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Citizens' Complaint Challenges Constitutionality of Senate Bill 2134—Missouri River and Lake Sakakawea High Water Mark Legislation

On January 10, 2018, North Dakota Representative Marvin Nelson (D), and four other named individuals, filed a lawsuit in Cass County District Court challenging the constitutionality of Senate Bill 2134 which was enacted by the 2017 Legislature. The case is entitled *Paul Sorum, Marvin Nelson, et. al. v. The State of North Dakota, The Board of University of School Lands of the State of North Dakota, The North Dakota Industrial Commission, The Hon. Douglas Burgum, in his official capacity as Governor of the State of North Dakota, and the Hon. Wayne Stenehjem, in his official capacity as Attorney General of North Dakota* (Cass County, Civil No. 09-2018-CV-00089). The lawsuit alleges the State of North Dakota owns all minerals under Lake Sakakawea which was created by the construction of Garrison Dam. The plaintiffs further claim the legislation “gives away \$1.96 billion” of state-owned minerals in violation of the anti-gift clause of the North Dakota Constitution. The lawsuit also seeks an immediate injunction to prevent the state from completing the ongoing high water mark study as required by the Legislation. Plaintiffs are represented by Hellmuth & Johnson, PLLC, Edina, Minnesota.

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