

2011 HOUSE POLITICAL SUBDIVISIONS

HB 1100

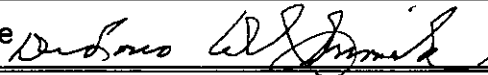
2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1100
January 13, 2011
12876

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to certification of uncollectible taxes to the director of the Office of Management and Budget.

Minutes:

Chairman Johnson: Opened the hearing on HB 1100.

Shelia Peterson: OMB: Submitted at the request of OMB. It is housekeeping cleanup bill. This section of law was originally passed back in 1897. It hasn't been amended since 1965. Back in 1897 there probably was a reason the auditors sent us a note if there were some uncollectible taxes. We don't know why it was important 114 years ago. It is not important to us today so we thought we would bring it to your attention and ask for you to change that section to save the auditors some time. It is not data OMB needs or uses.

Rep. Kretschmar: I thought we repealed personal property taxes a long time ago.

Shelia Peterson: This may be related to property tax in general. I don't know what other state taxes auditors other than property taxes and of course that is not a state tax, that is a local tax so we are not even sure why it was important years ago.

Rep. Kretschmar: There is a whole chapter in Title 57 on collection of delinquent personal property taxes and tells what everyone has to do. I am sure my county does not do any of that because there are no more personal property taxes.

Rep. Klemin: I think we should contact John Walstad, the code reviser concerning this and this chapter maybe one of those obsolete things that should be included in this technical collections bill which we have already passed, but it has gone over to the Senate and they are saving any new things that come up to amend the bill there. Maybe that is what it should be repealed.

Opposition: None

Hearing closed.

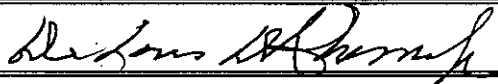
2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1100
January 27, 2011
Job # 13590

☐ Conference Committee

Committee Clerk Signature



Minutes:

Chairman Johnson: reopened hearing on HB 1100. We are not going to act on it today. You have been working with Tax Commissioner Fong. What have you been doing on the personnel property tax?

Rep. Koppelman: If you recall we talked during the hearing about the fact that personnel property tax has not been collected in ND for about 40 years. The committee was wondering if we need any reference to uncollected personnel property tax. I visited with Mr. Walstad at Legislative Council about that and we asked in the committee so I relayed that questions to him whether or not he could just include some cleanup language on this topic in his cleanup bill that is now in the Senate. He didn't think he should do that because the Tax Department has raised questions whenever that has come up and he said it was more substantive than maybe meets the eye and maybe we should do it as an amendment to this bill if we are going to do it. Rep. Heilman has been visiting with Mr. Fong and with me and Mr. Walstad forwarded an email from Marcy Dickerson at the Tax Department to both of us so there are some issues that deal with mobile home tax; the annual personnel property tax and they want to make for sure they are OK with that. Maybe if that exists we ought to call it something else.

Hearing closed.

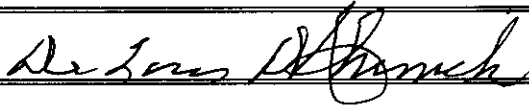
2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1100
February 10, 2011
Job # 14340

☐ Conference Committee

Committee Clerk Signature



Minutes:

Chairman Johnson: Reopened the hearing on HB 1100.

Rep. Koppelman: This is the one that dealt with cancellation of uncollectible taxes and was introduced at the request of the OMB. It is an example of one of those short little bills that we had a lot of questions about and took a lot of time to go through. We have questions about personnel property tax. I told those to Mr. Walstad who is our chief code reviser at Legislative Council. The initial question is whether he could just fix some of these as an annual cleanup bill and he checked that out and both he and ND Tax Department did a thorough search of the code and what they determined was apparently there has been some cleanup work done that is sufficient. The reference in code of personnel property tax deal for the mobile home tax. You are not taxed as real estate on the mobile home tax.

Do Pass Motion Made by Rep. Koppelman: Seconded by Rep. Kilichowski

Discussion:

Chairman Johnson: This was one where they no longer do. They don't know why the data is being collected because they don't use it for anything. Had not been amended since 1965.

Vote: 14 Yes 0 No 0 Absent Carrier: Rep. Maragos:

Hearing closed.

Date: 2-10-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1100

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Koppelman Seconded By Rep. Kilichowski

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Kilichowski	✓	
Vice Chairman Hatelstad	✓		Rep. Shirley Meyer	✓	
Rep. Beadle	✓		Rep. Mock	✓	
Rep. Devlin	✓		Rep. Zaiser	✓	
Rep. Heilman	✓				
Rep. Klemin	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Maragos

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

REPORT OF STANDING COMMITTEE

HB 1100: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends
DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1100 was placed
on the Eleventh order on the calendar.

2011 SENATE POLITICAL SUBDIVISIONS

HB 1100

2011 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

HB 1100
March 10, 2011
15229

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to certification of uncollectible taxes to the director of the office of management and budget.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist opened the committee hearing on HB 1100, relating to certification of uncollectible taxes to the director of the office of management and budget.

Sheila Peterson: Fiscal Management Division of OMB. We asked that this bill be submitted for your consideration. There is an outdated sentence in this particular section that requires that county auditors send us a notice any time they have cancelled personal property taxes at the local level. Although for the most part, we have done away with personal property taxes, there are a few items such as mobile homes that are still falling under these statutes. On a rare occasion, maybe once a year, we do get a letter from a county auditor and we have no idea what to do with it, it has no impact on the state budget and so we generally just toss it. We suggest or ask that you consider eliminating that requirement for county auditors to send us this letter. That is the grand total of this bill.

Senator Olafson: Can you explain the existing language on line 14, "and the same must be credited to the county". What exactly does that mean? **Sheila Peterson:** I believe that means on their books it is eliminated. That it's no longer showing as a pass due tax. It is showing that the issue has been resolved and it's not continuing to show on the delinquent tax- role. That's what I believe it means.

Senator Olafson: You mentioned a mobile home as an example of a hypothetical situation where the decision would be made that these taxes are uncollectible. **Sheila Peterson:** Perhaps if a mobile home has been abandoned and they don't know where the owner is, it has been abandoned for many years, rather than just every single year sending delinquent notices and trying to collect, that would be an example. We get these notices so rarely. If we get one a year it's fairly infrequent.

Chairman Andrist: That would be my guess because there are a lot of mobile homes are abandoned and few more that should be.

Senate Political Subdivisions Committee

HB 1100

March 10, 2011

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No one stepped forward for testimony in support, in opposition or in neutral testimony.

Chairman Andrist closed the hearing on HB 1100.

Moved Do Pass: Senator Olafson

2nd: Senator Judy Lee

Roll call vote:

Carrier: Senator Olafson

Date: 3/10/2011
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1100

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Mr. Olafson Seconded By Mr. Judy Lee

Senators	Yes	No	Senators	Yes	No
Senator John Andrist	✓		Senator Curtis Olafson	✓	
Senator Lonnie Laffen	✓				
Senator Judy Lee	✓		Senator Jim Dotzenrod	✓	

Total (Yes) 5 No 0

Absent 0

Floor Assignment Mr. Olafson

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

REPORT OF STANDING COMMITTEE

HB 1100: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1100 was placed on the Fourteenth order on the calendar.