

North Dakota Legislative Council

Prepared for the Water Drainage Committee
LC# 23.9254.01000
February 2022



ACTIONS TAKEN WITH NORTH DAKOTA CENTURY CODE CHAPTER 61-21 IN BILL DRAFT 23.0024.01000

Section	Action	Reasoning	Relevant Sections in Chapter 61-16.1 and Other Chapters	Possible Action for Consideration
61-21-01	Amend	This section is comprised of definitions, which were updated to be consistent with those in Chapter 61-16.1.	61-16.1-02	
61-21-01.1	Create	The definition of "lateral drain" in Section 61-21-01 included substantive requirements that are not appropriate for definitions. The substantive requirements were moved to this new section.		
61-21-02	Amend	This section was amended to change "this chapter" to "chapter 61-16.1" and update the language.		
61-21-02.1	None	Although parts of this section seem to be unnecessary, the section includes some unique requirements for culverts.	61-16.1-09(16) 61-16.1-09(21) 61-16.1-42 61-16.1-43	
61-21-03	None	This section was repealed already.		
61-21-04	None	This section was repealed already.		
61-21-05	None	This section was repealed already.		
61-21-06	None	This section was repealed already.		
61-21-07	None	This section was repealed already.		
61-21-08	None	This section was repealed already.		
61-21-09	None	This section was repealed already.		
61-21-10	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-11	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-12	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-13	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		

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61-21-14	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-15	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-16	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-17	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-18	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-19	None	Although water resource districts are authorized to use eminent domain in Chapters 32-15 and 61-16.1, this provision includes some specific requirements for how water resource districts have to use that authority for property rights acquired for drains.		Review the specific requirements in Section 61-21-19 and determine whether they should be retained or the section should be repealed.
61-21-20	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-21	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-22	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-23	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-24	Amend	This section requires a water resource board to give at least 10 days' notice of the time and place where drain construction contracts will be let and to publish the notice at least once in the local newspaper. The section was amended to update the language and a citation.	44-08-01.1 61-16.1-14	Review the notice requirement to determine whether it should be retained or the section should be repealed.
61-21-25	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.	61-16.1-14	
61-21-26	None	This section specifies water resource boards' authority to extend the time for completion of contracts or rebid portions of contracts.		Review the section and determine whether it should be moved to Chapter 61-16.1.
61-21-27	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.		
61-21-28	None	This section governs the collection of, and responsibility for, taxes for assessment drains. The section seems to be inconsistent with provisions in Chapter 61-16.1.	61-16.1-06 61-16.1-08	Review the section and Sections 61-16.1-06 and 61-16.1-08 to determine whether inconsistencies exist and how to resolve any inconsistencies.
61-21-29	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.	61-16.1-07	
61-21-30	Repeal	This section seems to be superseded by the uniform assessment process in Chapter 61-16.1.	61-16.1-25 61-16.1-26	
61-21-31	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-42	
61-21-32	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-43	
61-21-32.1	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-44	
61-21-33	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-11	

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61-21-34	Amend	This section provides additional requirements for water resource boards working in conjunction on a drain that extends through more than one county. The section is amended to update language and citations.		Review the section and determine whether the section should be moved to Chapter 61-16.1 or repealed.
61-21-35	None	This section governs how water resource boards manage situations when funds are unavailable for unpaid drain warrants.		Review the section and determine whether the section should be moved to Chapter 61-16.1.
61-21-36	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-12	
61-21-37	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-12 61-16.1-12.1	
61-21-38	Repeal	This section uses confusing language but basically provides an exception from the assessment drain procedures for lateral drains. The section is unnecessary in light of the provisions for lateral drains in Chapter 61-16.1.	61-16.1-49	
61-21-39	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-49	
61-21-40	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-32	
61-21-41	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-46	
61-21-42	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-47	
61-21-43	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-48	
61-21-43.1	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-51	
61-21-44	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-26	
61-21-45	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-14	
61-21-46	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-45	
61-21-47	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-45	
61-21-48	None	This section authorizes boards of county commissioners to reconvey unneeded property obtained for drains to current owners.		Review the section and determine whether the specific grant of authority is necessary or the boards have this authority already.
61-21-49	None	This section governs situations where counties acquire land by tax deed, and the land is assessed drainage taxes.	61-16.1-31	
61-21-50	Amend	This section was amended to update language and a citation.	61-16.1-34	Review Section 61-16.1-34 and determine whether Section 61-21-50 is necessary.
61-21-51	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-28	
61-21-52	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-30	
61-21-53	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-15 61-16.1-16	
61-21-54	None	This section governs sinking funds for bond issues for drain assessments.		Review the section and determine whether it should be moved to Chapter 61-16.1.
61-21-55	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-08 61-16.1-25	
61-21-56	Amend	This section was amended to update language and citations.		
61-21-57	None	This section establishes penalties for violations of rules adopted by water resource boards.		Determine whether the section is necessary or should be moved to Chapter 61-16.1.

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61-21-58	None	This section maintains existing obligations (i.e., warrants).		
61-21-59	None	This section was repealed already.		
61-21-60	None	This section was repealed already.		
61-21-61	None	This section was repealed already.		
61-21-62	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-33	
61-21-63	Repeal	This section seems duplicative of a section in Chapter 61-16.1.	61-16.1-50	
61-21-64	None	This section says land may be acquired by eminent domain for drain outlets.	61-16.1-09(2)	Review the section and determine whether it is necessary.
61-21-65	Amend	This section provides for water resource districts to replace drainage districts. It was amended to update language and citations.		Review the section and determine whether it should be repealed due to being obsolete.
61-21-66	None	This section prevents the dissolution of drainage districts with outstanding obligations unless the obligations are assumed.		Review the section and determine whether it should be repealed due to being obsolete.
61-21-67	Amend	This section was amended to update language and citations.		