

SENATE BILL NO. 2361

Introduced by

Senator Miller

Representatives Rick C. Becker, Olson

1 A BILL for an Act to amend and reenact subsection 2 of section 61-40-05 of the North Dakota
2 Century Code, relating to the use of eminent domain by the western area water supply authority.

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

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 61-40-05 of the North Dakota Century
5 Code is amended and reenacted as follows:

6 2. Exercise the power of eminent domain in the manner provided by title 32, for
7 infrastructure that is solely for domestic use, or as described in this chapter for the
8 purpose of acquiring and securing any right, title, interest, estate, or easement
9 necessary or proper to ~~carry out the duties imposed by this chapter~~ provide
10 infrastructure that is solely for domestic use, and particularly to acquire the necessary
11 rights in land for the construction of an entire part of any pipeline, reservoir,
12 connection, valve, pumping installation, or other facility for the storage, transportation,
13 or utilization of water and all other appurtenant facilities used in connection with
14 providing infrastructure that is solely for domestic use by the authority. However, if the
15 interest sought to be acquired is a right of way for ~~any project authorized in this~~
16 ~~chapter~~ infrastructure that is solely for domestic use, the authority, after making a
17 written offer to purchase the right of way and depositing the amount of the offer with
18 the clerk of the district court of the county in which the right of way is located, may take
19 immediate possession of the right of way, as authorized by section 16 of article I of the
20 Constitution of North Dakota. Within thirty days after notice has been given in writing
21 to the landowner by the clerk of the district court that a deposit has been made for the
22 taking of a right of way as authorized in this subsection, the owner of the property
23 taken may appeal to the district court by serving a notice of appeal upon the acquiring

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