

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2372  
(Senators O'Connell, Andrist, Traynor)  
(Representatives Gerntholz, Martin, Nicholas)

AN ACT to amend and reenact section 24-07-03 of the North Dakota Century Code, relating to section lines as public roads.

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

**SECTION 1. AMENDMENT.** Section 24-07-03 of the North Dakota Century Code is amended and reenacted as follows:

**24-07-03. Section lines considered public roads open for public roads travel - Closing same under certain conditions.** In all townships in this state, outside the limits of incorporated cities, and outside platted townsites, additions, or subdivisions recorded pursuant to sections 40-50.1-01 through 40-50.1-17 or recorded prior to July 1, 1987, under former chapter 40-50, the congressional section lines are considered public roads open for public roads, open travel to the width of thirty-three feet [10.06 meters] on each side of ~~such the~~ section lines.

The board of county commissioners, if petitioned by a person having an interest in the adjoining land or a portion thereof, ~~is authorized~~, after public hearing and a finding by the commissioners of public benefit, ~~to may~~ close section ~~line-roads~~ lines or portions thereof which are not used for ten years, are not traveled due to natural obstacles or difficulty of terrain, are not required due to readily accessible alternate routes of travel, or are intersected by interstate highways causing ~~such the~~ section line ~~road~~ to be a dead end, providing the closing of ~~such the~~ dead end section line ~~road~~ does not deprive adjacent ~~landowner~~ landowners access to ~~his the~~ the landowners' property. After ~~such the~~ section ~~line-roads~~ lines are closed, they may be ~~leveled and farmed by~~ used to the benefit of the adjacent ~~landowners or tenants, only if the leveling or farming does not disturb, remove, or destroy any.~~ landowners. ~~However, survey or property reference monument. However, if monuments may not be disturbed, removed, or destroyed. If drainage is interfered with due to the farming operations, alternate means of drainage must be provided for by the landowners or tenants farming~~ such the lands.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2372.

Senate Vote:      Yeas    32            Nays    14            Absent    3

House Vote:      Yeas    54            Nays    39            Absent    4

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State