

HOUSE CONCURRENT RESOLUTION NO. 3023

Introduced by

Representatives Kerzman, Kretschmar

Senator Wardner

1 A concurrent resolution directing the Legislative Council to study the use of easements to
2 protect agricultural and other lands in North Dakota.

3 **WHEREAS**, North Dakota is among the nation's most rural and agricultural states with a
4 proud heritage of being part of the "Breadbasket of the nation and the entire world"; and

5 **WHEREAS**, more than 88 percent of the state's lands are in private ownership and the
6 state's agrarian history places a high value on the rights of private property owners to make
7 their own decisions concerning their property; and

8 **WHEREAS**, farmland and rangeland provide the basis for our state's agriculture and a
9 wide array of cereal grains, vegetables, domestic animals, wildlife, other commodities,
10 recreational experiences, and opportunities; and

11 **WHEREAS**, these farmlands and rangelands are limited and there are increasing
12 pressures on the state's privately owned land for commercial use, recreational use, urban
13 expansion, including subdivision and business development, conservation, recreational home
14 development, and other purposes; and

15 **WHEREAS**, these growing nonagricultural uses in some areas of the state are
16 increasing land values beyond what a new generation of farmers and ranchers can afford; and

17 **WHEREAS**, agricultural uses and recreational values of land around the state's major
18 cities and in unique areas such as the Badlands, the Missouri River corridor, and the Sheyenne
19 River Valley are potentially threatened by development pressures; and

20 **WHEREAS**, interpretation of certain types of easements have resulted in the loss of
21 management authority for landowners; and

22 **WHEREAS**, there is a concern that perpetual easements will handicap future
23 generations in their management decisions; and

24 **WHEREAS**, in 1982, the National Conference of Commissioners on Uniform State Laws
25 developed a uniform act that authorizes the use of easements to deal with the issues of

1 protecting agricultural, recreational, cultural, scenic, and other values of land, and nearly all of
2 the fifty states, except North Dakota, have enacted some form of this proposed legislation; and

3 **WHEREAS**, easements have offered a number of states a new system for dealing with
4 managing serious flood and water management issues such as those that exist in the Red
5 River Valley of eastern North Dakota;

6 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
7 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

8 That the Legislative Council study the use of easements to protect agricultural and other
9 lands, the effectiveness of easements in assisting landowners in their decisionmaking related to
10 the future of their property, and the experience of other state, regional, and national efforts to
11 protect agricultural and other lands including cropland, rangeland, forested lands, wetlands,
12 riparian land, and cultural and scenic areas; and

13 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
14 recommendations, together with any legislation required to implement the recommendations, to
15 the Fifty-eighth Legislative Assembly.