

1999 SENATE POLITICAL SUBDIVISIONS

SB 2157

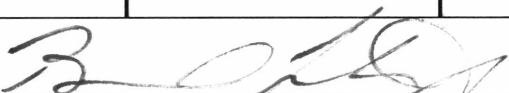
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2157

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 14, 1999

Tape Number	Side A	Side B	Meter #
1	x		0 to 855
Committee Clerk Signature 			

Minutes:

Senator Lee, Call meeting of SB 2157 to order

Roll Call by clerk: All Senator present.

Clerk reading of bill:SB2157: The department of Human Services to convey certain land in Stutsman County, North Dakota. Fiscal Note attached - See note

Senator Lee: Review of Tom Tudors discussion on Bonds for January 15,1999

Senator Lee - specific land to be conveyed

Alex Schweiteler - Superintendent of States hospitals (see testimony) See amendment to SB2157

Legal description in the bill is incorrect. Amendment contains correct legal scripture

Passes out testimony for Darrell Hournbuckel whom isn't present today but is in support of 2157.

Senator Lee: Thank You, Any questions for Mr. Schweitzer?

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number Sb2157

Hearing Date January 14, 1999

Senator Lyson: Section 1, is it policy of the state that the price of the sale be determined by Human Services rather than the state.

Mr. Schweitzer: In the case of the hospital, involve the Land Department and specific agency that has the land, get appraisal and then determine the price on the land. Appropriate procedure before.

Senator Lee: Any further questions? Take some time to look over testimony.

Senator Lee: Is this parcel of land on the South side of the road

Mr Schweitzer: Correct. South of 94

Senator Lee: Any further testimony on 2157

Senator Lee: Close public hearing on 2157

Senator Lee: Discussion on 2157

Senator Lee: Move the amendment on 2157

Motion: Senator Lee, move amendment

Motion: Seconded by Senator Watne

Roll on amendment: 6 yea, 0 nea, 0 absent

Senator Nelson: Acreage of .44 acres and bill was talking about half of a lot

Senator Lee: Bill moved and seconded, Moved and seconded

Motion: by Senator Nelson to Move the bill

Motion: Seconded by Senator Lyson

Senator Lee: Moved and seconded as a DO PASS

Roll: 6 yeas, 0 neas, 0 absent

Senator Lee: Move as DO PASS and a volunteer to carry the bill.

Page 3

Senate Political Subdivisions Committee

Bill/Resolution Number Sb2157

Hearing Date January 14, 1999

Senator Nelson: will carry

Senator Lee: Senator Nelson will carry the bill

## FISCAL NOTE

(Return original and 10 copies)

Bill / Resolution No.: \_\_\_\_\_

Amendment to: SB2157

Requested by Legislative Council

Date of Request: 12/30/98

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

**Narrative:**

This bill would authorize the Department of Human Services to convey specific land in Stutsman County, North Dakota. The bill states that the sale price is to be determined by the Department. Currently, the State Hospital is not using the tract of land estimated to be approximately three acres for which the value is estimated to be \$300 per acre.

2. State fiscal effect in dollar amounts:

	1997-1999		1999-2001		2001-2003	
	Biennium		Biennium		Biennium	
	General	Special	General	Special	General	Special
	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>
Revenues:			900		-0-	
Expenditures:						

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

a. For rest of 1997-99 biennium:	-0-
b. For the 1999-01 biennium:	-0-
c. For the 2001-03 biennium:	-0-

4. County, City, and School District fiscal effect in dollar amounts:

	1997-1999			1999-2001			2001-2003		
	Biennium			Biennium			Biennium		
	Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
	-0-			900			-0-		

If additional space is needed, attach a supplemental sheet.

Signed

*Brenda M. Weisz*

Typed Name

Brenda M. Weisz

Date Prepared: January 20, 1999

Department

Human Services

Phone No.

328-2397

# FISCAL NOTE

(Return original and 10 copies)

Bill / Resolution No.: SB2157

Amendment to: \_\_\_\_\_

Requested by Legislative Council

Date of Request: 12/30/98

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

**Narrative:**

This bill would authorize the Department of Human Services to convey specific land in Stutsman County, North Dakota. The bill states that the sale price is to be determined by the Department. Currently, the State Hospital is not using the tract of land estimated to be less than an acre for which the value is minimal based on location. The sale of the land would not create any realizable revenue (realistically under \$100) for the Department and therefore carries no financial impact.

2. State fiscal effect in dollar amounts:

	1997-1999		1999-2001		2001-2003	
	<u>Biennium</u>		<u>Biennium</u>		<u>Biennium</u>	
	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>
	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>
Revenues:	0		0		0	
Expenditures:						

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

a. For rest of 1997-99 biennium:	-0-
b. For the 1999-01 biennium:	-0-
c. For the 2001-03 biennium:	-0-

4. County, City, and School District fiscal effect in dollar amounts:

	1997-1999			1999-2001			2001-2003		
	<u>Biennium</u>			<u>Biennium</u>			<u>Biennium</u>		
	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>
	-0-			-0-			-0-		

If additional space is needed, attach a supplemental sheet.

Signed

*Brenda M. Weisz*

Typed Name

Brenda M. Weisz

Date Prepared: January 5, 1999

Department

Human Services

Phone No.

328-2397

Date:  
Roll Call Vote #: 2157 Amendments

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate Political Subdivisions Committee Committee

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

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

Action Taken Do pass any amend

Motion Made By Sen. Lee Seconded By Sen. Watne

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson	/				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Sen. Nelson

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

Date:  
Roll Call Vote #: SB 2157

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate Political Subdivisions Committee Committee

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

or

Conference Committee

Legislative Council Amendment Number Do Pass

Action Taken Do pass

Motion Made By Sen Nelson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson	/				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Sen. Nelson

If the vote is on an amendment, briefly indicate intent:  
Do pass  
Carried by Senator Nelson



**REPORT OF STANDING COMMITTEE**

SB 2157: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2157 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "Lot 2" with "Lots 2 and 3" and replace "Northeast Quarter" with "North Half"

Page 1, line 10, replace "(NE 1/4)" with "(N 1/2)"

Page 1, line 24, replace "190.61 feet to a point on the" with "91.71 feet; thence S018'53"W, 130.00 feet; thence N8941'07"W, 98.90 feet to the point of beginning of a 104'59" curve to the left, said curve having a chord bearing of S8419'00"W and a chord length of 1105.50 feet and said point being 440.00 feet, measured at right angles, from the centerline of the median of said Interstate 94; thence, along said curve to the left and parallel with the centerline of the median of said Interstate 94, an arc length of 1107.52 feet to a point on the northeasterly line of Auditor's Lot 5-3; thence N3222'27"W, along said northeasterly line of Auditor's Lot 5-3, 106.76 feet to the point of beginning of a 103'47" curve to the right, said curve having a chord bearing of N8406'58"E and a chord length of 1163.90 feet and said point being 340.00 feet, measured at right angles from the centerline of the median of said Interstate 94; thence, along said curve to the right and parallel with the centerline of the median of said Interstate 94, an arc length of 1166.18 feet; thence N018'53"E, 130.00 feet to a point on the southerly right-of-way line of said Interstate 94 that is 210.00 feet, measured at right angles, from the centerline of the median of said Interstate 94; thence, S8941'07"E, along said southerly right-of-way line, 190.61 feet to the point of beginning. Said tract of land contains 3.34 acres more or less."

Page 2, remove lines 1 through 6

Renumber accordingly

1999 HOUSE POLITICAL SUBDIVISIONS

SB 2157

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2157

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-26-99

Tape Number	Side A	Side B	Meter #
1	x		6.6--13.0
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: BILL SUMMARY: To authorize the Department of Human Services to convey certain land in Stutsman County, N.D. Chairman Froseth called the hearing to order with all committee members present except Vice Chair Maragos.

Alex C. Schweitzer, Superintendent, N.D. State Hospital : 6.7 testified in support of SB 2157.

(See attached testimony) There was a mistake made and this land was to be sold in December 1995 along with other land, and it was not sold. This land is of no use to the hospital, so we want to sell it to the city of Jamestown. This bill will clear up the error. The amendment is to clear up a description error.

Hearing no further testimony in favor or against this bill, the hearing was closed.

Chairman Froseth : What are committee wishes?

ACTION: Rep. Delmore made a motion to DO PASS and Rep. Severson seconded the motion.

ROLL CALL VOTE: 14 YES and 0 NO with 1 ABSENT. PASSED. Rep. Ekstrom will carry the bill.

Date 2-26-99

Roll call vote # 1

Please type or use black pen to complete

### 1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2157

House POLITICAL SUBDIVISIONS Committee

- Subcommittee on \_\_\_\_\_
  - Conference Committee
- } Identify or check where appropriate

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

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Severson

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos					
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glassheim	/				
Rep. Gunter	/				
Rep. Johnson, N	/				
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B	/				

Total 14 0  
(Yes) (No)

Absent 1

Floor Assignment Rep. Ekstrom

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

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE (410)  
February 26, 1999 9:52 a.m.

Module No: HR-34-3640  
Carrier: Ekstrom  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2157, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed SB 2157 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

SB 2157

**The Senate Political Subdivisions Committee**

**Senator Judy Lee, Chairman**

**Senate Bill 2157**

**January 14, 1999**

**Madam Chairman, members of the Committee, my name is Alex C. Schweitzer and I am the Superintendent of the North Dakota State Hospital.**

**I am here to support the Department of Human Services request to convey certain land in Stutsman County, as described in Senate Bill 2157, to the City of Jamestown, North Dakota at a price determined by the Department of Human Services.**

**This conveyance involves the sale and easement of 3.3 acres of land located in Section 5, Homer Township, Stutsman County, North Dakota. This tract of land is located south of what was the Interstate 94 right of way and between two tracts of land acquired by the City from the State of North Dakota on December 21, 1995. (See Attachment 1)**

**Currently this property is of no use to the State Hospital or ever will be and we are presently incurring the costs of spraying the land for noxious weeds. The property will be utilized by the city for roadway and tree planting purposes.**

**I am also passing out an amendment for your review as the legal description contained in the bill is incorrect. This amendment contains the correct legal description.**

**I would ask for your support of Senate Bill 2157, and I would be glad to answer any questions.**





**PROPOSED AMENDMENTS TO SENATE BILL NO. 2157**

Page 1, line 9, replace "Lot 2" with "Lots 2 and 3" and replace "Northeast Quarter" with "North Half"

Page 1, line 10, replace "(NE¼)" with "(N½)"

Page 1, line 24, remove "190.61 feet to a point on the"

Page 2, replace lines 1 through 6 with:

"91.71 feet; thence S0°18'53"W, 130.00 feet; thence N89°41'07"W, 98.90 feet to the point of beginning of a 1°04'59" curve to the left, said curve having a chord bearing of S84°19'00"W and a chord length of 1105.50 feet and said point being 440.00 feet, measured at right angles, from the centerline of the median of said Interstate 94; thence, along said curve to the left and parallel with the centerline of the median of said Interstate 94, an arc length of 1107.52 feet to a point on the northeasterly line of Auditor's Lot 5-3; thence N32°22'27"W, along said northeasterly line of Auditor's Lot 5-3, 106.76 feet to the point of beginning of a 1°03'47" curve to the right, said curve having a chord bearing of N84°06'58"E and a chord length of 1163.90 feet and said point being 340.00 feet, measured at right angles from the centerline of the median of said Interstate 94; thence, along said curve to the right and parallel with the centerline of the median of said Interstate 94, an arc length of 1166.18 feet; thence N0°18'53"E, 130.00 feet to a point on the southerly right-of-way line of said Interstate 94 that is 210.00 feet, measured at right angles, from the centerline of the median of said Interstate 94; thence S89°41'07"E, along said southerly right-of-way line, 190.61 feet to the point of beginning. Said tract of land contains 3.34 acres more or less."

Renumber accordingly

## SB2157

## POLITICAL SUBDIVISIONS COMMITTEE

TESTIMONY BY DARRELL HOURNBuckle  
ASSISTANT CITY ENGINEER, JAMESTOWN ND

Madam Chairman and members of the committee, my name is Darrell Hournbuckle, I am the Assistant City Engineer of Jamestown North Dakota. I am here to testify in support of this bill.

The 1995 legislature approved a bill to convey land in Section 5 south east of the City of Jamestown labeled Auditors lot 5-2 and 5-3 on the attached exhibit 1. This land was subsequently purchased by the City of Jamestown from the Department of Human Services.

At the time the above land was conveyed to the City of Jamestown neither the Department of Human Services nor the City realized that the State owed the 100' strip between these parcels.

Since that time the City of Jamestown has begun development of the two parcels and begin investigating the ownership of the land between them. The City intends to construct a connecting gravel road between the parcels

The strip of land as it currently stands is not accessible to the Department of Human Services except directly from the Interstate Right of Way. The approval of this bill with the amendment would allow the City to develop easier the two parcels previously conveyed.

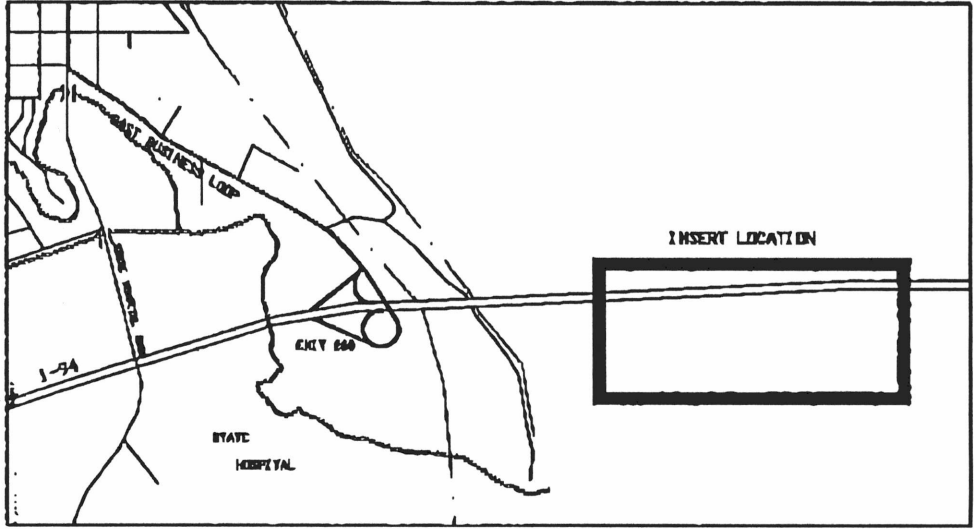
SB2157

Thank you for your time. I would be happy to answer any questions that you have on this issue.

Darrell Hournbuckle  
Assistant City Engineer  
Jamestown, ND

Attached: Map of parcel described in this bill amendment and adjacent parcels conveyed in 1995.

SB 2157 - POLITICAL SUBDIVISIONS COMMITTEE  
EXHIBIT 1 TO WRITTEN TESTIMONY  
BY DARRELL HOURNBuckle  
ASSISTANT CITY ENGINEER, JAMESTOWN ND



W



ND DOT R/W I-94

R/W PURCHASED BY CITY OF JAMESTOWN

A

B

1995 AUDITOR'S LOT 5-2

1995 AUDITOR'S LOT 5-3

- A. ORIGINAL DESCRIPTION
- B. AMENDED DESCRIPTION INCLUDING A.

**The House Political Subdivisions Committee  
Representative Glen Froseth, Chairman  
Senate Bill 2157  
February 26, 1999**

**Mister Chairman, members of the Committee, my name is Alex C. Schweitzer and I am the Superintendent of the North Dakota State Hospital.**

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**I would ask for your support of Senate 2157 and I would be glad to answer any questions.**