

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1413

Introduced by

Representatives Hofstad, D. Johnson

Senator Oehlke

1 A BILL for an Act to amend and reenact subsections 1 and 7 of section 61-03-21.3 of the North
2 Dakota Century Code, relating to removal of dangers in or on the bed of navigable waters; and
3 to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 61-03-21.3 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. If the state engineer finds that buildings, structures, boat docks, debris, or other
8 manmade objects, except a fence or corral, situated in, on the bed of, or adjacent to
9 waters that have been determined to be navigable by a court are, or are ~~imminently~~
10 likely to be, a menace to life or property or public health or safety, the state engineer
11 ~~shall~~may issue an order to the person responsible for the object. ~~Thelf the state~~
12 engineer issues an order, the order must specify the nature and extent of the
13 conditions, the action necessary to alleviate, avert, or minimize the danger, and a date
14 by which that action must be taken. If the state engineer determines that an object
15 covered by flood insurance is ~~imminently~~ likely to be a menace to life or property or
16 public health or safety, the date specified in the order for action to be taken may not
17 precede the date on which the person is eligible to receive flood insurance proceeds. If
18 a building, structure, boat dock, debris, or other manmade object, except a fence or
19 corral, is partially or completely submerged due to the expansion of navigable waters,
20 the person responsible is the person who owns or had control of the property on which
21 the object is located or the person who owned or had control of the property
22 immediately before it became submerged by water.

23 **SECTION 2. AMENDMENT.** Subsection 7 of section 61-03-21.3 of the North Dakota
24 Century Code is amended and reenacted as follows:

- 1 7. If the state engineer has issued an order under this section with regard to a building,
2 structure, boat dock, debris, or other manmade object that the state engineer has
3 determined is ~~imminently~~ likely to be a menace to life or property or public health or
4 safety, and it later becomes known that the object would not have become a menace,
5 a person who has taken action required by the state engineer's order is entitled to
6 compensation in an amount equal to the value of any property destroyed and
7 reasonable costs incurred as a result of complying with the state engineer's notice.

8 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.