

Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025

SENATE BILL NO. 2379
(Senators Boehm, Magrum, Wobbema)
(Representatives D. Johnston, Koppelman, Fisher)

AN ACT to amend and reenact section 32-15-06 of the North Dakota Century Code, relating to the surveying process during eminent domain proceedings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-15-06 of the North Dakota Century Code is amended and reenacted as follows:

32-15-06. Entry for making surveys.

1.
 - a. ~~In all cases when a case in which~~ land is required for public use, the person ~~or corporation, or the person's or corporation's agents,~~ in charge of ~~such~~the use may survey and locate the same, ~~but it~~land after providing the owner on the tax list a written notice of intent to survey. The notice must contain the name, proposed completion date, type, proposed route or location of the project associated with the survey, nature of the work the person in charge of the public use intends to complete, and the name, telephone number, physical address, and mailing address of the person in charge of the public use.
 - b. The person in charge of the public use shall deliver the notice to the owner on the tax list through certified mail. The person in charge of the public use may not survey the land until thirty days after delivery of the notice, unless the owner consents to an earlier survey date. If the person in charge of the public use fails to survey the land within ninety days of delivery of the notice, the person shall deliver a new notice of intent to survey through certified mail. A survey conducted under a subsequently issued notice of intent to survey must be conducted in accordance with the timeline established under this subdivision.
2. The survey and location of the condemner's project must be located in the manner which will be compatible with the greatest public benefit and the least private injury and subject to ~~the provisions of section 32-15-21. Whoever is~~
3. The person in charge of ~~such~~the public use may enter upon the land and make examinations, surveys, and maps ~~thereof~~of the land in accordance with subsection 1, and ~~such~~the entry ~~constitutes~~ ~~no~~does not constitute a claim for relief in favor of the owner of the land except for injuries resulting from negligence, wantonness, or malice.

Bred Belknap
President of the Senate

Robi Weiss
Speaker of the House

Shanda Page
Secretary of the Senate

Bull J. Reick
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2379.

Senate Vote: Yeas 39 Nays 8 Absent 0

House Vote: Yeas 69 Nays 23 Absent 2

Shanda Page
Secretary of the Senate

Received by the Governor at 3:30 P M. on April 4th, 2025.

Approved at 8:47 A M. on April 5th, 2025.

[Signature]
Governor

Filed in this office this 8th day of April, 2025,
at 1:14 o'clock P M.

Michael Howe
Secretary of State