

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

*In place of the amendments (25.3080.02002) adopted by the Senate, Engrossed House
Concurrent Resolution No. 3018 is amended by amendment (25.3080.02004) as follows:*

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 boundaries of specific wetlands is imperative to protect both
6 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

1 WHEREAS, seasonal wet areas become dry in the summer and serve little value as a
2 wildlife habitat; and

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

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

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

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

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

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

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

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