Sixty-seventh Legislative Assembly of North Dakota

SENATE BILL NO. 2324

Introduced by

Senators Wanzek, Conley

Representatives Ostlie, Pollert, Satrom

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

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

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

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- 1 accordance with the stream crossing standards prepared by the department and the state
- 2 engineer and any recommendations from the state engineer for a specific size or design for the
- 3 <u>culvert or bridge</u>.