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Fifty-eighth
Legislative Assembly                    **SENATE BILL NO. 2127**
of North Dakota

Introduced by

Natural Resources Committee

(At the request of the State Engineer)

1    A BILL for an Act to amend and reenact section 24-03-08 of the North Dakota Century Code,

2    relating to determinations of surface water flow and appropriate highway construction.

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

4        **SECTION 1.  AMENDMENT.**  Section 24-03-08 of the North Dakota Century Code is

5    amended and reenacted as follows:

6        **24-03-08.  Determinations of surface water flow and appropriate highway**

7    **construction.**  Whenever and wherever a highway under the supervision, control, and

8    jurisdiction of the department or under the supervision, control, and jurisdiction of the board of

9    county commissioners of any county or the board of township supervisors has been or will be

10    constructed over a watercourse or draw into which flow surface waters from farmlands, the

11    state engineer, upon petition of ~~the majority of landowners of the area affected or at the request~~

12    ~~of the board of county commissioners, township supervisors, or~~ a water resource board, shall

13    determine as nearly as practicable the design discharge that the crossing is required to carry to

14    meet the stream crossing standards prepared by the department and the state engineer.  When

15    the determination has been made by the state engineer, the department, the board of county

16    commissioners, or the board of township supervisors, as the case may be, upon notification of

17    the determination, shall install a culvert or bridge of sufficient capacity to permit the water to

18    flow freely and unimpeded through the culvert or under the bridge.  The department, county,

19    and township are not liable for any damage to any structure or property caused by water

20    detained by the highway at the crossing if the highway crossing has been constructed in

21    accordance with the stream crossing standards prepared by the department and the state

22    engineer.