

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1180

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1180

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1180

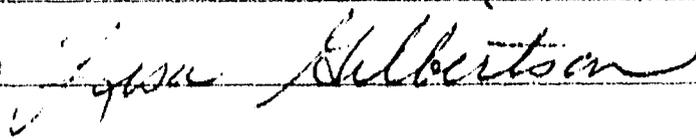
House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 01/12/01

Tape Number	Side A	Side B	Meter #
#2	X		170 to 785

Committee Clerk Signature



Minutes:

Chairman Klein, Vice-Chair Grande, Rep. Bellow, Rep. Brusegaard, Rep. Clark, Rep. Cleary, Rep. Devlin, Rep. Haas, Rep. Hunskor, Rep. Kasper, Rep. Klemin, Rep. Kroeber, Rep. Metcalf, Rep. Meier, Rep. Wikenheiser

Chairman Klein: We'll start with HB1180, give testimony

Adjutant General Mike Haugen: Please refer to the testimony attached.

Chairman Klein: This seems to be one of those things that got overlooked, and like you say, things have changed.

Rep. Haas: Would this apply ever to training sites?

Haugen: Some training sites do fall under a separate law

Rep. Haas: So this really only applies to very temporary things.

Haugen: The current law allows us to do user agreements, and we will do user agreements for a one time, short-term, but what we're really looking at is leasing. Leasing a space for longer than

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number HB1180

Hearing Date 01/12/01

a one time event. Another thing it does is provide, under a lease agreement, liability. For instance, when we allowed the high school to use our gymnasium, if there was an accident of an individual being paralyzed. Liability-wise, the State would then have a lease, and those agreements would be written in there. So liability becomes a big issue.

Chairman Klein: Any more questions? If no more testimony for or against HB1180, we will close the hearing. While the military people are here, are we ready to take action?

Rep. Cleary: I move to DO PASS

Rep. Haas: Second.

Chairman Klein: The DO PASS motion passes with a 13 YES 0 NO 2 ABSENT

Floor Assignment Rep. Clark

FISCAL NOTE
 Requested by Legislative Council
 12/28/2000

Bill/Resolution No.: HB 1180

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill has no foreseeable fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Holly Gaugler	Agency:	Adjutant General
Phone Number:	224-5211	Date Prepared:	01/02/2001

Date: 1/12/01

Roll Call Vote #: 13 Do Pass 0 Do Not Pass 2 Absent

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1195**

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Cleary Seconded By Rep. Haas

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

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Clark

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

REPORT OF STANDING COMMITTEE (410)
January 12, 2001 2:08 p.m.

Module No: HR-04-0953
Carrier: Clark
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1180: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
HB 1180 was placed on the Eleventh order on the calendar.

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1180

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1180

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 26, 2001

Tape Number	Side A	Side B	Meter #
1	X		22.0-35.8
February 1, 2001 2	X		5.0-15.0
Committee Clerk Signature <i>James A. Raabe</i>			

Minutes: Vice-Chairman Dever called the committee back to order and opened the hearing on HB 1180 which relates to the authority of the adjutant general to lease or vacate property.

Appearing before the committee to testify in support of HB 1180 was Brigadier General Michael J. Haugen, Adjutant General of North Dakota. A copy of his written testimony is attached. At the conclusion of his written testimony he indicated that he would like to add an amendment to this proposed legislation. The amendment would simply remove the words "or to" on line 9 of the bill. These words were added by the legislative council and someone from the council indicated that they could be removed without changing the meaning of the bill. The General indicated that he believes the removal simply makes for easier reading. Senator C. Nelson inquired how much land the military owns in North Dakota. Brigadier General Haugen indicated the land actually owned is Camp Grafton, leases on Hector Field, Camp Grafton South, Fraine Barracks, the rest is leased land. Senator C. Nelson then inquired about the land for the air bases in ND. Is it federally owned, or leased or what? Brigadier General Haugen indicated

he did not know for certain. Chairman Krebsbach indicated that the land for Minot Air Force Base was donated to the federal government by the city of Minot. She didn't know about the base at Grand Forks. Senator Kilzer posed a question about lease agreements. Brigadier General Haugen indicated that with long term lease agreements there may be an issue of liability should someone be injured on the property. There were no further questions from the committee. There was no additional testimony on the bill. The hearing was closed on HB 1180. Senator Wardner moved to amend the bill, seconded by Senator Kilzer. Roll Call Vote indicated 6 Yeas, 0 Nays, and 0 Absent or Not Voting. Senator Wardner moved a Do Pass as Amended on HB 1180, seconded by Senator Kilzer. Roll Call Vote indicated 6 Yeas, 0 Nays, and 0 Absent or Not Voting. Senator T. Mathern will carry the bill. On February 1, 2001 the committee brought back HB 1180 for further consideration. It was decided that the committee should reconsider its previous actions on the bill. Senator C. Nelson moved to reconsider the actions taken on HB 1180, seconded by Senator Wardner. Roll Call vote indicated 6 Yeas, 0 Nays, and 0 Absent or Not Voting. A motion to reconsider and further amend HB 1180 was made by Senator C. Nelson, and seconded by Senator Wardner. 6 Yeas, 0 Nays, and 0 Absent or Not Voting. A motion for Do Pass as Amended was made by Senator C. Nelson, seconded by Senator Dever. Roll Call Vote indicated 6 :Yeas, 0 Nays, 0 Absent or Not Voting. Senator T. Mathern will carry the bill.(Tape 2, Side A, Meter #'s 5.0-15.0, February 1, 2001)

REPORT OF STANDING COMMITTEE (410)
January 29, 2001 8:32 a.m.

Module No: SR-15-1803
Carrier: T. Mathern
Insert LC: 18245.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1180: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1180 was placed
on the Sixth order on the calendar.

Page 1, line 9, remove "or to"

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1180

Page 1, line 9, remove "or to"

Renumber accordingly

REPORT OF STANDING COMMITTEE (410)
February 2, 2001 7:43 a.m.

Module No: SR-19-2174
Carrier: T. Mathern
Insert LC: 18245.0102 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1180: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1180 was placed
on the Sixth order on the calendar.

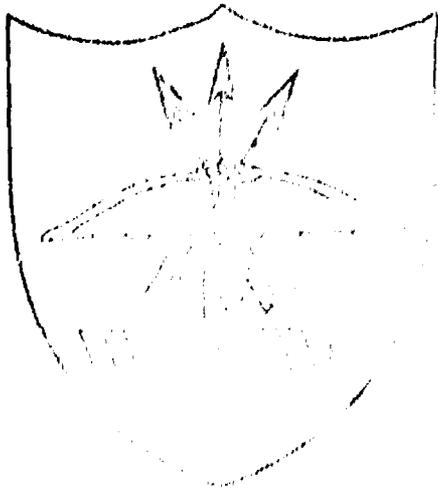
Page 1, line 7, after "exchange" insert "with", after "sell" insert "to any person", and overstrike
"with"

Page 1, line 9, remove "or to any person"

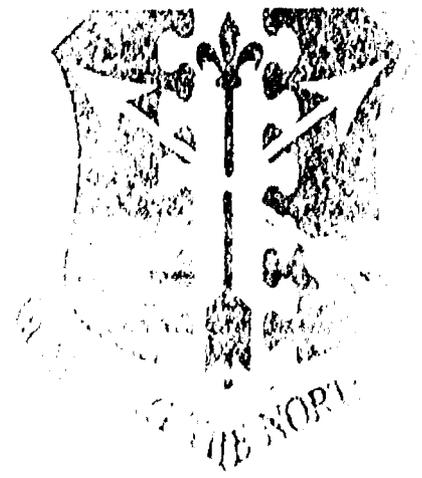
Renumber accordingly

2001 TESTIMONY

HB 1180



Army National Guard
"The Straight Arrow"



National Guard
"The Honor"

The
New York
National Guard

... ONY OF
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TESTIMONY OF
BRIG GEN MIKE HAUGEN, THE ADJUTANT GENERAL
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

JANUARY 12, 2001

9:00 a.m.

HOUSE BILL 1180

Mr. Chairman, Members of the Committee, good morning.

This Bill provides two land management tools to the Adjutant General for the management of military installations.

First, it gives the Adjutant General the authority to lease military installations to any person (please see definition on next page). Under our current law, the Adjutant General may sell or exchange lands and installations to any person, but may only lease military installations to the Department of Defense or other federal agencies. We believe that the power to lease should be the same as the authority to sell or exchange. By providing the authority to lease military installations to any person, the Adjutant General can better manage military installations and land. A good example of the need for this Bill is the 1997 flood. During and after that event, we had occasion to enter into facility use agreements with the American Red Cross, who needed office space; the city of Grand Forks, who needed land for an impound lot; and Red River High School, who needed a gymnasium. Our authority to provide this support was somewhat tenuous, but the need was great and we used what limited authority we had to help out. This Bill would clearly give us the authority to provide this support in the future.

Second, it gives the Adjutant General the authority to return property that is no longer needed for military purposes to political subdivisions when the property was originally transferred to the National Guard for nominal consideration (please see definition on next page). Currently, the Adjutant General can only sell land at its market value at a public auction. In cases where this land was provided to the State for nominal consideration, we believe the only fair thing to do is return the land for the same nominal consideration (i.e. \$1.00). The city of Harvey, North Dakota is a case in point. Back in the 1940's, Harvey gave us a piece of land for nominal consideration. We have long since abandoned that facility, but still own the land. The city of Harvey now occupies the facility and would like to secure federal funds for improvements, but they can't receive the funds without having title to the land. We have no problem giving them the land back, but under state law, we must appraise the land and sell it for appraised value at a public auction. This is unfair. Passing this Bill will correct this injustice by allowing the return of unneeded military lands to political subdivisions.

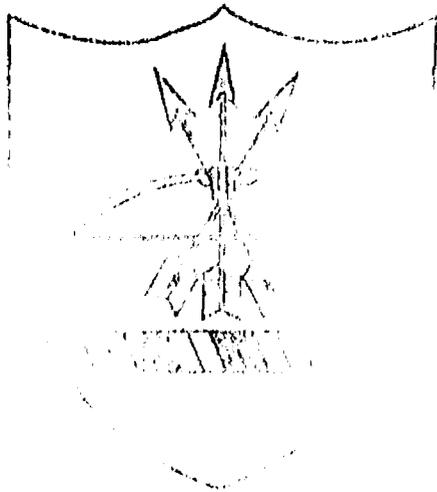
This Bill provides the Adjutant General with two needed tools to properly manage the State's military lands. Additionally, it provides some relief to political subdivisions by not making them buy back land they gifted to the state.

I would be pleased to respond to any questions, Mr. Chairman.

DEFINITIONS

Nominal Consideration. One bearing no relation to the real value of the contract or article, as where a parcel of land is described in a deed as being sold for "one dollar," no actual consideration passing, or the real consideration being concealed. This term is also sometimes used as descriptive of an inflated or exaggerated value placed upon property for the purpose of an exchange. Black's Law Dictionary, (5th Ed).

"Person" means an individual, organization, government, political subdivision, or government agency or instrumentality. N.D. Cent. Code Sec. 1-01-49 (2000)



*The National Rifle Association
is a national organization
of sportsmen.*



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*The
Ninth Day
National Guard*

*Testimony of
Brigadier General Michael J. Smith
before the
Committee on Veterans Affairs
of the House of Representatives
on May 11, 1964
at the
House Hearing Room*

TESTIMONY OF
BRIG GEN MIKE HAUGEN, THE ADJUTANT GENERAL.
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

JANUARY 26, 2001

9:30 a.m.

HOUSE BILL 1180

Madam Chairman, Members of the Committee, good morning.

This Bill provides two land management tools to the Adjutant General for the management of military installations.

First, it gives the Adjutant General the authority to lease military installations to any person. Under our current law, the Adjutant General may sell or exchange lands and installations to any person, but may only lease military installations to the Department of Defense or other federal agencies. We believe that the power to lease should be the same as the authority to sell or exchange. By providing the authority to lease military installations to any person, the Adjutant General can better manage military installations and land. A good example of the need for this Bill is the 1997 flood. During and after that event, we had occasion to enter into facility use agreements with the American Red Cross, who needed office space; the city of Grand Forks, who needed land for an impound lot; and Red River High School, who needed a gymnasium. Our authority to provide this support was somewhat tenuous, but the need was great and we used what limited authority we had to help out. This Bill would clearly give us the authority to provide this support in the future.

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