

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

**ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3018**

Introduced by

Representatives Beltz, Brandenburg, Frelich, Grueneich, Mitskog, Schreiber-Beck, Swiontek,
Weisz

Senators Sorvaag, Thomas, Wanzek

1 A concurrent resolution directing the Legislative Management to consider studying water and
2 wetlands regulations and the taxation of inundated lands in the state.

3 **WHEREAS**, the management of water and wetlands resources is a complex issue with
4 significant implications for public health, economic development, and agriculture; and

5 **WHEREAS**, determining the high water mark of specific wetlands is imperative to protect
6 both public and private property losses; and

7 **WHEREAS**, the jurisdiction over water and wetlands often is unclear and involves multiple
8 levels of government, including federal, state, and local agencies; and

9 **WHEREAS**, overlapping jurisdictions can create confusion, delays, and inconsistencies in
10 the regulation and management of water and wetlands; and

11 **WHEREAS**, boards of county commissioners are authorized to remove from the tax rolls all
12 inundated lands, often resulting in inconsistent application; and

13 **WHEREAS**, seasonal wet areas and meltwater concentrations are considered jurisdictional
14 wetlands by some authorities; and

15 **WHEREAS**, despite being a jurisdictional wetland, these areas are nuisance areas where
16 crops can not grow for most of the year, and only become productive acres after the initial
17 spring runoff; and

18 **WHEREAS**, seasonal wet areas can create concentrations of salts and other substances
19 that permanently impair soil and soil productivity; and

20 **WHEREAS**, seasonal wet areas become dry in the summer and serve little value as a
21 wildlife habitat; and

1 **WHEREAS**, a comprehensive study of the jurisdictional framework is necessary to identify
2 potential conflicts, overlaps, and gaps in authority and tax treatment; and

3 **WHEREAS**, a study will provide valuable information to the Legislative Assembly in
4 developing effective and efficient policies for the protection and management of water and
5 wetlands resources; and

6 **WHEREAS**, addressing confusion and property disputes caused by the declaration of
7 navigability and property titles deriving from patents issued by the United States will provide
8 valuable information to the Legislative Assembly concerning the determination of lawful
9 ownership and tax treatment;

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

12 That the Legislative Management shall consider studying water and wetlands regulations
13 and the taxation of inundated lands in the state; and

14 **BE IT FURTHER RESOLVED**, that the study must include a review of the different methods
15 to assess and document high water levels for wetlands; an examination of the regulation of
16 water, wetlands, and inundated lands laws of other states; an inventory of all federal, state, and
17 local laws, regulations, and policies relating to the jurisdiction of water and wetlands; an
18 analysis of the environmental protection and public health jurisdictional framework, including an
19 identification of potential conflicts, overlaps, and gaps in authority; and recommendations for
20 improving the clarity, consistency, and efficiency of the jurisdictional framework in water
21 management; and

22 **BE IT FURTHER RESOLVED**, that the study also must explore viable legal options to fill
23 and drain nuisance areas, examine the impacts of seasonal wet areas on agriculture
24 productivity and soil health, and identify the value of these areas to resident wildlife; and

25 **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and
26 recommendations, together with any legislation required to implement the recommendations, to
27 the Seventieth Legislative Assembly.