

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1090

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 61-21-01 and sections 61-21-33 and 61-21-34 of the North Dakota Century Code, relating to cooperation on drain projects by political subdivisions.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 61-21-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Board" means the board of managers of a water resource district or the governing board of a municipality called for in sections 61-21-33 and 61-21-34, or both of those boards.

**SECTION 2. AMENDMENT.** Section 61-21-33 of the North Dakota Century Code is amended and reenacted as follows:

**61-21-33. Boards of two or more counties jurisdictions or municipalities within the area of city zoning authority may construct drains through counties.** ~~Whenever it shall be deemed necessary by the boards of two or more counties jurisdictions, including municipalities within the area of zoning authority under section 40-47-01.1, in this state determine it necessary to construct or extend a drain through or into two or more counties in this state areas within the jurisdiction of their boards, the several boards in the counties jurisdictions into or through which such proposed drain may extend when completed may establish, construct, and maintain such drain through or into two or more counties jurisdictions in the manner provided in section 61-21-34.~~

**SECTION 3. AMENDMENT.** Section 61-21-34 of the North Dakota Century Code is amended and reenacted as follows:

**61-21-34. Procedure to construct or extend a drain through or into two or more counties jurisdictions or municipalities within the area of city zoning authority.** In order to construct or extend a drain through or into two or more counties jurisdictions, including municipalities within the area of zoning authority under section 40-47-01.1, in this state, a petition shall must be presented to the several boards for the establishment of such drain in their several counties jurisdictions as provided in this chapter. The boards of such several counties jurisdictions shall hold a joint meeting and shall determine the necessity or expediency of the establishment of such drain. The several ~~boards~~ counties jurisdictions of all counties through or into which such proposed drain may run shall agree upon the proportion of damages and benefits to accrue to the lands affected ~~in each county~~, and for this purpose they shall consider the entire course of said drain through all said counties jurisdictions as one drain. Should the boards fail to agree upon the benefits to accrue to the lands in each county jurisdiction they shall submit the points in controversy to the state engineer of the water commission, and the state engineer's decision thereon shall be final. They may apportion the cost of establishing and constructing such entire drain ratably and equitably upon the lands in each such county jurisdiction in proportion to the benefits to accrue to such lands. When they have so apportioned the same, they shall make written reports of ~~such the~~ apportionment to the auditors of the several counties boards affected, which. The reports ~~shall must~~ show the portion of cost of ~~such the~~ entire drain to be paid by taxes upon the lands in each of such counties jurisdictions and ~~such the reports shall must~~ be signed by all the boards ~~of all counties~~ affected. Upon the filing of such reports, the

several boards shall meet and assess against the lands in each of such ~~counties~~ jurisdictions, ratably and equitably as provided by this chapter, an amount sufficient to pay the proportion of the cost of ~~such~~ the drain in each of ~~such counties~~ the jurisdictions so fixed by all ~~said~~ the boards. The provisions of this chapter relating to drains within a single county shall govern the establishment, construction, maintenance, repair, and cleanout of such drains."

Renumber accordingly