

SENATE BILL NO. 2259

Introduced by

Senators Kannianen, Dwyer, Patten

Representatives Fegley, Longmuir, Schatz

1 A BILL for an Act to amend and reenact section 32-15-22 of the North Dakota Century Code,
2 relating to the valuation of property for just compensation.

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

4 **SECTION 1. AMENDMENT.** Section 32-15-22 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-15-22. Assessment of damages.**

7 1. The jury, or court, or referee, if a jury is waived, ~~must~~shall hear such legal testimony as
8 may be offered by any of the parties to the proceedings and ~~thereupon must on the~~
9 legal testimony shall ascertain and assess:

10 4. a. The value of the property sought to be condemned and all improvements thereon
11 pertaining to the realty and of each and every separate estate or interest therein.
12 If it consists of different parcels, the value of each parcel and each estate and
13 interest therein shall be separately assessed.

14 2. b. If the property sought to be condemned constitutes only a part of a larger parcel,
15 the damages ~~which~~that will accrue to the portion not sought to be condemned by
16 reason of its severance from the portion sought to be condemned and the
17 construction of the improvement in the manner proposed by the plaintiff.

18 3. c. If the property, though no part thereof is taken, will be damaged by the
19 construction of the proposed improvement, the amount of such damages.

20 4. d. If the property is taken or damaged by the state or a public corporation,
21 separately, how much the portion not sought to be condemned and each estate
22 or interest therein will be benefited, if at all, by the construction of the
23 improvement proposed by the plaintiff, and if the benefit shall be equal to the
24 damages assessed under ~~subsections 2 and 3,~~subdivisions b and c the owner of

1 the parcel shall be allowed no compensation except the value of the portion
2 taken, but if the benefit shall be less than the damages so assessed the former
3 ~~shall~~must be deducted from the latter and the remainder ~~shall~~may be the only
4 damages allowed in addition to the value of the portion taken.

5 5-2. As far as practicable, compensation must be assessed separately for property actually
6 taken and for damages to that which is not taken.

7 3. For purposes of determining the value of property under this section:

8 a. The value of property for which there is a relevant market is the price upon which
9 an informed and willing, but unobligated seller and buyer would agree.

10 b. The value of property for which there is not a relevant market is determined by
11 any just and equitable method of valuation.

12 c. The determination of value must use generally accepted appraisal techniques
13 that may include:

14 (1) Techniques used by a certified appraiser;

15 (2) The price paid for comparable easements or leases of comparable type,
16 size, and location on the same or similar property; or

17 (3) Compensation paid for transactions of comparable type, size, and location
18 by public or private entities in arms length transactions on the same or
19 similar property.