

Introduced by

Senators Klein, Luick, Sorvaag

Representatives Nelson, Weisz

1 A BILL for an Act to create and enact a new section to chapter 61-24 and a new section to
2 chapter 61-24.7 of the North Dakota Century Code, relating to the Garrison Diversion
3 Conservancy District ~~and~~ permanent easements, and liability for claims.

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

5 **SECTION 1.** A new section to chapter 61-24 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Permanent easements - Limitations.**

8 The district's use of the permanent easement property is restricted solely to the
9 construction, operation, and maintenance of water pipelines. The district may not rent, sell, or
10 assign the rights to a permanent easement, except may reserve the right to assign the
11 permanent easement to the state of North Dakota if necessary for the operation and
12 maintenance of a public water pipeline.

13 **SECTION 2.** A new section to chapter 61-24.7 of the North Dakota Century Code is created
14 and enacted as follows:

15 **Liability for claims.**

- 16 1. For purposes of this section, "landowner" means a landowner on whose property the
17 Red River valley water supply project is constructed or operated.
18 2. A landowner may bring a claim against the state of North Dakota, in the manner
19 provided by chapter 32-12.2; the Garrison Diversion Conservancy District, in the
20 manner provided by chapter 32-12.1; or both for a breach of easement contract for the
21 Red River valley water supply project and for property damage, including failed or
22 incomplete reclamation.
23 3. A claim under this section must be processed when filed under chapter 32-12.1 or
24 32-12.2.

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4. The state of North Dakota shall:

a. Accept liability for the wrongful acts and omissions of the Garrison Diversion Conservancy District and is responsible for any claims against the Garrison Diversion Conservancy District.

b. Indemnify a landowner on whose property the Red River valley water supply project is located for all third-party claims arising from the construction, maintenance, operation, reclamation, and removal of the project from the property, not proximately caused by the landowner's negligence or wrongful intentional acts or omissions.