

Introduced by

Senators Stenehjem, Holmberg

Representative Svedjan

1 A BILL for an Act to provide for acquisition of certain land by the parks and recreation  
2 department; to provide an appropriation; to provide a continuing appropriation; to provide for a  
3 legislative council study; and to provide for reports to the legislative council.

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

5 **SECTION 1. ACQUISITION OF LAND AUTHORIZED - APPROPRIATION - USE OF**  
6 **PROCEEDS OF SALE - LEGISLATIVE COUNCIL STUDY - REPORTS - PARKS AND**  
7 **RECREATION DEPARTMENT LAND ACQUISITION STUDY.**

- 8 1. The parks and recreation department may acquire 5,225.2 acres of land, more or  
9 less, in western North Dakota. The land acquired under this authorization is  
10 subject to the following conditions and restrictions:
- 11 a. Land acquired pursuant to this section must remain open to grazing, hunting,  
12 the current purposes for which the land is used, and other normal recreational  
13 activities and use as otherwise provided in the general area.
  - 14 b. Energy exploration, development, and extraction activities may not be limited  
15 or restricted on any land acquired under this section.
  - 16 c. Land acquired pursuant to this section must be leased so as to maintain  
17 current grazing activities and relationships in the general area.
  - 18 d. Land acquired pursuant to this section may not be encumbered by a  
19 conservation easement, preservation easement, or similar land use  
20 restriction.
  - 21 e. Land acquired pursuant to this section may not be sold, conveyed, or  
22 transferred to the United States or any instrumentality of the United States.

1           f.    Land acquired pursuant to this section is subject to existing or future  
2                   right-of-way easements acquired pursuant to title 24 or 32 for public  
3                   transportation requirements identified by political subdivisions or the state.

4           g.    The attorney general shall approve all documents necessary to effectuate the  
5                   acquisition authorized by this section as to form and legality.

6           2.    There is appropriated \$522,520 from the game and fish fund, \$2,476,760 from the  
7                   accumulated undivided profits of the Bank of North Dakota and \$524,720 from  
8                   federal or other special funds, or so much of the amounts as may be necessary, to  
9                   the parks and recreation department, for the purpose of defraying the expenses of  
10                  the purchase of the land described in subsection 1, for the period beginning with  
11                  the effective date of this Act and ending June 30, 2007.

12          3.    The parks and recreation department may sell any parcel or parcels of land  
13                  included in the acquisition authorized by this section, subject to the restrictions in  
14                  subdivision e of subsection 1 and the restriction that the department reserve any  
15                  minerals the department acquires pursuant to this section. Funds received by the  
16                  parks and recreation department from such sales must be used to restore the  
17                  funds utilized from the accumulated undivided profits of the Bank of North Dakota  
18                  and the game and fish fund in the same ratio that these funds are used to make  
19                  the land acquisition authorized by this Act.

20          4.    The legislative council shall study, during the 2005-06 interim, issues related to the  
21                  parks and recreation department land acquisition authorized by this section. The  
22                  legislative council shall monitor the acquisition. The study must include a  
23                  determination of the future public usefulness and benefit of the land acquired  
24                  under this section and how much of the main parcel the state should retain. The  
25                  parks and recreation department and the board of university and school lands shall  
26                  report periodically to the legislative council the status of the acquisition authorized  
27                  by this section. The legislative council shall report its findings and  
28                  recommendations, together with any legislation required to implement the  
29                  recommendations, to the sixtieth legislative assembly.

**SECTION 2. ACQUISITION OF LAND AUTHORIZED - APPROPRIATION - USE OF  
PROCEEDS OF SALE - LEGISLATIVE COUNCIL STUDY - REPORTS - PARKS AND  
RECREATION DEPARTMENT LAND ACQUISITION STUDY.**

1. The parks and recreation department may acquire 5,225.2 acres of land, more or less, in western North Dakota. The attorney general shall approve all documents necessary to effectuate the acquisition authorized by this section as to form and legality.
2. There is appropriated \$3,524,000 from the accumulated undivided profits of the Bank of North Dakota, or so much of the amount as may be necessary, to the parks and recreation department, for the purpose of defraying the expenses of the purchase of the land described in subsection 1, for the period beginning with the effective date of this Act and ending June 30, 2007.
3. The parks and recreation department may sell any parcel or parcels of land included in the acquisition authorized by this section. Funds received by the parks and recreation department from such sales must be used to restore the funds utilized from the accumulated undivided profits of the Bank of North Dakota.
4. Land acquired pursuant to this section may not be encumbered by a conservation easement, preservation easement, or similar land use restriction.
5. The legislative council shall study, during the 2005-06 interim, issues related to the parks and recreation department land acquisition authorized by this section. The legislative council shall monitor the acquisition. The study must include a determination of the future public usefulness and benefit of the land acquired under this section and how much of the main parcel the state should retain. The parks and recreation department and the board of university and school lands shall report periodically to the legislative council the status of the acquisition authorized by this section. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

**SECTION 3. ACQUISITION OF LAND AUTHORIZED - LEGISLATIVE COUNCIL  
STUDY - REPORTS - PARKS AND RECREATION DEPARTMENT LAND ACQUISITION  
STUDY.**

- 1           1.   The parks and recreation department may acquire by gift that portion of the Eberts  
2               ranch that encompasses the viewshed and the primitive park area, in western  
3               North Dakota. The state and its officials shall use their best efforts to secure  
4               federal funds and a conservation easement or similar land use restriction for the  
5               sellers. In consideration of and in exchange for the best efforts of the state and its  
6               officials to obtain federal funds and the conservation easement, the sellers shall  
7               convey that portion of the Eberts ranch containing the viewshed and the primitive  
8               park area to the state. The conservation easement must be placed on the entire  
9               parcel. The land acquired under this authorization is subject to the following  
10              conditions and restrictions:
  - 11             a.   Land acquired pursuant to this section must remain open to grazing, hunting,  
12                 the current purposes for which the land is used, and other normal recreational  
13                 activities and use as otherwise provided in the general area.
  - 14             b.   Energy exploration, development, and extraction activities may not be limited  
15                 or restricted on any land acquired under this section.
  - 16             c.   Land acquired pursuant to this section must be leased so as to maintain  
17                 current grazing activities and relationships in the general area.
  - 18             d.   Land acquired pursuant to this section may not be sold, conveyed, or  
19                 transferred to the United States or any instrumentality of the United States.
  - 20             e.   Land acquired pursuant to this section is subject to existing or future  
21                 right-of-way easements acquired pursuant to title 24 or 32 for public  
22                 transportation requirements identified by political subdivisions or the state.
  - 23             f.   The attorney general shall approve all documents necessary to effectuate the  
24                 acquisition authorized by this section as to form and legality.
- 25           2.   The legislative council shall study, during the 2005-06 interim, issues related to the  
26               parks and recreation department land acquisition authorized by this section. The  
27               legislative council shall monitor the acquisition. The study must include a  
28               determination of the future public usefulness and benefit of the land acquired  
29               under this section. The parks and recreation department and the board of  
30               university and school lands shall report periodically to the legislative council the  
31               status of the acquisition authorized by this section. The legislative council shall

report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

**SECTION 4. ACQUISITION OF LAND AUTHORIZED - APPROPRIATION - USE OF PROCEEDS OF SALE - CONTINUING APPROPRIATION - PAYMENTS IN LIEU OF TAXES - LEGISLATIVE COUNCIL STUDY - REPORTS - PARKS AND RECREATION DEPARTMENT LAND ACQUISITION STUDY.**

1. The parks and recreation department may acquire 5,225.2 acres of land, more or less, known as the Eberts ranch, in western North Dakota. The land acquired under this authorization is subject to the following conditions and restrictions:
  - a. Land acquired pursuant to this section must remain open to grazing, hunting, oil and gas production, low-impact recreational activities, and other normal uses otherwise provided in the general area.
  - b. Rights to oil and gas mineral exploration, development, and production must remain in force but reasonable conditions for exploration and development of oil and gas may be established by the board of university and school lands.
  - c. Land acquired pursuant to this section must be leased so as to maintain current grazing activities and relationships in the general area.
  - d. Land acquired pursuant to this section may not be encumbered by a conservation easement, preservation easement, or similar land use restriction.
  - e. Land acquired pursuant to this section must be maintained as a working ranch. The parks and recreation department shall manage the property to preserve the grazing, haying, ranching, and oil and gas development practices currently in force and develop low-impact recreational activities.
  - f. The attorney general shall approve all documents necessary to effectuate the acquisition authorized by this section as to form and legality.
2. There is appropriated \$522,520 from the game and fish fund, \$2,476,760 from the accumulated undivided profits of the Bank of North Dakota, and \$524,720 from federal or other special funds, or so much of the amounts as may be necessary to the parks and recreation department, for the purpose of defraying the expenses of

the purchase of the land described in subsection 1, for the period beginning with the effective date of this Act and ending June 30, 2007.

3. The parks and recreation department may sell any parcel or parcels of land included in the acquisition authorized by this section, subject to the restriction that the department reserve any minerals the department acquires pursuant to this section. Funds received by the parks and recreation department from such sales must be used to restore the funds utilized from the accumulated undivided profits of the Bank of North Dakota and the game and fish fund in the same ratio that these funds are used to make the land acquisition authorized by this section. The parks and recreation department may lease any parcel or parcels of land acquired under this section. Up to one-half of the funds received by the department from leasing activity may be used to defray the maintenance and management costs incurred by the department on land acquired pursuant to this section. The remaining lease funds must be used to restore the funds utilized from the accumulated undivided profits of the Bank of North Dakota and the game and fish fund in the same ratio that these funds are used to make the land acquisition authorized by this section. Any lease income earned by the department under this section is appropriated to the department on a continuing basis for the purposes specified in this section.

4. The department shall make payments in lieu of property taxes on the property acquired pursuant to this section calculated in the same manner as if the property were subject to full assessment and levy of property taxes.

5. The legislative council shall study, during the 2005-06 interim, issues related to the parks and recreation department land acquisition authorized by this section. The study must include preparation of a plan by the parks and recreation department of future public uses and benefit of the land acquired by this section as well as how much of the main parcel the state should retain. The parks and recreation department shall report periodically to the legislative council concerning implementation of this section and the extent to which the department is complying with the ranching, grazing, oil and gas development, grassland activity, tourism, and low-impact recreational conditions contained in this section. The legislative

1 council shall report its findings and recommendations, together with any legislation  
2 required to implement the recommendations, to the sixtieth legislative assembly.

3 **SECTION 5. SELLER TO EXERCISE OPTION - EXPIRATION.** Sections 1, 2, 3, and  
4 4 of this Act are options for acquisition of the land described in those sections. The seller may  
5 exercise its option to sell or convey the land described in this Act by indicating its preference for  
6 the procedure described in section 1, 2, 3, or 4 of this Act. The seller shall communicate its  
7 option to the governor by December 31, 2005. If the seller has not selected an option by  
8 December 31, 2005, the options expire and are of no force and effect.