

**SECOND ENGROSSMENT  
with House Amendments**

Fifty-ninth  
Legislative Assembly  
of North Dakota

**REENGROSSED 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 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.

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

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

29           **SECTION 3. ACQUISITION OF LAND AUTHORIZED - LEGISLATIVE COUNCIL**  
30 **STUDY - REPORTS - PARKS AND RECREATION DEPARTMENT LAND ACQUISITION**  
31 **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

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

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

- 7 1. The parks and recreation department may acquire 5,225.2 acres of land, more or  
8 less, known as the Eberts ranch, in western North Dakota. The land acquired  
9 under this authorization is subject to the following conditions and restrictions:
- 10 a. Land acquired pursuant to this section must remain open to grazing, hunting,  
11 oil and gas production, low-impact recreational activities, and other normal  
12 uses otherwise provided in the general area.
  - 13 b. Rights to oil and gas mineral exploration, development, and production must  
14 remain in force but reasonable conditions for exploration and development of  
15 oil and gas may be established by the board of university and school lands.
  - 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 must be maintained as a working  
22 ranch. The parks and recreation department shall manage the property to  
23 preserve the grazing, haying, ranching, and oil and gas development  
24 practices currently in force and develop low-impact recreational activities.
  - 25 f. The attorney general shall approve all documents necessary to effectuate the  
26 acquisition authorized by this section as to form and legality.
- 27 2. There is appropriated \$522,520 from the game and fish fund, \$2,476,760 from the  
28 accumulated undivided profits of the Bank of North Dakota, and \$524,720 from  
29 federal or other special funds, or so much of the amounts as may be necessary to  
30 the parks and recreation department, for the purpose of defraying the expenses of

- 1           the purchase of the land described in subsection 1, for the period beginning with  
2           the effective date of this Act and ending June 30, 2007.
- 3           3. The parks and recreation department may sell any parcel or parcels of land  
4           included in the acquisition authorized by this section, subject to the restriction that  
5           the department reserve any minerals the department acquires pursuant to this  
6           section. Funds received by the parks and recreation department from such sales  
7           must be used to restore the funds utilized from the accumulated undivided profits  
8           of the Bank of North Dakota and the game and fish fund in the same ratio that  
9           these funds are used to make the land acquisition authorized by this section. The  
10          parks and recreation department may lease any parcel or parcels of land acquired  
11          under this section. Up to one-half of the funds received by the department from  
12          leasing activity may be used to defray the maintenance and management costs  
13          incurred by the department on land acquired pursuant to this section. The  
14          remaining lease funds must be used to restore the funds utilized from the  
15          accumulated undivided profits of the Bank of North Dakota and the game and fish  
16          fund in the same ratio that these funds are used to make the land acquisition  
17          authorized by this section. Any lease income earned by the department under this  
18          section is appropriated to the department on a continuing basis for the purposes  
19          specified in this section.
- 20          4. The department shall make payments in lieu of property taxes on the property  
21          acquired pursuant to this section calculated in the same manner as if the property  
22          were subject to full assessment and levy of property taxes.
- 23          5. The legislative council shall study, during the 2005-06 interim, issues related to the  
24          parks and recreation department land acquisition authorized by this section. The  
25          study must include preparation of a plan by the parks and recreation department of  
26          future public uses and benefit of the land acquired by this section as well as how  
27          much of the main parcel the state should retain. The parks and recreation  
28          department shall report periodically to the legislative council concerning  
29          implementation of this section and the extent to which the department is complying  
30          with the ranching, grazing, oil and gas development, grassland activity, tourism,  
31          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.