

HOUSE BILL NO. 1310

Introduced by

Representatives Weisz, DeKrey, Devlin, Schmidt

Senators Fischer, Klein

1 A BILL for an Act to amend and reenact sections 24-03-06, 24-03-08, and 24-06-26.1 of the
2 North Dakota Century Code, relating to construction of highways to permit a natural flow of
3 water.

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

5 **SECTION 1. AMENDMENT.** Section 24-03-06 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **24-03-06. Method of construction of highway ditches.** ~~Any and all~~ All highways of
8 ~~any kind hereafter~~ constructed or reconstructed by the department, ~~any~~ board of county
9 commissioners, ~~any~~ board of township supervisors, their contractors, subcontractors, or agents,
10 or by any individual firm, corporation, or limited liability company must be so designed as to
11 permit the waters of a ten-year flood event running into ~~such~~ the ditches to drain into coulees,
12 rivers, and lakes according to the surface and terrain where ~~such~~ the highway or highways are
13 constructed in accordance with scientific highway construction and engineering so as to ~~avoid~~
14 minimize the waters flowing into and accumulating in the ditches to overflow adjacent and
15 adjoining lands. ~~The state engineer shall determine the ten-year flood event to which~~
16 capacity culverts and bridges must be designed to accommodate. Except as otherwise
17 provided by law, in the construction of highways, as herein provided, the natural flow and
18 drainage of surface waters to the extent of a ten-year flood event may not be obstructed, but
19 ~~such~~ the water must be permitted to follow the natural course according to the surface and
20 terrain of the particular terrain. The department, county, township, their contractors,
21 subcontractors, or agents, or any individual firm, corporation, or limited liability company is not
22 liable for any damage caused to any structure or property by water in excess of a ten-year flood
23 event.

- 1 township. The board of township supervisors need only construct the ditches, drains, bridges,
- 2 and culverts to accommodate a ten-year flood event as determined by the state engineer. A
- 3 township, board of township supervisors, and township overseer of highways are not liable for
- 4 any damage caused to any structure or property by water in excess of a ten-year flood event.