

HOUSE BILL NO. 1413

Introduced by

Representatives Hofstad, D. Johnson

Senator Oehlke

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

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

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

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