

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2201

2001 SENATE JUDICIARY

SB 2201

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2201

Senate Judiciary Committee

Conference Committee

Hearing Date January 23rd, 2001

Tape Number	Side A	Side B	Meter #
1	X		0-15.5
January 30th, 2001 (tape 1&20)		X	37.9
tape 2	X		0-8.5
Committee Clerk Signature			

Minutes: **Senator Watne** opened the hearing on SB 2201: A BILL FOR AN ACT TO PROVIDE FOR THE REMOVAL OF A FUTURE INTEREST AND A COVENANT FROM DEEDS TRANSFERRING LAND FROM THIS STATE TO THE DEVILS LAKE PUBLIC SCHOOL DISTRICT NO. 1.

Senator Traynor, introduced this bill at the request of the Devils Lake Public School Superintendent to obtain deeds from the state. State had placed covenants on these deeds. If these deeds weren't used for education purposes they were to be reverted back to the state. The school would like to build houses on this land and sell them to 3rd parties. There are too many covenants which restricts this from happening. SB 2201 addresses this issue. (Testimony attached)

Ronald P. Bommersbach, Supt., for Devil's Lake Public School. (Testimony attached)

Senator Nelson, I would like to see what the land looks like around the school? How saleable is the land going to be if its between two institutions?

Page 2

Senate Judiciary Committee

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Senator Watne, how much land is involved?

Senator Traynor 50 acres. Both deeds also have mineral reservations, Legislative Council was wondering if it was accessible.

Senator Watne 50 acres.

Senator Bercier is there any part of testimony that may allude to them developing a housing tract.

Senator Traynor possible that a program may be expanded.

Senator Bercier Their vocational program would sell and lease the houses?

Senator Traynor the house would not be moved.

Senator Bercier the houses could be reverted to school dorms.

Senator Traynor they want the restrictions released to.

Senator Dever does 30,000 dollars represent full market value?

Senator Traynor I'm looking at the bill that authorized the land to be sold in 1989. Which states that the land will be sold for appraised price.

Senator Watne is there an appraised price?

Senator Traynor yes.

Senator Nelson this land, how is it zoned?

Senator Watne agriculture. **Senator Watne** then closed the hearing until further information on SB 2201 could be obtained.

January 30th, 2001 tape 1 side 1 meter #37.9

Ron Bommersbach, Superintendent of Schools for the Devil's Lake Public School District.

Testifies in support of SB 2201. (testimony attached) Discussion on the use of land ensued by the committee and the intention of its use.

Page 3

Senate Judiciary Committee

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Hearing Date January 23rd, 2001

Senator Traynor closed the hearing on SB 2201.

**MOTION MADE BY SENATOR WATNE TO DO PASS, SECONDED BY SENATOR
TRENBEATH. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT
VOTING. SENATOR TRAYNOR VOLUNTEERED TO CARRY THE BILL.**

REPORT OF STANDING COMMITTEE (410)
January 31, 2001 4:38 p.m.

Module No: SR-17-2046
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2201: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the
Eleventh order on the calendar.

2001 HOUSE NATURAL RESOURCES

SB 2201

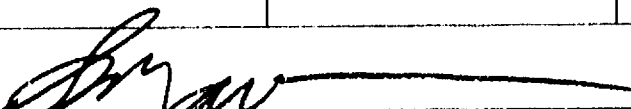
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2201

House Natural Resources Committee

Conference Committee

Hearing Date March 2, 2001

Tape Number	Side A	Side B	Meter #
1	x		1 to 2030
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Klein, Rep. Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will call the Natural Resources Committee to order. Will you call the roll. I will open the hearing on SB 2201.

Sen. Traynor - District 15: I introduced SB 2201 at the request of the administration of the Devils Lake School District. The school district acquired property from the state of ND in 1989 and 1975. The property was originally part the ND School for the Deaf. It was not longer needed by the school for the deaf so the school district negotiated for the acquisition of the property. There's been a lot of development on the property since then. The new Devils Lake High School, the Sports Center, the Burdick Ice Arena and the new football field. In the 2 conveyances, the deeds had certain restrictions and reservations. A lot of which was if the property was no longer

used for school purposes the title would revert to the state of ND. Other reservations included the mineral reservations and a provision that students from the ND School for the Deaf could use whatever facilities were directed on the property. The relationship between the Devils Lake School and the School for the Deaf has been excellent for years. Students use both facilities at ease. Now the school district has a plan in their vocational program as well as in the new Outlooks Program to build some house on the property. These formerly were built and then moved off, now the plan is to actually develop this in a residential context and to sell the land with the house. Because they need to sell the land and convey a good title, we have to get rid of the restrictions in the deed. That is what the bill calls for, the removal of the restrictions. It would require another deed from the state. I think really the restrictions are rather meaningless, but they are a cloud on the title. Any third party that bought a house there, wouldn't want to buy it with all of these covenants on the title. It would render the title unmerchantable in a commercial sense. That is the purpose of the bill. It address both deeds. The superintendent of schools is here to explain the details.

Chairman Rennerfeldt: Are there any questions of the committee?

Vice Chair Nelson: So the school district will develop this land and these homes will be placed there. What are you hearing from the construction and real estate people in Devils Lake? Are they fully behind this?

Sen. Traynor: I haven't heard any opposition. It has been well publicized in our community.

Rep. Weiler: On section three of the bill, the mineral rights and all that need to be deeded back? Those need to be deeded to the Devils Lake... The state owns them now?

Sen. Traynor: There is no mineral activity in our area at all.

Rep. DeKrey: How about the School for The Deaf kids? Are they going to have full access to all this?

Sen. Traynor: The School for the Deaf administration is in full agreement with what we are doing here.

Chairman Rennerfeldt: This is just on the land where the houses are?

Sen. Traynor: No, it would be all the land, the reservation about using for school purposes, as I said, it is kind of obsolete. Those huge buildings there could only be used for school purposes.

Chairman Rennerfeldt: Any questions?

Ron Bommersbach - Devils Lake Public Schools: I am here to supply testimony in favor of SB 2201. (See written testimony and maps).

Rep. DeKrey: It has been interesting to watch that develop through the years, when I was there, the FFA used to farm that land and the school board found out how much money they were making and then they rented it out.

Rep. Droydal: When the state has sold land in the past, I think they have generally kept the mineral acres underneath that land. Is there a particular reason we are treating these mineral acres different?

Bommersbach: I don't know if it would make it difficult for a new home owner to buy, if there was any kind of restriction on that land at all. I would suspect it would make it a bit suspect if there was any kind of restriction on there.

Vice Chair Nelson: How many units do you plan on developing in these areas?

Bommersbach: We have sort of a tentative plot, especially for the one located by the football field. We are looking at putting the New Outlooks on that triangular portion. We would have room to put 3 or 4 houses on there as well. On the one located by the football field we could

perhaps get up to eight house on there. We have a real problem with that though in that the city has not run any water or sewer to that area at all. So in order for us to be able to build anything on site there, we would initially have to work up the city to run that. We would probably have to sell a lot in order to get the money to do that. I would think we might be able to get up to eight house on there.

Vice Chair Nelson: Is there water and sewer in that trailer court to the west of there?

Bommersbach: Yes.

Vice Chair Nelson: Is there any restriction in that area as far as basements? And looking at the vocational training, would you expand your program to include like constructing basements and things like that?

Bommersbach: Not initially. We have that done because of the short building time. They need to have the basement done before they start the school year so they can get the walls up and then do interior over the winter.

Vice Chair Nelson: Basically you would still be doing one unit per year?

Bommersbach: One a year, or we don't know if we would even do one every year. Sometimes we get requests to do other kinds of buildings. We had a number of requests for cabins. That venture could be a fifteen year project. It does give us some good options for the kids.

Vice Chair Nelson: You do have a vocational agreement with the School for the Deaf so they do share the vocational program?

Bommersbach: They share all of our programs K-12.

Chairman Rennerfeldt: Any further questions of the committee? Anyone else here to testify in favor of SB 2201? Is there any opposition? If not, I will close the hearing on SB 2201.

Rep. DeKrey: I move a Do Pass.

Page 5
House Natural Resources Committee
Bill/Resolution Number SB 2201
Hearing Date March 2, 2001

Rep. Porter: I second.

Chairman Rennerfeldt: Any further discussion? Call the roll.

MOTION FOR A DO PASS

YES, 13 NO, 0

2 ABSENT AND NOT VOTING

CARRIED BY REP. BREKKE

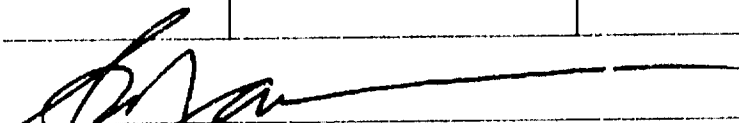
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2201

House Natural Resources Committee

Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
2		x	3800 to 4265
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: Let's finish up on SB 2201.

Rep. Drovdal: I move to reconsider the action on SB 2201.

Rep. Porter: I second.

Chairman Rennerfeldt: I have a motion to reconsider and a second. All in favor signify by saying Aye. Opposed? Motion carries.

Rep. Weiler: The amendments for SB 2201 are pretty simple. The state when they transfer lands to an entity or anything to my knowledge have never handed over the minerals as well. The amendment simply keeps the minerals in the states hands.

Page 2
House Natural Resources Committee
Bill/Resolution Number SB 2201
Hearing Date March 15, 2001

Rep. Droydal: The minerals we are talking about are not just the minerals under the 7 acres, but under the original land transfer which is forty acres. I did talk to the primary sponsors and they didn't object.

Rep. Keiser: Move the adoption of the amendment.

Vice Chair Nelson: I second.

Chairman Rennerfeldt: Any discussion on the amendments? If not signify by saying Aye.
Opposed? Amendments carry.

Rep. Keiser: I move to Do Pass as Amended.

Vice Chair Nelson: I second.

Chairman Rennerfeldt: Any further discussion on the bill as amended. If not call the roll for a Do
Pass.

MOTION FOR A DO PASS AS AMENDED

YES, 15 NO, 0

CARRIED BY REP. BREKKE

