

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2379

Introduced by

Senators Boehm, Magrum, Wobbema

Representatives D. Johnston, Koppelman, Fisher

1 A BILL for an Act to amend and reenact section 32-15-06 of the North Dakota Century Code,
2 relating to the surveying process during eminent domain proceedings.

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

4 **SECTION 1. AMENDMENT.** Section 32-15-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-15-06. Entry for making surveys.**

7 1. a. In ~~all cases~~ when a case in which land is required for public use, the person or

8 corporation, or the person's or corporation's agents, in charge of such the use

9 may survey and locate the same, but it land ~~upon obtaining written consent~~

10 ~~from~~ after providing the landowner or by order of the court owner on the tax list a

11 written notice of intent to survey. The notice must contain the name, proposed

12 completion date, type, proposed route or location of the project associated with

13 the survey, nature of the work the person in charge of the public use intends to

14 complete, and the name, telephone number, physical address, and mailing

15 address of the person in charge of the public use.

16 b. The person in charge of the public use shall deliver the notice to the owner on the

17 tax list through certified mail. The person in charge of the public use may not

18 survey the land until thirty days after delivery of the notice, unless the owner

19 consents to an earlier survey date. If the person in charge of the public use fails

20 to survey the land within ninety days of delivery of the notice, the person shall

1 deliver a new notice of intent to survey through certified mail. A survey conducted
2 under a subsequently issued notice of intent to survey must be conducted in
3 accordance with the timeline established under this subdivision.

4 2. The survey and location of the condemner's project must be located in the manner
5 which will be compatible with the greatest public benefit and the least private injury
6 and subject to the provisions of section 32-15-21. ~~Whoever is~~

7 3. The person in charge of such the public use may enter upon the land and make
8 examinations, surveys, and maps thereof of the land in accordance with subsection 1,
9 and ~~such the entry constitutes no~~ does not constitute a claim for relief in favor of the
10 owner of the land except for injuries resulting from negligence, wantonness, or malice.