

Title 11

LAND AND ENVIRONMENT

Part I. Land

Chapter 1. Public Land

[Section 11.101. Use of public land.](#)

[Section 11.102. Improvement.](#)

[Section 11.103. State Acquisition of Land.](#)

[Section 11.104. Government needs.](#)

Section 11.101. Use of public land.

The Governor transfers title to, or an interest in, public land on the State's or Government's behalf following the Legislature's approval by resolution, except as provided in [chapter 5](#). The Governor submits to the Legislature an executed agreement conditioned upon compliance with this section. If the Legislature fails to adopt a resolution approving or disapproving the proposed transfer within thirty days of receipt of a proposal from the Governor, the Governor may proceed without consent. If the Legislature disapproves a proposal, it states its objections.

Section 11.102. Improvement.

If the estimated total cost of an improvement to public land, including a building or facility, exceeds twenty-five thousand dollars, the Governor submits the proposed improvement to the Legislature, without whose approval by resolution the improvement may not proceed.

Background

Amended by State Law 4-21.

Section 11.103. State Acquisition of Land.

(1) The State acquires an interest in private land at the direction of the Governor. To acquire an interest in private land the State uses its best efforts to identify and contact all interested parties which are all persons holding or claiming legal interest in the land or interest sought by the State. The State then:

- (a) Provides each interested party with a written explanation of the interest sought by the State including an exact description of the land affected and the time period for which the interest is sought;
- (b) Provides each interested party with a written statement of the public purpose for which the interest in land is sought; and
- (c) Enters into good faith negotiations with the interested parties to acquire the interest in land with the consent of the interested parties making every reasonable effort to avoid substantial hardship to the interested parties in consideration of their personal circumstances.

(2) If the State is unable to acquire an interest in land pursuant to paragraph (1) of this section, the State may initiate a court action after the State:

- (a) Makes a written request to each interested party to submit to the State within twenty days a written statement of the interested party's grounds for denying consent to the State's acquisition of an interest in the affected land. Such request states that the State intends to acquire the interest by court action and requests the interested party to state any objections to

the fairness of the compensation offered by the State, the suitability of the land and the interest to the State's intended use, the good faith of the State's efforts to gain consent for the acquisition, and the reasonableness of the State's efforts to avoid substantial hardship to the interested party in consideration of his personal circumstances. The request informs the interested party that failure to respond will raise a presumption in favor of the State on these issues at the time of trial; and

(b) Provides to each interested party, after receipt of the interested party's written statement or the expiration of twenty days, a written offer, open for ten days, stating the terms upon which the State offers to acquire the interest in land.

Background

Added by State Law 5-39.

Section 11.104. Government needs.

In exercising their power and duty regarding public land the Governor and the Legislature give due and balanced regard to the needs of all components of the Government.