

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1087

Introduced by

Representatives Jacobs, Kempenich, Kerzman, Renner

Senator Krauter

1 A BILL for an Act to amend and reenact subsection 2 of section 61-24.5-09 of the North Dakota
2 Century Code, relating to the exercise of the power of eminent domain by the southwest water
3 authority.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 61-24.5-09 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. To exercise the power of eminent domain in the manner provided by title 32 for the
8 purpose of acquiring and securing any right, title, interest, estate, or easement
9 necessary to carry out the duties imposed by this chapter, and particularly to
10 acquire the necessary rights in land for the construction of pipelines, reservoirs,
11 connections, valves, and all other appurtenant facilities used in connection with the
12 southwest pipeline project, or any part thereof. Provided, however, that when the
13 interest sought to be acquired is a right of way for any project authorized in this
14 chapter for which federal funds have been appropriated, the authority, after making
15 a written offer to purchase the right of way and depositing the amount of the offer
16 with the clerk of the district court of the county in which the right of way is located,
17 may take immediate possession of the right of way, as authorized by section 16 of
18 article I of the Constitution of North Dakota. Within thirty days after notice has
19 been given in writing to the landowner by the clerk of the district court that a
20 deposit has been made for the taking of a right of way as authorized in this
21 subsection, the owner of the property taken may appeal to the district court by
22 serving a notice of appeal upon the authority, and the matter must be tried at the
23 next regular or special term of court with a jury unless a jury is waived, in the
24 manner prescribed for trials under chapter 32-15.