

April 2, 2013

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1025

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "3" insert "and 4"

Page 1, line 2, replace the first "and" with a comma

Page 1, line 2, after "37-17.1-17" insert ", and 40-22-01.1"

Page 1, line 3, after "responses" insert "and financing of repairs"

Page 1, line 7, overstrike "must" and insert immediately thereafter "may"

Page 1, line 8, remove the overstrike over "declared"

Page 1, line 9, replace "by a jurisdiction having" with "under"

Page 1, line 10, remove ". Compensation for property or damage to property is the responsibility of the"

Page 1, line 11, replace "jurisdiction that commandeered or otherwise used the property" with "and only"

Page 1, line 11, remove the third "the"

Page 1, line 12, remove "responsibility was"

Page 1, line 12, replace "mitigated by agreement" with "waived or agreed upon"

Page 1, line 13, after the period insert "A claim made against the state must be filed and resolved as provided under subsections 4 and 5. A claim made against a county or city must be made in writing to the appropriate governing body within one year after the use, damage, loss, or destruction of the property under proper authority is discovered or reasonably should have been discovered, may only be for actual damages not recovered from claimants' property or other applicable insurance, and may be paid from any combination of funds provided under section 40-22-01.1, disaster relief funds made available to a county or city for this purpose, or other funds at the discretion of the governing body."

SECTION 2. AMENDMENT. Subsection 4 of section 37-17.1-12 of the North Dakota Century Code is amended and reenacted as follows:

4. Any person claiming compensation for the use, damage, loss, or destruction of property by the state under this chapter shall file a written claim therefor with the office of management and budget in the form and manner required by the office. The claim for compensation must be received by the office of management and budget within one year after the use, damage, loss, or destruction of the property pursuant to the governor's order under section 37-17.1-05 is discovered or reasonably should have been discovered or compensation under this chapter is waived."

Page 1, line 18, remove the overstrike over "~~The state, a county or city, any~~"

Page 1, line 18, remove "Any"

Page 1, line 21, remove the overstrike over "person"

Page 1, line 21, remove "individual"

Page 1, line 22, remove the overstrike over "person"

Page 1, line 22, remove "individual"

Page 2, line 4, after "property" insert "except as compensation may be provided in section 37-17.1-12"

Page 2, line 22, remove "gross"

Page 2, line 23, replace "negligence" with "willful and malicious failure to guard or warn against a dangerous condition, use, structure, or activity"

Page 2, after line 24, insert:

"SECTION 5. AMENDMENT. Section 40-22-01.1 of the North Dakota Century Code is amended and reenacted as follows:

40-22-01.1. Restoration of certain property damaged in flood control or during a declared disaster or emergency - Special assessments for costs.

When any city shall ~~have~~has constructed any temporary emergency flood control protection devices or works to protect property located within a portion of a city from flood damage or expended funds for the protection of the city from flood or other peril under chapter 37-17.1 or otherwise, the city may ~~cause the removal of~~maintain and remove material used in the construction of ~~such~~the temporary emergency flood control protection devices or works and the repair of damages to land, buildings, or personal property caused by the operation of its equipment upon the property while in the process of installing or removing ~~such~~the temporary emergency flood protection systems. ~~Such~~The city may create by resolution of its governing board a special assessment district encompassing the protected area. Special assessments against the property within the district ~~shall~~must be imposed to cover the costs incurred by the city in constructing and maintaining the emergency flood protection devices or works and in removing the material used and in repairing the damages caused by the operation of equipment while installing or removing suchthe temporary emergency flood protection systems. The amount to be assessed must be established by a resolution adopted by the governing board. Special assessments against any property in the district ~~shall~~must be determined and made in the same manner as is provided for improvements by special assessments to the extent consistent herewith, and the certification and collection, including lien provisions, applicable to other special assessments ~~shall be~~ applicable hereto. Provided, however, that the provisions of sections 40-22-15, 40-22-17, and 40-22-18, relating to a resolution of necessity and protests against special assessments, ~~shall~~sections 40-22-10, 40-22-11, and 40-22-29, relating to engineers' reports, plans, and estimates, and section 40-22-19, relating to contract proposals, do not apply to special assessment districts created pursuant- ~~to~~under this section."

Re-number accordingly