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2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2212

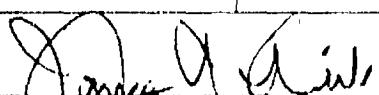
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2212

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1	X		19.8-43.0
Committee Clerk Signature 			

Minutes: Chairman Krebsbach called the committee back to order and opened the hearing on SB 2212 which relates to the sale of state land to Burleigh County. Appearing before the committee to introduce the legislation was Senator Dick Dever, District 32, Bismarck. Senator Dever indicated that if you went to the game and fish department and looked to the east and southeast you would see across the road a small pioneer village that we refer to as Buckstop Junction, a 4 H building that also includes some county extension offices, a racetrack, a rodeo arena, and you might say to yourself, well there is the Burleigh County Fairgrounds. This bill refers to a couple of sales of property from the state penitentiary to Burleigh County that took place in 1989 and 1991 and for some reason at that time there was a restriction included that said that the property must be used for a fairgrounds. He indicated he was asked by the Burleigh County Commission to sponsor this bill and he thinks part of the question is what constitutes a fairground. Who has the say in defining what a fairground is? In Senator Devers estimation that should be left to the Burleigh County Commission. The fairgrounds as he understands it was appraised and the

property was sold at full market value. In support of this bill, the fact that it was stipulated that it must be used as a fairgrounds simply is not fair. You might say that a fairground is grounds on which there is a fair. We have had fairs at the fairground but it should be up to the Burleigh County commission to determine what constitutes a fairground. There were no questions from the committee at this time. Claus Lembke, Burleigh County Commissioner appeared before the committee. He gave a map copy to each of the committee members to show them what the land area in question in this bill looks like. On the map, plat area 1 indicated land purchased from the state penitentiary, area number 2 represents land purchased in 1989 for fairground property. He indicated he was instrumental in spearheading the purchase at that time. The greatest concern at that time was what was going to be done with the property to be purchased. At the time a settlement was reached where in a stipulation was made whereby the land was to be used for fairgrounds only. Area 3, was purchased in 1991 for use as a drag strip. The land is currently used for multiple events and purposes. The reason this has been brought to the legislature is that the Burleigh County Commission has adopted a policy that this land will be dedicated to public use only. The park board has expressed an interest for additional walkways, the game and fish department has expressed some interest for some land for storage facilities, and now we are questioning these uses. Are they for fair board purposes. There is no definition in statute for fairground purposes. The county paid full market value for this land and that concerns them. When the 4 H Council purchased the property they are on they had to float some bonds to pay for it. The rent the Burleigh County Extension Agency pays is satisfying those bonds. Bonds could not be sold on parcels two or three because of restrictions. If there were ever any other development and public bonds had to be issued, the lenders would not approve the bonds. These are the reasons we are asking you to remove these restrictions. Senator C. Nelson indicated that

this seems to be the session of the land transfers. There are number of these types of things which have been brought to various committees. It seems strange to her that these are all similar things where the mineral rights were reserved by the state, they had to pay fair market value, but there was always this caveat for what it shall be used for. Now this year everybody is saying but we don't use it for that. She finds this very strange. She sees this as the same kind of problem. What was the legislature doing back in 1993, or 1991. There are a couple of things here which are of concern to her. At one point you made mention that parts of this might be good for residential but in another part of what you said you were viewing these for public use only. I find that to be a contradiction. Mr. Lembke responded to questions from Chairman Krebsbach, Senators Kilzer and C. Nelson. There was no further testimony offered in support of, in neutral position on, or in opposition to SB 2212. Senator Wardner indicated that a similar situation exists in Dickinson. It is his impression that the committee back then was concerned about Dickinson, Bismarck, or Devils Lake developing this land and making a whole lot of money on it. That didn't occur. Dickinson is struggling to find a place for a race track and there are people who don't want it where this parcel of land is because they feel it would be too noisy. They are tied up, they have no flexibility. If it isn't done before this session is over, we will be in with the same bill next session from our community. He indicated he supports this bill. The communities paid true and full market value for this land. They did not get it for nothing. There was nothing further at this time. The hearing was closed. Senator Wardner made a motion for a Do Pass on SB 2212, seconded by Senator Dever. Roll Call vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. Senator Dever will carry the bill.

Date: 1/25/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2212

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Wardner Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator Carolyn Nelson	✓	
Senator Dick Dever, Vice-Chr.	✓		Senator Tim Mathern	✓	
Senator Ralph Kilzer	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Dever

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 12:25 p.m.

Module No: SR-13-1604
Carrier: Dever
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2212: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2212
was placed on the Eleventh order on the calendar.

2001. HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2212

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2212

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3/08/01

Tape Number	Side A	Side B	Meter #
1		X	320-1305
		X	2891-3077
Committee Clerk Signature <i>Robin A. Small</i>			

Minutes:

REP. M. KLEIN called the hearing to order, with all members present except REP. GRANDE.

In favor:

SEN. DEVER, DISTRICT 32

Please see handout.

REP. JEVLIN asks if the land was sold with certain restrictions? DEVER replies that the legislature put restrictions on the land that it be used only for fair grounds.

In favor:

CLAUS LEMBKE, BURLEIGH COUNTY COMMISSION

Please see map. LEMBKE has the committee look at the three parcels on the map that are the fair grounds right now. There are deed restrictions in those areas.

REP. M. KLEIN asks how many acres are in the different sections on the map. LEMBKE states that in #1: there are 92 acres, #2: there are 314 acres, and in #3: there are 52.7 acres.

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House Government and Veterans Affairs Committee
Bill/Resolution Number SB 2212
Hearing Date 3/08/01

REP. KLEMIN reads to the committee, out of the century code about public sale notices.

In favor:

REP. WEILER, DISTRICT 30

WEILER is one of the sponsors on the bill also.

REP. BELLEW asks would this benefit the Apple Creek Country Club? WEILER replies that he doesn't think so, jokingly.

Being there was no further testimony in favor or in opposition the hearing was closed.

Action was taken later that afternoon. REP. KLEMIN motioned for a DO PASS, seconded by

REP. MEIER. The roll call was taken with 14 YES, 0 NO and 1 ABSENT AND NOT VOTING.

The motion carries. The CARRIER of the bill is REP. MEIER.

SB 2212: DO PASS 14-0

CARRIER: REP. MEIER

Date: 3/8/01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2212

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Klein Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER	✓	
VICE CHAIR GRANDE					
REP BELLEW	✓				
REP BRUSEGAARD	✓				
REP CLARK	✓				
REP DEVLIN	✓				
REP HAAS	✓				
REP KASPER	✓				
REP KLEMIN	✓				
REP MEIER	✓				
REP WIKENHEISER	✓				
REP CLEARY	✓				
REP HUNSKOR	✓				
REP METCALF	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Meier

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2001 11:13 a.m.

Module No: HR-40-5106
Carrier: Meler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2212: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2212
was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2212

Testimony on Senate Bill 2212
Senator Dick Dever

Mr. Chairman, Members of the Committee, for the record, I am Senator Dick Dever. I represent the good people of District 32, which is most of south Bismarck.

If you were to go to the Game & Fish Department and look across the road to the east and east-southeast, you would see a pioneer town that we call Buckstop Junction. You would see a 4-H building. You would see a rodeo arena. You would see a race track. You would see some open area. You might say to yourself - oh that must be the Missouri Valley Fairgrounds -- or you might not.

The area you would be looking at was purchased by Burleigh county in three different parcels from the state penitentiary. The first parcel was purchased in the 1980's with no restrictions. Appraisals were done on each parcel and the county paid full market value.

The other two parcels were purchased in 1989 and 1991. The legislature in those two transactions included the restriction that the area must be used for a fairgrounds.

When the commission decided to allow the construction of the 4-H building, they were forced to locate it entirely on the first parcel in order to issue bonds. They needed clear title.

The bill before you is to remove the restrictions on the property and allow the Burleigh County commission to decide how they want to use the property.

The question could be raised -- what constitutes a fairground? -- and who should make that determination?

I believe the county should make that decision on property they paid full market value for. The Senate GVA Committee agreed unanimously and we hope that you agree.

CO

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