

PROPERTY OWNED BY NONRESIDENTS FOR HUNTING PURPOSES - RESULTS OF SURVEY OF COUNTY RECORDERS

On October 11, 2001, the Legislative Council's interim Judiciary B Committee requested a survey of county recorders to determine how much land is owned by nonresidents. It was suggested that the land for which information be requested be limited to agricultural land transferred for consideration, not on death, to a grantee with an address outside this state. The purpose of the survey was to make an estimate as to how much land is being bought by nonresidents for hunting purposes.

In November 2001 the Legislative Council staff contacted certain county recorders to ask their assistance in obtaining this information. The information was requested in four columns--the state of the grantee, the number of acres, the month and year of transfer, and the consideration paid if any was listed. To further limit the request, only information on transfers made in the last five years was requested. In addition, the county recorders were given further options. The letter requesting information from the county recorders stated:

This type of information may be better gained by using the data base, if available, used by the county treasurer to mail tax statements. If there are fields on a data base for the state to which the tax statement is sent and the number of acres, this would be useful supplementary or substitute information.

If either of these two means of gaining the requested information is too difficult, any information that would aid the committee in finding how much land is owned by nonresidents would be useful and appreciated. If needed, the number of years for which the information is requested could be reduced to make the request less burdensome.

Because the purpose of the survey was to find information relating to nonresidents acquiring land for hunting purposes, the request was limited to counties in which hunting is popular for certain species. The following counties were chosen for the following species:

Billings and Golden Valley Counties - Deer
Hettinger and Adams Counties - Pheasant
Ramsey and Bottineau Counties - Geese
Kidder and Stutsman Counties - Ducks

Attached as an appendix are the responses from the county recorders. As of the date of this memorandum, only five counties had responded--Adams, Billings, Bottineau, Hettinger, and Kidder. The Adams County recorder provided a list of out-of-state land

transfers from November 1996 to November 2001. The Adams County recorder included all transfers in which the grantee had an out-of-state address. The recorder listed variables that likely affected the survey which are not reflected in the records. These variables are:

1. Sales made to family members.
2. Whether or not dwellings are located on the acreage.
3. Real estate purchased by a trust that has been established out of state but where parties may be residents of North Dakota.
4. Same property changing hands more than once within a short period of time between nonresident parties.
5. Former residents who have retained property in North Dakota but have transferred to or from a trust or partnership.
6. South Dakota border state residents who have purchased additional property in North Dakota. Eleven of the 25 transfers were to purchasers in a state that does not border North Dakota.

The Billings County recorder provided a list of transfers made within the last five years to out-of-state purchasers. The list is of two purchasers--one in Montana and one in Chicago.

The Bottineau County recorder could not complete the request because of the "tremendous amount of time and staff" which it would require. The Bottineau County recorder did offer to have the county auditor run the tax list giving the name, address, land description, and acres of property in the Bottineau County for an approximate cost of \$60.

The Hettinger County recorder stated:

County Recorders cannot determine by a deed if the intention of the sale is for hunting or the intent is to transfer land to another family member out of state for a consideration or any other scenario. We only record the deed.

It appears the Hettinger County recorder did not find that the information the recorder could provide would be useful to the committee.

The Kidder County recorder was unable to comply because the office is not staffed to do extensive research.

It appears from previous telephone conversations that some of the recorders that did not respond intend to respond when they are finished with a review of their records. The committee will be updated when further information is received from these recorders.

ATTACH:1