

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1495
(Representatives Damschen, Holman, Vigesaa)
(Senators Olafson, Robinson, Wardner)

AN ACT to amend and reenact subsection 1 of section 24-06-28 and section 24-06-29 of the North Dakota Century Code, relating to obstruction of section lines and highways.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 24-06-28 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No~~ A person may not place or cause to be placed any permanent obstruction, ~~stones~~ stone, ~~trees~~ tree or portion of a tree, or rubbish within the vertical plane of thirty-three feet [10.06 meters] of any section line or within the right of way of any highway, unless written permission is first secured from the board of county commissioners or the board of township supervisors, as the case may be. The permission must be granted where the section line has been closed pursuant to section 24-07-03 or where the topography of the land along the section line is such that in the opinion of the board of county commissioners or board of township supervisors, as the case may be, the construction of a road on the section line is impracticable.

SECTION 2. AMENDMENT. Section 24-06-29 of the North Dakota Century Code is amended and reenacted as follows:

24-06-29. Removal of obstructions when section lines opened - Cost. If ~~any~~ a person places or causes to be placed ~~any stones~~ a stone, ~~trees~~ tree or portion of a tree, or rubbish within the vertical plane of thirty-three feet [10.06 meters] of any section line or within the right of way of any highway, the board of county commissioners or board of township supervisors, as the case may be, when a public highway is opened ~~along the section line~~, shall notify the owners of adjacent property to remove the ~~stones~~ stone, ~~trees~~ tree or portion of a tree, or rubbish. Written notice by registered mail to the record owner of the adjacent property mailed to the owner's last-known address and to any other persons in possession of the property constitutes valid notice. If the owners fail to remove the ~~stones~~ stone, ~~trees~~ tree or portion of a tree, or rubbish within thirty days after the notice is mailed, the board of county commissioners or the board of township supervisors, as the case may be, shall remove the ~~stones~~ stone, ~~trees~~ tree or portion of a tree, or rubbish. The cost of removal must be entered the same as taxes against the adjacent property and paid in the same manner as taxes.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1495.

House Vote: Yeas 91 Nays 2 Absent 1

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State