

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE CONCURRENT RESOLUTION NO. 3023
(Representatives Kerzman, Kretschmar)
(Senator Wardner)

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

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

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

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

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

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

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

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

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

WHEREAS, in 1982, the National Conference of Commissioners on Uniform State Laws developed a uniform act that authorizes the use of easements to deal with the issues of protecting agricultural, recreational, cultural, scenic, and other values of land, and nearly all of the fifty states, except North Dakota, have enacted some form of this proposed legislation; and

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

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

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2001,
at _____ o'clock _____ M.

Secretary of State