

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2145

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 for a legislative council study; to provide for
3 reports to the legislative council; and to declare an emergency.

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

5 **SECTION 1. ACQUISITION OF LAND AUTHORIZED.** The parks and recreation
6 department may acquire 5,225.2 acres of land, more or less, in western North Dakota. The
7 land acquired under this authorization is subject to the following conditions and restrictions:

- 8 1. Land acquired pursuant to this Act must remain open to grazing, hunting, the
9 current purposes for which the land is used, and other normal recreational
10 activities and use as otherwise provided in the general area.
- 11 2. Energy exploration, development, and extraction activities may not be limited or
12 restricted on any land acquired under this Act.
- 13 3. Land acquired pursuant to this Act must be leased so as to maintain current
14 grazing activities and relationships in the general area.
- 15 4. Land acquired pursuant to this Act may not be encumbered by a conservation
16 easement, preservation easement, or similar land use restriction.
- 17 5. Land acquired pursuant to this Act may not be sold, conveyed, or transferred to the
18 United States or any instrumentality of the United States.
- 19 6. Land acquired pursuant to this Act is subject to existing or future right-of-way
20 easements acquired pursuant to title 24 or 32 for public transportation
21 requirements identified by political subdivisions or the state.
- 22 7. The attorney general shall approve all documents necessary to effectuate the
23 acquisition authorized by this Act as to form and legality.

1 **SECTION 2. APPROPRIATION.** There is appropriated \$522,520 from the game and
2 fish fund, \$2,476,760 from the accumulated undivided profits of the Bank of North Dakota, and
3 \$524,720 from federal or other special funds, or so much of the amounts as may be necessary
4 to the parks and recreation department, for the purpose of defraying the expenses of the
5 purchase of the land described in section 1 of this Act, for the period beginning with the
6 effective date of this Act and ending June 30, 2007.

7 **SECTION 3. USE OF PROCEEDS OF SALE.** The parks and recreation department
8 may sell any parcel or parcels of land included in the acquisition authorized by this Act, subject
9 to the restrictions in subsection 5 of section 1 of this Act and the restriction that the department
10 reserve any minerals the department acquires pursuant to this Act. Funds received by the
11 parks and recreation department from such sales must be used to restore the funds utilized
12 from the accumulated undivided profits of the Bank of North Dakota and the game and fish fund
13 in the same ratio that these funds are used to make the land acquisition authorized by this Act.

14 **SECTION 4. NO NET GAIN OF STATE LAND - SALE OF LAND BY BOARD OF**
15 **UNIVERSITY AND SCHOOL LANDS AUTHORIZED.** The acquisition authorized by this Act
16 may not result in a net gain of state-owned land. To ensure that the acquisition authorized by
17 this Act does not result in a net gain of state-owned land, the board of university and school
18 lands shall sell 5,225.2 acres of land in Slope, Golden Valley, Billings, and McKenzie Counties
19 less any parcel or parcels of land sold by the parks and recreation department under section 3
20 of this Act within the period beginning with the effective date of this Act and ending July 31,
21 2011. The board shall reserve all minerals it currently owns on any land sold pursuant to this
22 section.

23 **SECTION 5. LEGISLATIVE COUNCIL STUDY - REPORTS - PARKS AND**
24 **RECREATION DEPARTMENT LAND ACQUISITION STUDY.** The legislative council shall
25 study, during the 2005-06 interim, issues related to the parks and recreation department land
26 acquisition authorized by this Act. The legislative council shall monitor the acquisition and
27 efforts of the parks and recreation department and board of university and school lands to
28 comply with the no net gain of state land requirements of this Act. The study must include a
29 determination of the future public usefulness and benefit of the land acquired by this Act, how
30 much of the main parcel the state should retain, and how much and which lands the state
31 should divest to ensure compliance with the no net gain of state land requirements of this Act.

1 The legislative council shall recommend which parcel or parcels of land the board of university
2 and school lands shall divest to comply with the no net gain of state land requirements of this
3 Act. The parks and recreation department and the board of university and school lands shall
4 report periodically to the legislative council the status of the acquisition authorized by this Act
5 and the progress toward complying with the no net gain of state land requirements of this Act.
6 The legislative council shall report its findings and recommendations, together with any
7 legislation required to implement the recommendations, to the sixtieth legislative assembly.

8 **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.