

**HOUSE BILL NO. 1332**

Introduced by

Representatives Toman, Rick C. Becker, Rohr, Schatz, Streyle, Thoreson

Senators Armstrong, Cook, Luick

1 A BILL for an Act to amend and reenact section 32-15-01 of the North Dakota Century Code,  
2 relating to exercise of eminent domain authority on behalf of unelected boards.

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

4 **SECTION 1. AMENDMENT.** Section 32-15-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **32-15-01. Eminent domain defined - How exercised - Condemnor defined -**  
7 **Exceptions.**

8 1. Eminent domain is the right to take private property for public use.

9 2. Private property may not be taken or damaged for public use without just  
10 compensation first having been made to or paid into court for the owner. When private  
11 property is taken by a person, no benefit to accrue from the proposed improvement  
12 may be allowed in ascertaining the compensation to be made therefor. Private  
13 property may not be taken for the use of, or ownership by, any private individual or  
14 entity, unless that property is necessary for conducting a common carrier or utility  
15 business. A determination of the compensation must be made by a jury, unless a jury  
16 is waived. The right of eminent domain may be exercised in the manner provided in  
17 this chapter.

18 3. Notwithstanding any other provision of law, a public use or a public purpose does not  
19 include public benefits of economic development, including an increase in tax base,  
20 tax revenues, employment, or general economic health.

21 4. For the purpose of this chapter, "condemnor" means a person empowered to take  
22 property under the power of eminent domain.

- 1        5. An appointed governing body of a political subdivision having eminent domain
- 2        authority may exercise that authority only through the elected governing body of the
- 3        political subdivision that appointed that governing body.