview committee in the same manner as the legislative management appoints other interim
13 committees. The committee must meet quarterly and is responsible for legislative overview of
14 ~~water-related~~water topics and related matters, the Garrison diversion project, and for any
15 necessary discussions with adjacent states on ~~water-related~~water topics. ~~During the 2011-12-~~
16 ~~interim, the committee shall review the state's irrigation laws and rules and evaluate the process-~~
17 ~~of the prioritization of water projects. The committee consists of thirteen members and the-~~
18 legislative management shall designate the chairman of the committee. The committee shall
19 operate according to the statutes and procedure governing the operation of other legislative
20 management interim committees.

21 **~~(Effective after November 30, 2013)~~ Garrison diversion overview.** The legislative
22 management is responsible for legislative overview of ~~the Garrison diversion project and related~~
23 ~~matters and for any necessary discussions with adjacent states on water-related topics.~~

1 **SECTION 2. AMENDMENT.** Section 61-06-21 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **61-06-21. Meetings of board - Regular and special - Quorum - Records of board.**

4 The board shall hold regular meetings in its office or usual place of meeting in January,
5 March, July, and November of each year. The board by rule or bylaw authorized by section
6 61-07-03 shall fix dates for such regular meetings and may also fix dates for additional regular
7 meetings as it shall deem needed. The board also may hold special meetings as may be
8 required for the transaction of the district's business. A majority of the members of the board
9 constitutes a quorum for the transaction of business. Special meetings shall be called by the
10 secretary upon the order of the chairman of the board or upon the request in writing of two
11 members. The order must be entered of record on the minutes of the meeting and notice of
12 such special meeting shall be delivered or mailed to each member of the board at least five
13 days prior to the date of such special meeting. A special meeting of the board may be called at
14 any time by the chairman without notice and the meeting thus called shall be legal and valid if
15 all members of the board of directors are present. ~~A majority of the members of the board shall~~
16 ~~constitute a quorum for the transaction of business, but upon all questions requiring a vote there~~
17 ~~shall be a~~ A concurrence of at least a majority of the board is necessary on any question
18 requiring a vote. All records of the board must be open to the inspection of any elector during
19 business hours.

20 **SECTION 3. AMENDMENT.** Subsection 13 of section 61-07-03 of the North Dakota
21 Century Code is amended and reenacted as follows:

22 13. Enter into contracts and leases as the board determines appropriate with the Garrison
23 Diversion Conservancy District; the water commission of North Dakota; or with the
24 United States of America, its instrumentalities, departments, or agencies, for the
25 purpose of financing the construction of any irrigation works authorized by law, and in
26 such contracts and leases may authorize such the Garrison Diversion Conservancy
27 District; the commission; or the United States, its instrumentalities, departments, or
28 agencies, as the case may be, to supervise and approve the construction,
29 maintenance, and operation of such irrigation works, or any part or portion thereof,
30 until such times as any money expended, advanced, or loaned by the commission or
31 by the United States, its instrumentalities, departments, or agencies, and agreed to be

1 repaid thereto by said board, shall have been repaid fully. The board may accept
2 cooperation from ~~such~~the Garrison Diversion Conservancy District; the commission; or
3 from the United States, its instrumentalities, departments, and agencies, in the
4 construction, maintenance, and operation, and in financing the construction of any
5 work authorized by the board. The board shall have full power to do any and all things
6 necessary to avail itself of such aid, assistance, and cooperation under existing or
7 future state laws or federal legislation enacted by the Congress of the United States.

8 **SECTION 4. AMENDMENT.** Section 61-24.8-09 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **61-24.8-09. (Effective through July 31, 2013) Engineer's report required - Contents.**

11 After a special improvement district has been created, the board, if the board determines it
12 necessary to make any of the improvement set out in section 61-24.8-05 in the manner
13 provided in this chapter, shall direct the engineer for the district, or ~~some other~~
14 ~~competent~~another registered professional engineer, to prepare a report as to the general
15 nature, purpose, and feasibility of the proposed improvement. The engineer shall prepare
16 profiles, plans, and specifications of the proposed project and estimates of the total cost. The
17 estimate of costs prepared by the engineer must include acquisition of right of way and other
18 costs specified in section 61-24.8-19 and must be in sufficient detail to allow the board to
19 determine the probable share of the total costs that will be assessed against each of the
20 affected landowners in the proposed assessment district.

21 **SECTION 5. AMENDMENT.** Section 61-24.8-10 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **61-24.8-10. (Effective through July 31, 2013) Approval of plans, specifications, and**
24 **estimates.**

25 After receiving the engineer's report required by section 61-24.8-09, the board may direct
26 the engineer to prepare detailed plans and specifications for construction of the improvement.
27 The plans and specifications must be certified by a registered professional engineer and must
28 be approved by a resolution of the board.

29 **SECTION 6. AMENDMENT.** Section 4 of Chapter 496 of the 2011 Session Laws is
30 amended and reenacted as follows:

1 **SECTION 4. EXPIRATION DATE.** ~~This~~Sections 2 and 3 of this Act is
2 effective through July 31, ~~2013~~2015, and after that date ~~is~~are ineffective except for
3 projects for which all steps up to and including approval as described in section
4 61-24.8-14 are completed before August 1, ~~2013~~2015.