

**SENATE BILL NO. 2102**

Introduced by

Government and Veterans Affairs Committee

(At the request of the Department of Trust Lands)

1 A BILL for an Act to amend and reenact sections 15-02-02, 15-02-05.1, and 54-01-05.5 of the  
2 North Dakota Century Code, relating to the commissioner of university and school lands.

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

4 **SECTION 1. AMENDMENT.** Section 15-02-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15-02-02. Term of office - Vacancy.**

7 The term of office of the commissioner is four years beginning July first of the year following  
8 the general election of the ~~board members~~governor and ending June thirtieth of the fourth  
9 calendar year after appointment or until a successor is appointed and qualified. The  
10 commissioner may be removed for cause at any time during the commissioner's term of office,  
11 by a vote of four or more board members. Upon vacancy by death, resignation, or removal, the  
12 board shall appoint a commissioner for the remainder of the four-year term.

13 **SECTION 2. AMENDMENT.** Section 15-02-05.1 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **15-02-05.1. Additional duties of commissioner.**

16 In all cases under section 54-01-05.5 involving legislative bills dealing with the sale or  
17 exchange of state land, the commissioner of university and school lands ~~shall~~may provide the  
18 legislative assembly with an ~~opinion as to whether the sale or exchange in question is~~  
19 ~~consistent with~~assessment regarding the highest and best use of the land involved. ~~As an aid in~~  
20 ~~making the determination, the commissioner shall classify all land owned by the state or its~~  
21 ~~instrumentalities according to its highest and best use.~~ As used in this section, "highest and best  
22 use" means that use of a parcel of land which will most likely produce the greatest benefit to the  
23 state and its inhabitants, and which will best meet the needs of the people. ~~In making this~~  
24 ~~determination, the considerations of the commissioner shall~~The commissioner's assessment

1 may include an evaluation of soils capability, vegetation, wildlife use, mineral characteristics,  
2 public use, recreational use, commercial or industrial use, aesthetic values, cultural values,  
3 surrounding land use, ~~nearness to expanding~~proximity to urban areas, and any other relevant  
4 resource, zoning, or planning information ~~relevant to the determination~~.

5 **SECTION 3. AMENDMENT.** Section 54-01-05.5 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **54-01-05.5. Bills authorizing sale or exchange of state-owned land - Written report -**  
8 **Opinion Assessment.**

- 9 1. The supervising agency, board, commission, department, or institution owning or  
10 controlling land proposed by a bill introduced in the legislative assembly to be sold or  
11 exchanged shall prepare a written report that includes:
  - 12 a. An analysis of the type of land involved.
  - 13 b. A determination whether the land is needed for present or future uses of the  
14 agency, board, commission, department, or institution.
  - 15 c. A description of the party or parties, if known, who are interested in the land and  
16 the purposes for which the land is desired.
  - 17 d. A map showing the boundaries of the land proposed to be sold or exchanged and  
18 the purposes for which the adjacent lands are used.
- 19 2. The commissioner of university and school lands shall review each legislative bill  
20 proposing the sale or exchange of state-owned land and the written report from the  
21 supervising agency, board, commission, department, or institution. The commissioner  
22 ~~shall then issue~~may provide a written ~~opinion~~assessment to the standing committee of  
23 the legislative assembly to which the bill is initially referred concerning the proposed  
24 land sale or exchange and, in doing so, shall consider the "highest and best use" of  
25 the land as defined by section 15-02-05.1.
- 26 3. The commissioner may adopt rules to provide for administration of this section.