

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

10415

2007 HOUSE NATURAL RESOURCES

HB 1045

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1045

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 12, 2007

Recorder Job Number: 989

Committee Clerk Signature

Sorely Omssted

Minutes:

Chairman Porter opened the hearing on HB 1045.

Representative Drovdal presented testimony in favor of HB 1045. See attached testimony marked Item #1. He is the primary sponsor of this bill. HB 1045 that is before you today is from his personal experience but it was not self-serving. He indicated that he had already solved his problem. He has always found when he has a problem in this area, generally other have the same problem.

Chairman Porter asked Representative Drovdal to address the wording change.

Representative Drovdal referred to line 19 in the bill. On page 1, line 19 he was referring to the word "file". He wanted this changed to "recorded". He indicated that file doesn't do much. The recommendation was to change it to "recorded". He asked for that amendment to the bill.

Chairman Porter asked if the word "record" would work or did it need to be "recorded"?

Represented Drovdal said he would leave that up to the Legislative Council for their advice.

Chairman Porter asked for questions of Representative Drovdal and there was none. He asked for any further testimony in favor of HB 1045. There was none. He asked for testimony in opposition to HB 1045 and there was none.

There was a motion made by Representative Keiser and a second by Representative DeKrey to amend HB 1045 to include the overstrike of the word "file" on line 19 and replace it by "record".

Chairman Porter asked for any discussion. Being none, a voice vote was taken and it was unanimous.

Representative DeKrey made a motion for a "do pass as amended" and it was second by

Representative Hofstad. There was no discussion.

The Clerk called the roll. The vote was 14 yes, 0 no with all present. The bill carrier will be

Representative Nottestad.

70008.0101
Title.0200

Adopted by the Natural Resources
Committee

January 12, 2007

VR
1/15/07

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1045

Page 1, line 19, replace "file" with "record"

Renumber accordingly

Date: 1-12-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1045

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By DeKrey Seconded By Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter	✓		Rep. Hanson	✓	
Vice-Chairman - Rep Damschen	✓		Rep. Hunsakor	✓	
Rep. Charging	✓		Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Meyer	✓	
Rep. DeKrey	✓		Rep. Solberg	✓	
Rep. Drovdal	✓				
Rep. Hofstad	✓				
Rep. Keiser	✓				
Rep. Nottestad	✓				

Total Yes 14 No _____

Absent _____

Floor Assignment Nottestad

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

Do

REPORT OF STANDING COMMITTEE

HB 1045: Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "file" with "record"

Renumber accordingly

2007 SENATE JUDICIARY

HB 1045

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1045

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 13, 2007

Recorder Job Number: 3439

Committee Clerk Signature *Maria L. Solbey*

Minutes: Relating to filling of a statement of succession in interest to abandoned mineral.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Testimony in Favor of the Bill:

Rep. David Drovdal, Dist. #39 Introduced the bill (meter :26) Att. #1 Deals with abandoned minerals and the problem land owners and developers have. Spoke of the history of "abandoned" land minerals. This bill is to simplify the problems. The abandoned mineral form will allow you to claim the mineral. The only party that can claim the abandoned minerals is the current owner of the land. Spoke of a personal experience of an elderly person leaving land to a school. Every 20 years you need to file a form for a mineral claim form, this does not include the abandoned minerals if they have been claimed before. They reviewed the process.

Sen. Nething asked what the current process is to claim your minerals.

Sen. Lyson stated that once a claim is filed the former owner has 60 days to reclaim the minerals in the current code.

Ron Ness, ND Petroleum Council is in support of the bill (meter 9:14)

Testimony Against the bill:

None

Testimony Neutral to the bill:

None

Senator David Nething, Chairman closed the hearing.

Sen. Nelson the motion to Do Pass SB 1045 and **Sen. Lyson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Lyson**

Senator David Nething, Chairman closed the hearing.

REPORT OF STANDING COMMITTEE (410)
February 13, 2007 12:45 p.m.

Module No: SR-30-3054
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1045, as engrossed: Judiciary Committee (Sen. Nethling, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1045 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1045



REPRESENTATIVE
DAVID DROVDAL
District 39
2802 131st Avenue NW
Arnegard, ND 58835-9127
ddrovdal@nd.gov

HOUSE OF REPRESENTATIVES
**NORTH DAKOTA
LEGISLATIVE ASSEMBLY**

#1



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

COMMITTEES:
Finance and Taxation,
Vice Chairman
Natural Resources

HB 1045
January 11, 2007

Chairman Porter and members of the House Natural Resource Committee. For the record my name is David Drovdal and I represent District 39 which includes 6 counties in Western North Dakota. I am the primary sponsor of HB 1045 and probably the only one to testify on this bill.

HB 1045 deals with abandoned minerals and the next bill will also deal with the same subject. Abandoned minerals have been becoming an increasing problem for landowners and developers and the next two bills in efforts to simplify two parts of the problem.

When North Dakota was homesteaded the farmers were given 160 acres of land and that included the minerals under that land. For many reasons, some of those minerals were severed from the surface acre estate and sold, inherited or traded for debts. Over time the minerals may have been passed down many generations and if there was no development some of the minerals were forgotten and thus have become abandoned. The North Dakota legislator in the past has determined that the only party that can claim these mineral acres is the current surface owner and we have set up the procedure to do that. HB 1045 does not change any of that but adds the last item that the surface owner has to do to claim the minerals.

Let me explain why I think this is helpful. It comes from personal experience but I have found that when one person has a problem usually others are experiencing the same problem. Back about 1918 a widow sold a quarter of land and in the sale she withheld 4 acres of minerals she wanted to donate it to a rural school that was located on that quarter. She then moved on and passed away but she forgot to will the 4 acres to the school. After completing all the steps to try to locate any heirs and the proper notices in the paper I wanted to file claim to the minerals as surface owner. There was nothing in the Century Code that told me how, so I went to a lawyer and explained what I had done and what I needed. The Law firm had no idea what was needed so they at first gave me a form to file that would only claim what I already owned. I then called council and asked their opinion and at first I was told that I was only trying to save the cost of a lawyer. My comment was that Attorneys are needed many a time. I don't believe our Century Code should be used as job security for attorneys and that the law should be plain enough so if a person wishes to do their own paperwork they can. I ask that this bill be drawn up to answer the question as to what the final step is to claim the minerals. Thus HB 1045

As always a person would like to bring a clean bill but there is one word that needs to be replaced. On line 19 the work "file" should read "record" because record goes on the abstract and files go in the file and no one sees it.

Thank you for you time and I ask your favorable recommendation for this bill. May I answer any questions?

AH #1
2-13-07

TESTIMONY FOR SENATE JUDICIARY COMMITTEE

HB 1045

FEBRUARY 13, 2006

Chairman Nething and members of the Senate Judiciary Committee: For the record my name is David Drovdal and I represent District 39 which includes 6 counties in Western North Dakota. I am the primary sponsor of HB 1045 and probably the only one to testify on this bill.

HB 1045 deals with abandoned minerals and the next bill will also deal with the same subject. Abandoned minerals have been becoming an increasing problem for landowners and developers and the next two bills are an effort to simplify two parts of the problem.

When North Dakota was homesteaded the farmers were given 160 acres of land and that included the minerals under that land. For many reasons some of those minerals were severed from the surface acre estate and sold, inherited or traded for debts. Over time these minerals, many passed down many generations and, especially if there was no oil development, some of the minerals were forgot and thus have become abandoned. The North Dakota legislator in the past has determined that the only party that can claim these mineral acres is the current surface owner and we have set up the procedure to do that. HB 1045 does not change any of that but adds the last step that the surface owner has to do to claim the minerals.

Let me explain why I think this is helpful. It comes from personal experience but I have found that when one person has a problem usually others are experiencing the same problem. Back about 1918 a widow sold a quarter of land and in the sale she withheld 4 acres of minerals she wanted donated to a rural school that was located on that quarter. She then moved on and passed away but she forgot to will the 4 acres to the school or anyone else. After completing all the steps to

try to locate any heirs and the proper notices in the paper I wanted to file claim to the minerals as surface owner. There was nothing in the Century Code that told me how, so I went to a lawyer and explained what I had done and what I needed. The law firm had no idea what was needed so they at first gave me a form to file that would only claim what I already owned. I then called the council and asked their opinion and at first was told that I was only trying to save the cost of a lawyer. My comment was that attorneys are needed many times but I don't believe our Century Code should be used as job security for attorneys and that the law should be plain enough so if a person wishes to do their own paperwork they could. I asked that this bill be drawn up to answer the question as to what the final step was to claim the minerals.

Thank you for you time and I ask your favorable recommendation for this bill.
May I answer any questions?