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ROLL NUMBER

DESCRIPTION

1053

2001 HOUSE NATURAL RESOURCES

HB 1053


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1053

House Natural Resources Committee

Conference Committee

Hearing Date January 18, 2001

Tape Number	Side A	Side B	Meter #
2	x		22 to 4500
Committee Clerk Signature 			

Minutes: Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. Droydal, 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 1053.

Merle Boucher: (See written testimony and attached amendment)

Vice Chair Nelson: Rep. Boucher, basically this advisory committee has no power, if we pass the bill, they still have no power, correct?

Boucher: The commission is an advisory commission. Their recommendations go to the Governors office and the Governor has 45 days to make a decision. As the bill is written now, the Governor would still make the final decision.

Rep. Hanson: You are still leaving in the president of the Farm Bureau and the Farmers Union and all those or are you taking them out?

Boucher: All those folks that are listed above there with the overstrike, with the offered amendment, they stay.

Rep. Hanson: So the president of the County Commission on that county replaces the manager of the Garrison Diversion Conservancy District?

Boucher: If there are any other ideas in this room in regard to best resolve, it would be worthy of the committee to pay attention to that and make those kinds of decisions.

Vice Chair Nelson: Would you have any heartburn with the chairman adding to the county commission, appointed designee, for practical purposes?

Boucher: I don't have a problem with that, I think the counties are involved in that.

Vice Chair Nelson: Are the counties represented enough in these matters? They are the ones losing property tax, revenues, control of the land forever. I don't think the counties have enough of a voice in these matters.

Boucher: I understand. I can't disagree. It is a sensitive issue. It concerns local property owners. On line 18, 19, 20 it states, the advisory committee shall hold a public hearing with the county commissioners concerning the proposed acquisition. The county commissioners as is, is involved. By putting the chair on the advisory committee elevates the profiles of the counties. If you want to address this in other ways, this is fine.

Rep. Porter: In looking at the way the meeting is held and by having the chair of the county commission now on the advisory committee. Isn't that kind of a duplication. Would it be better suited to rather than put the chairman of the County Commission, just a resident of the county. The County Commission has to be present and is a part of the advisory process?

Boucher: I can't answer that question without knowing the protocol of how that committee operates. If any voting takes place then of course it elevates the profile of the county. If there is

no voting that takes place, it makes no difference, but they do make recommendations, and then must come to a consensus on those recommendations. That being the case the county would have a vote.

Chairman Rennerfeldt: Any further questions of the committee?

Wade Williams - ND Assn. Of Counties: Perhaps I can shed some light on how the advisory committee works with the County Commission. We have had one sale in Stutsman county. The meeting with the County Commission is a joint meeting, the testimony is taken, the commission makes their recommendation, to approve or disapprove of the sale. The advisory committee then meets at a later date. At that time, the Commission is out. It is the contention of the counties that we should have representation of the counties at that time. I believe the amendment would take care of that.

Vice Chair Nelson: Wade, in the situation you spoke to, did the recommendation of the board of County Commissions follow the Governor, ultimately?

Williams: Yes, in the situation I was involved in, we approved of the sale.

Rep. Porter: I am a little bit confused protocol wise, would it not be better to do exactly as you said, to have the County Commission meet, make a decision, take a vote on the record of the county, submit that to the advisory committee and let the advisory committee take that as testimony by a member at large? The residents would then have a voice on the advisory committee.

Williams: I'm not sure if I am following you, the reason we would like to see the commission on there, so if the advisory committee meets the second time that they are taking that recommendation into consideration. If we included the language "his designee", it could be anyone from within the county. One of the concerns I have heard, as far as this process taking

place, is once the joint meeting is over with, you don't know what the discussion is at the next meeting.

Rep. Kelsh: What happens when the parcel of land crosses county lines?

Williams: That is why we need the amendment.

Chairman Rennerfeldt: Any further questions of the committee? Anyone else care to testify?

Dean Hildebrand - ND Game and Fish: There was a question as to whether there was a vote taken. We do vote whether we would recommend to purchase or not purchase the land. The hearings are open to the public.

Rep. Porter: A concern has been raised that the voice of the county commission is not heard as the meeting goes through the recommendation process. Would you see a problem with a member of the County Commission or a designee on this committee?

Hildebrand: Personally I don't object. One of the objections that comes up repeatedly is that the taxes are not being paid on that property. I don't know of any of those cases. The non profits make every attempt to pay those taxes. From the Game and Fish standpoint, we don't purchase too much land, but there are cases.

Chairman Rennerfeldt: Anyone else care to offer testimony?

Mike Donahue - ND Wildlife Federation and United Sportsmen of ND: I was here to represent those organizations as opposed to this bill. With the amendment offered by Rep. Boucher, I am sure the organizations would see no problem with the bill. As amended we would support this bill.

Chairman Rennerfeldt: What you are saying is we need more local control on these issues?

Donahue: I am not saying we need more local control, but I do see that the local counties need to be more involved in the process.

Chairman Rennerfeldt: Any committee questions? Anyone else care to offer testimony in favor of this bill? Opposed?

Wes Tossett: I am a retired farmer from Minot. I was puzzled by the bill the first time I saw it. The amendment doesn't mean beans. This bill does not address the Feds buying lands. I have a personal problem with non-profits. The bill does not address the whole problem. Get rid of the whole committee. Consider an amendment to get rid of the Governor and leave the sales to the lowest level in our government. If the county commissioners deny the sale it shouldn't be overridden by the Governor. This land doesn't generate tax money. Give the county commissioners more power, you need a willing buyer, willing seller. You need to take into consideration the adjoining quarters of land. The amendment duplicates a committee that doesn't have any power. Take it back and change it considerably.

Chairman Rennerfeldt: Any committee questions? Any more opposition to this bill?

Eric Aamundstat - President, ND Farm Bureau: Our organization is opposed to this bill. It doesn't do anything. The changes proposed do not change anything. The governor has the power to veto the committee decision. It carries no weight. The last three land purchases the governor overruled the county commission decisions to disallow the sales. We are firm believers in local control. I am not aware of any of these lands where non-profits are paying their taxes. This puts a further undo burden on the counties. We are opposed to this bill. There is a disproportionate number of committee members that don't have the best interest of land owners in mind. Power should revert to the county commissioners.

Chairman Rennerfeldt: Are there any questions of the committee?

Vice Chair Nelson: The distinction in this bill is with non-profits. The non-profits are paying property taxes. Do you now of any cases where valuations have decreased. I think that

would be the only issue with non-profits ownership. We need to separate nonprofit acquisitions from Game and Fish on that basis. I would like to hear your response to that.

Aamundstat: I can't answer that specifically. What I can tell you, is that non-profits are agreeing to pay taxes, they don't have to. Will that continue forever, good question? This bill doesn't address government agencies. Right now if the US Fish and Wildlife Service wants to acquire land, there are emergency clauses they can use. If Federal Agencies want to acquire land in this state, they are required by law to have a hearing with the County Commission. The Governor also has the say whether or not to allow that sale. We have to look out for the best interest of this state, and sometimes those sales are not in the best interest.

Rep. Porter: You are kind of mixing US Fish and Wildlife situations with something that has nothing to do with them. How many of the projects that you mentioned in the other counties dealt with non-profits, not with Fish and Wildlife.

Aamundstat: The one in McClean Co. and the one in Ramsey County were Nature Conservancy sales.

Rep. Nottestad: I hear your accusations about non payments. I think the percentage for Federal is closer to 60% rather than 35%, but the inference that the others haven't paid or won't pay. Could you give me statements of fact where they haven't paid in the past, and would you be supportive of the bill which would require all payments of such taxes.

Aamundstat: I can't cite any case where they haven't paid. The non-profits have agreed to pay the taxes on the lands they acquired. But they are not required to do so. Yes, I would be very supportive of a bill that would require that be done.

Rep. Droydal: We have land that has been acquired by non profits and they have agreed to pay school tax. In the cases where we have had disagreements that in lieu of tax is set at the current

value. As a property owner, my taxes fluctuate with the county, which always seems to go up. Is this in lieu of dollars set at the time of purchase, do you know of any cases where that lieu of dollar also goes up? Or is it set permanently.

Amundstat: There again, I am not aware again.

Chairman Rennerfeldt: Any further questions of the committee? Is there someone from the counties that could come to the podium and answer a question?

Vice Chair Nelson: Is there any cases you could cite that would give me a better handle as to the rise or fall of valuation, compared to the surrounding farmland, after non profit acquisition?

Wade Williams: In going with the two most recent sales to the Nature Conservancy in Ransom County, the fact that they are willing to pay present taxes, they don't follow the fluctuation, that has not been raised. I don't know the answer to that. The land is still considered Ag, unless you have that agreement, it would fluctuate just like everything else. In Ag land there is no fluctuation downward.

Vice Chair Nelson: If I understand you correctly, you feel the valuation does float as well as the surrounding land.

Williams: That is my understanding.

Chairman Rennerfeldt: Anyone else care to testify against this bill?

Arden Haner: I am going to approach this from another angle. Production agriculture pays all the bills, salaries, benefits, pensions, social securities for all the people who work in town. We built the local utilities and marketing systems. It is all taken out of agriculture and every time we do something in an area we impact it. Agriculture in ND is broke, the CPR shut down an entire community. When you consider the impact of any changes made, it impacts everybody including the man in town, I'm not sure the Governor should have the final say. I think it should be in the

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hands of the local people, and they should decide what those impacts should be. They are the ones that have to change.

Chairman Rennerfeldt: Any questions of the committee? Anyone else opposed to this bill? If not, I will close the hearing on HB 1053.

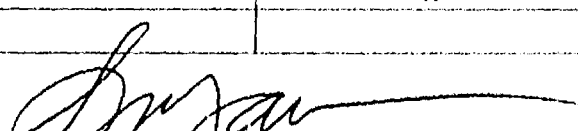
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1053

House Natural Resources Committee

Conference Committee

Hearing Date January 19, 2001

Tape Number	Side A	Side B	Meter #
3	x		2530 to end
3		x	0 to 1440
Committee Clerk Signature 			

Minutes: Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. Droydal, 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 discussion on HB 1053 dealing with non profits and acquisition of farm and ranch lands.

Vice Chair Nelson: I have several amendments to offer on 1053, would it be proper to act on them one at time or as a whole?

Chairman Rennerfeldt: Why don't you explain them.

Vice Chair Nelson: The first amendment offered by the prime sponsor is the language handed out that brings the advisory committee back to its original makeup with the exception of the Garrison Conservancy District, it replaces the chairman of the County Commission in place of the Garrison Conservancy District. I would like to move that amendment.

