

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 liability of the state engineer for determinations of surface water flow and appropriate
3 highway construction.

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

5 **SECTION 1. AMENDMENT.** Section 24-03-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **24-03-08. Determinations of surface water flow and appropriate highway**
8 **construction.**

9 Whenever and wherever a highway under the supervision, control, and jurisdiction of the
10 department or under the supervision, control, and jurisdiction of the board of county
11 commissioners of any county or the board of township supervisors has been or will be
12 constructed over a watercourse or draw into which flow surface waters from farmlands, the
13 state engineer, upon petition of the majority of landowners of the area affected or at the request
14 of the board of county commissioners, township supervisors, or a water resource board, shall
15 determine as nearly as practicable the design discharge that the crossing is required to carry to
16 meet the stream crossing standards prepared by the department and the state engineer. When
17 the determination has been made by the state engineer, the department, the board of county
18 commissioners, or the board of township supervisors, as the case may be, upon notification of
19 the determination, shall install a culvert or bridge of sufficient capacity to permit the water to flow
20 freely and unimpeded through the culvert or under the bridge. The state engineer, department,
21 county, and township are not liable for any damage to any structure or property caused by water
22 detained by the highway at the crossing if the highway crossing has been constructed in
23 accordance with the stream crossing standards prepared by the department and the state
24 engineer.