

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1090

Introduced by

Representative Keiser

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

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

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

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

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

12 **61-21-33. Boards of two or more ~~counties~~ jurisdictions or municipalities within**  
13 **the area of city zoning authority may construct drains through~~counties~~.** Whenever it  
14 ~~shall be deemed necessary by~~ the boards of two or more ~~counties~~ jurisdictions, including  
15 municipalities within the area of zoning authority under section 40-47-01.1, in this state  
16 determine it necessary to construct or extend a drain through or into two or more ~~counties in~~  
17 ~~this state~~ areas within the jurisdiction of their boards, the several boards in the ~~counties~~  
18 jurisdictions into or through which such proposed drain may extend when completed may  
19 establish, construct, and maintain such drain through or into two or more ~~counties~~ jurisdictions  
20 in the manner provided in section 61-21-34.

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

23 **61-21-34. Procedure to construct or extend a drain through or into two or more**  
24 **~~counties~~ jurisdictions or municipalities within the area of city zoning authority.** In order

1 to construct or extend a drain through or into two or more ~~counties~~ jurisdictions, including  
2 municipalities within the area of zoning authority under section 40-47-01.1, in this state, a  
3 petition ~~shall~~ must be presented to the several boards for the establishment of such drain in  
4 their several ~~counties~~ jurisdictions as provided in this chapter. The boards of such several  
5 ~~counties~~ jurisdictions shall hold a joint meeting and shall determine the necessity or expediency  
6 of the establishment of such drain. The several ~~boards~~ jurisdictions of all counties through or  
7 into which such proposed drain may run shall agree upon the proportion of damages and  
8 benefits to accrue to the lands affected ~~in each county~~, and for this purpose they shall consider  
9 the entire course of said drain through all said ~~counties~~ jurisdictions as one drain. Should the  
10 boards fail to agree upon the benefits to accrue to the lands in each ~~county~~ jurisdiction they  
11 shall submit the points in controversy to the state engineer of the water commission, and the  
12 state engineer's decision thereon shall be final. They may apportion the cost of establishing  
13 and constructing such entire drain ratably and equitably upon the lands in each such ~~county~~  
14 jurisdiction in proportion to the benefits to accrue to such lands. When they have so  
15 apportioned the same, they shall make written reports of ~~such the~~ the apportionment to the  
16 auditors of the several ~~counties~~ boards affected, ~~which~~. The reports ~~shall~~ must show the  
17 portion of cost of ~~such the~~ the entire drain to be paid by taxes upon the lands in each of such  
18 ~~counties~~ jurisdictions and ~~such the~~ the reports ~~shall~~ must be signed by all the boards ~~of all~~  
19 ~~counties~~ affected. Upon the filing of such reports, the several boards shall meet and assess  
20 against the lands in each of such ~~counties~~ jurisdictions, ratably and equitably as provided by  
21 this chapter, an amount sufficient to pay the proportion of the cost of ~~such the~~ the drain in each of  
22 ~~such counties the jurisdictions~~ so fixed by all ~~said the~~ the boards. The provisions of this chapter  
23 relating to drains within a single county shall govern the establishment, construction,  
24 maintenance, repair, and cleanout of such drains.