

Introduced by

1 A BILL for an Act to amend subsection 2 of section 61-16.1-09 of the North Dakota Century  
2 Code, relating to the authority of water resource boards to exercise the power of quick take  
3 eminent domain.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 61-16.1-09 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 2. Exercise the power of eminent domain in the manner provided by title 32 for the  
8 purpose of acquiring and securing any rights, titles, interests, estates, or easements  
9 necessary or proper to carry out the duties imposed by this chapter, and particularly to  
10 acquire the necessary rights in land for the construction of dams, flood control  
11 projects, and other water conservation, distribution, and supply works of any nature  
12 and to permit the flooding of lands, and to secure the right of access to such dams and  
13 other devices and the right of public access to any waters impounded thereby.

14 ~~Provided, however, that when~~If the interest sought to be acquired is a right of way for  
15 any public water supply project authorized in this chapter for which federal or state  
16 funds have been appropriated, the district, shall make every reasonable and diligent  
17 effort to acquire the right of way by good faith negotiation. If negotiation efforts fail, the  
18 district may take immediate possession of the right of way, as authorized by section 16  
19 of article I of the Constitution of North Dakota, after making a written offer to purchase  
20 the right of way and depositing the amount of the offer with the clerk of the district  
21 court of the county wherein the right of way is located, ~~may thereupon take immediate~~  
22 ~~possession of the right of way, as authorized by section 16 of article I of the~~  
23 ~~Constitution of North Dakota.~~ The written offer must be for just compensation, include  
24 an appraisal of the property to be acquired, and disregard any decrease or increase in

1           the fair market value of the property caused by the project for which the property is to  
2           be acquired or by the reasonable likelihood that the property will be acquired for the  
3           project. Within thirty days after notice has been given in writing to the landowner by  
4           the clerk of the district court that a deposit has been made for the taking of a right of  
5           way as authorized in this subsection, the owner of the property taken may appeal to  
6           the district court by serving a notice of appeal upon the acquiring agency, and the  
7           matter must be tried at the next regular or special term of court with a jury unless a  
8           jury be waived, in the manner prescribed for trials under chapter 32-15.