

Introduced by

1 A BILL for an Act to amend subsection 2 of section 61-16.1-09 of the North Dakota Century
2 Code, relating to the authority of water resource boards to exercise the power of quick take
3 eminent domain.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 61-16.1-09 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. Exercise the power of eminent domain in the manner provided by title 32 for the
8 purpose of acquiring and securing any rights, titles, interests, estates, or easements
9 necessary or proper to carry out the duties imposed by this chapter, and particularly to
10 acquire the necessary rights in land for the construction of dams, flood control
11 projects, and other water conservation, distribution, and supply works of any nature
12 and to permit the flooding of lands, and to secure the right of access to such dams and
13 other devices and the right of public access to any waters impounded thereby.

14 ~~Provided, however, that when the interest sought to be acquired is a right of way for~~
15 ~~any project authorized in this chapter for which federal or state funds have been~~
16 ~~appropriated, the district, after making a written offer to purchase the right of way and~~
17 ~~depositing the amount of the offer with the clerk of the district court of the county~~
18 ~~wherein the right of way is located, may thereupon take immediate possession of the~~
19 ~~right of way, as authorized by section 16 of article I of the Constitution of North Dakota.~~
20 ~~Within thirty days after notice has been given in writing to the landowner by the clerk of~~
21 ~~the district court that a deposit has been made for the taking of a right of way as~~
22 ~~authorized in this subsection, the owner of the property taken may appeal to the~~
23 ~~district court by serving a notice of appeal upon the acquiring agency, and the matter~~

Sixty-fifth
Legislative Assembly

- 1 must be tried at the next regular or special term of court with a jury unless a jury be-
- 2 waived, in the manner prescribed for trials under chapter 32-15.