

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1338

Introduced by

Representatives Headland, Grueneich, Lefor, Pollert, Satrom, Steiner

Senators Grabinger, Wanzek, Wardner

1 A BILL for an Act to amend and reenact sections 11-27-01 and 40-49-01, subsection 1 of
2 section 40-49-12, and section 40-49-23 of the North Dakota Century Code, relating to disposal
3 of property; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 11-27-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-27-01. Board of county commissioners authorized to sell property - Private and**
8 **public sale.**

9 The board of county commissioners of any county may dispose of any property, either real
10 or personal, which the county has acquired through purchase, forfeiture, conveyance, or
11 operation of law other than through tax sale proceedings, under this chapter. When the property
12 to be disposed of is property conveyed pursuant to Public Law No. 115-308, or property
13 estimated by the board to be of a value of less than one thousand dollars, it may be sold at
14 private sale upon the proper resolution of the board. In all other cases, the property may be sold
15 only at public sale or as provided under section 11-27-03.1.

16 **SECTION 2. AMENDMENT.** Section 40-49-01 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **40-49-01. Municipalities may acquire real estate for parks or public grounds by gift or,**
19 **devise, or conveyance - Extension of police power.**

20 A municipality may receive by gift or, devise, or conveyance real estate within its corporate
21 limits, or within five miles [8.05 kilometers] thereof, for use as parks or public grounds. Such real
22 estate shall be vested in the municipality upon the conditions imposed by the donors or
23 conveyor, and upon the acceptance of the gift ~~or the~~ devise, or conveyance by the executive
24 officer and governing body of the municipality, the jurisdiction of the governing body shall be

1 extended over such real estate. The governing body may enact bylaws, rules, and ordinances
2 for the protection and preservation of any real estate acquired as provided in this section and
3 may provide suitable penalties for the violation of any such bylaws, rules, or ordinances. The
4 police powers of the municipality shall be extended at once over any real estate acquired in the
5 manner provided in this section.

6 **SECTION 3. AMENDMENT.** Subsection 1 of section 40-49-12 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 1. Acquire by purchase, gift, devise, ~~or, condemnation~~ subject to chapter 32-15,
9 ~~condemnation~~, conveyance pursuant to Public Law No. 115-306, or otherwise, land
10 anywhere within this state, or outside this state if located adjacent to a boundary of
11 this state and of the park district, for parks, boulevards, and ways. The board has the
12 sole and exclusive authority to maintain, govern, and improve the land, and to provide
13 for the erection of structures thereon. Such parks, boulevards, and ways are
14 considered for purposes of taxation and for all other purposes as being within the
15 territorial limits of the municipality. If the board has acquired the legal title in fee to
16 such lands, the board may sell and convey the same. A conveyance must be executed
17 by the president and clerk of the board upon a resolution approved by not less than
18 two-thirds of the members thereof.

19 **SECTION 4. AMENDMENT.** Section 40-49-23 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **40-49-23. Land transfers or abandonment.**

22 Any municipality or park district may abandon and discontinue as a park or recreational
23 area any land acquired by any municipality or park district for park and recreational purposes
24 under the provisions of section 11-27-08 or property conveyed pursuant to Public Law
25 No. 115-306 and any municipality or park district may sell, convey, or transfer any such lands
26 free from any restrictions as to their use for park and recreational purposes, except as
27 otherwise provided in Public Law No. 115-306.

28 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.