

HOUSE CONCURRENT RESOLUTION NO. 3050

Introduced by

Representatives S. Meyer, Drovdal, Kempenich, J. Nelson, Boe

1 A concurrent resolution for the amendment of section 6 of article IX of the Constitution of North
2 Dakota, relating to exchanges of land and mineral rights.

3 **STATEMENT OF INTENT**

4 This measure allows for the exchange of land between the board of university and school lands
5 and private owners and allows for the exchange of all mineral interests.

6 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**
7 **SENATE CONCURRING THEREIN:**

8 That the following proposed amendment to section 6 of article IX of the Constitution of
9 North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the
10 general election to be held in 2012, in accordance with section 16 of article IV of the
11 Constitution of North Dakota.

12 **SECTION 1. AMENDMENT.** Section 6 of article IX of the Constitution of North Dakota is
13 amended and reenacted as follows:

14 **Section 6.** No original grant school or institutional land shall be sold for less than the fair
15 market value thereof, ~~and in no case for less than ten dollars (\$10.00) per acre,~~ provided that
16 when lands have been sold on contract and the contract has been canceled, such lands may be
17 resold without reappraisal by the board of appraisal. The purchaser shall pay twenty (20)
18 percent of the purchase price at the time the contract is executed; thereafter annual payments
19 shall be made of not less than six (6) percent of the original purchase price. An amount equal to
20 not less than three (3) percent per annum of the unpaid principal shall be credited to interest
21 and the balance shall be applied as payment on principal as credit on purchase price. The
22 purchaser may pay all or any installment or installments not yet due to any interest paying date.
23 If the purchaser so desires, he may pay the entire balance due on his contract with interest to
24 date of payment at any time and he will then be entitled to proper conveyance.

1 All sales shall be held at the county seat of the county in which the land to be sold is
2 situated, and shall be at public auction and to the highest bidder, and notice of such sale shall
3 be published once each week for a period of three weeks prior to the day of sale in a legal
4 newspaper published nearest the land and in the newspaper designated for the publication of
5 the official proceedings and legal notices within the county in which said land is situated.

6 No grant or patent for such lands shall issue until payment is made for the same; provided
7 that the land contracted to be sold by the state shall be subject to taxation from the date of the
8 contract. In case the taxes assessed against any of said lands for any year remain unpaid until
9 the first Monday in October of the following year, the contract of sale for such land shall, if the
10 board of university and school lands so determine, by it, be declared null and void. No contract
11 of sale heretofore made under the provisions of this section of the constitution as then providing
12 shall be affected by this amendment, except prepayment of principal may be made as herein
13 provided.

14 Any of said lands that may be required for townsite purposes, schoolhouse sites, church
15 sites, cemetery sites, sites for other educational or charitable institutions, public parks, airplane
16 landing fields, fairgrounds, public highways, railroad right of way, or other railroad uses and
17 purposes, reservoirs for the storage of water for irrigation, irrigation canals, and ditches,
18 drainage ditches, or for any of the purposes for which private lands may be taken under the
19 right of eminent domain under the constitution and laws of this state, may be sold under the
20 provisions of this article, and shall be paid for in full at the time of sale, or at any time thereafter
21 as herein provided. Any of said lands and any other lands controlled by the board of university
22 and school lands, including state coal mineral interests, may, with the approval of said the board,
23 be exchanged for lands and coal mineral interests of the United States, the state of North
24 Dakota or any county or municipality thereof as the legislature may provide, Indian tribe, or any
25 private individual or entity, and the lands so acquired shall be subject to the trust to which the
26 lands exchanged therefor were subject, ~~and the state shall reserve all mineral and water power~~
27 ~~rights in land so transferred, except coal mineral interests approved for exchange by the board~~
28 ~~of university and school lands under this section.~~

29 When any of said lands have been heretofore or may be hereafter sold on contract, and the
30 purchaser or his heirs or assigns is unable to pay in full for the land purchased within twenty
31 years after the date of purchase and such contract is in default and subject to being declared

1 null and void as by law provided, the board of university and school lands may, after declaring
2 such contract null and void, resell the land described in such contract to such purchaser, his
3 heirs or assigns, for the amount of the unpaid principal, together with interest thereon reckoned
4 to the date of such resale at the rate of not less than three (3%) percent, but in no case shall the
5 resale price be more than the original sale price; such contract of resale shall be upon the terms
6 herein provided, provided this section shall be deemed self-executing insofar as the provisions
7 for resale herein made are concerned.