

**FIRST ENGROSSMENT  
with House Amendments**

**ENGROSSED SENATE BILL NO. 2379**

Introduced by

Senators Boehm, Magrum, Wobbema

Representatives D. Johnston, Koppelman, Fisher

1 A BILL for an Act to amend and reenact section 32-15-06 of the North Dakota Century Code,  
2 relating to the surveying process during eminent domain proceedings.

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

4 **SECTION 1. AMENDMENT.** Section 32-15-06 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **32-15-06. Entry for making surveys.**

7 1. a. In all cases when a case in which land is required for public use, the person or  
8 corporation, or the person's or corporation's agents, in charge of such the use  
9 may survey and locate the same, but it land after providing the owner on the tax  
10 list a written notice of intent to survey. The notice must contain the name,  
11 proposed completion date, type, proposed route or location of the project  
12 associated with the survey, nature of the work the person in charge of the public  
13 use intends to complete, and the name, telephone number, physical address, and  
14 mailing address of the person in charge of the public use.  
15 b. The person in charge of the public use shall deliver the notice to the owner on the  
16 tax list through certified mail. The person in charge of the public use may not  
17 survey the land until thirty days after delivery of the notice, unless the owner  
18 consents to an earlier survey date. If the person in charge of the public use fails  
19 to survey the land within ninety days of delivery of the notice, the person shall  
20 deliver a new notice of intent to survey through certified mail. A survey conducted  
21 under a subsequently issued notice of intent to survey must be conducted in  
22 accordance with the timeline established under this subdivision.

- 1        2. The survey and location of the condemner's project must be located in the manner  
2            which will be compatible with the greatest public benefit and the least private injury  
3            and subject to ~~the provisions of section 32-15-21. Whoever is~~
- 4        3. The person in charge of ~~such~~the public use may enter upon the land and make  
5            examinations, surveys, and maps ~~thereof~~of the land in accordance with subsection 1,  
6            and ~~such~~the entry ~~constitutes~~does not constitute a claim for relief in favor of the  
7            owner of the land except for injuries resulting from negligence, wantonness, or malice.