

CHAPTER 15-04

LEASES OF ORIGINAL GRANT LANDS FOR AGRICULTURAL PURPOSES

15-04-01. Leasing of school and other public lands - Rent. All lands granted by the United States to this state for the establishment and support of common schools and of educational, penal, or charitable institutions may be leased for pasturage and meadow purposes at public auction after notice as provided by this chapter. The lease may be for a period of not more than five years. Grant lands which have never been placed under cultivation by a contract purchaser, in the event such contract is canceled, may be leased for pasturage or meadow purposes for a period of not more than five years. Grant lands which have been placed under cultivation by a contract purchaser, in the event such contract is canceled, may be leased at the discretion and under the control of the board of university and school lands for other than pasturage and meadow purposes until the land is resold. All rents are payable annually in advance.

15-04-02. Lease of cultivated lands for summer fallow. The commissioner of university and school lands may lease cultivated lands in the several counties for a period of two years for the purpose of summer-fallowing during the first year and cropping during the second year, when, in the commissioner's opinion, it is necessary to clear the land of noxious weeds. The lessee in such case shall pay only one year's rent for the land.

15-04-03. Rent for cultivated lands. Repealed by S.L. 1995, ch. 162, § 8.

15-04-04. Failure to summer-fallow cultivated lands cause for cancellation of lease. If the lessee renting cultivated land fails or neglects to summer-fallow the land at the proper time, the board of university and school lands may declare the lease canceled and the amount paid as rent must be forfeited.

15-04-05. Removal of or payment for improvements upon termination or lease of land. Repealed by S.L. 1961, ch. 151, § 2.

15-04-06. Board of appraisers to appraise land in county - Return of appraisal. The board of county appraisers shall appraise such lands of this state in its county as the board of university and school lands may direct. On or before the first day of July of the year in which the appraisals are made, the board of appraisers shall make a return of all such appraisals in the form prescribed and on the blanks furnished by the board of university and school lands.

15-04-07. Minimum rentals. The board of university and school lands shall set the minimum rental for uncultivated and cultivated lands, which is subject to review and change when deemed necessary by said board.

15-04-08. Selection of lands to be leased. Repealed by S.L. 1959, ch. 149, § 3.

15-04-09. Notice of leasing - Publication - Posting. Each year at such time as in its judgment is for the best interests of the state, the board of university and school lands shall advertise and offer for lease the lands to be leased. All lands to be leased or offered for lease within the respective counties must be advertised for lease by the board by publication once each week for a period of three weeks prior to the day of leasing in the official county newspaper where said land is situated and in such other newspapers as the board deems appropriate. A list of the lands to be offered for leasing must be filed with the county treasurer of the county wherein such lands are situated at least ten days prior to the day of leasing. If, in the opinion of the board, the land that will be leased in any county will not be sufficient to warrant the expense of advertisement in a newspaper by description of each tract or parcel, the notice may be given by general advertisement.

15-04-10. Leasing to be by auction - Requirements governing. The commissioner of university and school lands, or such other person appointed by the commissioner, shall conduct the leasing of the lands. The leasing must be at public auction, to the highest bidder, and must

be held at the county seat. The auction must commence on the day and time specified in the advertisement for the leasing. Notice must be given when the land is offered for lease that all bids are subject to approval by the board.

15-04-11. Amount of bid deposited at time of leasing - Minimum bid. The highest bidder for any parcel of land shall deposit the amount of the bid for one year's rental at the auction. No bid may be accepted which is less than the minimum price fixed pursuant to the provisions of section 15-04-07.

15-04-12. Adjournment of auction for leasing. If the board of university and school lands finds that the interests of the state will be subserved by the adjournment of the auction of lands for lease, it may adjourn the auction.

15-04-13. Approval of leases by board - Execution of lease contracts. The board of university and school lands shall approve and confirm such leases as in its judgment should be made and shall certify to the commissioner a list of the approved leases by December thirty-first. The commissioner shall execute contracts of lease in the form prescribed by the board and shall forward same to the lessee.

15-04-13.1. Liability of lessee to public. Whenever the board of university and school lands includes a provision in a lease authorizing public access to leased lands, the lessee is not liable to any person injured on the land except for gross negligence or malicious acts.

15-04-14. Failure to lease lands after advertisement - Board may make rental contracts. If any of the lands in any county remain unleased after the date advertised for the leasing, the board of university and school lands may make contracts of lease for the lands with the first applicant therefor at not less than the minimum price fixed by the board as provided in this chapter.

15-04-15. Collection of rentals. The lessee of any land leased under the provisions of this chapter, or the lessee's heirs, executors, administrators, or assigns shall pay to the state commissioner of university and school lands at the commissioner's office in Bismarck, North Dakota, or to the commissioner's duly appointed agent any amounts that may become due from time to time upon the lease.

15-04-16. Report by county treasurer of rentals collected. Repealed by S.L. 1995, ch. 162, § 8.

15-04-17. County treasurer's bond to indemnify state for collections of rentals. Repealed by S.L. 1995, ch. 162, § 8.

15-04-18. Destruction of timber by lessee prohibited - Exception - Penalty. No lessee of any of the lands authorized to be leased under the provisions of this chapter, nor the lessee's heirs or assigns, may cut down, take away, or cause another person to take away from the leased tract any timber, trees, or wood. The lessee may cut down or use such amount of dead or prostrate trees or timber as may be sufficient to supply the lessee with fuel for the lessee's family or for the families of the lessee's employees actually residing upon the tract. Any person violating the provisions of this section forfeits that person's lease and all rights and interests thereunder, and is liable to the state for damages sustained by the state by reason thereof, and that person is guilty of a class B misdemeanor.

15-04-19. Lessee not to break or plow uncultivated land - Penalty. No lessee of land leased under the provisions of this chapter, or the lessee's heirs or assigns, may break, plow, or cultivate any unbroken land on any tract leased, nor cause nor permit it to be done by any other person. Any person who violates the provisions of this section shall incur the forfeitures and liabilities provided in section 15-04-18 and is guilty of a class B misdemeanor.

15-04-20. Permits to cut hay and to remove timber. When in its judgment the best interests of the state will be served, the board of university and school lands may sell the right to

cut grass or standing timber or both on any of the lands mentioned in this chapter and may sell any down and dead timber on the lands for such price and upon such terms and conditions as it deems proper. Standing timber may only be sold under a management plan developed by the board of university and school lands after consultation with a committee composed of the state forester, the director of the game and fish department, and the commissioner of university and school lands. All permits must be for the current season only, which must be between June fifteenth and April first of the following year. No control or right of occupancy of the land may be other than that specified in the permit. All permits must be paid for in advance.

15-04-21. Recovery of possession - Actions. When any person holds or continues in possession of any of the land mentioned in this chapter, contrary to the conditions or covenants of any lease or written agreement, the person is liable in an action for the recovery of possession of the lands, and damages for detention of the same.

15-04-22. Fraudulent bidding - Penalty. Any person who, at any leasing auction held pursuant to section 15-04-10, makes a successful bid and then willfully fails or refuses to make the deposit on the day of the sale as required by section 15-04-11 is guilty of a class B misdemeanor.

15-04-23. County services benefiting school trust lands - Payment - Continuing appropriation. On or before March first of each year, the board of university and school lands shall pay a fee to the board of county commissioners of each county in which the state retains original grant lands if that county has requested payment under this section and included certification of the number of mills levied for county road and bridge purposes. The board of county commissioners shall forward a prorated portion of any fee received under this section to the organized townships in which the original grant lands are located for use in the repair, maintenance, and construction of roads and bridges and shall use the remainder of the fee for the repair, maintenance, and construction of roads and bridges in unorganized townships in which original grant lands are located. The total fees paid under this section may not be in an amount greater than the amount of property taxes that would have been payable if the original grant lands in the county had been subject to property tax levies. There is appropriated annually the amounts necessary to pay all fees under this section. Each payment must be made from the trust fund for which the land is held.

15-04-24. Appropriation for land expenses - Continuing appropriation. There is appropriated annually the amounts necessary to pay expenses for trust lands controlled by the board of university and school lands, including appraisal fees, survey costs, surface lease refunds, weed and insect control costs, clean-up costs, capital improvement rent credits, rural fire district reimbursements for fire protection, land rental or land value survey costs, and expenses determined by the board as necessary to manage, preserve, and enhance the value of the trust asset. Each payment must be made from the trust fund for which the land is held.