

Sixty-fifth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1244**

Introduced by

Representatives Weisz, Delzer

Senator Schaible

1 A BILL for an Act to create and enact a new subsection to section 11-11-14 of the North Dakota  
2 Century Code, relating to the authority of boards of county commissioners to approve the  
3 exercise of the power of quick take eminent domain by water resource boards; and to amend  
4 and reenact subsection 2 of section 61-16.1-09 of the North Dakota Century Code, relating to  
5 the authority of water resource boards to exercise the power of quick take eminent domain.

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

7 **SECTION 1.** A new subsection to section 11-11-14 of the North Dakota Century Code is  
8 created and enacted as follows:

9 To approve or deny the exercise of quick take eminent domain authority, as authorized  
10 by section 16 of article I of the Constitution of North Dakota, by a water resource board  
11 condemning property in the county.

12 **SECTION 2. AMENDMENT.** Subsection 2 of section 61-16.1-09 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 2. Exercise the power of eminent domain in the manner provided by title 32 for the  
15 purpose of acquiring and securing any rights, titles, interests, estates, or easements  
16 necessary or proper to carry out the duties imposed by this chapter, and particularly to  
17 acquire the necessary rights in land for the construction of dams, flood control  
18 projects, and other water conservation, distribution, and supply works of any nature  
19 and to permit the flooding of lands, and to secure the right of access to such dams and  
20 other devices and the right of public access to any waters impounded thereby.  
21 ~~Provided, however, that when~~When the interest sought to be acquired is a right of way  
22 for any project authorized in this chapter for which federal or state funds have been  
23 appropriated, the district, after obtaining the approval of the board of county  
24 commissioners of the county in which the right of way will be located, making a written

1 offer to purchase the right of way, and depositing the amount of the offer with the clerk  
2 of the district court of the county wherein the right of way is located, may thereupon  
3 take immediate possession of the right of way, as authorized by section 16 of article I  
4 of the Constitution of North Dakota. Within thirty days after notice has been given in  
5 writing to the landowner by the clerk of the district court that a deposit has been made  
6 for the taking of a right of way as authorized in this subsection, the owner of the  
7 property taken may appeal to the district court by serving a notice of appeal upon the  
8 acquiring agency, and the matter must be tried at the next regular or special term of  
9 court with a jury unless a jury be waived, in the manner prescribed for trials under  
10 chapter 32-15.