

**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.