

2009 HOUSE NATURAL RESOURCES

HB 1211

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1211

House Natural Resources Committee

☐ Check here for Conference Committee

Hearing Date: 1-22-09

Recorder Job Number: 7606

Committee Clerk Signature

Nancy L. Gerhardt

Minutes:

Chairman Porter - Open the hearing on HB 1211.

Rep. Hanson – See Attachment #1. We are having more & more people from out of the state owning land. The bill only asks for the telephone # or the address. Questions?

Chairman Porter - Further testimony in support for HB 1211?

Foster Ray Hagar – Cass Co. Wild Life Club – We support this bill 1211.

Chairman Porter - Further testimony in support for HB 1211?

Julie Ellington – ND Stockman's Association – We like the provision in section 4 requiring the date of the posting being struck from the statutory requirement of a proper poster. That would will help end the landowners burden of signing and resigning and likely encourage landowners to erect higher quality more perment sinage that are easier for those wishing to hunt or snowmobeles in the area to interperate. At the same time our organization respectfully opposes the requirement the landowners to include their address and phone number on the posters. Many land owners encourage hunting and snowmobiling on their property but hang signs asking folks to ask before they go onto their land so they have a better handle on who is entering their property. It makes sense that those signs would contain addresses and phone numbers of the property owners. We think landowners would voluntarily put this information

on and would not have to be required to do so. For these reasons the ND Stockmans Associaton would ask the language striking the date requirement but keep the original requirement the name only for proper posting.

Chairman Porter - Questions Further testimony in support of HB 1211? Any opposition?

Jamie Bradley – I have mixed emotion on this. Slightly on the negative side for a couple reasons. 1) The tendency of hunters to road hunt, this might encourage less of the deer hunting experience and more of the road hunting. 2) Landowners have obtained perment signs. I know they have paid \$12.00 @ for those signs. It is expensive to put up signs, for the cost of the signs as well as the fuel it takes to drive around and do the actual placing of these signs. If these landowners are told those signs are no longer valid because there is no date on them and they have to drive around and date all those signs they aren't going to be happy.

Therefore I am mildly opposed. Questions

Chairman Porter - Further testimony in opposition to HB 1211?

Rep. DeKray - I have a question for Chief Timion – Does this cover substantial compliance? If a landowner has his land posted If he doesn't add his address or phone number is he going to be in substantial compliance?

Robert Timion – It is probably a question for the courts. They are the ones who will determine that. If there is a grandfather clause.

Rep. Kelsh – Was there ever a time when this information was required on posting signs?

Robert Timion – I believe it did require the name, address & date at one time.

Chairman Porter - Further questions for Chief Timion? Any other opposition?

Rep. Keiser – Just a clarification for Julie, are you for or against the bill?

Julie – For hunting but opposed with snowmobiles.

Chairman Porter - Rep. Keiser this bill opens up two totally different sections of the century code. For some reason we have a different responsibility if you are posting your land to keep a snowmobile out. You have to have the date of the posting and your address appear if you are going to post snowmobiling on your land. If you are going to post hunting you just have to post your name. We will close the hearing on HB 1211.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1211

House Natural Resources Committee

☐ Check here for Conference Committee

Hearing Date: 1-23-09

Recorder Job Number: 7672

Committee Clerk Signature

Nancy L. Gerhardt

Minutes:

Chairman Porter - House Bill 1211 is in front of us – any discussion? Rep. Hanson

Rep. Hanson – I move the do pass

Chairman Porter - Rep. Hanson has moved a do pass – 2nd Rep. Kelsh There is a motion for a do pass on HB 1211 – discussion – Rep. Hofstad

Rep. Hofstad – It seems to be somewhat conflicting because we changed some of the verbiage and this now seems to be somewhat contradictory.

Chairman Porter - Rep. Hofstad you would fall down if there were similar sections of code and they were both doing the same thing it would be a logical sign to the governor that would be the one that would rule the day.

Rep. Hofstad – During the discussion the other day we tried to make the posting friendlier to the landowner. What we are doing with this is completely the opposite it seems.

Chairman Porter - Rep. Hofstad I don't disagree with that. I agree with Rep. Hanson's intent with what this is trying to do to make the availability of more information on the sign for both parties. It doesn't hurt anything – I do have some sympathy for the person that has paid the money for permanent signs that conform to our existing law that would now, not be a legal

posting sign. If they went out and put No Hunting or Trespassing and put their name on it in

permanent letters all of their signs would be void come this August. I think the more information there is available on a sign the better, but there is that conflicting part of this that now we are putting it back on the landowners to go back and change their permanent sign to something different than what has been the case in the past. Rep. Nottestad

Rep. Nottestad – I can see where the hunters going out, the more information the better off they. I think we have to look at this deeper. There are very few in here who probably support all the land posted. The more we pile on top of the landowner or renter/tenant whichever the case may be, will put us one step closer to that bill passing. If we keep on putting little niches in – getting the landowner or renter more disgusted more things they have to do will put us one step further ??? I'm going to oppose. I know it would be nice to have all that on it, but it has got to be put on it. In essence the landowner – well – we want it our way.

Chairman Porter - Rep. DeKray

Rep. DeKray – You have pretty much stated my case. This not going to foster hunter landowner relations.

Chairman Porter - Rep. Hanson

Rep. Hanson – I'm sorry I wasn't here yesterday when you discussed Rep. Hofstad's bill. Could you give me a rundown on you did with that yesterday?

Chairman Porter - That one was kicked out. Nothing else changed on how posting requirements are. How about if we grandfathered the existing permanent signs in?

Chairman Porter - That would be a big headache from an enforcement & legal standpoint.

Rep. Hofstad – The most important thing we can do here is to pass legislation that will foster good relationships between the landowner and the hunter. I don't think this will do it. The

landowner that has to post their land has a pretty ominous chore if you have a large acreage. I think this speaks against that relationship. You are going to make some landowners upset.

Chairman Porter - Any further discussion on HB 1211? Call the roll on a Do Pass on HB 1211.

Yes 5 No 6 absent 2 Do Pass Motion Failed

Chairman Porter - Motion from Rep. DeKray and 2nd from Rep. Drovdal for a No Not Pass on
HB 1211 Any discussion?

Yes 6 No 5 absent 2 Carrier Rep. Drovdal

Date: 1-23-09
Roll Call Vote #: 7

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1211

House Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ As Amended

Motion Made By Hanson Seconded By Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter		✓	Rep Hanson	✓	
Vice Chairman Damschen		✓	Rep Hunsakor	✓	
Rep Clark	✓		Rep Kelsh	✓	
Rep DeKrey		✓	Rep Myxter	✓	
Rep Drovdal		✓	Rep Pinkerton		
Rep Hofstad		✓			
Rep Keiser					
Rep Nottestad		✓			

Total (Yes) 5 No 6

Absent 2

Floor Assignment _____

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

Motion Failed

Date: 1-23-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1211

House Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ As Amended

Motion Made By DeKrey Seconded By Drovdal

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	<input checked="" type="checkbox"/>		Rep Hanson		<input checked="" type="checkbox"/>
Vice Chairman Damschen	<input checked="" type="checkbox"/>		Rep Hunsakor		<input checked="" type="checkbox"/>
Rep Clark		<input checked="" type="checkbox"/>	Rep Kelsh		<input checked="" type="checkbox"/>
Rep DeKrey	<input checked="" type="checkbox"/>		Rep Myxter		<input checked="" type="checkbox"/>
Rep Drovdal	<input checked="" type="checkbox"/>		Rep Pinkerton		
Rep Hofstad	<input checked="" type="checkbox"/>				
Rep Keiser					
Rep Nottestad	<input checked="" type="checkbox"/>				

Total (Yes) 6 No 5

Absent 2

Floor Assignment Drovdal

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

REPORT OF STANDING COMMITTEE (410)
January 23, 2009 1:57 p.m.

Module No: HR-14-0861
Carrier: Drovdal
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

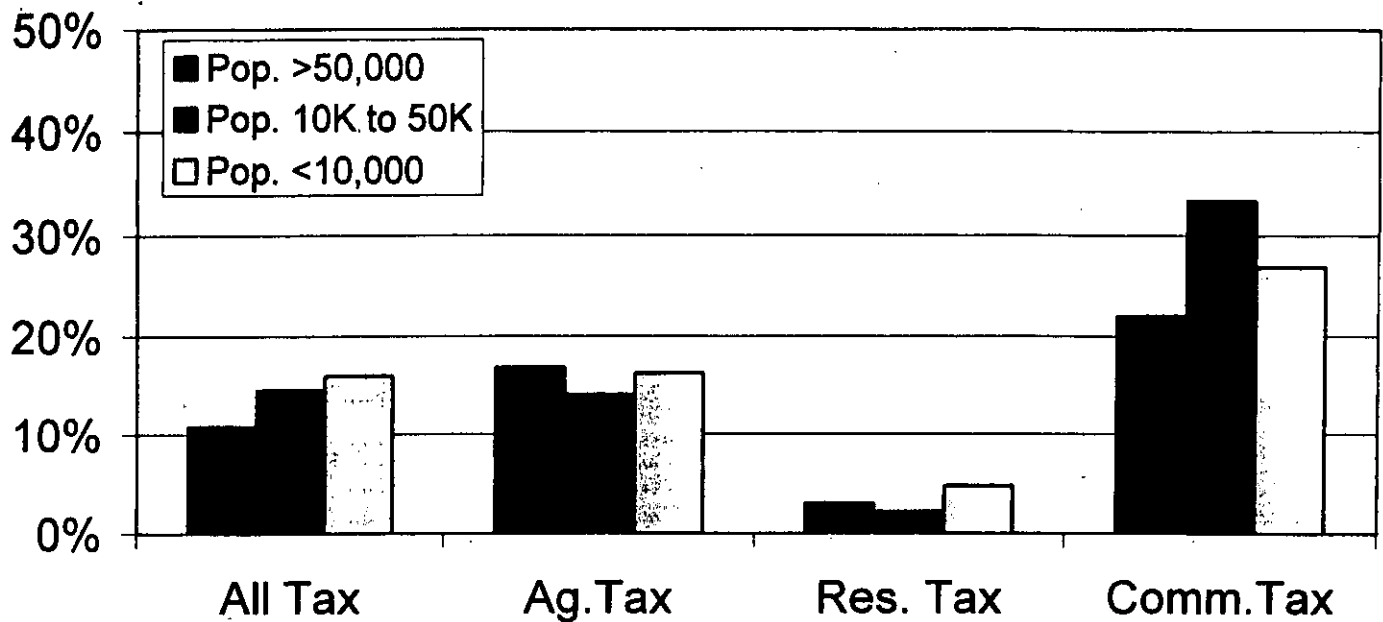
HB 1211: Natural Resources Committee (Rep. Porter, Chairman) recommends DO NOT PASS (6 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1211 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

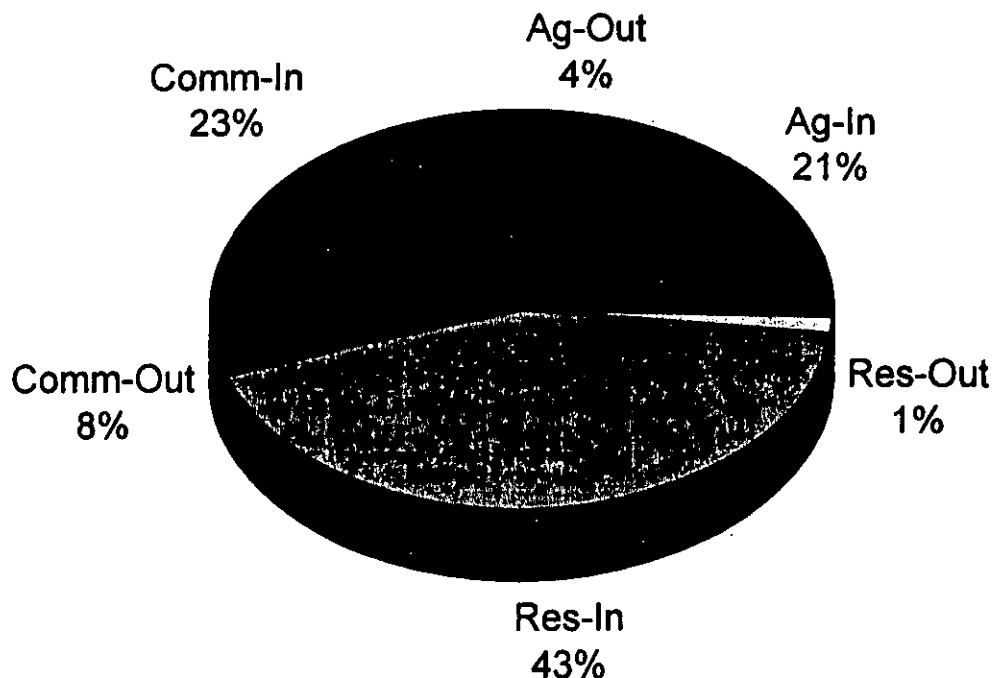
HB 1211

#1
1

"Out-of-State" Payment of Property Taxes By Size of County



Estimated Statewide Property Tax by Source "In-State" vs. "Out-of-State" Ownership



ANALYSIS OF OUT-OF-STATE OWNERSHIP* OF REAL PROPERTY IN NORTH DAKOTA
Based on mailing address of tax statements and averages where specific data was unavailable

	Agriculturally Classified Property				Residentially Classified Property				Commercial Property	
	% Out-of-State Acres	# Out-of-State Acres	% Out-of-State Taxes	Out-of-State Taxes	% Out-of-State Parcels	# Out-of-State Parcels	% Out-of-State Taxes	Out-of-State Taxes	% Out-of-State Taxes	Out-of-State Taxes
ADAMS	33%	202,344	32%	\$600,529	16%	169	7%	\$39,016	12%	\$51,855
BARNES	12%	106,983	11%	\$620,290	4%	143	3%	\$116,316	11%	\$373,893
BENSON	12%	93,945	16%	\$501,586	7%	209	4%	\$22,144	26%	\$139,148
BILLINGS	8%	30,922	16%	\$43,607	7%	31	4%	\$2,232	26%	\$100,114
BOTTINEAU	16%	165,423	16%	\$664,877	9%	291	7%	\$153,445	15%	\$217,056
BOWMAN	14%	93,492	16%	\$183,915	7%	162	4%	\$30,853	26%	\$174,765
BURKE	17%	109,472	18%	\$347,680	15%	191	8%	\$20,369	63%	\$254,206
BURLEIGH	14%	131,356	16%	\$382,804	1%	255	4%	\$2,094,987	26%	\$6,349,502
CASS	18%	192,039	19%	\$1,644,961	1%	190	1%	\$1,275,495	18%	\$11,002,139
CAVALIER	13%	118,960	16%	\$733,977	7%	230	4%	\$44,224	26%	\$188,262
DICKEY	16%	110,025	15%	\$600,890	7%	100	4%	\$47,799	11%	\$85,867
DIVIDE	21%	166,532	21%	\$491,212	9%	76	2%	\$5,295	12%	\$28,233
DUNN	8%	76,558	8%	\$165,470	9%	102	6%	\$20,078	9%	\$152,604
EDDY	10%	37,185	21%	\$348,064	11%	107	7%	\$34,527	26%	\$129,742
EMMONS	12%	107,793	11%	\$296,378	7%	90	5%	\$33,403	26%	\$250,824
FOSTER	12%	46,250	11%	\$201,516	7%	88	2%	\$17,226	9%	\$123,606
GOLDEN VALLEY	19%	95,517	22%	\$229,112	9%	59	5%	\$15,710	10%	\$36,606
GRAND FORKS	17%	142,964	16%	\$1,070,846	7%	552	4%	\$1,541,011	26%	\$6,671,154
GRANT	16%	165,046	17%	\$390,213	9%	87	6%	\$19,486	12%	\$18,163
GRIGGS	15%	66,878	15%	\$383,560	7%	74	4%	\$20,166	11%	\$52,107
HETTINGER	13%	93,902	13%	\$310,087	5%	82	6%	\$25,883	10%	\$21,462
KIDDER	7%	60,320	16%	\$361,963	7%	153	4%	\$24,306	26%	\$105,068
LaMOURE	13%	91,838	16%	\$613,822	7%	179	4%	\$34,743	26%	\$205,482
LOGAN	14%	85,897	16%	\$253,861	7%	118	4%	\$14,298	26%	\$40,680
McHENRY	9%	104,214	10%	\$294,641	11%	348	5%	\$45,619	56%	\$1,161,249
McINTOSH	14%	83,923	16%	\$275,178	7%	144	4%	\$27,949	26%	\$220,892
McKENZIE	16%	172,943	42%	\$737,267	14%	199	8%	\$44,950	46%	\$680,680
McLEAN	13%	145,655	8%	\$298,525	8%	426	5%	\$117,911	52%	\$427,635
MERCER	14%	80,873	16%	\$247,624	7%	182	4%	\$137,802	26%	\$472,265
MORTON	7%	76,370	7%	\$205,176	2%	127	1%	\$169,289	40%	\$3,740,412
MORTON	13%	135,128	16%	\$541,239	7%	249	4%	\$44,376	26%	\$271,638
NE	18%	107,797	16%	\$587,493	8%	115	5%	\$25,194	30%	\$150,489
OLIVE	14%	62,166	16%	\$168,972	7%	85	4%	\$14,632	26%	\$69,781
PEMBINA	16%	112,895	16%	\$1,010,496	7%	244	4%	\$83,934	26%	\$496,836
PIERCE	12%	75,170	12%	\$292,647	6%	75	3%	\$33,804	62%	\$833,146
RAMSEY	14%	101,864	16%	\$584,379	7%	255	4%	\$172,069	26%	\$844,318
RANSOM	10%	51,560	4%	\$126,711	5%	174	1%	\$13,821	26%	\$501,866
RENVILLE	14%	74,877	16%	\$361,474	7%	111	4%	\$16,862	26%	\$78,540
RICHLAND	16%	134,023	17%	\$1,375,375	5%	239	3%	\$167,933	50%	\$2,807,774
ROLETTE	14%	67,807	16%	\$348,111	7%	153	4%	\$38,785	26%	\$166,149
SARGENT	15%	77,349	16%	\$624,420	7%	135	4%	\$39,419	26%	\$311,602
SHERIDAN	14%	78,798	16%	\$273,310	7%	120	4%	\$6,501	26%	\$47,679
SIOUX	14%	52,338	16%	\$97,965	7%	58	4%	\$1,813	26%	\$4,990
SLOPE	14%	85,706	16%	\$173,149	7%	68	4%	\$404	26%	\$5,740
STARK	7%	61,168	11%	\$275,671	3%	184	2%	\$156,129	22%	\$1,033,584
STEELE	14%	62,557	16%	\$510,671	7%	98	4%	\$12,435	26%	\$80,111
STUTSMAN	13%	174,304	14%	\$794,241	4%	228	2%	\$190,099	36%	\$2,328,447
TOWNER	14%	90,167	16%	\$475,716	7%	129	4%	\$18,162	26%	\$78,113
TRAILL	24%	129,752	20%	\$1,048,509	8%	230	8%	\$229,947	7%	\$132,049
WALSH	14%	111,214	16%	\$1,194,003	7%	272	4%	\$137,337	26%	\$437,678
WARD	10%	121,965	16%	\$750,220	7%	615	4%	\$1,131,730	26%	\$3,963,939
WELLS	16%	121,965	16%	\$548,628	10%	277	3%	\$32,426	16%	\$195,150
WILLIAMS	14%	190,032	15%	\$543,034	4%	244	2%	\$155,803	34%	\$1,742,876
Average/Total	14%	5,636,746	16%	\$26,709,924	5%	9,500	3%	\$8,919,956	25%	\$50,038,163
Pop. >50,000	15%	588,324	17%	\$3,848,830	4%	1,611	3%	\$6,043,223	22%	\$27,986,734
Pop. 10K to 50K	12%	1,023,565	14%	\$5,940,281	5%	1,825	2%	\$1,303,769	33%	\$13,474,930
Pop. <10,000	15%	4,024,856	16%	\$16,920,813	3%	6,063	5%	\$1,572,965	27%	\$8,576,499

* The mailing address of a tax statement may or may not be an indication of the residence of the owner or owners.