

**Sixty-sixth Legislative Assembly of North Dakota  
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1338  
(Representatives Headland, Grueneich, Lefor, Pollert, Satrom, Steiner)  
(Senators Grabinger, Wanzek, Wardner)

AN ACT to amend and reenact sections 11-27-01 and 40-49-01, subsection 1 of section 40-49-12, and section 40-49-23 of the North Dakota Century Code, relating to disposal of property; and to declare an emergency.

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

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

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

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

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

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

A municipality may receive by gift ~~or~~, devise, or conveyance real estate within its corporate limits, or within five miles [8.05 kilometers] thereof, for use as parks or public grounds. Such real estate shall be vested in the municipality upon the conditions imposed by the donors or conveyor, and upon the acceptance of the gift ~~or the~~, devise, or conveyance by the executive officer and governing body of the municipality, the jurisdiction of the governing body shall be extended over such real estate. The governing body may enact bylaws, rules, and ordinances for the protection and preservation of any real estate acquired as provided in this section and may provide suitable penalties for the violation of any such bylaws, rules, or ordinances. The police powers of the municipality shall be extended at once over any real estate acquired in the manner provided in this section.

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

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

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

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

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

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

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1338 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 93                      Nays 0                      Absent 1

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 42                      Nays 0                      Absent 5

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State