

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED 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 directly to the district by Congress or the legislative assembly, the district,
24 after obtaining the approval of the board of county commissioners of the county in

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