

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1338

Introduced by

Representatives Brandenburg, Froseth, Heller, Kasper, Kreidt, Kretschmar, Rohr, Schmidt,
Onstad

Senators Schaible, Unruh, Warner

1 A BILL ~~for an Act to provide for the return of certain property managed by the United States~~
2 ~~army corps of engineers to the state of North Dakota.~~ for an Act to provide for a board of
3 university and school lands study of private lands owned adjacent to lands under the control of
4 the United States army corps of engineers and a report to the legislative management.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.**

7 ~~— **Return of land to state.**~~

8 ~~— The governor shall negotiate with representatives of the United States army corps of~~
9 ~~engineers for the return of excess lands outside the boundaries of the Fort Berthold Indian~~
10 ~~Reservation around Lake Sakakawea above elevation 1,854 feet [565.01 meters] mean sea~~
11 ~~level and excess lands outside the boundaries of the Standing Rock Sioux Reservation around~~
12 ~~Lake Oahe above 1,620 feet [493.86 meters] mean sea level to the state of North Dakota. Any~~
13 ~~agreement for the return of lands described under this section must include provisions for the~~
14 ~~protection of native cultural and religious sites, artifacts, and human remains. The governor may~~
15 ~~support tribal efforts in negotiating with the United States army corps of engineers. The~~
16 ~~governor shall report on the status of negotiations to the budget section of the legislative~~
17 ~~management by December 31, 2014.~~

18 **SECTION 1. STUDY BY BOARD OF UNIVERSITY AND SCHOOL LANDS - REPORT TO**
19 **LEGISLATIVE MANAGEMENT.** During the 2013-14 interim, the board of university and school
20 lands shall study options to address the concerns of landowners adjacent to land under the
21 control of the United States army corps of engineers surrounding Lake Sakakawea and Lake
22 Oahe. The study must include consideration of control of noxious weeds, protecting public
23 access for hunting and fishing, the costs of possible transition of land from the United States

1 army corps of engineers, and the costs associated with maintaining any property that may
2 become a responsibility of the state. The study must also include consideration of the interests
3 of North Dakota Indian tribes. The board may establish a task force consisting of landowners,
4 hunting and fishing organizations, the game and fish department, the parks and recreation
5 department, the North Dakota national guard, and other parties that utilize the land for access.
6 Before October 1, 2014, the board shall provide to the legislative management a report on the
7 outcome of this study.