

Introduced by

Senators Klein, Cook, Lyson

Representatives Belter, Keiser, Porter

1 A BILL for an Act to amend and reenact sections [32-15-06](#), [32-15-21](#), and [49-22-07](#) of the North
2 Dakota Century Code, relating to eminent domain siting of an energy conversion facility or a
3 transmission facility.

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

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

7 **32-15-06.1. Duty to negotiate - Just compensation - Appraisals.**

- 8 1. A condemnor shall make every reasonable and diligent effort to acquire property by
9 negotiation. In addition to the requirements of this section, to be a reasonable and
10 diligent effort the condemnor shall submit to the owner by certified mail three offers of
11 negotiation and just compensations. A condemnor may not exercise the right of
12 eminent domain unless the condemnor complies with this section.
- 13 2. Before initiating negotiations for the purchase of property, the condemnor shall
14 establish an amount which it believes to be just compensation therefor and promptly
15 shall submit to the owner an offer to acquire the property for the full amount so
16 established. The amount shall not be less than the condemnor's approved appraisal or
17 written statement and summary of just compensation for the property.
- 18 3. In establishing the amount believed to be just compensation, the condemnor shall
19 disregard any decrease or increase in the fair market value of the property caused by
20 the project for which the property is to be acquired or by the reasonable likelihood that
21 the property will be acquired for that project, other than a decrease due to physical
22 deterioration within the reasonable control of the owner.
- 23 4. The condemnor shall provide the owner of the property with a written appraisal, if one
24 has been prepared, or if one has not been prepared, with a written statement and

1 summary, showing the basis for the amount it established as just compensation for the
2 property. If appropriate, the compensation for the property to be acquired and for the
3 damages to remaining property shall be separately stated.

4 5. Either party may request mediation by the North Dakota mediation service.

5 **SECTION 2. AMENDMENT.** Section 32-15-21 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **32-15-21. Power of court.**

8 1. The court shall have power:

9 1. a. To regulate and determine the place and manner of making connections and
10 crossings, or of enjoying the common use mentioned in subsection 6 of section
11 32-15-04.

12 2. b. To hear and determine all adverse or conflicting claims to the property sought to
13 be condemned and to the damages ~~therefor~~ for the property.

14 3. c. To determine the respective rights of different parties seeking condemnation of
15 the same property.

16 2. Notwithstanding any other provision of law, if a route permit is required under chapter
17 49-22, the court may order the taking by eminent domain conditioned on the receipt of
18 the route permit.

19 **SECTION 3. AMENDMENT.** Section 49-22-07 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **49-22-07. Certificate of site compatibility or route permit required.**

22 1. A utility may not begin construction of an energy conversion facility or transmission
23 facility in the state, ~~or exercise the right of eminent domain in connection with that~~
24 ~~construction~~, without first having obtained a certificate of site compatibility or a route
25 permit from the commission pursuant to this chapter. The facility must be constructed,
26 operated, and maintained in conformity with the certificate or permit and any terms,
27 conditions, or modifications of the certificate or permit. A certificate or permit may be
28 transferred, subject to the approval of the commission, to any person who agrees to
29 comply with its terms, conditions, and modifications.

30 2. If a power emergency exists which necessitates the relocation of a portion of an
31 electric transmission line and associated facilities from the designated route, the

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- 1 owner of the line shall give telephonic notice to the commission in advance of the
- 2 relocation. The line may then be relocated to restore power as soon as practicable.
- 3 After the line has been relocated, the owner shall file with the commission a request to
- 4 approve the relocated route.