

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1201**

Introduced by

Representatives Brandenburg, Grueneich, Hagert, Headland, Mitskog, Warrey, Schreiber-Beck

Senators Erbele, Luick, Weber, Wanzek

1 A BILL for an Act to amend and reenact section 61-16.1-43 of the North Dakota Century Code,  
2 relating to drains intersecting with a roadway that is part of the state highway system.

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

4 **SECTION 1. AMENDMENT.** Section 61-16.1-43 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **61-16.1-43. Construction of bridges and culverts - Costs - Specifications.**

- 7 1. The water resource board shall construct any bridges or culverts over or in connection  
8 with a drain as in its judgment may be necessary to furnish passage from one part to  
9 another of any private farm or tract of land intersected by the drain. The cost of  
10 constructing the bridge or culvert must be charged as part of the cost of constructing  
11 the drain. The bridge or culvert must be maintained under the authority of the water  
12 resource board, and the necessary expense must be deemed a part of the cost of  
13 maintenance.
- 14 2. When any bridge or culvert is to be constructed on a county or township highway  
15 system over and across or in connection with a drain, the water resource board shall  
16 notify the county or township with authority for the highway and provide the county or  
17 township reasonable time to review and provide input on the plans for the bridge or  
18 culvert. The bridge or culvert must be maintained by the county or township and all  
19 necessary maintenance expenses must be borne forty percent by the county and sixty  
20 percent by the water resource board, unless otherwise agreed upon by the water  
21 resource board and the highway authority. If the highway authority and the water  
22 resource board cannot agree on the necessity or proper methodology for maintaining

the bridge or culvert, the requesting party may appeal the denial under chapter 28-34.

The cost of constructing the bridge or culvert must be shared in the following manner:

- a. If funds are available, the state water commission may participate according to the commission's rules or policies. The remaining cost must be borne forty percent by the county and sixty percent by the district that created the need for the construction.
- b. If funds are not available to the commission for participation, forty percent of the cost must be paid by the county and sixty percent must be charged as the cost of the drain to the district.
- c. Upon request from the water resource board, the county shall request federal emergency funds for the construction. If the bridge or culvert is constructed with federal financial participation, including any federal emergency funds, the costs exceeding the amount of the federal participation must be borne by the district and county according to the provisions of this section.

3. If a roadway that is part of the state highway system and which contains a culvert intersects with a drain and the watershed of the drain spans three or more counties, the culvert must include a control valve system to regulate the flow of water through the culvert.