

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1339

2001 HOUSE JUDICIARY

HB 1339

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1339

House Judiciary Committee

Conference Committee

Hearing Date 01-29-01

Tape Number	Side A	Side B	Meter #
TAPE II		x	2400 to 2860
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey opened the hearing on HB 1339. Relating to the sale and leasing of agricultural real estate by the Bank of North Dakota.

Rep Klein: District 47. Introduced the bill at the request of Bank of North Dakota.

Ray Zimmermann: special assests manager of the Bank of North Dakota. (see attached testimony)

Rep Delmore: Why are moving it to the discretion of the Industrial Commission rather than the Board of University and School Lands?

Ray Zimmermann: The law was changed back in 1989 where the bank can manage its own real estate. The bank would like to adopt its own bank policies.

Vice Chr Kretschmar: Would the bank generally sale these at a public sale.

Ray Zimmermann: It would be a public sate.

Vice Chr Kretschmar: Where is the sale held?

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House Judiciary Committee

Bill/Resolution Number HB 1339

Hearing Date 01-29-01

Ray Zimmermann: These are held in the county seat, at a court house, where it is closest to the land.

Vice Chr Kretschmar: In the county where the land is.

Chairman DeKrey: Are there any other questions, thank you for appearing in front of the committee. Anyone in opposition on HB 1339. If not we will close the hearing on HB 1339.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1339a

House Judiciary Committee

Conference Committee

Hearing Date 02-06-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		2275 to 2753
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey called the meeting to order, we will take up HB 1339.

COMMITTEE ACTION

Vice Chr Kretschmar moved a DO PASS on HB 1339, seconded by Rep Grande.

DISCUSSION

The clerk will call the roll on a DO PASS motion on HB 1339. Th emotion passes with 14 YES,  
1 NO, ) ABSENT. The carrier is Rep Klemin.

Date: 02-06-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1339

House JUDICIARY Committee

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

or

Conference Committee

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

Action Taken Do Pass

Motion Made By Vice Chr Kretschmar Seconded By Rep Grande

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield		✓			
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 14 No 1

Absent 0

Floor Assignment Rep Klemin

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

**REPORT OF STANDING COMMITTEE (410)**  
February 6, 2001 12:50 p.m.

**Module No: HR-21-2471**  
**Carrier: Klemin**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1339: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
**(14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1339 was placed on the**  
**Eleventh order on the calendar.**

2001 SENATE AGRICULTURE

HB 1339



2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1339

Senate Agriculture Committee

Conference Committee

Hearing Date March 1, 2001

Tape Number	Side A	Side B	Meter #
March 1 1		X	0.0 - 6.5
March 2 2	X		12.5 - 14.9
Committee Clerk Signature <i>Ray J. Haberman</i>			

Minutes:

REP. KLEMIN; Sponsor, introduced this bill to the committee at the request of the Bank of North Dakota. This is a technical change in the statute, this section of the law deals with the sale and leasing of agricultural real estate that has been acquired by the bank, through foreclosure or a deed where the property value is more than \$10,000. Both the Bank of North Dakota and the Board of University and School Lands are in agreement on this change.

RAY ZIMMERMANN; Bank of North Dakota, testified in support of this bill. See attached testimony.

SENATOR WANZEK; How is the policy held now with the current owner if they deed back property? Is this an issue you want to address in the change?

RAY ZIMMERMANN; The former owner has the first right to repurchase from these auction sales, which we advertise in the papers. The former owner at present has one hour to match the highest bid at a public auction sale. The former owner or members of his immediate family have

Page 2  
Senate Agriculture Committee  
Bill/Resolution Number HB 1339  
Hearing Date March 1, 2001

the right to match the highest bid within one hour after the sale has been closed. If that bid is not match the property goes to the highest bidder.

SENATOR WANZEK; Is that the current policy?

RAY ZIMMERMANN; That is the current policy, we differ a little bit. They have the consent from the former borrower and his immediate family. We interpret the statute that it is the former borrower and any member of his immediate family and not having the consent of the former borrower. They have to pay cash for the property.

The hearing was closed.

March 2, 2001

Discussion was held.

SENATOR ERBELE moved for a DO PASS.

SENATOR URLACHER seconded the motion.

Roll call vote: 5 Yeas, 0 No, 1 Absent and Not voting.

SENATOR URLACHER will carry the bill.

Date: 3-02-01  
 Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1339**

Senate \_\_\_\_\_ Agriculture \_\_\_\_\_ Committee

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

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

Action Taken Do Pass

Motion Made By Sen. Erbele Seconded By Sen. Urlacher

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman	✓		Senator Kroeplin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein					
Senator Urlacher	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Sen. Urlacher

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 2, 2001 1:35 p.m.**

**Module No: SR-36-4737**  
**Carrier: Urlacher**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1339: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS**  
**(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1339 was placed on the**  
**Fourteenth order on the calendar.**

2001 TESTIMONY

HB 1339

TESTIMONY TO THE  
HOUSE JUDICIARY COMMITTEE

JANUARY 29, 2001

HOUSE BILL 1339

RAY ZIMMERMANN - BANK OF NORTH DAKOTA

The Bank of North Dakota is responsible for the preservation, management, and sale of acquired agricultural real estate.

BND is adhering to all statutes of the N.D.C.C. but would like to modify the policies of the Board of University and School Lands to create a policy more adaptable for the Bank of North Dakota. This policy is needed for BND to conduct business going forward with former borrowers, future purchasers, bank auditors, bank examiners, and attorneys. This modified policy will allow BND to conduct business in the Banking realm and in the agricultural sector to benefit both parties. BND is not holding these acquired properties as an investment, but the goal is to sell the property back to private individuals as soon as possible.

Our amendment would put these proposed policies to the discretion of the Industrial commission.

TESTIMONY TO THE  
SENATE AGRICULTURE COMMITTEE

MARCH 1, 2001

HOUSE BILL 1339

RAY ZIMMERMANN - BANK OF NORTH DAKOTA

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