

Introduced by

Energy and Natural Resources Committee

(At the request of the Department of Water Resources)

1 A BILL for an Act to amend and reenact section 24-03-08 of the North Dakota Century Code,
2 relating to the appeals of stream crossing calculations.

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~~ Appeals of surface water flow and appropriate highway**
7 **construction.**

8 ~~Whenever and wherever~~

- 9 1. If petitioned by a majority of landowners in an area affected by a stream crossing
10 discharge or requested by the applicable board of county commissioners, board of
11 township supervisors, or water resource board, the department of water resources
12 shall review the design of a stream crossing discharge if a highway under the
13 supervision, control, and jurisdiction of the department or under the supervision,
14 control, and jurisdiction of the, a board of county commissioners of any county, or the
15 board of township supervisors has been or will be newly constructed or
16 reconstructed over a watercourse or drawwaterway into which flow surface waters
17 from farmlands, flow. A petitioning or requesting party under this subsection must be
18 aggrieved by the placement of a stream crossing discharge before filing a petition or a
19 request.
- 20 2. As part of the review, the department of water resources, ~~upon petition of the majority~~
21 ~~of landowners of the area affected or at the request of the board of county~~
22 ~~commissioners, township supervisors, or a water resource board,~~ shall determine, as
23 nearly as practicable, the design discharge that the crossing is required to carry to
24 meet the stream crossing standards prepared by the department and the department

1 of water resources. ~~When the determination has been made by the department of~~
2 ~~water resources, the department of transportation, the board of county commissioners,~~
3 ~~or the board of township supervisors, as the case may be, upon notification of the~~
4 ~~determination, shall install a culvert or bridge of sufficient capacity to permit the water~~
5 ~~to flow freely and unimpeded through the culvert or under the bridge at the time it was~~
6 ~~constructed or reconstructed. The department of water resources shall notify the~~
7 ~~petitioning or requesting party aggrieved by the effects of the stream crossing~~
8 ~~discharge and the appropriate road authority of the results of a review conducted~~
9 ~~under this section.~~

10 3. The department, county, and township are not liable for any damage to any structure
11 or property caused by water detained by the highway at the crossing if the highway
12 ~~crossing has been~~newly constructed or reconstructed crossing is in accordance with
13 the stream crossing standards prepared by the department and the department of
14 water resources.