

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1336

2001 HOUSE POLITICAL SUBDIVISIONS

HB 1336

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1336

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date 2-2-01

Tape Number	Side A	Side B	Meter #
1	xx		5975--end
1		xx	1--3577
2	xx		2700-4399
Committee Clerk Signature <i>Pam Owen</i>			

Minutes: Chair Froseth opened the hearing on HB1336 relating to reversion of property not used as a fairground in Stark County.

Rep. Frank Klein : sponsored and in support of this bill. This is a simple bill to remove the fairground requirement that was put in statute when Stark County bought this land from the state in 1987. I have the 1987 bill, etc. for you to look at. I have an amendment with me to HB1336. We want the restriction removed because we don't know what a fairgrounds is. We have had this land for 14 years. (SEE ATTACHED TESTIMONY) end side A

Dennis Johnson, Mayor of Dickinson : ( side B, Tape 1, 200) appeared in support of HB1336. (SEE ATTACHED TESTIMONY) Things have changed in 14 years in Dickinson.

Rep. Herbel : What has been the stumbling block that you couldn't use the land the way you wanted?

Dennis : In 1987 it became a mandate, so we have no choice but to follow. The location of this land was a stumbling block. The city is growing. We are here to get that changed.

Rep. Ekstrom : Has the city considered public use for the land like a library, etc.?

Dennis : (530) We have had much discussion over the years. Debate is good, but we want the flexibility of where the fairgrounds should go. Today, it does not make sense for the fairgrounds to go there. 14 years ago it may have made sense. Rep. Klein's amendments are fine.

Rep. Eckre : What is meant by motor sports?

Dennis : Track racing and drag strips.

Vice-Chair : If this law is passed and repeals the 1987, did you mean to leave in the statement that the land will revert back to the state?

Rep. Klein : I left that in, but it would be nice if that was removed.

Tom Husler, Stark County Fairgrounds Commission : (789) here to support HB1336. The 1987 law is too restrictive. Stark County paid fair market value for the property and we should be able to use it as we see fit.

Rep. Maragos : Minot has the ND State Fair and all the different activities that take place. What could be precluded from the use of fairgrounds as long as it is legal and of public nature?

Tom : State fairgrounds is different than county.

Rep. Klein : The reason this bill came up is that the Burleigh County fairground wanted to develop the land they bought and they did not know what *fairgrounds* meant. They want to put a trail and a park and wanted clarification. They have a bill in the legislature, also.

Vice-Chair Severson : (1207) Have there been any geological surveys done? ND keeps the mineral rights, I believe.

Tom : There have been wetland surveys done. When we develop we will have to work around those areas. We would like to enhance that area. Right now it is nothing. We have done nothing below surface.

Bob Zent, Vice-Chair Stark County Commission : (1355) here in support of HB1336. We have not been doing nothing for the past 14 years. We've had engineering plans done and looked at many projects. It went from the courthouse out and never got the support of the people. We no longer want to come up with ideas, We want the citizens to come to use with ideas. We want to get local control for a local issue by passing this bill. I welcome the amendments.

Claus Lembke, Burleigh Co. Commissioner : (2025) The main reason I am here is that we have the same issue here in Burleigh County. Our land will not convert back to the state, is the only difference. There is not definition of *fairground*. I guess I could have taken a sheep across the land and it would be a fairground. Three main reasons you should support this bill. (1) Stark County paid for it fair market value and the state was willing to sell it. (2) This is a zoning issue and it is a local issue for subdivisions. (3) You need to have a clear title to float bonds. Can't issue bonds if you have restriction on land. Stark County could not get a clear title with a restriction.

Rep. Delmore : I know Stark bought it fair market, but it was sold for a specific use and that's why the last part is in.

Claus : It was purchased at fair market, not given to them or bought at discount. The purpose has changed today.

Rep. Delmore : But if you and I have an original contract as two people, and I don't intend to follow through on what that contract provision was, shouldn't the contract reflect that? You have to look at original intent. Don't you agree?

Claus : Yes, I do. You are on one side and they are on the other. They are asking you. I hope you are on their side.

Rep. Klein : I would like to add that I got a legal opinion before I got the amendment. We need use it for public use. If not, it could be challenged.

Rep. Delmore : We need to make sure that the full legislative intent is in there.

Rep. Maragos : I have a question for Rep. Klein. If you were in our position, and you decided not to use it for public use, what would you do if you were us?

Rep. Klein : I think there would have to be legal action.

Rick Larson, Land Commissioner : neutral on HB1336. In 1995 we brought the same idea before this committee to remove the reversion of deed. That part was refused by the legislature.

Rep. Maragos : What was our rationale in 1995 not to pass that?

Rick : (3231-3520) *discussed history*. We do what ever the legislature wants.

Rep. Klein : If leaving the *reversion back to the state* in the bill will get a DO PASS, then we will do that.

Vice-Chair Severson : Any more testimony on HB1336? Hearing none, we are closed.

*Tape 2, Side A (2700-4000)* Chair Froseth : Let's look at HB1336.

Rep. Maragos : I would like to further amend the amendment to take out that the land revert back to the state. That last whole sentence. The state doesn't have a vested interest in the land except for the mineral rights and those they will keep.

Vice-Chair Severson : It doesn't really matter if we leave the line out because the land is not sellable to the public anyway.

Rep. Maragos : I think we should hold this so Rep. Johnson can have some time to see what the Dickinson people feel about this last line being in or out.

Rep. N. Johnson : I think that would help me out. I don't know how they would feel right now.  
(put on hold)

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1336 b

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date 2-08-01

Tape Number	Side A	Side B	Meter #
I		xx	1840-2100
Committee Clerk Signature <i>Pam Newell</i>			

Minutes: Chair Froseth : Let's take up HB1336. I think Rep. Johnson has the amendment. I'll let her explain it.

Rep. N. Johnson : I talked with the people from Dickinson, and they would like the reversion taken away that says the land will go back to the state. **I move the amendment.**

Rep. Ekstrom : **I second.**

**VOICE VOTE: ALL YES. Amendment passes.**

Vice-Chair Severson : **I move a DO PASS AS AMENDED.**

Rep. Herbel : **I second.**

**VOTE: 14 YES and 0 NO with 1 absent. PASSED. Rep. Disrud will carry the bill.**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1336

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "**REPEAL**" with "**AMENDMENT**" and replace "repealed" with "amended and reenacted as follows:

**SECTION 2.** The property being sold must be used by Stark County for ~~the development of a county fairgrounds~~ public purpose. If the property ceases to be used for ~~that purpose~~ a public purpose, ownership of the property reverts to the state of North Dakota."

Renumber accordingly



February 8, 2001

✓R  
2/8/01

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1336

HOUSE AMENDMENTS to HB1336 HOUSE POL. SUBS. 2-9-01  
Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "REPEAL" with "AMENDMENT" and replace "repealed." with "amended and reenacted as follows:

**SECTION 2.** The property being sold must be used by Stark County for the development of a county fairgrounds public purpose. ~~If the property ceases to be used for that purpose, ownership of the property reverts to the state of North Dakota.~~

Renumber accordingly

Date: 2-08-01  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1336

House POLITICAL SUBDIVISIONS Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number 10460, D102 .0000

Action Taken Do Pass As Amended

Motion Made By Vice-Chair Severson Seconded By Rep. Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓		Rep. Wayne W. Tieman	✓	
Vice-Chair Dale C. Severson	✓				
Rep. Lois Delmore	✓				
Rep. Rachael Disrud	✓				
Rep. Bruce Eckre	✓				
Rep. Mary Ekstrom	✓				
Rep. April Fairfield	AB				
Rep. Michael Grosz	✓				
Rep. Jane Gunter	✓				
Rep. Gil Herbel	✓				
Rep. Nancy Johnson	✓				
Rep. William E. Kretschmar	✓				
Rep. Carol A. Niemeier	✓				
Rep. Andrew G. Maragos	✓				

Total (Yes) 14 No 0

Absent 1 Absent

Floor Assignment Rep. Disrud

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

**REPORT OF STANDING COMMITTEE**

**HB 1336: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "**REPEAL**" with "**AMENDMENT**" and replace "repealed." with "amended and reenacted as follows:

**SECTION 2.** The property being sold must be used by Stark County for the ~~development of a county fairgrounds~~ public purpose. ~~If the property ceases to be used for that purpose, ownership of the property reverts to the state of North Dakota.~~

Renumber accordingly

2001 SENATE POLITICAL SUBDIVISIONS

HB 1336

## 2001 SENATE STANDING COMMITTEE MINUTES

### BILL/RESOLUTION NO. HB1336

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 8, 2001

Tape Number	Side A	Side B	Meter #
1		X	13.3-33.0
March 8, 2001 3	X		15.4-22.2
Committee Clerk Signature <i>Mary Jo Wicken</i>			

#### Minutes:

The hearing was opened on HB1336 which relates to reversion of property not used as a fairgrounds in Stark County. All senators were present except for Senator Lee and Senator Lyson who was testifying on another bill.

REPRESENTATIVE DEVER: District 32. I am one of the cosponsors on HB1336 which involves the Stark County Fairground. One of the reasons that I signed on to that is because there a similar bill 2212, which involves the Burleigh County Fairgrounds which was passed through the Senate and sent to the House. The prime sponsor is here. Anyway what happened, it seems that sometime in the past the Legislature has felt that when sold property to subdivisions even though it was completely at market value, that the state should retain the right to say what is going to happen with the property. So that property was sold to Stark County at full market value for the purpose of a fairgrounds. They haven't developed the fairgrounds there yet, yet I think they have plans to, but there was also a bill that said by the year 2012, if they haven't they

automatically revert back to the state, which seems kind of odd to me. One of the differences between the Stark County fairgrounds and the Burleigh County fairgrounds is that we have done some different things that you could call it a fairgrounds in Burleigh County or maybe not.

Depends on your definition of fairgrounds. I am in support of this bill because I believe that it should be up to the local government to decide what they think is a fairgrounds. Indicate my support.

REPRESENTATIVE KLEIN: District 36. See written attached testimony.

SENATOR COOK: All the bills that were introduced in this issue, how many of them are still alive? Is this the only one that is left?

REPRESENTATIVE KLEIN: There is the one that is waiting yet is

2066.

SENATOR COOK: And what does that one do?

REPRESENTATIVE KLEIN: That is the one. SENATOR COOK: Puts it out to the year 200 or something like that and then...

REPRESENTATIVE KLEIN: 2011 it reverts back to over to, and the only reason they are keeping that one alive is to see how this one does.

SENATOR COOK: Okay.

REPRESENTATIVE KLEIN: Cause we don't have to put anything on that bill, so.

SENATOR MATHERN: That was my question.

CLAUS LEMBKE: Burleigh County Commissioner and as you've heard we have a similar issue that you already addressed and the Senate has passed. We

have the same issue, we can feel for them and we've been through that. We have an extension

service, the 4H Council raised some money and with the help of Burleigh County, we rented

space from them, and the 4-H people to put the Burleigh County Extension Service in there. We

are renting from them. In order to do that project we have to float a bond. And it turns out that

we bought three parcels of land from the state and it turns out the first parcel did not have a deed

restriction on it. But the second one did. This first one we purchased in 1987, and 90% of that

property of the extension service on here (may shown). We had to redesign it to make sure it sits

on here. The bonding people with our deed restriction would not float a bond on that. They

would not qualify the bond as a legitimate bond. So we were lucky enough to change that by then. But that would show me that if Stark County wherever build some kind of building or some kind of a 4-H project or whatever and they would use public money for that, that they would be in trouble. They simply couldn't do it. Therefore we support our friends in Stark County.

REPRESENTATIVE NANCY JOHNSON: District 37. I appear before you today for two reasons. First is to support HB1336 and second to bring you testimony in support of the bill from the President of the Dickinson City Commission. See written attached testimony. Spoke for her spouse, Dennis Johnson. GREG SUND: Dickinson City Administrator, spoke in support of HB1336. See written attached testimony. I ask the committee to pass this bill out of committee with a Do Pass recommendation, because it will create a reasonable limitation on the use of the property that is not too restrictive and establishes local control over the development of the land.

SENATOR POLOVITZ: Are people living around this area right now? I mean is there development into a residential area? GREG SUND: Yes, just to the east of the county acquired about 300 acres that is identified to the State Edition and they have sold several lots that were developed in the late 1970's, early 1980's and were left vacant for many years. Well, about three years ago interest was raised in the property and right now there is about 20 or 30 homes in that area. There is no reason to believe that won't continue to grow. SENATOR POLOVITZ: Words of advice. Whatever you do, don't put a motorized facility in there, because we have one about 8 blocks from our home that was there before we built, and when you have the racetracks and there is a north wind you cannot carry a conversation outside with your neighbor. TOM HENNING: Stark County States' Attorney's Office. What you heard is basically what the Stark Co. Commission is, considered several years. The whole utility of the area has changed because of the evolution of the city and because of the expression of the wishes of the public as to what kind

of use should be made of this property and how it may impact their use of their property they've become recent relatively close neighbors. So the commission has to kind of back off a little bit basically that is what we are asking you to do. That is what we would suggest. RICK LARSON: Acting State Land Commissioner. This bill is sort of in conflict or clarification of what the Board of University and School Lands has received as a management concern. Prior to 1984 and 1985, the Board of University and School Lands was given responsibility for management of this piece of land. In 1987, the Legislature directed us to sell this piece of land to Stark County. It is a general fund piece of property. We are managing it for the state of North Dakota. That legislation said that we should sell this property to Stark County. There was restrictions on that legislation. The legislation said that it should be, the property should be used for fairgrounds and the minerals should be reserved for the state of North Dakota. That had been done just as the legislature wished us to do. The reversion is sort of sitting out there. We didn't know quite what to do with it, so we wanted to come to the Legislature for some direction. That direction is what we recommended it that the Stark county have another ten years to do something with that land as a fairgrounds and if not it should revert back to the state and back to square one. Since, this bill, 2066 is that bill the Board of University of Schools. This bill 1336 has been introduced since then and this is another means for the legislature to direct us as to what to do with this and help us with that. It is something that we're wishing for direction, we had direction in the past and it's still a cloud that we need to work on. SENATOR COOK: Rick the mineral rights are staying with the state, right? RICK LARSON: Yes. SENATOR WATNE: Just out of curiosity, I see right across the road is the experiment station. Are they impacted by the need for land? RICK LARSON: There is no longer an experiment station. SENATOR WATNE: There



isn't? RICK LARSON: No, its the old experiment station and that had been sold to the Stark county, but there was another experiment station purchased at this same time way back in 1985.

AL JAEGER, Secretary of State. Member of the Land Board. The reason the other bill was introduced in the first place is because it was just hanging out there. It said that they could use it for a fairgrounds and if they didn't, it would revert back to the state. Well, that's all it said. And so, we were approached by staff and we as a board said put in the bill that puts a time limit on it. That is the purpose of the other bill. We don't have any active management in the land and I am not sure that we really care if we get it back or not. But it was the uncertainty of this language and so, on the other bill, if that isn't wanted that is fine. This just changes the language for the use of a fairgrounds and makes it more clearer and whether you want to put some time limit on that or not I don't know. From a management standpoint, I am a little concerned. If this also gets passed without some ending time then it is just going to out there again. So, however, this gets worked out I don't know that the Land Board speaking as one member would have a problem, its just that we got kind of an unclear situation.

SENATOR WATNE: There was a another bill in on some property in Devils Lake that said it a four on the title because it was this type of restriction thing. What would prevent the state from just handing over clear title on a quick claim or something on this?

AL JAEGER: I really, that is kind of a legal question? I mean they have in a sense they title to the land already for the use of a fairgrounds and if they don't use it as a fairgrounds the land is supposed to come back, so I imagine there is something of record regarding that. The mineral rights still stay with the state and the schools trust funds.

Hearing Closed on HB1336.

Page 6  
Senate Political Subdivisions Committee  
Bill/Resolution Number HB1336  
Hearing Date March 8, 2001

March 8, 2001 ( Tape 3, Side A, Meter # 15.4-22.2)

Senator Cook asked the committee for discussion on HB1336.

Senator Watne moved for a Do Pass; then Senator Lyson moved to Do Pass to amend and remove House amendments and put the bill back into the original House form. Senator Mathern-2nd.

Roll Call vote: 7 Yeas, 0 No, 1 Absent

Senator Polovitz motioned to Do Pass HB1336 as amended

Senator Flakoll- 2nd

Roll call vote: 7 Yeas, 0 No, 1 Absent

Carrier: Senator Polovitz

Date: Mar. 8, 2001  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. H. B. 1336

Senate Political Subdivisions Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Pass to Amend & Remove House Amendments

Motion Made By Sen. Lyson Seconded By Sen. Mathern

Senators	Yes	No	Senators	Yes	No
Senator Cook	✓		Senator Christenson	✓	
Senator Lyson	✓		Senator Mathern	✓	
Senator Flakoli	✓		Senator Polovitz	✓	
Senator Lee					
Senator Watne	✓				

Total (Yes) 7 No 0

Absent 1

Floor Assignment \_\_\_\_\_

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

Date: Mar. 8, 2001  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate Political Subdivisions Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Pass H.B. 1336 AS Amended

Motion Made By Sen. Polovitz Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Cook	✓		Senator Christenson	✓	
Senator Lyson	✓		Senator Mathern	✓	
Senator Flakoll	✓		Senator Polovitz	✓	
Senator Lee					
Senator Watne	✓				

Total (Yes) 7 No 0

Absent 1

Floor Assignment Sen. Polovitz

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

**REPORT OF STANDING COMMITTEE (410)**  
March 9, 2001 8:25 a.m.

Module No: SR-41-5152  
Carrier: Polovitz  
Insert LC: 10460.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

**HB 1336, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1336  
was placed on the Sixth order on the calendar.

Page 1, line 1, replace "amend and reenact" with "repeal"

Page 1, line 4, replace "**AMENDMENT**" with "**REPEAL**" and after "is" insert "repealed."

Page 1, remove lines 5 through 8

Renumber accordingly

2001 TESTIMONY

HB 1336

**North Dakota House Political Subdivisions Committee**  
**House Bill No. 1336**  
**February 2, 2001**

Chairman Froseth and members of the committee. My name is Dennis Johnson. I currently serve as the President of the Dickinson City Commission. I am testifying in support of HB 1336, which removes the 1987 requirement that the property in question be used for a fairground.

This property is located just west of Dickinson near the I-94 west interchange. Fourteen years ago it may have made good sense that this property be used for a fairground. Dickinson then was in the middle of a severe oil bust and economic recovery was far from certain.

Very few people could foresee Dickinson growing in the next few years to the west, but that is precisely what is happening. I believe the city's growth towards the west is likely to continue and now raises a valid question because of this property's proximity to the City on whether or not this is an appropriate location for a fairground.

I believe the definition of a fairground fourteen years ago has changed. Fourteen years ago, a fairground likely did not include motorized sports. Today, in Stark County it does. In my view, this property is too close to the City to be a site for motorized sports.

I believe also, this is an issue with a local control dimension. I believe the Stark County Commission knows what is best for our community and should have the latitude to decide how this land should be used and not be forced into using it solely for a fairground. I believe if granted that latitude the County Commission will make a responsible decision in the best interest of the citizens of Stark County.

Thank you for the opportunity to appear before you and present my testimony.

## CHAPTER 188

HOUSE BILL NO. 1078  
(Wald)

## STARK COUNTY FAIR LANDS

AN ACT to authorize the board of university and school lands to sell and convey certain land owned by the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. The board of university and school lands is authorized to sell and convey the following property to Stark County, North Dakota:

A tract of land comprising approximately one hundred seventy acres, known as the "State Second Addition", and lying in the southwest and northwest quarters of section five, township one hundred thirty-nine, range ninety-six, Stark County, North Dakota.

The property must be sold at a price agreeable to both parties but not less than the fair market value thereof, based upon two independent appraisals. The state shall reserve all mineral rights in and under the premises conveyed as are now held by the state. The sale of the property to Stark County by the board of university and school lands is deemed to be the best possible return to the state of North Dakota as provided in section 2 of chapter 203 of the 1985 Session Laws of North Dakota.

SECTION 2. The property being sold must be used by Stark County for the development of a county fairgrounds. If the property ceases to be used for that purpose, ownership of the property reverts to the state of North Dakota.

Approved March 20, 1987  
Filed March 23, 1987

1336  
Focus of bill;

- Fairgrounds only removed because  
Burke's court found out fairgrounds  
only restrict the land so much.



03/12 Senate Reported back, do pass, placed on calendar y 005 n 000  
 03/13 Senate Second reading, passed, yeas 048 nays 000  
 Emergency clause carried  
 03/17 House Returned to House  
 Enrolled  
 03/18 House Signed by Speaker  
 03/18 Senate Signed by President  
 03/19 House Sent to Governor  
 03/23 House Signed by Governor 0320 0:00  
 04/07 House Filed with Secretary of State 0323

SJ1465  
 SJ1528  
 SJ1529  
 HJ1925  
 HJ1968  
 SJ1634  
 HJ2021  
 HJ2091

HB 1078

Rep. Wald

A BILL for an Act to authorize the board of university and school lands to sell and convey certain land owned by the state of North Dakota.

01/06 House Introduced, first reading, referred STATE AND FEDERAL GOVERNMENT  
 02/06 House COMMITTEE HEARING 02/11 10:15  
 02/17 House Reported back amended, amendment pcc y 013 n 000  
 02/18 House Amendment adopted, placed on calendar  
 02/19 House Second reading, passed as amended, yeas 102 nays 001  
 02/20 Senate Received from House  
 02/25 Senate Introduced, first reading, referred STATE AND FEDERAL GOVERNMENT  
 03/05 Senate COMMITTEE HEARING 03/09 9:30  
 03/09 Senate Reported back, do pass, placed on calendar y 004 n 000  
 03/12 Senate Second reading, passed, yeas 050 nays 000  
 03/16 House Returned to House  
 Enrolled  
 03/17 House Signed by Speaker  
 03/18 Senate Signed by President  
 03/19 House Sent to Governor  
 03/23 House Signed by Governor 0320 0:00  
 04/07 House Filed with Secretary of State 0323

HJ 117  
 HJ1063  
 HJ1108  
 HJ1174  
 SJ1065  
 SJ1182  
 SJ1398  
 SJ1478  
 HJ1875  
 HJ1962  
 SJ1619  
 HJ2021  
 HJ2091

HB 1079

Rep. Wald  
Sen. Nalowaja

A BILL for an Act to provide immunity from civil liability to directors, officers, and trustees of nonprofit organizations; and to amend and reenact subsection 14 of section 10-24-05 of the North Dakota Century Code, relating to indemnification of directors and officers of nonprofit corporations.

01/06 House Introduced, first reading, referred INDUSTRY, BUSINESS AND LABOR  
 01/14 House COMMITTEE HEARING 01/19 9:00  
 02/17 House Reported back amended, amendment pcc y 013 n 001  
 02/18 House Amendment adopted, placed on calendar  
 02/19 House Second reading, passed as amended, yeas 080 nays 001  
 02/20 Senate Received from House  
 02/25 Senate Introduced, first reading, referred INDUSTRY, BUSINESS AND LABOR  
 03/03 Senate Request return from committee  
 Referred to STATE AND FEDERAL GOVERNMENT  
 03/05 Senate COMMITTEE HEARING 03/10 10:30  
 03/12 Senate Reported back amended, amendment pcc y 006 n 000  
 03/13 Senate Amendment adopted, placed on calendar  
 03/16 Senate Second reading, passed as amended, yeas 050 nays 002  
 03/18 House Returned to House (12)  
 03/23 House Concurred  
 Second reading, passed as amended, yeas 097 nays 000  
 03/24 House Enrolled  
 Signed by Speaker  
 03/25 Senate Signed by President  
 03/26 House Sent to Governor  
 03/30 House Signed by Governor 0327 0:00  
 04/07 House Filed with Secretary of State 0330

HJ 117  
 HJ1064  
 HJ1108  
 HJ1231  
 SJ1065  
 SJ1182  
 SJ1293  
 SJ1294  
 SJ1464  
 SJ1521  
 SJ1555  
 HJ1977  
 HJ2092  
 HJ2092  
 HJ2149  
 SJ1759  
 HJ2276  
 HJ2360

HB 1080

Rep. Wald  
Sen. Nalowaja

A BILL for an Act to provide immunity from civil liability to volunteers providing services for nonprofit organizations and sports teams.

01/06 House Introduced, first reading, referred JUDICIARY  
 01/08 House Committee hearing 01/13 9:30  
 01/28 House Reported back, do pass, placed on calendar y 010 n 001  
 01/30 House Second reading, passed, yeas 089 nays 011  
 02/03 Senate Received from House  
 02/04 Senate Introduced, first reading, referred JUDICIARY  
 03/12 Senate COMMITTEE HEARING 03/17 10:00  
 03/18 Senate Reported back amended, amendment pcc y 005 n 001  
 03/19 Senate Amendment adopted, placed on calendar  
 03/23 Senate Referred to JUDICIARY  
 03/25 Senate Reported back amended, amendment pcc y 007 n 000  
 03/26 Senate Amendment adopted, placed on calendar  
 Second reading, passed as amended, yeas 053 nays 000  
 Emergency clause carried  
 Motion to reconsider laid on table  
 03/26 House Returned to House (12)  
 03/27 House Concurred  
 Second reading, passed as amended, yeas 098 nays 003  
 Emergency clause carried  
 Enrolled

HJ 117  
 HJ 542  
 HJ 579  
 SJ 534  
 SJ 573  
 SJ1619  
 SJ1651  
 SJ1714  
 SJ1763  
 SJ1830  
 SJ1830  
 SJ1831  
 SJ1834  
 HJ2278  
 HJ2339  
 HJ2339  
 HJ2340

Fiftieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1078

Introduced by

Representative Wald

1 A BILL for an Act to authorize the board of university and school  
2 lands to sell and convey certain land owned by the state of North  
3 Dakota.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
5 STATE OF NORTH DAKOTA:

6 SECTION 1. The board of university and school lands is  
7 authorized to sell and convey the following property to Stark  
8 County, North Dakota:

9 A tract of land comprising approximately one hundred seventy  
10 acres, known as the "State Second Addition", and lying in the  
11 southwest and northwest quarters of section five, township one  
12 hundred thirty-nine, range ninety-six, Stark County, North  
13 Dakota.

14 The property must be sold at a price agreeable to both  
15 parties. The state shall reserve all mineral rights in and under  
16 the premises conveyed as are now held by the state. The sale of the  
17 property to Stark County by the board of university and school lands  
18 is deemed to be the best possible return to the state of North  
19 Dakota as provided in section 2 of chapter 203 of the 1985 Session  
20 Laws of North Dakota.

21 SECTION 2. The property being sold must be used by Stark  
22 County for the development of a county fairgrounds. If the property  
23 ceases to be used for that purpose, ownership of the property  
24 reverts to the state of North Dakota.

1987 HOUSE STANDING COMMITTEE MINUTES

Page # 1

BILL/RESOLUTION NO. HB 1078

House Committee on SFC

Subcommittee on \_\_\_\_\_

Conference Committee \_\_\_\_\_

Identify and  
check when  
appropriate

Hearing Date 2-11-87

Tape Number 1 / Side A X  
B

Meter # 4358

Committee clerk signature Judy Hoffman

Minutes:

FRANK WALD, REPRESENTATIVE, DICKINSON: HB 1078 is the bill I introduced in the pre session. HB 1078 states the board of university and school lands is authorized to sell and convey the following property to Stark County, North Dakota, and then we give you the legal description. The property must be sold at a price agreeable to both parties. In Section 2 it states if the property ceases to be used for that purpose other than for development of a county fairgrounds, ownership of the property reverts to the State of North Dakota. I passed out a handout and yellow section colored is the area we are talking about. We are asking that the committee will consider this bill to sell this land to Stark County.

KEN DUKART, CHAMBER OF COMMERCE, DICKINSON: See Written Testimony.

DON KOSTELECKY, PRESIDENT, ROUGHRIDER DAYS: WE are now temporarily house adjacent to the area of the college. Each year we have to ask permission and be very careful of any improvements that we do. We have the area proposed in this bill we can start from scratch and have some good facilities for our surrounding area. Our board has voted unanimously to support this bill.

DOUG JAEGER, PARKS AND RECREATION DEPT, DICKINSON: This bill is very important to us. Many organizations need a facility of their own. We strongly urge a DO PASS.

RON BACHMEIER, ROUGHRIDER ARCHERS: We need a place for a permanent building. This would be close to town for our new members that can't go out of town. This would be permanent so we could set up materials and leave them set.

TED RENNER, COMMUNITY ASSISTANCE CORP., DICKINSON: We carry the support of the county commissioners. We were organized to bring an assistance to the area. We did an assessment of which site would be best and our recommendation was the site on the picture that was passed out. This is the highest use this land can be good for. The county is concerned with a permanency factor and egress and degress to the site. This was the best site possible.

REP. TOKACH: Is this part of the old experiment station?

MR. RENNER: It is across the street, but it is part of it originally.

REP. TOKACH: How much of the land that is plotted is actually developed?

MR. RENNER: Shows diagrams.

REP. MARTINSON: Would you have any objections to add an amendment to require an appraisal?

MR. RENNER: We could furnish an appraisal.

REP. MARTINSON: How about the possibility of a 50 year lease?

MR. RENNER: We weren't interested in a lease.

REP. MELBY: I think the requirement for an independent appraisal would help to pass the measure on the floor.

REP. WALD: The land right now is leased by the Board of School Lands to the Dickinson Experiment Station for \$5 an acre.

Rep. Hokana: Is this land zoned?

They thought it was zoned for agriculture.

REP. HOKANA: I think it should have an amendment to require an appraisal.

REP. BROKAW: Don't we have a set procedure anytime we sell state land?

REP. MARTINSON: I would have to check but I think we debate them all each time we sell state land. I don't think that bill will pass the way it is now.

REP. NICHOLAS: The land is worth about a \$100 an acre and that is too much for range land.

COMMITTEE ACTION: 2-16-87

Rep. Melby moved to adopt the amendments, it was seconded by Rep. Nelson. The motion passed by a unanimous voice vote. Rep. Gorman moved a DO PASS as amended, it was seconded by Rep. Nelson. Rep. Nelson will carry the bill to the floor.

COMMITTEE CLERK  
JUDY HOFFMAN

(Return in triplicate)

FISCAL NOTE

Bill/Resolution No.: House Bill No. 1078 Amendment to: \_\_\_\_\_

Requested by: Legislative Council Date of Receipt: \_\_\_\_\_

Please estimate the fiscal impact of the above measure for:

☒ State general or special funds ☒ Counties ☐ Cities

In the following space note the fiscal effect in dollars of this measure:

Narrative:

The impact of this legislation cannot be determined in dollars & cents at this time without an appraisal of the property & a meeting of the principals to agree upon a purchase price. Any monies received from the sale will go to the Common Schools Interest & Income Fund to retire the outstanding accrued interest on the loan of \$3.8 million from the Common Schools trust fund to the Board of Higher Education.

State Fiscal Effect:

<u>1987-88</u>		<u>1988-89</u>		<u>Biennium Total</u>	
<u>Special Funds</u>	<u>General Fund</u>	<u>Special Funds</u>	<u>General Fund</u>	<u>Special Funds</u>	<u>General Fund</u>

County and City Fiscal Effect:

<u>1987-88</u>		<u>1988-89</u>		<u>Biennium Total</u>	
<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>

If additional space is needed, attach a supplemental sheet.

Signed Bob Peterson

Typed Name Bob Peterson, Accounting Division

Date Prepared: 12-18-86

Department Accounting

HOUSE AMENDMENTS TO HB 1078

JFO

2-16-87

QNN  
2/16/87  
1:44 PM

On page 1, line 15, after the word "parties" insert the words  
"but not less than the fair market value thereof,  
based upon two independent appraisals"

And renumber the lines, sections, and pages accordingly

# 1987 SENATE STANDING COMMITTEE MINUTES

Page # 1

BILL RESOLUTION NO. HB 1078

Senate Committee on STATE AND FEDERAL GOVERNMENT

Subcommittee on \_\_\_\_\_ Identify and  
check when  
Conference Committee \_\_\_\_\_ appropriate

Hearing Date Monday, March 9, 1987

Tape Number 1 / Side A X Meter # 2265  
B \_\_\_\_\_

Committee clerk signature J. M. Hagedorn

## Minutes:

The Senate State and Federal Government Committee met at 9:00 AM. All members of the committee were present except Senator Tennefos, Senator David and Senator Walt Meyer.

HB 1078 as amended, authorizes the Board of University and School Lands to sell and convey the property known as the "state second addition" to Stark County, North Dakota, at a price agreeable to both parties but not less than the fair market value based upon two independent appraisals.

Senator Dean Meyer read the fiscal note for HB 1078.

Rep. Francis Wald, sponsor of the bill, testified in support of HB 1078. He said HB 1078 would allow the Board of University and School Lands to sell and convey approximately 170 acres, what is known as the State Second Addition, in Stark County. He explained the sections of the bill and stated that the House added an amendment to HB 1078 stating that the property cannot be sold for less than the appraised value, which is standard procedure when state land is sold.

Rep. Wald said that many groups in Dickinson have expressed an interest in securing this property for multiple use. He said the thought right now is that the Stark County Commissioners would appoint a fairground commission to supervise the ongoing activity there.

Ken Dukart, Chamber of Commerce, Dickinson, ND, testified in support of HB 1078. He said Stark County needs a place to set up organization activities for permanent use and one that is large enough for the projects. He indicated that the property described is just the right size and is not suitable for commercial or residential use. He said it could be set up a fairboard who would be responsible for developing it by use of volunteer labor and donated resources.

Mr. Dukart said it could be used for Roughrider activities, Pioneer Days and by the archery club.

Senator Lodoen asked about the terrain of the land. Mr. Dukart said the drainage is bad, it's rugged land, not adequate for development. He said they have had two appraisals on the land, it has been valued at \$147 per acre and at \$120 per acre.

There was some discussion by the committee about the process of buying school land. Rep. Wald indicated that he thought it was necessary to get two appraisals on the land, but that it did not necessarily need two buyers.

Senator Lodoen moved for a DO PASS on HB 1078, seconded by Senator Vosper. A roll call vote was taken with 4-yes, 0-no and 4-AB votes.

Senator Dean Meyer will carry the bill.



41

SHAWNEE LOOP 10

H81078

SHAWNEE STATE  
COLLEGE

CRD

SHAWNEE RIVER

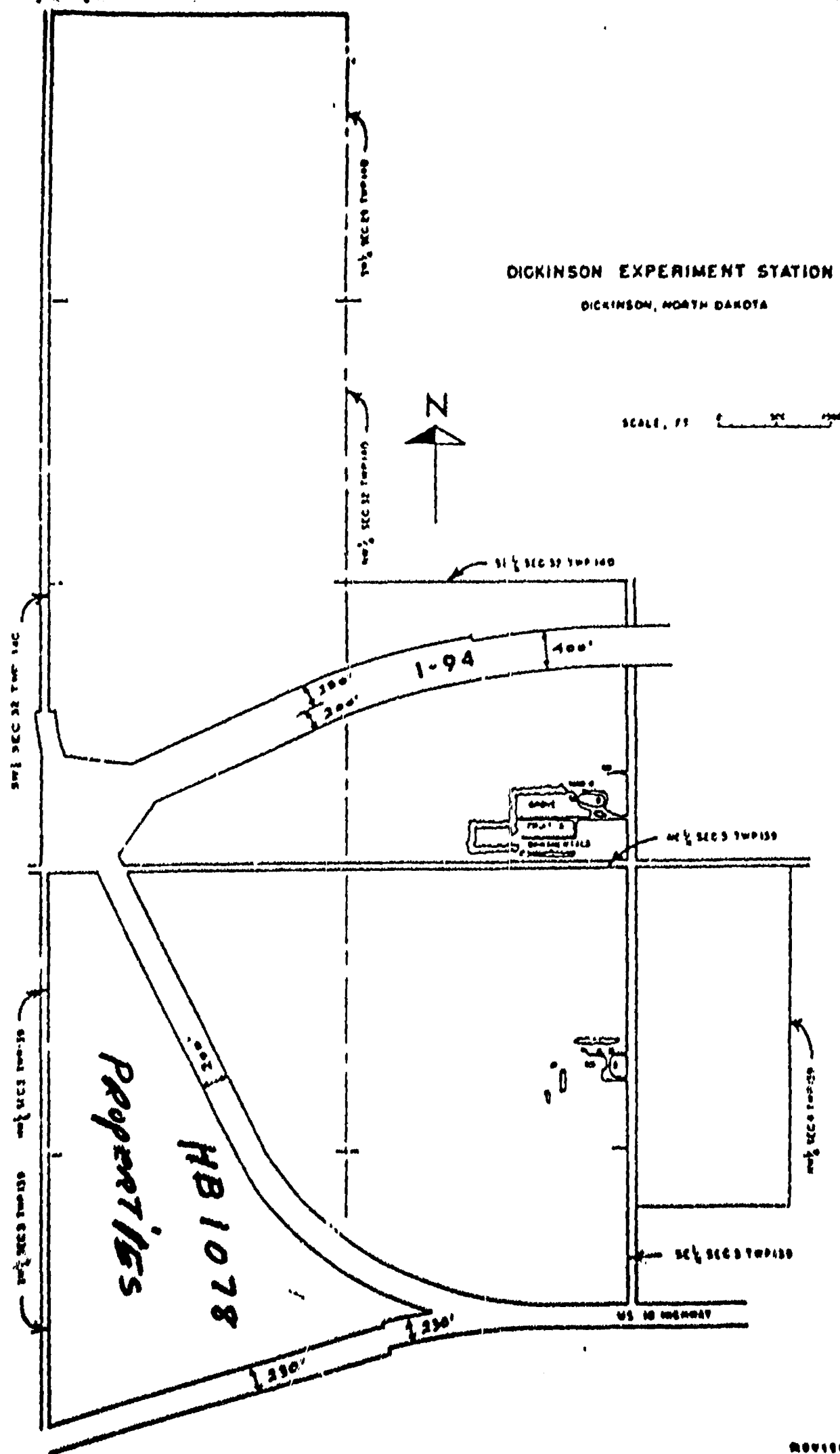
DICKINSON, ND

CONSULTANTS



DICKINSON, NORTH DAKOTA

SCALE, 19 



**000000 0-10000**

30  
and low

~~HB-1078~~  
9:00 AM Some Room

HB-1078

As the Executive of the Chamber of Commerce, I have on many occasions had to say no to various projects and ideas because we do not have proper facilities in Stark County to hold such events. I have also been asked by groups and organizations on several occasions to help them find a home for their club or organizational activities because they either can't find a building or have just lost their building or location. Usually I can't be of help to them either because we don't have enough public buildings to accommodate the many requests for space.

The needs of many clubs and organizations are quite simple. They need a place that is permanent, a place they can use on a regular basis, and a place that is sized to meet their organization's needs. Currently there are a number of commercial buildings available, as well as commercial real estate that can be leased or used. The problem for most organizations with this type of arrangement is that it is on a week to week basis or is cost prohibitive for them. Funding for no profit organizations is harder and harder to obtain, especially when it is for operations. It is easier to raise funds when it is for a specific and lasting project.

The topic of a county fairgrounds has been around for as long as I can remember. I have had occasion to sit in on several meetings called by interested people to try and get a fairground established and off the ground. The concerns and desires have always been the same as well as the results. There is a need for a permanent home for rodeos, stock shows, horse events, 4-H events, archery, model airplanes, and so on. The results have always been the same. The right land is too far away from any community, is unaccessable, too rough and so on.

We feel that the piece of property contained in HB1300 will overcome all of the problems we have encountered in the past. This piece of land is large enough to allow a variety of activities and buildings to meet the needs of Stark County groups and organizations. Access to and from all areas of the county is excellent. all roads to the area are paved. Ingress and Egress can be made onto two major roads with two additional smaller streets being able to channel traffic in all four directions. The location of these 171 acres is within 25 miles of the farthest town in Stark County. The city of Dickinson is located only a couple of miles from the proposed location and would be able to provide most any needed services.

With the passage of this bill and successful negotiation between Stark County and the land commission to purchase this land, many local volunteers are ready to pitch in and develop the property as well as lending their expertise to manage the fairground. We propose, that once purchased, the fairground would be placed under a fair board made up of volunteers from the various groups and organizations in Stark County. They would be charged with the responsibility of developing the fairgrounds and providing the necessary administration. By using a volunteer board I feel that we will be able to sustain the enthusiasm and ideas necessary to keep a county fairgrounds going.

We also propose to develop the grounds on a long term basis. We will determine the requirements of interested groups and organizations through public meetings and surveys. A master plan will be prepared from the input and then the necessary dirt work accomplished. Buildings, bleachers, corrals, fences and other structures will be built with volunteer labor. Materials will be purchased with funds raised by those groups and organizations that desire a permanent home. Ongoing maintenance and upkeep would be the responsibility of the fair board and would be funded through rental fees and fund raising efforts.

The size, location, and terrain of this piece of property will accomodate many different uses. We feel that the primary uses will be for the annual Roughrider Days celebration held each 4th of July. Roughrider Days features 6 outdoor arena events, 4-H livestock shows and horse shows. There are currently 350 4-H youngsters in the area in 25 different clubs. We know from experience that these kids are constantly looking for practice areas for their horsemanship events. We also have some excellent 4-H cattle shows each year that could be expanded with the proper facilities.

Along the lines of cattle shows, we currently have a commercial cattle show each year during the Chamber's Ag Expo. They are at a point now where they must limit the size of the show because of space constraints. With the current conditions in the Ag industry, any advantage we can give the commercial cattle producers or any opportunity we can expose our young people to is well worth the effort.

Other groups that could make use of this area is an area Archery club. They hold annual shoots that attract archers from a five state area. They are also one of our groups that is very active in Stark County but have a difficult time finding a permanent home for their archery range. The area would also lend itself well to horse shoes, radio controlled airplanes, BMX

bicycle trail, motor cross trails, pistol range, high school and college rodeos, running track, bicycle paths, etc.

There are about four possibilities for developing a fair for stark county. We could start from scratch and develop a fair in the fall of the year and model our fair after other county affairs currently being held. We could also expand on existing annual events in the area and build a fair around them. We currently have a 4th of July celebration in Dickinson each year. This three day event consists of 2 rodeos, a tractor pull, a horse pull, a demolition derby, and cycle races as well as several smaller events. This annual event draws people from across North Dakota as well as from out of state. We also have another event held the weekend after labor day called pioneer days. This event includes arts and crafts, entertainment, displays, and a recognition banquet for pioneers of southwest north dakota. This annual event could easily become the basis for an annual county fair.

Other events are held annually in Gladstone and Richardton in the fall of the year and hold the possibility for expansion into a county fair. We have the basics and the expertise to create a county fair that will be beneficial and enjoyable for all of stark county.

The first week in February several of us attended the stark county commission meeting to discuss with the commissioners their feeling about this bill. Although they did not commit to buying the land at that meeting they did pass a motion in support of house bill 1078. Their comment to us was that they favored the concept of a county fair grounds, and that they would negotiate with the land commissioner to purchase the land when legislation allows them to do so. In all good conscience we agree that they must have the right to say no to the purchase if the cost becomes prohibitive.

A recent appraisal of this property done by the stark county tax appraiser for the state land department valued the property at 147.00 an acre. We feel that this is a reasonable price for this piece of property since it is pasture land and has no real value for cultivation and planting. Any further development of this property for residential or commercial sale would, in my opinion result in a considerable investment on the part of the state. The terrain of this property contains a drainage way and makes its way to three hilltops all within a couple hundred yards. It is property that is best suited pasture land or in this case as a fairgrounds for stark county since we do not require the expensive improvements to the property the state would need to make this suitable as development property.

language in this bill says that this sale is in the best interests of the state. Your favorable consideration of this bill will result in money generated for the state, will result in less administration for the land commissioner, and will allow us to make better use of the land than it is currently being used for. Thank you for the opportunity to express my feelings on this matter and I ask for your consideration of this bill.

3/4/61  
Francis Uxld



State Addition

State Second Addition

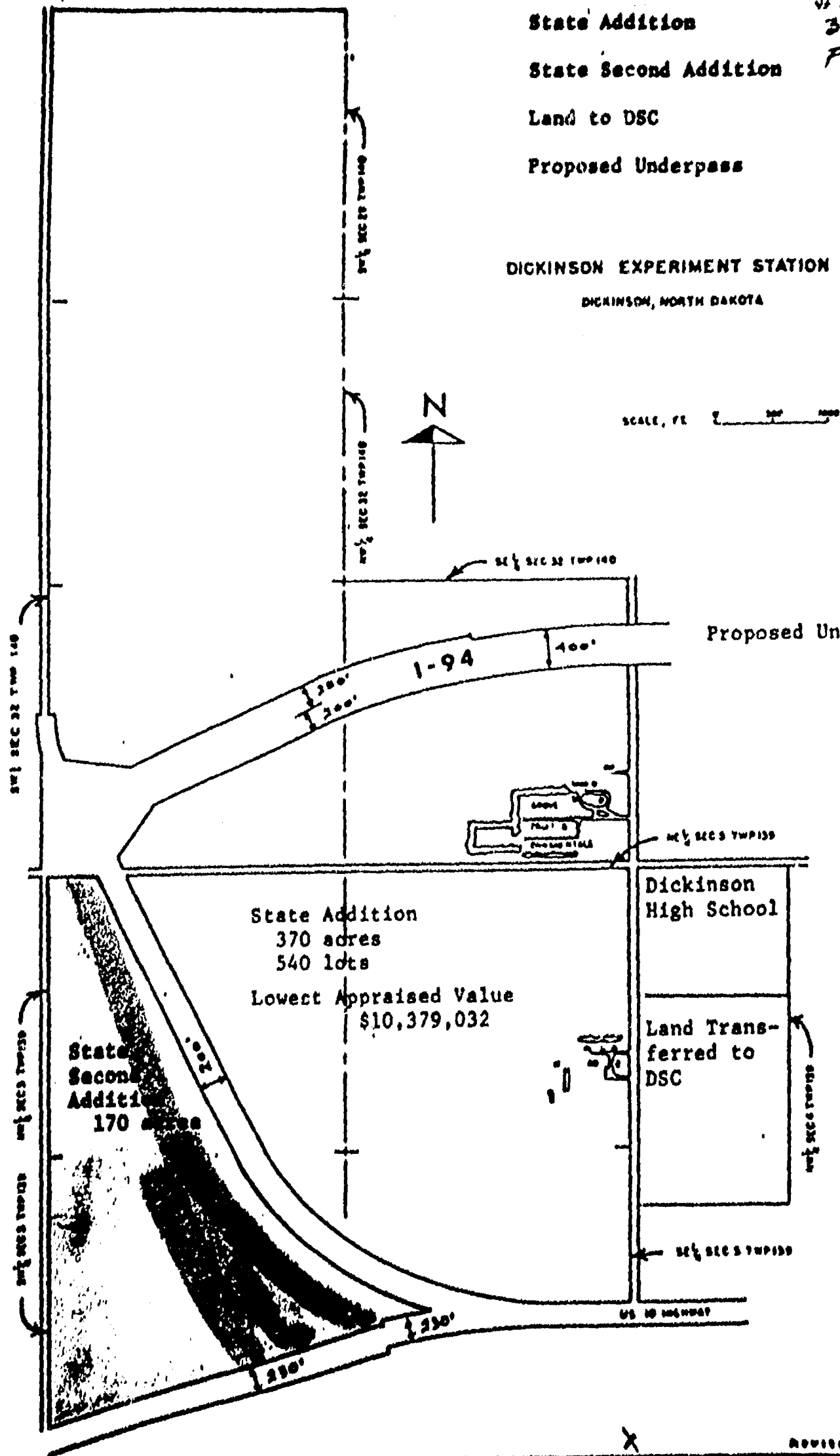
Land to DSC

Proposed Underpass

3/9/87  
FRONIER WALD

DICKINSON EXPERIMENT STATION

DICKINSON, NORTH DAKOTA





March 10, 1987

Prepared by the Legislative  
Council staff

BILL NO.: HB 1078

SUBJECT: Authorization for the  
Board of University and  
School Lands to sell and  
convey certain land  
owned by the state of  
North Dakota

BILL SUMMARY

GENERALLY, THIS BILL:

As amended, authorizes the Board of University and School Lands to sell and convey the property known as the "state second addition" to Stark County, North Dakota, at a price agreeable to both parties but not less than the fair market value based upon two independent appraisals.

**North Dakota Senate Political Subdivisions Committee**  
**House Bill No. 1336**  
**March 8, 2001**

Chairman Cook and members of the committee. My name is Dennis Johnson. I currently serve as the President of the Dickinson City Commission. I apologize for not being able to appear before you in person. I am testifying in support of HB 1336, which removes the 1987 requirement that the property in question be used for a fairground.

This property is located just west of Dickinson near the I-94 west interchange. Fourteen years ago there may have been good reasons why this property be used for a fairground. Dickinson then was in the middle of a severe economic oil downturn and economic recovery at that time was far from certain. The property was a fair distance from the city.

Very few people in 1987 could foresee Dickinson making an economic recovery and growing to the west, but that is precisely what is happening. I believe the city's growth prospects for the future are excellent and I expect the city's growth in a westerly direction to continue. Because of this property's proximity to the city, the city's growth to the west raises a valid concern regarding whether or not this property today and in the future is an appropriate location for a fairground.

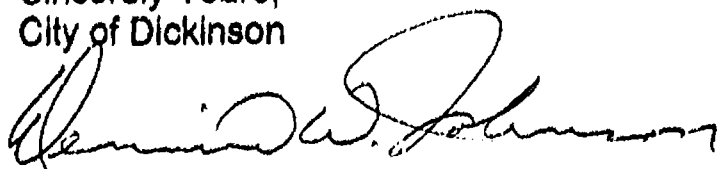
I believe the definition of a fairground today has changed from one of fourteen years ago. Fourteen years ago, a fairground likely did not include motorized sports. Today, in Stark County it does. In my view, this property is too close to the City to be an appropriate site for motorized sports.

I believe also, this is an issue with a local control dimension. The Stark County Commission knows what is best for our community and should have greater latitude to decide how this land be used and not be restricted to using it solely for a fairground. I believe if granted greater latitude the County Commission will make a responsible decision in the best interest of the citizens of Stark County.

Earlier in the session, the Senate passed SB No. 2066 requiring Stark County to use this property for fairgrounds by July 1, 2011 and should Stark County fail to do so, the property would revert back to the state of North Dakota. I am opposed to this bill. Stark County in 1987 paid the state of North Dakota fair market value for the property. I believe the property should remain with Stark County.

Thank you for the opportunity to have my testimony presented to you.

Sincerely Yours,  
City of Dickinson



Dennis W. Johnson  
City Commission President

## TESTIMONY IN SUPPORT OF HB 1336

Chairman Cook and members of the Senate Political Subdivisions Committee:

My name is Greg Sund. I am the Dickinson City Administrator. I support HB 1336 because it resolves an issue regarding a parcel of land in West Dickinson and in doing so establishes local control over the land. HB 1336 seeks to remove the limitations established in a 1987 law that required Stark County to establish a fairgrounds on land it purchased from the State.

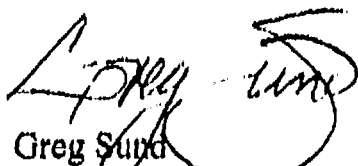
Since this property is in the Dickinson City limits, the City has a vested interest in the development of the property from a planning perspective. In 1987, a fairgrounds was believed to be agricultural in nature. Today discussion regarding a fairgrounds has included the development of a motorized sports area. Since the definition of the components of a fairgrounds has changed considerably in recent years, the City is concerned about the appropriate use of the property and the affect of that use on other properties.

This land is located on the western edge of Dickinson. In 1987, there was little or no development in west Dickinson. However, in recent years that has changed. The State Addition, which is located just east of this land now has several residential improvements on it and many more are planned in the future. Because of this fact, the limitation of developing the land in question as a fairgrounds is too restrictive for the uses that may be acceptable to homeowners in the area.

This bill also eliminates the reversionary clause in the original law. We believe this is necessary because we understand this is the only sale to a local government existing today that includes such a clause. At the time the land was purchased, it was appraised by independent appraisers. Stark County purchased the land for the market price. While Stark County has not yet developed a fairgrounds on the property, it is not because the County has ignored the issue. The desire to develop a fairgrounds has been an active issue of Stark County government since well before this land was purchased and continues to be an active proposal today. The County experienced difficulty raising sufficient moneys to cover the cost of fairground development, which is the major reason they have not yet established a fairground. In addition, as mentioned above, the discussion of the components of a fairground have changed considerably in recent years. The inclusion of a motorized sports area in the fairgrounds has drawn controversy, which has slowed the development.

I ask the committee to pass this bill out of committee with a "Do Pass" recommendation because it will create a reasonable limitation on the use of the property that is not too restrictive and establishes local control over the development of the land.

Respectfully,

  
Greg Sund  
Dickinson City Administrator

# ICKINSON PRESS

283

Friday, February 16, 2001

Dickinson, North Dakota

14 Pages - 50¢ Per Copy

## Bill would expand land uses

### House OKs fairgrounds bill sponsored by Dickinson lawmaker

**By RICHARD VOLESKY**

The Dickinson Press

A wetlands area could be included in a proposed fairgrounds located in west Dickinson as the result of a bill approved by the state House, a legislator said Thursday.

In a vote of 96-0, the House on Wednesday approved a bill sponsored by Rep. Frank Klein, R-Dickinson.

The bill would change North

Dakota law by saying that land which the state sold to Stark County in 1988 can be used for a "public purpose."

The law currently says the 170-acre tract of land must be used for a fairgrounds.

Klein said the change was important because Burleigh County had considered putting a water pond in its fairgrounds. But it was determined that a pond didn't fit into the definition of a fairgrounds.

A wetlands area is one of the numerous amenities being considered for Stark County's 170-acre parcel, and so Klein said he wanted to make sure that a wetlands could be allowed.

Some fairgrounds supporters have said the wetlands could be used for educational purposes.

Klein's bill is House Bill 1336. Next, it will go before a Senate committee and then before the full Senate.

Another bill - Senate Bill 2066 -

sets July 1, 2011 as the deadline by which Stark County must develop the fairgrounds site. The Senate approved the bill in January.

If the county doesn't meet the deadline, the land will revert back to the state. The bill was introduced by the state Board of University and School Lands, which controlled the property before the state sold it to the county.

Senate Bill 2066 has not yet been voted upon by the House.

# Counties want to shed restrictions

By FREDERIC SMITH  
Bismarck Tribune

1/26/01

State law doesn't say what a fairgrounds is or what constitutes fairgrounds activity. So it ought to drop the "fairgrounds" restriction it put on land sold to Burleigh County at the Missouri Valley Fairgrounds, a Senate committee agreed Thursday.

Government and Veterans Affairs voted a 6-0 do-pass recommendation for SB2212, sponsored by Sen. Dick Dever, R-Bismarck, at the request of the Burleigh County Commission.

There have been fairs at the fairgrounds, although none for several years. There also have been rodeos and stock car races, sometimes in conjunction with a fair, more often not. There is a pioneer town and a 4-H building that also houses the county extension office.

Most people would think 4-H and "fairgrounds" a pretty good fit. Yet, when the Burleigh County 4-H Council tried to bond for part of its building, bonders wouldn't let the building and parking lot stray onto the former state land in question, testified County Commissioner Claus Lembke. That's because the companies didn't know what the state means by "fairgrounds," either. In case of default, "they were afraid of owning property that would have a nonconforming use," Lembke said.

The County Commission recently took over management of the fairgrounds from the struggling Fair Board, and is looking for additional uses for its 445 acres.

By resolution, the commission has committed itself to public uses, including a possible nature trail and bird sanctuary. Lembke thinks that should be good enough for the state; he says the only reason for the "fairgrounds" stipulation was that some legislators were leary of conversion to commercial or residential purposes.

The county bought the land,

formerly used by the state penitentiary's livestock and farming operations, in three installments.

The original 80 acres, on which Buckstop Junction and the 4-H building sit, were purchased in the early 1980s, and there are no strings attached to these. The "fairgrounds" requirement was applied to the second, 312-acre parcel, bought in 1989 and home now to the stock car track and rodeo grounds. The third, 58 acres added in 1991, was supposed to be for a drag strip. This, too, carried the "fairgrounds" requirement.

Committee member Sen. Rich Wardner, R-Dickinson, moved the do-pass. Wardner is hot, just now, about another bill — SB2066 — that would give Stark County just 10 more years to make a fairgrounds out of 170 acres purchased from the state for that purpose in 1988 or lose it back to the state.

The bill passed the Senate on Jan. 17, 32-17. It originated at the Board of University and School Lands, and is characterized as a housekeeping measure by Deputy Land Commissioner Rick Larson.

Moreover, he said, the Land Department "had contact" with two Stark County legislators — Reps. Frank Klein, R-Dickinson, and C.B. Haas, R-Taylor — about the bill before it was submitted, and "they didn't oppose it at all."

Now Klein has a bill — HB1336 — in the hopper to strike the language about fairgrounds and reversion from the original 1987 law by which Stark County purchased the land. The Tribune was not able to reach Klein for comment Thursday afternoon.

Granted that Stark has been slow to develop its fair. But Wardner argues that Stark, like Burleigh, paid the going market price, and says the state has no business trying to insert deadlines at a later date that could lead to forfeiture. He also wants rid of a "fairgrounds" designation that could inhibit other public uses.