MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

1438

2001 HOUSE NATURAL RESOURCES

HB 1438

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1438

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
1		x	1990 to end
2	x		1 to 298
Committee Clerk Signature			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will open the hearing on HB 1438.

Rep. James Kerzman - District 35: (See written testimony and newspaper article.)

Rep. DeKrey: Be careful of what you ask for you might get it. Have you talked to any of the people up in the Northeastern part of the state where you have thousands of acres under wetland easements? How happy they are with those, and how well they have worked out for them?

Kerzman: I haven't talked to any of them, the reason we have to go with these perpetual easements is to get the Federal money to go through.

Rep. DeKrey: I guess the other question would be is isn't it rather presumptuous of this generation to decide for all future generations that we are smarter and wiser than they are and that we know what's best for the land we are on without knowing what kind of technology or anything that is going to be available in the future?

Kerzman: I don't know if I would use that term. I think we are all stewards. I have seen land in our area put under the plow that shouldn't have. Now it is CRP and it gets to be a vicious circle.

Vice Chair Nelson: Under this pilot project, who would hold the easement?

Kerzman: There is no one dedicated now to hold the easement as far as I know. It would be an agreement between anybody interested in it. You could make an easement agreement with a banker if you wanted to.

Vice Chair Nelson: You mentioned earlier that one of the reasons for requiring a perpetual easement would be for the Federal funds that would flow with a perpetual easement. Can you answer to me, is it only the Federal government that requires a perpetual easement before they participate in the program?

Kerzman: I think it is pretty much that way.

Rep. Audrey Cleary - District 49: I stand here in support of HB 1438. (see written testimony and brochure).

Rep. Nottestad: I find it kind of interesting. We have had some very passionate discussions on the House floor as to immigration and how we should be encouraging it and yet this bill here does the very opposite. Can you comment on that?

Cleary: I am not talking about immigration, I am talking about people coming and building. I don't think we were talking about immigration as far as coming into the state and helping our

population project. I don't think this area is one that they would collect, because they need to settle where they can get jobs.

Rep. Nottestad: That sounds like the nimbly philosophy, not in my back yard.

Rep. Drovdal: I find it ironic that we are talking about an easement, because we want to keep it in its natural state, and I do enjoy that country. We are talking about trying to restrict growth into the largest district in the state of ND and the reason is we don't have the people to do the growth there anyway. Somewhere we have to come up with a balance and try to get some people out there and now we are saying we don't want any growth there. The message is confusing. Can't we come to some agreement there. About a million acres of that tract is already protected from any growth. Here we are trying to tie up even more of it in an area we are trying to get people to move to. Are we defeating our purpose?

Cleary: People could still come and use this land for agricultural purposes. As Rep. Kerzman alluded to many parts of this western state shouldn't have been plowed under. It should have been ranched. People can still come and ranch, what we are trying to prevent is subdivisions and house all over there. I think we need to do this with some plan in mind. I think this is a good bill.

Rep. Drovdal: Will you put a number on how many acres we should try to protect for future generations in this particular area.

Cleary: No, I do not. Maybe somebody who follows me will give you some idea of that.

Vice Chair Nelson: Any further committee questions? Is there anybody else wishing to testify for HB 1438?

Joe Satrom - Ducks Unlimited: I want to speak about easements in a general way. Easements had their evolution for things other than utilities and general services. About the middle of the 20th century, a number of states began to look at them as tools to protect the land. All but ND and one

other state have adopted some semblance of the Uniform Act. What easements offer the western part of ND is really going to be determined by land owners. It is going to give them the option to receive some compensation for maintaining their property in its current state. The opportunity is in the increasing interest in development in the Badlands, it is multi faceted. It may be the protection of the agricultural value, it may be to protect the view shed. We did not have any tools to work with the land owners in that view shed to allow us to buy the rights to not develop. So now, if you have been to Medora there are several developments in that view shed. It is unfortunate. One of the top golf courses in the world exists in Bismarck. The landscape around that is unprotected and that too will be diminished by the development of something that doesn't belong in the view shed. Easements can serve cultural values to protect views. They also can be used to protect historical values. This is a tool that works very effectively. Easements increase value of developmental land, everyone is served. It saves local tax payers money because it limits the amount of proliferation of development you get. One last point, people say, well don't you have zoning? I hope you as political figures realize that zoning is only as good as your current political climate. Easements are a lot stronger.

Rep. Keiser: As I understand this bill, this is just a subsection dealing with length of easements, it has nothing to do with the acreage involved. Why would your organization or any other entities involved in seeking these, what is the advantage of having an easement greater than 99 years?

Satrom: Good question? The reasons vary. Private donors want permanent protection. Mainly because they are giving their money and in 99 years a replacement easement will be expensive and not negotiable. Essentially a term easement is no better than zoning. There is a wide spread recognition of this tool in the current climate of agriculture. The Western Governors, the area where there is the most protected land, have endorsed a Grassland Protection Initiative in the new

farm bill. The current wetland reserve program has a perpetual component used in every other state besides ND where we restrict it. The opportunity to do something with permanent perpetual easements has never been greater. Remember, it is entirely voluntary. It is not something where there is anybody dictating to the landowners. The determination of acreage in the protected area will be in the hands of the people who own the land. That's the way it should be.

Vice Chair Nelson: Any further questions of the committee?

Rep. Keiser: When the landowner maintains the rights, all succeeding generations own the rights, and the rights can't change other than those agreed to in the initial agreement?

Satrom: The easement is attached to the deed as recorded in the courthouse and it does stay with the land for perpetuity.

Vice Chair Nelson: Further questions? Anyone else here in favor of HB 1438?

Bill Pfeifer - ND Chapter of the Wildlife Society: The Wildlife Society supports HB 1438. (see written testimony).

Vice Chair Nelson: Would you support legislation that would amend this to limit perpetual easements to ranch and ag easements?

Pfeifer: I guess I would not favor any bills that would place any encumbrances on the landowner preventing him for doing what he wants to providing it fits in with all the zoning standards that exist.

Chairman Rennerfeldt: Any further questions?

Mike Donahue - USND & NDWF: The United Sportsmen of ND is neutral on this bill, and the ND Wildlife Federation supports this bill and asks for a Do Pass for all the reasons stated. One question I would like to address, this isn't an easement on the whole basin automatically, it is

what the landowner wants to do. Right now, with the 99 year easement, the IRS won't allow a tax advantage, like the perpetual easement would.

Chairman Rennerfeldt: Any questions of the committee, anyone else care to testify in favor of HB 1438. Anyone opposed?

Eric Aasmundstad - President of ND Farm Bureau: ND Farm Bureau opposes HB 1438. We realize that the ability to enter into an easement is a property right, however we are opposed to perpetual easements, they place restrictions on the property in the best interest of this generation and are short sighted and presumptuous. Beyond these reasons we believe there is legislation pending in hearing in the Senate that better addresses the issue. Legislation that will better address the needs of property owners as well as the conservation community,

Chairman Rennerfeldt: Any questions of the committee? Anyone else opposed to this bill?

Julie Ellingson - ND Stockmen's Association: The ND Stockmen's Association would like to register its opposition to HB 1438.

Chairman Rennerfeldt: Any questions from the committee?

Rep. Keiser: I understand it is the official policy of the Stockmen's Association. When the vote was taken, do you have a breakdown of the membership, on how they voted? Was it 100% in support of it, or were there some members who actually support perpetual easements?

Ellingson: I don't have that official number, but I can get back to you.

Chairman Rennerfeldt: Anyone else?

Paul Becker: I am opposed to HB 1438, because of the perpetual easement part of it. Earlier there was testimony about encumbrances. I think the biggest encumbrance that could come to any land is the perpetual easement. I think that the generation that is there or maybe the next generation has no decision on that. 100 years ago, my great, great grandfather homesteaded, things were a

lot different then, there could have been an easement that would have prevented a road through the land. The perpetual easement is the wrong thing. I think they are giving up too many rights by selling that easement. Another thing, along the same line, is they buy the easement and the landowner still pays all the taxes on it. If that easement is valuable to that organization that bought it, I think some of the property taxes should be paid annually by that organization because the landowner gave up that part of the property.

Rep. Hanson: Can an Eminent Domain override an easement?

Becker: I don't know.

Rep. Hanson: In your comment about the road, I mean, if they needed a road, can Eminent Domain override the easement?

Becker: I can assume it may, maybe my road wasn't a good example. But looking at things like wind energy. It would be possible that an easement wouldn't allow things like that. Many things that come 100 years from now that we don't have a clue and we are saying right now we don't want anything to do with it.

Chairman Rennerfeldt: Any questions of the committee? Anyone else opposed to HB 1438? If not, I will close the hearing on HB 1438.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1438

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 2, 2001

Tape Number	Side A	Side B	Meter #
1	x		1360 to 2235
Committee Clerk Signature			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: Let's take a look at HB 1438.

Rep. Drovdal: I would like to move a Do Not Pass on HB 1438.

Rep. Weiler: I second.

Chairman Rennerfeldt: Any further discussion?

Rep. DeKrey: This state has an extensive history on perpetual easements. I don't think they have been good for the state at all. Particularly up in the Devils Lake area. I don't know why we want to perpetuate a problem that we know exists in this state and move it to the southwest corner also.

Rep. Winrich: I guess once again I have to object to the lumping of problems that exist with land that has easements from the Federal Government imposed on it with the type of conservation easements that the non profits are interested in generating. North Dakota has, from the testimony that we heard, we have the most restrictive laws of any state in the country. They haven't solved the problems. This bill proposes a pilot project in a certain area of the state where these types of easements might be useful. It will give us a chance to find out if the kind that are proposed here which are different from the ones that exist now, would work.

Rep. DeKrey: We have two easement bills before us, this bill is perpetual, I think the other one is better because it gives people options. The perpetual easements are still out there, if you want to take a perpetual easement the Federal Government will be more than happy to give you one and the non profits are funding it. If you take the other easement bill, it will limit the number of years that they can take the easement so each generation or generation and one/half is going to determine if that was the right thing to do. I think it is pretty pretentious of us guys sitting in this room, and we are going to make a decision for all time for people of ND. I am certainly going to resist perpetual easements.

Rep. Winrich: This does not impose or force anyone to accept a perpetual easement, it is still the right of the property owner to negotiate a private contract in this area. We are not forcing anything on anyone, it provides a tool for conservation and preservation of our natural resources. I will resist a Do Not Pass.

Rep. Drovdal: This bill deals with my district. I have gotten a lot of calls from farmers and ranchers out there and they do not want this. They are concerned about it. It does give a commitment for future generations. It isn't my land, I am a steward of the land, it is up to me to do a good job and pass it down to future generations. When I start making decisions, and in times

of economic hardship some of those decisions may not be good decisions, that in the next lifetime of human beings can't be changed. I have a little problem with that. I sure hope we Do Not Pass.

Vice Chair Nelson: I too will support a Do Not Pass. I think there is a reason the state of ND is the only state that doesn't allow perpetual easements. I don't think it was come to on a short sighted basis. We have a strong history of property rights and before we bargain that away on a whim, I think we need to look at this in a comprehensive fashion. I don't think that we are going to be able to make the best decision on a matter like this with the bills we have. Yesterday we added amendments to Rep. DeKrey's bill that tried to move this debate to a compromise position. We need to look at this seriously from a landowner and from a conservation issue during this next interim and come up with a policy that is workable for ND. I am certainly not willing to bargain away the perpetual easement portion of the landowners rights. I will vote Do Not Pass as well.

Rep. Nottestad: This is a difficult one for me. I spent an hour with Mr. Palmer from Colorado who Rep. Kerzmann spoke about. What they have done in Colorado with this method is good, as far as property rights are concerned that could be looked at both ways. This would give in many respects rights to property owners to do with his property what he wishes. That's another view of property issues. On the other hand, much of this could be taken care of with zoning ordinances.

Rep. Hanson: We have to make a decision, do we want the Badlands to stay as ranch land, or do we want to divide it up in 20 acre lots. A lot of ranches are not sold to off-ranch ownership and could be subdivided very easily.

Rep. Drovdal: That is true on private land in the Badlands, it could happen and I don't like the change of scenery any more than you do, but I have to remind you that we have over a million acres that is government owned and is not going to be changed. That's a lot of acreage.

Chairman Rennerfeldt: We have a Do Not Pass on HB 1438. Call the roll.

MOTION FOR A DO NOT PASS

YES, 8 NO, 7

CARRIED BY REP. DEKREY

Date: 02/02/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1438

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep. Drovdal Seconded By Rep. Weiler

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson		✓
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh		✓
Curtis E. Brekke	✓		Lonnie B. Winrich		✓
Duane DeKrey	✓		Dorvan Solberg		✓
David Drovdal	✓				
Pat Galvin	✓				
George Keiser		✓			
Frank Klein	✓				
Darrell D. Nottestad		✓			
Todd Porter		✓			
Dave Weiler	✓				

Total (Yes) 8 No 7

Absent _____

Floor Assignment Rep. DeKrey

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 2, 2001 1:14 p.m.

Module No: HR-19-2246
Carrier: DeKrey
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1438: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **DO NOT PASS** (8 YEAS, 7 NAYS, ABSENT AND NOT VOTING). HB 1438 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

HB 1438

LAND TRUST ALLIANCE

For information, write

Land Trust Alliance
1319 F Street NW, Suite 501
Washington, DC 20004-1106
202-638-4725
www.lta.org

The Land Trust Alliance is the national organization of land trusts, working to ensure that land trusts have the information, skills, and resources they need to save land through voluntary land conservation.

This publication is designed to provide accurate, authoritative information on the subject matter covered. It is offered with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert assistance is required, the services of experienced professional advisors should be sought.

Initial funding provided by the Compton Foundation and the J.M. Kaplan Fund.

Copyright ©1994 by the Land Trust Alliance. All rights reserved.
Cover photo by Eric Sampson. Printed on recycled paper.

Protecting Your Land

with a Conservation Easement

Conservation easements have helped thousands of families protect millions of acres of open space. With a conservation easement, you permanently protect your land without giving up ownership. You can continue to live on it and use it, and can sell it or pass it on to heirs.

What's more, you can reduce future estate taxes—taxes that otherwise could rob your children of their legacy and result in the destruction of one more beautiful piece of land.

How Does a Conservation Easement Work?

A conservation easement is a legal agreement between a landowner and a land trust (a private, nonprofit conservation organization) or government agency that permanently limits a property's uses in order to protect its conservation values.

When you own land, you also "own" many rights associated with it. When you donate or sell a conservation easement to a land trust, you permanently give up some of those rights. For example, you might give up the right to build additional residences, while retaining the right to grow crops. Future owners also will be bound by the easement's terms.

The conservation easement (called a "conservation restriction" in some states) is written up in a legal agreement that is tailored to protect the land's conservation values and meet the financial and personal needs of the landowner. An easement designed to protect rare wildlife habitat might prohibit development of any kind, for example, while one on a farm might allow continued farming and the building of additional agricultural structures, but prohibit subdivision.

In some cases, a conservation easement may apply to just a portion of the property, leaving the option of development open for the remaining part. It may allow limited building within the area under the easement.

The land trust takes on the responsibility and legal right to enforce the easement. If a future owner or someone else violates the easement—perhaps by erecting a building the easement doesn't allow—the land trust will work to have the violation corrected. (The land trust usually asks for a donation from the easement donor to help offset the cost of future stewardship expenses.)

Qualifying for a Federal Income Tax Deduction

If you donate a conservation easement that meets federal tax code requirements, the value of the easement can be treated as a charitable gift and deducted from income tax (to the extent your particular tax situation allows). For income tax purposes, the value of the easement is the difference between the land's value with the easement and its value without the easement. If a property is worth $500,000 unrestricted, for example, and an easement that precludes further development is placed on it that drops its value to $200,000, the value of the donation is $300,000.

Easement values vary greatly; in general, the highest easement values result from very restrictive conservation easements on tracts of developable open space under intense development pressure.

In order to qualify as a charitable donation, an easement must meet federal tax code requirements—in essence, must provide public benefit by permanently protecting important conservation resources. However, an easement does not have to cover all of the property, preclude all use or development, or allow public access.

Because a conservation easement lowers a property's fair market value, it can also result in lower property taxes.

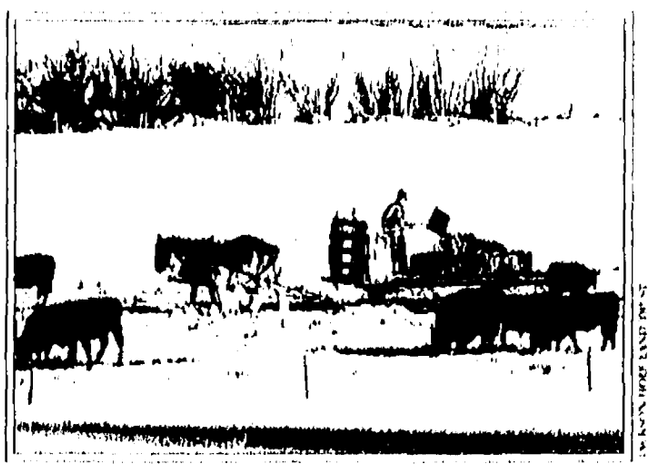
A Conservation Easement Can Significantly Reduce Estate Taxes

If you own land with substantial value, you may not be able to pass it on intact to your heirs. When you die, your children may find that the federal estate tax -- which is based on the value of land at its most lucrative potential use and is levied at rates as high as 55 percent—is in the hundreds of thousands or millions of dollars. Selling all or part of the land for development may be the only way to pay the estate tax.

But if you place an easement on the land restricting future development, its fair market value will, in most cases, be reduced. When you die, this reduced value will result in lower estate taxes.

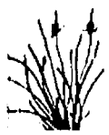
An easement's effect on estate taxes is usually more important to landowners with sizeable estates and substantial real estate holdings, since, depending on the year of death, the first $625,000 to $1 million worth of assets is exempt from estate taxes. However, today's real estate market can easily push a property's value well above that without the landowner realizing it.

A 1997 tax law put in place an added incentive for easement donations in certain areas, such as those affected by urban sprawl or those surrounding national parks. See your tax advisor to find out whether an easement on your land would qualify for this additional estate tax benefit.



Donating a Conservation Easement by Will

A conservation easement can also be donated via a will. It has the same effect on estate taxes as a lifetime donation. Be sure to negotiate the easement with a land trust before including it in your will to ensure that the organization is willing and able to receive it and that the easement achieves what you desire. In some circumstances, heirs may be able to reduce estate taxes by increasing an easement's restrictions on the use of the land or by placing a new easement on land passed down in an estate. See your tax advisor for details.



Your Next Step

If you own land you would like to protect for future generations, learn more about the options available to you:

Contact a land trust—a private, nonprofit conservation organization. If you don't know one in your area, the Land Trust Alliance may be able to put you in touch with one. A land trust can help you design a conservation plan that makes the most sense for you, and can put you in touch with attorneys, appraisers, accountants, and land planners familiar with conservation easements.

Talk with your own legal and financial advisors. You should make decisions affecting the ownership and use and value of your property only after careful consideration and professional consultation.

Read further. The Land Trust Alliance sells several publications discussing easements and other conservation techniques. They include *Conservation Options: A Landowner's Guide, Preserving Family Lands* and *The Conservation Easement Handbook*.

Mr. Chairman and members of the House Natural Resources Committee,

My name is Audrey Cleary and I represent District 49.

I stand here in support of HB 1438. This bill allows for permanent easements in the drainage area of the Little Missouri River. North Dakota's Badlands and the meandering Little Missouri River are natural treasures of tremendous value to the people of our state as a place to live, work, recreate and enjoy. Tourism to the region has increased dramatically and there is increasing interest in the Badlands as a place to own land and build a second home or hobby ranch. I was disturbed last summer, when I visited Medora, to see the home built on a butte just southwest of the amphitheatre. It ruined the whole atmosphere of the area.

House Bill 1438 will provide a major tool in dealing with the protection of farm and ranch lands by allowing public and non-profit organizations the opportunity to acquire permanent easements on property.

Permanent easements are used very effectively in every other state. Please pass this bill and let us join those other states in protecting the agricultural, open space and cultural values of this area.

NATURAL RESOURCES COMMITTEE
PREPARED BY REPRESENTATIVE KERZMAN
HOUSE BILL 1438

CHAIRMAN RENNERFERLDT AND MEMBERS OF THE COMMITTEE, HOUSE BILL 1438 PROVIDES A "TOOL" THAT WOULD ALLOW LANDOWNERS, PRIVATE AND PUBLIC GROUPS TO WORK TOGETHER TO ADDRESS COMMON CONCERNS. NAMELY, KEEPING AGRICULTURAL LAND AGRICULTURAL, PROVIDING WILDLIFE HABITAT, AND PROTECTING THE NATURAL BEAUTY OF THE LANDSCAPE.

"EASEMENTS" ARE THE "TOOL" I AM TALKING ABOUT. THEY CAN COME IN MANY FORMS - WHATEVER WORKS FOR THE PARTICULAR SITUATION. EASEMENTS ARE A "PROPERTY RIGHTS" ISSUE. NORTH DAKOTA IS THE ONLY STATE THAT RESTRICTS THEIR USAGE. EASEMENTS ARE STRICTLY VOLUNTARY, THE TERMS ARE AGREEMENTS BETWEEN PARTIES.

HOUSE BILL 1438 ADDRESSES THE AREA OF NORTH DAKOTA KNOWN AS THE DRAINAGE OF THE LITTLE MISSOURI RIVER. THIS AREA WAS PICKED AS A PILOT PROJECT FOR SEVERAL REASONS, ACTION MUST BE TAKEN QUICKLY TO PROTECT THE AESTHETIC VALUE. SUBDIVISIONS, RANCHETTES, AND HOUSING DEVELOPMENTS ARE ALREADY OCCURRING. LANDOWNERS COULD USE SOME FINANCIAL INCENTIVE TO REWARD THEM FOR BEING GOOD STEWARDS. WHO KNOWS WHAT KIND OF DEVELOPMENT PRESSURE THIS AREA WILL RECEIVE AFTER THE MOVIE "WOOLY BOYS."

LIKE THE ARTICLE IN THE BISMARCK TRIBUNE, (OCT. 1) THE MOTION PICTURE "A RIVER RUNS THROUGH IT" LURED THOUSANDS OF PEOPLE TO BUY A PIECE OF MONTANA AND CHANGED THE FLAVOR OF MONTANA OVERNIGHT. WHEN THE DRAMATIC HEART SQUEEZE OF THE BADLANDS FILLS THE BIG SCREENS ACROSS AMERICA, IT COULD TOUCH OFF A SIMILAR STAMPEDE TO OWN A PIECE OF SOMETHING THAT FILLS A PICTURE WINDOW WITH A VIEW TO DIE FOR.

EVEN AROUND MY AREA WE ARE SEEING LAND PURCHASES BEING MADE FOR SPECIAL INTEREST. LAND VALUES ARE RAISED ARTIFICIALLY HIGH, BRINGING PROPERTY VALUES AND TAXES UP, AND MAKING IT DIFFICULT FOR

NATURAL RESOURCES COMMITTEE
PREPARED BY REPRESENTATIVE KERZMAN
HOUSE BILL 1438

RESIDENT FARMERS AND RANCHERS TO COMPETE. I WOULD LIKE TO MAKE SURE THAT MY LAND STAYS AGRICULTURAL, ESPECIALLY A COUPLE HUNDRED ACRES OF "BUTTE" (NATIVE) PASTURE. MY DREAM FOR SOMETIME IN THE FUTURE IS THAT ONE OF MY GREAT, GREAT GRANDCHILDREN WILL CLIMB THE HILLS IN THE EARLY SPRING AND WITNESS THE CROCUSES POPPING UP BETWEEN THE ROCKS AND PRAIRIE GRASSES.

YOU ALL KNOW HOW IMPORTANT AGRICULTURE, TOURISM, HUNTING AND FISHING ARE TO THIS STATE. NORTH DAKOTA'S PEOPLE ARE SO RESOURCEFUL, GIVEN THE PROPER "TOOLS", OUR CITIZENS WILL WORK TOGETHER TO MAKE THIS A VIABLE STATE TO BE PROUD OF, NOW AND IN THE FUTURE.

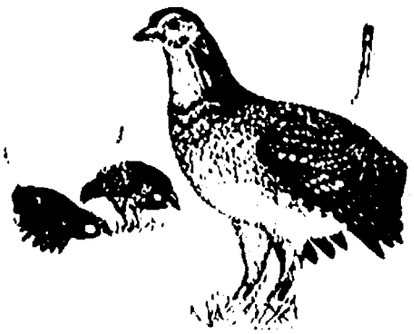
PLEASE KEEP YOUR MINDS OPEN. EASEMENTS MAY NOT WORK IN EVERY SITUATION. YOU MAY NOT LIKE THEM YOURSELF, BUT WHY DENY OTHERS THE OPPORTUNITY?

THERE ARE PEOPLE WHO WANT TO TESTIFY ON THIS BILL WITH A LOT MORE KNOWLEDGE THAN I HAVE IN THIS FIELD. THANK YOU FOR YOUR TIME AND CONSIDERATION. I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



TESTIMONY OF BILL PFEIFER
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE
ON HB 1438, February 1, 2001

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer speaking on behalf of the North Dakota Chapter of The Wildlife Society. The Wildlife Society supports HB 1438.

It certainly is a welcome change to have legislation introduced which removes encumbrances for landowners to manage their land as best suits their needs.

Recent legislation passed a "takings" Bill that was to provide private property rights to landowners thereby preventing restrictions that would deny the landowner the greatest economic benefit. This Bill does just that. It removes the ninety-nine-year easement restriction on property located in the drainage of the Little Missouri River.

Lands in this drainage are becoming of more interest to potential buyers wishing to convert lands used for ranching into suburban settings. This change of land use is eroding the ranching heritage as we know it in western North Dakota.

Removing the current ninety-nine-year easement restrictions from the Little Missouri River Drainage will allow easements that will assist the landowners in keeping ranch lands in the ranching business. Therefore, The Wildlife Society supports HB 1438 and requests the committee do the same by giving a DO PASS vote.