

Sixty-fourth  
Legislative Assembly  
of North Dakota

ENGROSSED 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, except for  
7 infrastructure that is solely for industrial water sales for oil and gas development, or as  
8 described in this chapter for the purpose of acquiring and securing any right, title,  
9 interest, estate, or easement necessary or proper to carry out the duties imposed by  
10 this chapter, except provide infrastructure that is solely for industrial water sales for oil  
11 and gas development, and particularly to acquire the necessary rights in land for the  
12 construction of an entire part of any pipeline, reservoir, connection, valve, pumping  
13 installation, or other facility for the storage, transportation, or utilization of water and all  
14 other appurtenant facilities used in connection with the authority, except for providing  
15 infrastructure that is solely for industrial water sales for oil and gas development.

16 However, if the interest sought to be acquired is a right of way for any project  
17 authorized in this chapter, except for right of way for infrastructure that is solely for  
18 industrial water sales for oil and gas development, the authority, after making a written  
19 offer to purchase the right of way and depositing the amount of the offer with the clerk  
20 of the district court of the county in which the right of way is located, may take  
21 immediate possession of the right of way, as authorized by section 16 of article I of the  
22 Constitution of North Dakota. Within thirty days after notice has been given in writing  
23 to the landowner by the clerk of the district court that a deposit has been made for the  
24 taking of a right of way as authorized in this subsection, the owner of the property

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- 1 taken may appeal to the district court by serving a notice of appeal upon the acquiring
- 2 agency, and the matter must be tried at the next regular or special term of court with a
- 3 jury unless a jury be waived, in the manner prescribed for trials under chapter 32-15.