

Introduced by

Representatives Jones, Brandenburg, Kasper, Maragos, Monson, Steiner, Zubke

Senators Bowman, Kannianen, Rust

1 A concurrent resolution requesting the Army Corps of Engineers exercise nondiscrimination in  
2 public land management and develop, in cooperation with the North Dakota Board of University  
3 and School Lands, a process consistent with this resolution to allow prior owners, their heirs,  
4 and their successors to repurchase eligible land within the Pick-Sloan Missouri Basin project.

5 **WHEREAS**, the Army Corps of Engineers maintains control of excess land purchased or  
6 condemned for the Pick-Sloan Missouri Basin project but which is located above the ordinary  
7 high-water mark of the Missouri River, was not needed for the original intent of that project, and  
8 is not needed for flood control; and

9 **WHEREAS**, the Army Corps of Engineers has transferred a portion of the excess land to  
10 the Department of the Interior to manage in trust for the Three Affiliated Tribes of the Fort  
11 Berthold Reservation; and

12 **WHEREAS**, fairness dictates the Army Corps of Engineers, in cooperation with the North  
13 Dakota Board of University and School Lands, should make the remainder of the excess land  
14 available to United States citizens through a process that will allow prior owners, and their heirs  
15 and successors, of excess land that is not being used by the state for public benefit to  
16 repurchase their eligible land without discrimination or the appearance of discrimination; and

17 **WHEREAS**, the process should include a designation by the Army Corps of Engineers or  
18 Department of the Interior of the eligible land as disposable for land management purposes;  
19 and

20 **WHEREAS**, the process should provide an opportunity for a prior owner of eligible land, or  
21 the prior owner's heir or successor, to make a case to the North Dakota Board of University and  
22 School Lands that the prior owner, heir, or successor has just cause to repurchase the prior  
23 owner's eligible land and doing so will not conflict with the state's interest; and

24 **WHEREAS**, if the North Dakota Board of University and School Lands finds the prior owner,  
25 heir, or successor has just cause to repurchase the prior owner's eligible land and doing so will

1 not conflict with the state's interests, the prior owner, heir, or successor must be allowed to  
2 repurchase the eligible land at market value plus survey and transfer costs;

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

5 That the Sixty-fifth Legislative Assembly requests the Army Corps of Engineers to exercise  
6 nondiscrimination in public land management and develop, in cooperation with the North  
7 Dakota Board of University and School Lands, a process consistent with this resolution to allow  
8 prior owners, their heirs, and their successors to repurchase eligible land within the Pick-Sloan  
9 Missouri Basin project; and

10 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution  
11 to the Secretary of the United States Department of the Interior, the Commanding General and  
12 Chief of Engineers of the Army Corps of Engineers, and to each member of the North Dakota  
13 Congressional Delegation.