

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2255

Introduced by

Senators Fischer, G. Lee, Nething

Representatives Kasper, Nelson, Nottestad

1 A BILL for an Act to amend and reenact section 61-16.1-09 of the North Dakota Century Code,
2 relating to exercise of the power of eminent domain by water resource districts.

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

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

6 2. Exercise the power of eminent domain in the manner provided by title 32 for the
7 purpose of acquiring and securing any rights, titles, interests, estates, or
8 easements necessary or proper to carry out the duties imposed by this chapter,
9 and particularly to acquire the necessary rights in land for the construction of dams,
10 flood control projects, and other water conservation, distribution, and supply works
11 of any nature and to permit the flooding of lands, and to secure the right of access
12 to such dams and other devices and the right of public access to any waters
13 impounded thereby. Provided, however, that when the interest sought to be
14 acquired is a right of way for any project authorized in this chapter for which federal
15 or state funds have been appropriated, the district, after making a written offer to
16 purchase the right of way and depositing the amount of the offer with the clerk of
17 the district court of the county wherein the right of way is located, may thereupon
18 take immediate possession of the right of way, as authorized by section 16 of
19 article I of the Constitution of North Dakota. Within thirty days after notice has
20 been given in writing to the landowner by the clerk of the district court that a
21 deposit has been made for the taking of a right of way as authorized in this
22 subsection, the owner of the property taken may appeal to the district court by
23 serving a notice of appeal upon the acquiring agency, and the matter must be tried

- 1 at the next regular or special term of court with a jury unless a jury be waived, in
- 2 the manner prescribed for trials under chapter 32-15.