

Fifty-fifth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1090**

Introduced by

Representative Keiser

1 A BILL for an Act to create and enact section 40-22-07.1 of the North Dakota Century Code,  
2 relating to completion of certain improvements by special assessment outside city limits by a  
3 city; and to amend and reenact sections 61-21-02 and 61-35-14 of the North Dakota Century  
4 Code, relating to limitations on authority of water resource districts and water districts.

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

6 **SECTION 1.** Section 40-22-07.1 of the North Dakota Century Code is created and  
7 enacted as follows:

8 **40-22-07.1. Improvements by special assessment outside municipality limits.** If a  
9 water resource district or water district has authority to complete improvements by special  
10 assessment in the area within the zoning authority of a municipality under section 40-47-01.1  
11 but has not done so, the municipality may complete the improvements and assess the cost of  
12 the improvements to benefited property in and outside the municipality using special  
13 assessments as otherwise provided in this title. Notification by a municipality to a water  
14 resource district or water district of the undertaking of the improvements under this section  
15 suspends the authority of the water resource district or water district to act with respect to the  
16 improvements. Notification under this section must include a description of the improvements  
17 undertaken, a map showing the improvement district, and a copy of the engineer's report.

18 **SECTION 2. AMENDMENT.** Section 61-21-02 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **61-21-02. Watercourses, ditches, and drains may be constructed, maintained,**  
21 **repaired, improved, or extended.** Watercourses, ditches, drains, and improvements thereto  
22 for the drainage of sloughs and other lowlands may be surveyed and investigated and  
23 established, constructed, maintained, repaired, improved, and cleaned out ~~in the several~~  
24 ~~counties of this state under the provisions of this chapter wherever the same shall be~~ if it is

conductive to the public health, convenience, or welfare. ~~The~~ Except as otherwise provided in section 40-22-07.1, the powers conferred by this chapter and this section ~~shall~~ extend to and include ~~but shall not be limited to:~~

1. The deepening and widening or any necessary improvement of drains ~~which have been or hereafter may be constructed.~~
2. The straightening, clearing, or cleaning out and deepening of channels of creeks, streams, and rivers, and the construction, maintenance, remodeling, repairing, and extension of levees, dikes, and barriers for the purpose of drainage.
3. The location or extension of any drain if such location or extension is necessary to provide a suitable outlet or reasonably drain lands within a practical drainage area of such drains.
4. The establishment, in whole or in part, of a drain and the completion of the same on the line of an abandoned or invalid drain.
5. The establishment and construction of lateral drains with outlets in drains already constructed.

**SECTION 3. AMENDMENT.** Section 61-35-14 of the North Dakota Century Code is amended and reenacted as follows:

**61-35-14. Financing project through improvement bonds or special assessments - Apportionment of benefits.** A Except as otherwise provided in section 40-22-07.1, a board may acquire needed interest in property and provide for the cost of construction, alteration, repair, operation, and maintenance of a project with funds raised by special assessments. A board may issue improvement bonds in anticipation of the levy and collection of special assessments. If a board decides to acquire property or interests in property to construct, operate, alter, repair, or maintain a project with funds raised in whole or in part through special assessments, the assessments must be apportioned to and spread in proportion to benefits accruing to lands or premises benefited by the project. The board shall assess the proportion of the cost of the project, or the part of the cost to be financed with funds raised through levy and collection of special assessments which any lot, piece, or parcel of land bears in proportion to the benefits accruing to the property and any county, city, or township that is benefited.