

HOUSE BILL NO. 1299

Introduced by

Representative DeKrey

1 A BILL for an Act relating to the acquisition of land by governmental entities.

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

3 **SECTION 1. Definitions.** As used in this Act, unless the context otherwise requires:

- 4 1. "Acquire title to land" includes acquiring title to any of the rights associated with
5 land including surface, subsurface, and above-surface rights.
- 6 2. "Control over" means either direct or indirect control over land. The term includes
7 regulatory control through any manner other than regulations required to provide
8 direct and tangible protection to other landowners from direct and actual
9 measurable and tangible harm that would result but for the regulation.
- 10 3. "Necessary" means required to construct a public facility, relocate a public facility,
11 or make additions or improvements to a public facility. The term does not include
12 acquisition for purposes of expanding wildlife, refuge, or wilderness lands.

13 **SECTION 2. Governmental land acquisition of land - Limitations.** The United
14 States, the state of North Dakota, and any political subdivision may not acquire title to or control
15 over land other than that which is currently held except:

- 16 1. If the acquisition is necessary to construct roads;
- 17 2. If the property is tax abated, however, the governmental entity must dispose of the
18 property by returning it to private property ownership within two calendar years of
19 the abatement;
- 20 3. If the governmental entity disposes of an equal or greater amount of land as that
21 being acquired; or
- 22 4. If the acquisition is required to site necessary governmental facilities, in which case
23 the governmental entity must offer to the public an equal or greater amount of

- 1 publicly owned land, provided that the governmental entity has title to vacant land
- 2 or property that is no longer actively in public use.