

**HOUSE BILL NO. 1073**

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to amend and reenact subsection 12 of section 54-23.3-04 of the North  
2 Dakota Century Code, relating to authority of the director of the department of corrections and  
3 rehabilitation to lease and sell land.

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

5 **SECTION 1. AMENDMENT.** Subsection 12 of section 54-23.3-04 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 12. ~~To sell, lease, or exchange~~ land owned by the state under the jurisdiction of the  
8 department of corrections and rehabilitation. A lease by the director is not subject  
9 to the conditions of this subsection. The director may sell or exchange, with the  
10 governor's approval, selected portions of land owned by the state under the  
11 jurisdiction of the department of corrections and rehabilitation and ~~to~~ may sell,  
12 trade, lease, or grant mining easements to extract and remove any resources  
13 found on, in, or under said department of corrections and rehabilitation lands,  
14 including clay, coal, oil, gas, gravel, sand, dirt, and sod, under the following  
15 conditions and provisions:

16 a. Any such sale, exchange, or transaction must allow for the submission of bids  
17 pursuant to a notice published in at least one official county newspaper. The  
18 sale, exchange, or transaction is exempt from the provisions of sections  
19 54-01-05.2 and 54-01-05.5.

20 b. Any such sale, exchange, or transaction may not be made for less than the  
21 appraised value, and the state reserves the right to reject any and all bids.

22 c. The commissioner of university and school lands or the commissioner's  
23 designee shall provide technical assistance and advice to the director of the  
24 department of corrections and rehabilitation in any transaction.

- 1           d. All legal documents, papers, and instruments required by any transaction  
2           must be reviewed and approved as to form and legality by the attorney  
3           general.  
4           e. Any of these transactions can be entered into on any terms and conditions  
5           permitted by law and approved by the governor.  
6           f. All funds and proceeds realized from any of these transactions must be  
7           placed in an interest-bearing fund in the state treasury, designated as the  
8           North Dakota state penitentiary land fund to be used for the acquisition of  
9           additional land and facilities; to maintain, expand, or develop affiliated  
10          facilities; to relocate the Missouri River correctional center and the farming  
11          and ranching operations of the North Dakota state penitentiary; or for  
12          penitentiary renovation.