

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

1 been made for the taking of a right of way as authorized in this subsection, the owner
2 of the property taken may appeal to the district court by serving a notice of appeal
3 upon the acquiring agency, and the matter must be tried at the next regular or special
4 term of court with a jury unless a jury be waived, in the manner prescribed for trials
5 under chapter 32-15.