

CHAPTER 15-02

COMMISSIONER OF UNIVERSITY AND SCHOOL LANDS

15-02-01. Commissioner of university and school lands - Appointment - Oath. The board of university and school lands shall appoint a commissioner of university and school lands. All of the official acts of the commissioner are subject to the approval and supervision of the board. Before entering upon the duties of the commissioner, the commissioner shall take the oath prescribed for civil officers.

15-02-02. Term of office - Vacancy. The term of office of the commissioner is four years beginning July first of the year following the general election of the board members and ending June thirtieth of the fourth calendar year after appointment or until a successor is appointed and qualified. The commissioner may be removed for cause at any time during the commissioner's term of office, by a vote of four or more board members. Upon vacancy by death, resignation, or removal, the board shall appoint a commissioner for the remainder of the four-year term.

15-02-03. Commissioner - Salary. The salary of the commissioner of university and school lands must be within the amount appropriated for salaries by the legislative assembly.

15-02-04. Deputy commissioner - Appointment - Oath. The commissioner, with the consent of the board, may appoint a deputy. Before entering upon any duties, the deputy shall take and subscribe the oath of office required by law for civil officers.

15-02-05. Powers and duties in general. The commissioner, under such directions as may be given by the board of university and school lands, shall:

1. Have general charge and supervision of all lands described in section 15-01-02.
2. Act as general agent of the board in the performance of its duties.
3. Have the custody of all maps, books, and papers relating to any of the lands mentioned in this title.
4. Procure the books, maps, and plats required to keep a complete record of all such lands, and keep true records of all the sales, leases, permits, patents, deeds, and other conveyances of lands under the commissioner's supervision made by the state showing the amount of money paid, the date of sale and of payment, the description of lands sold or leased, the number of acres [hectares] thereof, the name of the purchaser, and the designation of the fund to be credited therewith.
5. Direct all appraisements, sales, and leases, and execute all contracts of sale, leases, permits, and other evidences of disposal of lands, subject to approval by the board.
6. Certify the book and page number of all contracts, leases, or permits recorded by the commissioner.

15-02-05.1. Additional duties of commissioner. In all cases under section 54-01-05.5 involving legislative bills dealing with the sale or exchange of state land, the commissioner of university and school lands shall provide the legislative assembly with an opinion as to whether the sale or exchange in question is consistent with the highest and best use of the land involved. As an aid in making the determination, the commissioner shall classify all land owned by the state or its instrumentalities according to its highest and best use. As used in this section, "highest and best use" means that use of a parcel of land which will most likely produce the greatest benefit to the state and its inhabitants, and which will best meet the needs of the people. In making this determination, the considerations of the commissioner shall include soils capability, vegetation, wildlife use, mineral characteristics, public use, recreational use,

commercial or industrial use, aesthetic values, cultural values, surrounding land use, nearness to expanding urban areas, and any other resource, zoning, or planning information relevant to the determination.

15-02-05.2. Administrator of abandoned property - Employment. The commissioner of university and school lands shall employ an administrator of abandoned property and other personnel as necessary for the proper administration of chapter 47-30.1 and shall set their salaries, within limits of legislative appropriations. All public officers shall assist the administrator in carrying out the administration of chapter 47-30.1.

15-02-06. Recording of clear lists of original grant lands - Fees. The commissioner of university and school lands shall cause the government clear lists of selected lands, or certified copies thereof, to be recorded in the offices of the recorders of the respective counties in which such lands have been selected. No fees may be charged or collected by the recorders for recording such lists.

15-02-07. Custody of abstracts and conveyances to state. All abstracts and conveyances of title to the state of North Dakota, when the lands are held for penal, educational, charitable, or school purposes, must be deposited with and must remain in the control of the commissioner of university and school lands.

15-02-08. Commissioner to keep record of permanent funds - Biennial report. The commissioner shall keep a record in suitable books showing a detailed quarterly statement of the condition of all of the permanent funds under the control of the board of university and school lands, the amount of each fund, how invested, when due, interest paid, and all acts connected with the management of such funds. All records and record books are open at all times for inspection by the public. The commissioner may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. If submitted, the report must show all investments of the several funds, the work done during the preceding fiscal biennium, the number of acres of land sold or leased by the department, the amount received therefor, the amount of proceeds received to the credit of the several funds, the expense of administration of the department, and all other matters relating to the commissioner's office as are necessary to disclose fully the operation of the department.

15-02-09. Commissioner to have seal - Seal as evidence. The commissioner shall have an official seal. Such seal affixed to any contract of purchase, a receipt, or any other instrument issued and duly countersigned by the commissioner is prima facie evidence of the due execution of such contract or other instrument.

15-02-10. Fees for lease, contracts, patents - Collection. Repealed by S.L. 1971, ch. 160, § 2.