

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:

6 **24-03-08. Determinations of surface water flow and appropriate highway**
7 **construction.**

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 the board of township supervisors has been or will be
11 constructed over a watercourse or draw into which flow surface waters from farmlands, the
12 state engineer, upon petition of the majority of landowners of the area affected or at the request
13 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
15 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 ~~a specific size or design for the culvert or bridge, the department, the board of county~~
21 ~~commissioners, or the board of township supervisors, as the case may be, upon notification of~~
22 ~~the recommendation, shall install the recommended culvert or bridge.~~If the department, the
23 board of county commissioners, or the board of township supervisors, as the case may be, fails
24 to install a culvert or bridge of sufficient capacity for the design discharge determined by the

1 state engineer within one year after receiving the state engineer's determination, and does not
2 have good cause for failing to do so, a court may award reasonable court costs and attorney's
3 fees to a person that incurred the expenses in an action to enforce this section. The
4 department, county, and township are not liable for any damage to any structure or property
5 caused by water detained by the highway at the crossing if the highway crossing has been
6 constructed in accordance with the stream crossing standards prepared by the department and
7 the state engineer and any recommendations from the state engineer for a specific size or
8 design for the culvert or bridge.