

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2049

Introduced by

State and Local Government Committee

(At the request of the Department of Trust Lands)

1 A BILL for an Act to amend and reenact sections 15-04-09, 15-04-19, 15-08-19.1, and
2 15-08-19.4 of the North Dakota Century Code, relating to the leasing and administration of
3 lands managed by the board of university and school lands; and to repeal section 15-04-18 of
4 the North Dakota Century Code, relating to the leasing and administration of lands managed by
5 the board of university and school lands.

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

7 **SECTION 1. AMENDMENT.** Section 15-04-09 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15-04-09. Notice of leasing - Publication - Posting.**

10 Each year at such time as in its judgment is for the best interests of the state, the board of
11 university and school lands shall advertise and offer for lease the lands to be leased. All lands to
12 be leased or offered for lease within the respective counties must be advertised for lease by the
13 board by publication once each week for a period of three weeks prior to the day of leasing in
14 the official county newspaper where said land is situated and in such other newspapers as the
15 board deems appropriate. ~~A list of the lands to be offered for leasing must be filed with the~~
16 ~~county treasurer of the county wherein such lands are situated at least ten days prior to the day~~
17 ~~of leasing.~~ If, in the opinion of the board, the land that will be leased in any county will not be
18 sufficient to warrant the expense of advertisement in a newspaper by description of each tract
19 or parcel, the notice may be given by general advertisement.

20 **SECTION 2. AMENDMENT.** Section 15-04-19 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **15-04-19. Lessee not to break or plow uncultivated land - Penalty.**

23 No lessee of land leased under the provisions of this chapter, or the lessee's heirs or
24 assigns, may break, plow, or cultivate any unbroken land on any tract leased, nor cause nor

1 permit it to be done by any other person. Any person who violates the provisions of this section
2 ~~shall incur the forfeitures and liabilities provided in section 15-04-18~~forfeits that person's lease
3 and all rights and interests thereunder and is liable to the state for damages sustained by the
4 state, and is guilty of a class B misdemeanor.

5 **SECTION 3. AMENDMENT.** Section 15-08-19.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15-08-19.1. Organized event.**

- 8 1. Upon written request, the commissioner of university and school lands may allow by
9 written agreement or permit, an organized event involving public access or activity on
10 trust lands if the event:
- 11 a. Is an appropriate use of trust lands;
 - 12 b. Does not damage trust lands;
 - 13 c. Does not have a negative impact on the value or financial return of the trust lands
14 in violation of the board of university and school lands' fiduciary duty to the
15 applicable trusts as determined by the commissioner;
 - 16 d. Protects the state from liability and other claims for damage; and
 - 17 e. Has been approved in writing by the ~~current surface land lessee, if the trust lands~~
18 ~~are leased~~commissioner after consultation with the lessee if the lands are leased.
- 19 2. The commissioner may refuse to issue or renew a permit if the permit applicant has
20 repeatedly violated the provisions of this chapter or rules or orders of the
21 commissioner.

22 **SECTION 4. AMENDMENT.** Section 15-08-19.4 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15-08-19.4. Prohibited activities - Penalty.**

- 25 1. The following activities and items are prohibited on trust lands:
- 26 a. Target shooting, explosives, and exploding targets;
 - 27 b. Camping, picnicking, or campfires;
 - 28 c. Unattended trail cameras, hunting blinds, tree stands, and screw-in steps unless
29 otherwise authorized by the commissioner of university and school lands;
 - 30 d. Using bait to attract, lure, feed, or habituate wildlife for any purpose. For
31 purposes of this subsection "bait" includes grains, screenings, minerals, salt,

- 1 fruits, vegetables, hay, or any other natural or manufactured feeds, but not the
2 use of lures, scents, or liquid attractants for hunting;
- 3 e. Disturbing or removing artifacts or any cultural, historical, archeological, or
4 paleontological resources found on trust lands without written permission from
5 the board of university and school lands;
- 6 f. Disposing of refuse, including garbage, bottles, cans, trees, branches, or other
7 waste materials;
- 8 g. Dog training;
- 9 h. Metal detecting;
- 10 i. Guiding and outfitting;
- 11 j. Collecting plant parts for sale or other commercial purposes;
- 12 k. Trapping, unless authorized in writing by the commissioner;
- 13 l. Tree cutting and firewood gathering, unless authorized in writing by the
14 commissioner;
- 15 m. Beehives, unless specifically authorized in ~~a surface land lease~~writing by the
16 commissioner; and
- 17 n. Organized events for which the commissioner has not issued a written
18 agreement or permit in accordance with section 15-08-19.1.
- 19 2. An individual who violates subdivision n of subsection 1 is guilty of a class B
20 misdemeanor.

21 **SECTION 5. REPEAL.** Section 15-04-18 of the North Dakota Century Code is repealed.