

Good morning, Mr. Chairman and members of the committee. My name is Mark Gaydos, Director of Environmental and Transportation Services for the North Dakota Department of Transportation (NDDOT). I'm here to provide information on House Bill 1384.

The NDDOT acquires property interests from landowners for highway transportation projects. When acquiring property, appraisals are completed that comply with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (The Uniform Act). The appraisals are developed by state-certified appraisers to determine the fair market value and just compensation for the right of way acquisition.

If the property taken is only part of the larger parcel, the appraisals address the before and after taking fair market values and any severance. The NDDOT then makes an offer and negotiates with the property owner. The negotiations address the appraised values and any considerations that may be identified by the property owner. Although the department strives to have successful negotiations, in some instances condemnation is pursued.

When condemnation is required, the NDDOT follows Chapter 32-15 of the NDCC for trial and court procedures. Ultimately, the jury assesses both the value of property taken and damages to the portion of property not taken and determines the award based on the trial proceedings. The courts may also award reasonable attorney fees and expenses associated with the case to the property owner.

House Bill 1384 would impact the amount paid in condemnation cases by increasing the jury determined assessment and award by 33%.

Thank you, Mr. Chairman. This concludes my testimony. I can answer any questions you may have.