

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2066

2001 SENATE EDUCATION

SE 2066

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2066

Senate Education Committee

☐ Conference Committee

Hearing Date 01/10/01

Tape Number	Side A	Side B	Meter #
1	SB 2066		0 - 13.0
1		SB2066	.04 - 5.4
1 (01-16-01)		SB 2066	30.3 - 39.8
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: Chairman Freborg called the committee to order.

Roll call was taken with all members present.

Chairman Freborg opened the hearing on SB 2066 which relates to the reversion of property not used as a fairgrounds in Stark County.

Testimony in Support of SB 2066:

Rick Larson, Deputy Land Commissioner, presented testimony in support of the bill. (see attached testimony)

Senator Kelsh asked if there had been a purchase price and would the state of North Dakota have to pay that price back since the land is to revert back to the state. He stated the land would be back to ND and there was no mention as to what would happen during the reversion process. Senator Kelsh also asked what the position of Stark County is. Mr. Larson stated the Board of University and School Lands had not heard from Stark Co. nor had they contacted them. Senator O'Connell asked why the year 2011 was picked. He replied that there was no reason, and that

after 24 years, a number was just picked. Senator O'Connell asked if this would affect any other land that has been acquired in the past. He replied no. Senator Wanzek asked what the purchase price was and if Stark Co. had paid it. Mr. Larson replied there had been two appraisals done and Stark Co. had paid for the land. He further stated that he thought the price was around \$30,000.00 and he will find out the exact price.

Testimony in opposition to SB 2066 :

Wade Williams, North Dakota Association of Counties, spoke in opposition to the bill. The Commissioners from Stark County have asked that they be allowed to present written testimony and comment on this bill before the committee takes any action. He stated that there is some community discussion between the county and the city as to whether this is the best place to locate a fairgrounds. When this land was deeded the county was concerned with the reversion policy. He feels that the county would be concerned if there is not a payback of the money.

Senator Cook asked how the property is now being used. Mr. Williams does not know but can obtain the information for the committee. Senator O'Connell asked if Mr. Williams would look at the statement "revert back" as a contract even though no price is stated. He said yes since the reversion clause is on the deed.

Chairman Freborg asked Mr. Larson if he knew what the land is being used for. He stated there was a well pad on a tank battery for a well that had been drilled further east. This was part of an agreement between the county and Dickinson when a well was located so close to the city. There is also a tree farm on the north side of the property. There is a piece of land on the east side of the road, which the Land Department also sold, that would be more favorable for a fairgrounds. He stated that the legislation and the deed both contain a reversion clause. There is no date listed which is the reason for this bill, to set a time certain. Senator O'Connell asked Mr. Larson who

has the mineral rights and what is the policy of the State Land Department when the land is sold. He stated with this piece of land the legislation said all minerals are reserved, so that is what the state did. These minerals are basically owned by the general fund of the state of North Dakota. All proceeds go to the general fund. Senator O'Connell stated that he thought the sale of state land went to the Common Schools Trust Fund. He said it depends on how the minerals are/were owned. Senator Christenson asked if the reason for this bill is date certain. He replied yes. Chairman Freborg asked what date this contract was entered into. He said 1987 with the legislation being 1988. Senator Kelsh wondered how many times this happens with the reversionary clause in legislation. Mr. Larson stated this is the first time he is aware of and this is unusual. It was deeded before the legislature authorized them to put a date certain on it. There is no appraisal for current market value on this land.

No further testimony was offered in support of, opposition to, or in neutral position.

The hearing was closed on SB 2066.

Senator Kelsh would like to wait for written testimony from Stark County before acting on the bill. Senator Wanzek feels they will still have 10 years to decide. Senator O'Connell feels this is too long a time. Senator Cook would also like to know what the actual payment was for the land. Chairman Freborg was under the impression that there had been two appraisals and the payment was based on that. It was decided to request testimony from Stark County with time certain and then act on the bill.

01-16-01, Tape 1, Side B, 30.3 -

Discussion:

Having received testimony from Stark County Commissioners and Rep. Frank Klein, District 36, (see attached), Chairman Freborg asked for a motion on the bill.

1-16-01

Senator Kelsh moved a Do Pass. Senator O'Connell seconded.

Senator Flakoll had a concern whether Stark County should be reimbursed any of the monies they had paid for the land. Chairman Freborg replied that both parties, Stark County and the Board of University and School Lands, had entered into a valid contract. Senator Wanzek asked about an amendment by Mr. Zent. The committee has not received one. Chairman Freborg feels that if the bill is not passed, the board would eventually take the matter to court and determine what a reasonable length of time is to develop property. Discussion on where the money from the land is and if the land is sold, which fund would receive the money.

Roll Call vote: 6 Yes, 1 No, 0 Absent. Carrier: Sen. Kelsh

Date: 1-16-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2066

Senate Education Committee

☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Kulsh Seconded By Sen. O'Connell

[illegible]

Total (Yes) 6 No 1

Absent 0

Floor Assignment Sen. Kish

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

REPORT OF STANDING COMMITTEE (410)
January 16, 2001 3:20 p.m.

Module No: SR-06-1074
Carrier: Kelsh
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2066: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2066 was placed on the
Eleventh order on the calendar.

2001 HOUSE POLITICAL SUBDIVISIONS

SB 2066

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2066

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date 3-1-01

Tape Number	Side A	Side B	Meter #
1	xx		270--965
1	xx		6100--end
1		xx	1--840
Committee Clerk Signature			

Minutes: Chair Froseth opened the hearing on SB2066 relating to reversion of property not used as a fairground in Stark County.

Rick Larson, State Land Department : testified in support of SB2066. (SEE ATTACHED)

This bill is brought before you to discuss the reversion.

Vice-Chair Severson : (377) Do you have a problem with HB1336 that the senate has now? We had a long discussion, when we heard it here, about leaving the reversion in or taking it out.

Rick : This property benefits the general public. We are looking to the legislature as to what we should do. If it was a trust that we were managing the property for, we would have stronger feelings as trustees. It is up to the legislature to decide.

Vice-Chair Severson : (444) Are we setting a precedence by removing the reversion?

Rick : This is the only piece of land in ND that has this reversion, so I don't think so.

Chair Froseth : In 1987, was there a price fixed to this property when Stark County bought it?

Rick : There were two (2) appraisals done. There was nothing in the legislation that set the price.

House Political Subdivisions Committee
Bill/Resolution Number SB2066
Hearing Date 3-1-01

Chair Froseth : Any further testimony?

Dennis Johnson, President of Dickinson City Commission : (625) here in opposition to SB2066.

I was here a month ago to testify in support of HB1336. I won't bore you by repeating that testimony, but I want to go on record as opposing SB2066.

Chair Froseth : Any further testimony on SB2066? Hearing none, we are closed.

Discussion on SB2066 - Tape 1, side A, (6100-end) and Tape 1, side B, (1-000)

Rep. Maragos : (6140) We need to discuss the philosophy of state land and sale of it. I assume all of the land we are talking about was once state school land somewhere along the way.

Begin tape 1, side B. Stark County wanted the land for one thing and it did not come to fruition, so now they want to do something else with the land. That was not the way it was structured previously. Where are we headed? I can't tell that this is an isolated incident. To we want to establish a policy or do we want to be all over the map. We are setting a precedent here, I believe.

Vice-Chair Severson : (73) In HB1336, we removed the language about the reversion. At that time I asked if they wanted that reversion in there or not. No one was here from the state.

Rep. Maragos : At that time, Dickinson people said to leave it in if it meant passage of the bill for sure. Then they changed their mind.

Vice-Chair Severson : (137) Maybe we should make them like bills. Amend this and match HB1336.

Chair Froseth : The rule is: the last bill that is passed takes effect.

Rep. Maragos : I'm trying to figure out if we are making a statement as to policy and legislative intent and what the policy of ND should be. I'd like to research the policy myself. The concept of the two bills is irrelevant, as far as I am concerned.

House Political Subdivisions Committee
Bill/Resolution Number SB2066
Hearing Date 3-1-01

Rep. N. Johnson : I learned something today, when Mr. Larson testified, that this is the only piece of land that has the reversion thing on it. That seemed strange.

Chair Froseth : I think the main intent of HB1336 was to change the purpose of the land so Stark County could develop it.

Rep. Maragos : I'd like to see that land sold to another subdivision by the state. I'd like to see examples of where this happened, then this isn't an issue. We have to understand what we are doing. The bill itself is not an issue.

Rep. Eckre : Can the intern check with L.C. and see if there are other sales like this?

Rep. Kretschmar : I seem to remember that in 1987, there was a problem with special assessments on this land. It was negotiated into the sale, I think. The bill in 1987, was to take care of the problem. These reversion clauses, I think, are an exception and not the rule. At least in land in my area of the state, which is farm and ranch land, if that is sold by the state, there is no reversion. The state keeps the mineral rights.

Rep. Maragos : Does anyone know what the legislative intent was of the reversion. If it is such an unusual thing, why was it put in?

Rep. Kretschmar : I think it was to get the bill passed. Maybe we should get the old minutes.

Chair Froseth : We'll hold and do research.

Date: 3-15-01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2066

House POLITICAL SUBDIVISIONS Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

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~~ 14 No 0

Absent 7 ab

Floor Assignment Vice Chair Rep. Gunter

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

REPORT OF STANDING COMMITTEE (410)
March 15, 2001 11:29 a.m.

Module No: HR-45-5698
Carrier: Gunter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2066: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2066 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2066

Phone: (701) 328-2800
Fax: (701) 328-3650
www.land.state.nd.us

North Dakota
STATE LAND DEPARTMENT
1707 N 9th Street
PO Box 5523
Bismarck, ND 58506-5523



Robert J. Olheiser
COMMISSIONER

TESTIMONY OF Rick D. Larson
Deputy Land Commissioner

IN SUPPORT OF
SENATE BILL NO. 2066
Senate Education Committee

January 10, 2001

In, Chapter 188 of the Session Laws of 1987, the state legislature authorized the Board of University and School Lands to sell a 170 acre piece of land in Stark County, formerly part of the Dickinson Experiment Station, to Stark County for the development of a county fairgrounds. The legislation provided that the land was to revert to the State of North Dakota if the land was not used for a fairground.

On June 1, 1988, the Board of University and School Lands and the Board of Higher Education executed a quitclaim deed to Stark County. The legislation and the deed did not provide a time limit on the reversion. Stark County has not used the land for a fairground after 13 years. It is the intent now to provide that the land shall revert to the State of North Dakota unless a fairgrounds is developed on this land by July 1, 2011.

I respectfully request your support of Senate Bill 2066.

January 12, 2001

Bob Zent
4110 106 Ave SW
Dickinson, ND 58601
(701) 225-8954
bobzent@ctctel.com

RE: SB2066

Senator Freborg, members of the Committee

Thank you for allowing time to submit testimony on this bill.

I would like to testify in opposition to SB2066 as written.

HB1087, approved March 20, 1987, Section 1., after identifying the approximately 170 acre tract of land called "state second addition" says:

"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."

Not being personally involved in the transaction I can only conclude the conditions set forth were complied with and this was not a gift to Stark County. Records at the Court House seem to indicate that Stark County paid \$34,500.00 for the 170 acre tract of land in 1988.

I can see some advantage for supporting this bill as drafted. However, I have some questions as to whether or not this would not be an infringement on Stark County's property rights, and if executed as drafted if it couldn't be considered takings with out compensation and consideration of its current value.

Again, thank you for allowing this opportunity to submit testimony. I feel badly, and apologize for not having made myself aware of this so as to have been on time and present for the scheduled hearing Wednesday, January 10, 2001.

Sincerely,

Bob Zent

Bob Zent
Stark County Commissioner

Carol Beckert
Stark Co. Register of Deeds

Paulette Leule
Stark County Clerk / Court

Don Leule
Stark County Airports Committee
Chairman

George T. Hobbart
Stark Co. Commissioner

Tom Davis
Stark Co Sheriff

Harold Knutson
Stark Co. Commissioner

NOTICE OF PUBLIC HEARING

The Board of Stark County Commissioners will hold a public hearing on August 2, 1988 at 10:00 A.M. in the County Commissioners' Room of the Stark County Courthouse to hear any comments for or against purchasing land for the use of establishing a County Fairground and County Park Facilities for other year-round user groups.

Dolores Mischel
Stark County Auditor

(Pub. 7-21,28-88)

NOTICE OF PUBLIC HEARING
The Board of Stark County Commissioners
will hold a public hearing on August 2, 1988 at
10:00 A.M. in the County Commissioners' Room
of the Stark County Courthouse to hear any com-
ments for or against purchasing land for the use
of establishing a County Fairground and County
Park Facilities for other year-round user groups.
Dolores Mischel
Stark County Auditor
(Published July 21, 28, 1988)

CLAIM VOUCHER

WARRANT NO. 27437

Date 9-7 1988

\$ 34,500

IN FAVOR OF

State of North Dakota

FILED 9-10 1988

D. M. Mendenhall

County Auditor or Deputy

TO THE COUNTY AUDITOR:

The within account has been carefully checked and audited and you are hereby directed to draw your warrant upon the County Treasurer for the above amount payable from the—

Gen

FUND

Chairman, Board of County Commissioners

AMOUNT OF CLAIM \$

FEDERAL WITHHOLDING \$

SOCIAL SECURITY \$

AMOUNT OF WARRANT \$

PENALTY NOTICE

ANY PERSON, FIRM OR COMPANY FALSELY CERTIFYING TO ANY FALSE BILL, CLAIM, ACCOUNT OR DEMAND AGAINST ANY COUNTY OR TOWNSHIP IS GUILTY OF A MISDEMEANOR AND IN ADDITION TO THE PUNISHMENT OTHERWISE PRESCRIBED BY LAW, SHALL FORFEIT HIS RIGHT TO COLLECT SUCH BILL, CLAIM, ACCOUNT OR DEMAND OR ANY PART THEREOF. CHAPTER 21-0504 REVISED CODE OF 1943.

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NORTH DAKOTA
STATE BOARD OF HIGHER EDUCATION

August 9, 1988

Mr. Ted Renner
822 12th Avenue West
Dickinson, ND 58601

RE: State Second Addition

Dear Mr. Renner:

Pursuant to your request, and with the concurrence of Tim Kingstad, Land Commissioner, please make the County's warrant for \$34,500 made payable to the State of North Dakota for State Addition. The deed is executed and we are prepared to transfer the same after receiving the funds.

Sincerely,

A handwritten signature in cursive script, reading "Rick Johnson", is written over the typed name.

Rick Johnson
Assistant Attorney General

pw

c: Tim Kingstad

Blind copy



CITY OF **DICKINSON**

January 15, 2001

Senator Layton W. Freborg
State Capital
Bismarck, ND 58505

RE: SB2066
Stark County Fair Lands

Dear Senator Freborg:

I am writing to express my opposition to SB2066 as introduced by the Board of University and School Lands.

It is my opinion the ownership of the land in question will best serve the residents of Stark County if that land were remain with the county rather than revert to the Board of University and School Lands.

I believe Stark County Commissioner, Bob Zent, has contacted you and expressed his support of amending this bill by deleting section 2 of chapter 188. I support Mr. Zent's suggested amendment.

Thank you for your consideration.

Sincerely Yours,

Dennis W. Johnson
President
Dickinson City Commission

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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 21, 1987

70482.0100

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.

(CONTINUED)

PAGE 25

03/12 Senate Reported back, do pass, placed on calendar y 005 n 000
 03/13 Senate Second reading, passed, yeas 048 nays 000
 03/17 House Emergency clause carried
 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
 HJ1988
 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 poc 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 poc 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
 Rereferred to STATE AND FEDERAL GOVERNMENT
 03/05 Senate COMMITTEE HEARING 03/10 10:30
 03/12 Senate Reported back amended, amendment poc 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 poc y 005 n 001
 03/19 Senate Amendment adopted, placed on calendar
 03/23 Senate Rereferred to JUDICIARY
 03/25 Senate Reported back amended, amendment poc 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

1987 HOUSE STANDING COMMITTEE MINUTES

Page # 1

BILL/RESOLUTION NO. HB 1078

House Committee on SEC

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 fo the land that is plotted is actually devel-
oped?

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

11/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

SFC

2-16-87

QNA
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
Conference Committee _____ check when
appropriate

Hearing Date Monday, March 9, 1987

Tape Number 1 /Side A X Meter # 2265
B

Committee clerk signature J. Mahgud

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.

UNITED STATES OF AMERICA

OFFICE OF THE SECRETARY OF DEFENSE

10/10/78

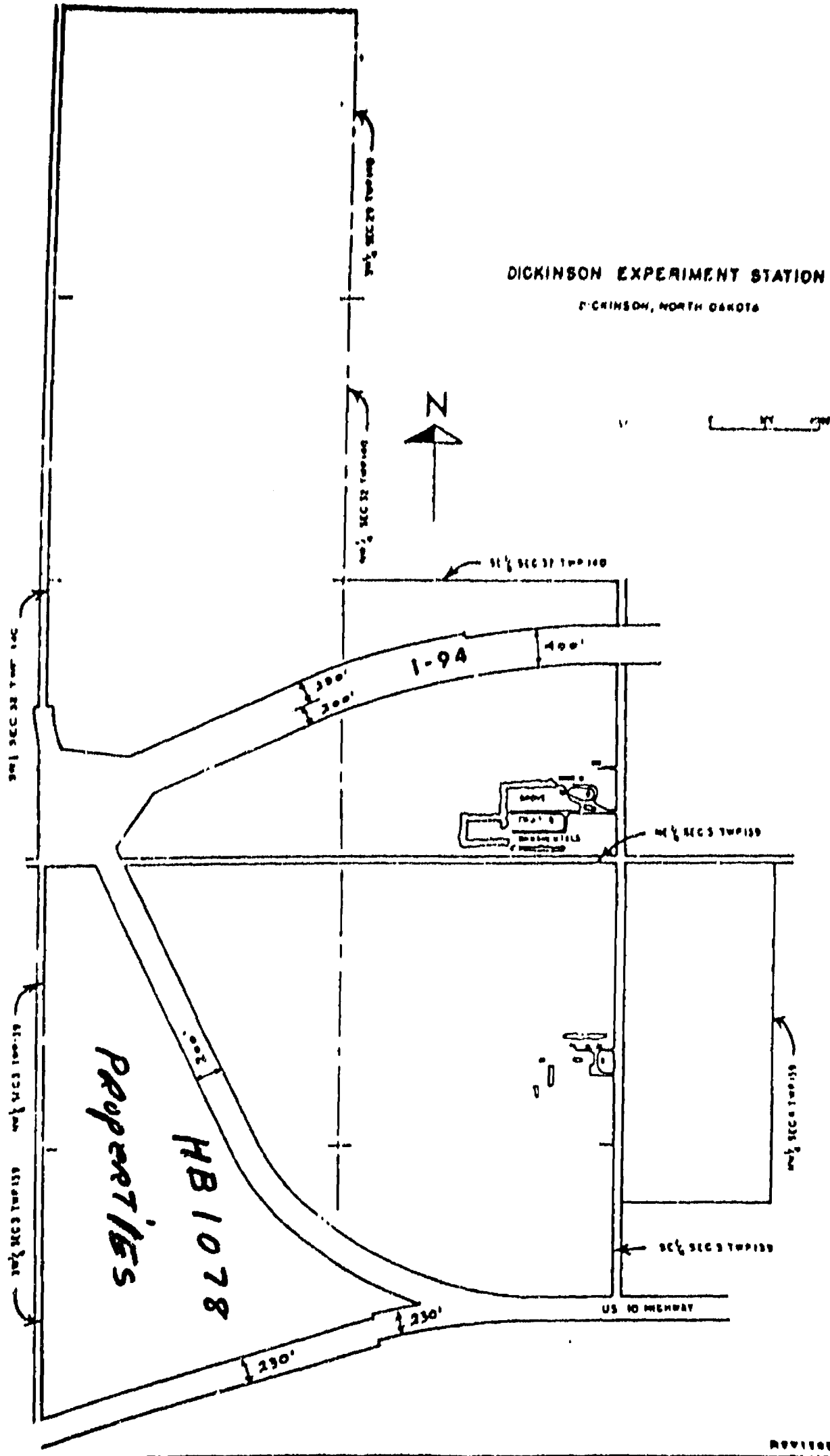
SECRET

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TOP SECRET

DICKINSON EXPERIMENT STATION

DICKINSON, NORTH DAKOTA



REVISED 3-12-64

30
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.

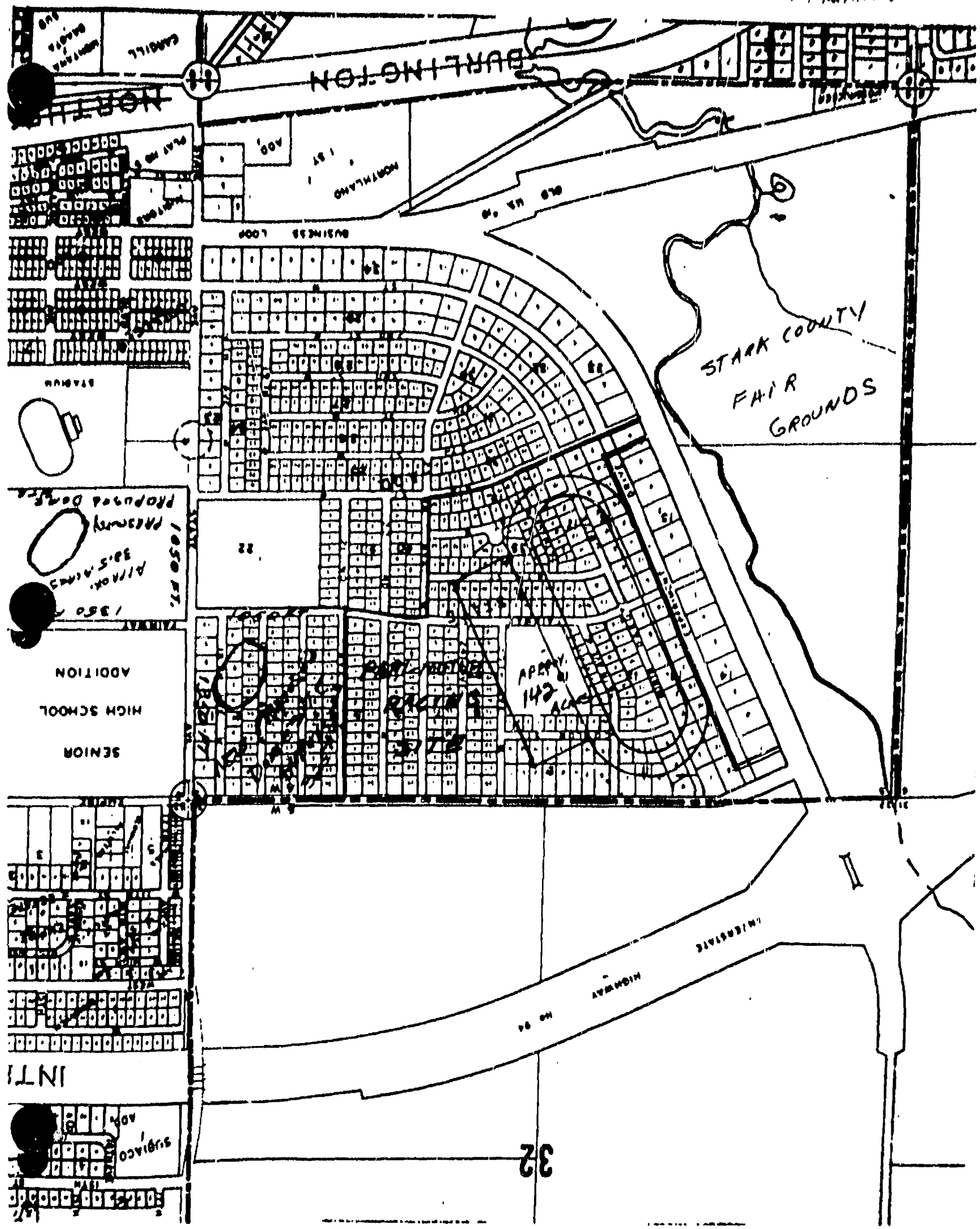
Other events are held annually in Gladstone and Richardton in the fall of the year and hold the possibility for expansion into a county fair. We have the basics and the expertise to create a county fair that will be beneficial and enjoyable for all of stark county.

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 as 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 salable 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.

ND 1010
3/9/87
Francis Uld



State Addition

State Second Addition

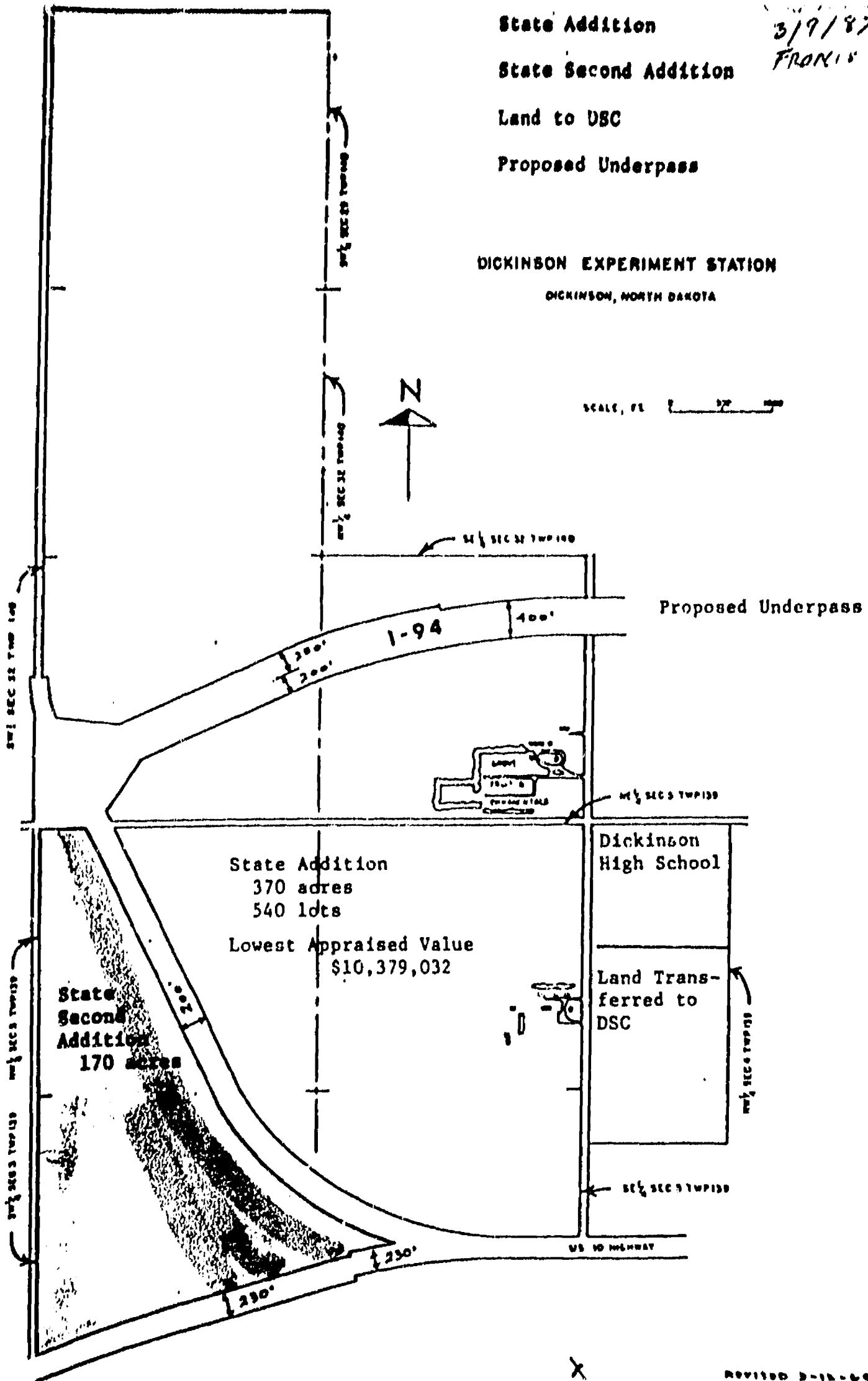
Land to DSC

Proposed Underpass

3/9/87
FRONIS UALD

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 HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Representative Frank Klein
District 36
1040 104th Avenue SW
Dickinson, ND 58601

COMMITTEES:
Human Services
Natural Resources

TO: Senator Byron Fergus
Senate Education Committee

FROM: Rep Frank Klein

SENATOR;

I am writing this testimony in response to our
conversation Thursday Jan 11. I have been trying to
forward a background idea to the State Court Commission
for many years. We formed a State Court Background
Committee approx 1 yr ago. We are in the
process of converting the background committee to
a fair board which changes our powers and
legal responsibilities. We have approached the State
Court Commission with many plans and
options and they have always given us no
answers that they want a background, but action to
get it done have happened. I would like to
see SB 2000 pass in its original script and urge
your support.

~~Rep Klein~~ Thank you
Representative. Frank Klein
~~Rep Klein~~

To: Senator Layton Freborg
Senate Education Committee

From: Rep. Frank Klein

Senator:

I am writing this testimony in response to our conversation Thursday, January 11. I have been trying to forward a fairgrounds idea to the Stark County Commission for many years. We formed a Stark County Fairgrounds Committee approximately one year ago. We are in the process of converting the fairgrounds committee to a fair board which changes our powers and fiscal responsibilities. We have approached the Stark County Commission with many plans and options and they have always given us assurances that they want a fairgrounds, but action to get it done hasn't happened. I would like see SB2066 to pass in its original script and urge your support.

Thank you.

Rep. Frank Klein.