

Good morning, Mr. Chairman and members of the committee. My name is Mark Gaydos, Director of Environmental and Transportation Services for the North Dakota Department of Transportation (NDDOT). I'm here to provide information on Senate Bill 2313.

Senate Bill 2313 is applicable to department right of way acquisitions that include a court award for the assessment of damages. Chapter 24-01 of the North Dakota Century Code (NDCC) requires that trials and court procedures follow Chapter 32-15 of the NDCC.

The department completes appraisals in compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (The Uniform Act). The appraisals are developed by state-certified appraisers to determine the fair market value and just compensation for the right of way taking. If the property taken is only part of the larger parcel, the appraisals address the before and after taking fair market values and any severance. The department then makes an offer and strives to negotiate with the property owner. The negotiations address the appraised values and any considerations that may be identified by the property owner. In rare instances condemnation is pursued.

When a condemnation case goes to trial, the jury award assesses both the value of property taken and damages to the portion of property not taken based on the trial proceedings. At times the courts will also award reasonable attorney fees and expenses associated with the case to the property owner.

The bill would impact the amount paid in condemnation cases by increasing the assessment of damages determined and awarded by the jury by 33%.

This concludes my testimony. Thank you, Mr. Chairman, I can answer any questions.