

February 6, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2209

Page 1, line 1, after "sections" insert "32-15-06,"

Page 1, line 1, after "32-15-21" insert a comma

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 32-15-06.1 of the North Dakota Century Code is amended and reenacted as follows:

32-15-06.1. Duty to negotiate - Just compensation - Appraisals.

1. A condemnor shall make every reasonable and diligent effort to acquire property by negotiation. In addition to the requirements of this section, to be a reasonable and diligent effort the condemnor shall submit to the owner by certified mail three offers of negotiation and just compensations. A condemnor may not exercise the right of eminent domain unless the condemnor complies with this section.
2. Before initiating negotiations for the purchase of property, the condemnor shall establish an amount which it believes to be just compensation therefor and promptly shall submit to the owner an offer to acquire the property for the full amount so established. The amount shall not be less than the condemnor's approved appraisal or written statement and summary of just compensation for the property.
3. In establishing the amount believed to be just compensation, the condemnor shall disregard any decrease or increase in the fair market value of the property caused by the project for which the property is to be acquired or by the reasonable likelihood that the property will be acquired for that project, other than a decrease due to physical deterioration within the reasonable control of the owner.
4. The condemnor shall provide the owner of the property with a written appraisal, if one has been prepared, or if one has not been prepared, with a written statement and summary, showing the basis for the amount it established as just compensation for the property. If appropriate, the compensation for the property to be acquired and for the damages to remaining property shall be separately stated.
5. Either party may request mediation by the North Dakota mediation service."

Renumber accordingly