

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2058

2007 SENATE NATURAL RESOURCES

SB 2058

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2058

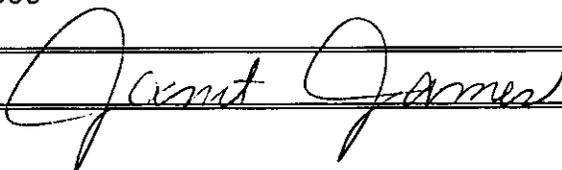
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 4, 2007

Recorder Job Number: # 609

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee called the Senate Natural Resources Committee to order.

Attendance was taken indicating all members of the committee were present except **Senator**

Ben Tollefson.

Senator Lyson opened the hearing on SB 2058, relating to the authorization of the North Dakota Game and Fish Department to transfer land located around Golden Lake.

Paul Schadewald, Chief of Administrative Services for the North Dakota Game and Fish Department explained SB 2058 was introduced at the request of the North Dakota Game and Fish Department. (See attached testimony) He referred to the map attached to his testimony pointing out the track of land that is of concern, explaining that in the 1950's the North Dakota Game and Fish Department worked with the Water Commission and local water board to purchase land to develop a recreation water project. In the 1970's a private developer had the land surveyed and sold the land as private lots. Recently, a new survey indicated the earlier survey for property lines was incorrect as in some cases the cabins were actually built on Game and Fish land or they were built on neighbors property, resulting in both side and front property lines being incorrect. Cabins owners approached the Game and Fish to help resolve

the situation and they are willing to do so. He further proposed that instead of auctioning off the land; sell the land at appraised value. This appraisal will be paid for by the cabin owners as well as they pay for the replotting the lots correctly. The North Dakota Game and Fish Department will retain the right to flood the land although they do not need the land for access. The cabin owners would maintain the property.

Senator Lyson asked if SB 2058 is directed only towards the land around Golden Lake.

Paul Schadewald confirmed this to be true as there is a legal land description within the bill.

Senator Herbert Urlacher asked if there were a building restriction in the area.

Paul Schadewald answered there will be restrictions added onto the land, although the cabin owner can build on the land but cannot legally sue the North Dakota Game and Fish Department if they should decide to flood the land.

Senator Layton Freborg asked if the correction of property lines effect the ownership of land between land owners.

Paul Schadewald answered this would allow cabin owners to slide their property lines.

Senator Freborg asked what controlled the water levels on the lake.

Paul Schadewald answered there are water control structures in the lake but that Golden Lake is a very stable lake and that the local water board controls the lake levels.

Senator Joel Heitkamp asked if cabin owners acknowledge the fact there is the problem with the incorrect surveyed property lines.

Paul Schadewald stated the cabin owners are victims of a bad survey that purchased the land in good faith when they purchased it.

Senator Urlacher asked that according to the bill the North Dakota Game and Fish Department want to reserve the mineral rights and if there is a reason for not transferring them.

Paul Schadewald responded that by law they are required to include the clause in the bill although the Game and Fish do not own any mineral rights. Only surface rights were purchased and he does not know who owns the mineral rights.

There was no further testimony on SB 2058.

Senator Freborg made a motion for a Do Pass of SB 2058.

Senator Heitkamp second the motion.

Roll call vote #1 for a Do Pass of SB 2058 was taken indicating 6 yeas, 0 nays and 1 absent.

Senator Freborg will carry SB 2058.

Senator Lyson closed the hearing on SB 2058.

FISCAL NOTE
Requested by Legislative Council
12/27/2006

Bill/Resolution No.: SB 2058

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$5,000		
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill allows the agency to sell land along Golden Lake to adjacent landowners. The sale will help the adjacent landowners to resolve a land survey error.

The appraisal has not been received yet. We estimate the revenue to be approx. \$5000 for 3 acres of land.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Game & Fish will receive revenue for sale of land at the appraised value. We have not received the appraisal yet. We estimate the amount to be \$5000.

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.*

The Game and Fish fund will receive revenue for the sale of the appraised value of the land estimated to be \$5000.

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Kim K. Molesworth	Agency:	ND Game and Fish Dept.
Phone Number:	328-6605	Date Prepared:	12/28/2006

REPORT OF STANDING COMMITTEE (410)
January 4, 2007 11:45 a.m.

Module No: SR-02-0232
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2058: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2058 was placed on the
Eleventh order on the calendar.

2007 HOUSE NATURAL RESOURCES

SB 2058

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2058

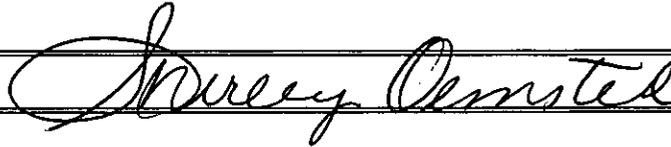
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3693

Committee Clerk Signature



Minutes:

Chairman Porter opened the hearing on SB 2058 and asked the clerk to read the title.

Mr. Paul Schadewald of the ND Game and Fish came forward as a sponsor of SB 2058. See written testimony marked as Item #1. He said that this is not a critical strip of land to the Game and Fish which is about one and one half acres. He said they would cooperate with the cabin owners and the cabin owners had agreed to pay for all the appraisal fees. They would be responsible to resurvey the property and get the property lines straightened out.

Representative Hanson asked why they needed a bill to do this when you sold 15 acres at Spirit Lake and didn't have to do that.

Mr. Schadewald said under state law they are required to go to the courthouse steps and auction property off unless we get permission from the legislature. We thought since we were dealing with this group, why would we want to go to the courthouse steps in this a complex situation. It would be better to get the authority to sell it at the appraised value rather than in an auction.

Representative Keiser asked if the landowners would be given the priority to buy that segment in front of their lot.

Mr. Schadewald said that is exactly the plan. Each of the owners would be throwing their money into a pool and then they would get the property in from of their lot. They will then need to correct the property lines.

Representative Keiser asked that if selling this land does not correct lots 19 and 20. Have they agreed to reset those lot lines?

Mr. Schadewald said everyone has to agree to adjust the property lines but it is not part of the bill. We will sell the property and they will have to get the property replatted.

Representative Keiser asked what the status of the title insurance on the plots.

Mr. Schadewald said he did not know because it was private property. He would suspect that some of them do have title insurance.

Representative Drovdal asked if they were selling this land to the organization of cabin owners and not to the individual owners. Is that correct?

Mr. Schadewald said that is what they were planning to do. They plan to buy it as one piece and divide it up among the cabin owners.

Representative Kelsh asked if the original surveyor was still in business.

Mr. Schadewald said it was his understanding that he was not. The survey was done over 30 years ago when these lots were established.

Chairman Porter asked for any further testimony in support of SB 2058. Hearing none, he asked for opposition to SB 2058.

Representative Keiser asked if this bill were not to pass does lot 20 have to remove their balcony.

Mr. Schadewald said they could be forced to move their balcony near the patio area or we could enter into a lease agreement with them on that property.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2058

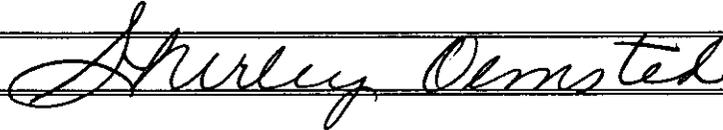
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3694

Committee Clerk Signature



Minutes:

Chairman Porter asked the committee to consider SB 2058.

Representative Nottestad made a motion for a do pass on SB 2058.

Representative Keiser seconded the motion.

Chairman Porter asked for discussion.

Representative Keiser said that he wanted it on record that this would require a replatting of the entire section to correct the property lines prior to the sale.

Chairman Porter asked Mr. Paul Schadewald if this was possible.

Mr. Schadewald said he was not sure that this could be done prior to the sale and that everything can be done by then. Part of this overall transaction will be that they will reset those boundaries.

Chairman Porter said that just so everyone is clear, that is the language that would be in the purchase agreement so that you make sure it gets done properly.

Mr. Schadewald said that is correct.

Chairman Porter asked for any further discussion. Hearing none, the clerk called the roll on a **do pass on SB 2058**. Let the record show 12 yes, 0 no with 2 absent. The motion prevails.

Representative Drovdal will carry this bill to the floor.

Date: 2-22-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2058

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass

Motion Made By Nottestad Seconded By Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter	✓		Rep. Hanson	✓	
Vice-Chairman - Rep Damschen	✓		Rep. Hunsakor	✓	
Rep. Charging			Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Meyer	✓	
Rep. DeKrey			Rep. Solberg	✓	
Rep. Drovdal	✓				
Rep. Hofstad	✓				
Rep. Keiser	✓				
Rep. Nottestad	✓				

Total Yes 12 No 0

Absent 2

Floor Assignment Drovdal

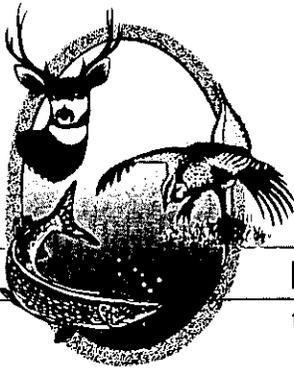
If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2058: Natural Resources Committee (Rep. Porter, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2058 was placed on the
Eleventh order on the calendar.

2007 TESTIMONY

SB 2058



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

*Same
given to
House*

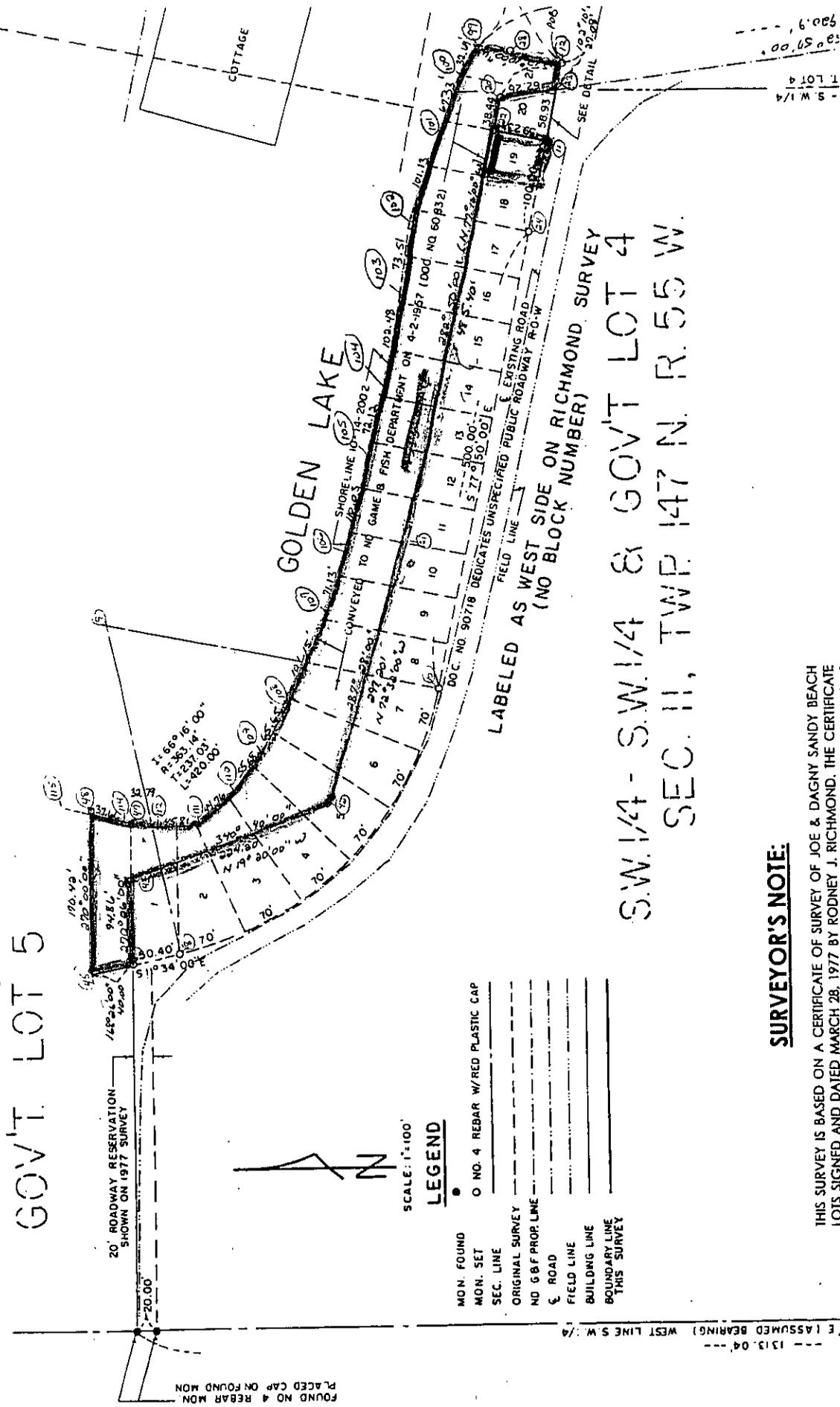
North Dakota Game and Fish Department Testimony Senate Bill 2058 January 4, 2007

Senate Bill 2058 authorizes the North Dakota Game and Fish Department to sell approximately 3 acres of land that it owns at South Golden Lake in Steele County. This property was originally purchased when South Golden Lake was created.

The land will be appraised and sold to a group of cabin owners who own adjacent property. This is to be done to assist them in the correction of a land survey error that was made when the cabin lots were created in the 1970's. The attached map shows a portion of the area involved. Boundary errors exist, not just on the Game and Fish boundary, but also between the privately owned cabin lots. Property lines, in some cases, run through cabins and other structures. Game and Fish does not need to own this narrow strip of land, as long as the right to flood the property is retained. The Department is willing to cooperate with the cabin owners.

CERTIFICATE OF SURVEY

GOV'T LOT 5



GOLDEN LAKE
 SHORELINE 10-1-2002
 CONVEYED TO MD GAME & FISH DEPARTMENT ON 4-2-1997 (Doc. No. 60832)
 DO C. NO. 90718 DEDICATES UNSPECIFIED PUBLIC ROADWAY R.O.W.
 FIELD LINE
 Labeled as West Side on Richmond Survey
 (No Block Number)

S.W. 1/4 - S.W. 1/4 & GOV'T LOT 4
 SEC. 11, TWP. 147 N. R. 55 W.

LEGEND

- NO. 4 REBAR W/RED PLASTIC CAP
- ORIGINAL SURVEY
- NO. 6 & F PROP. LINE
- ⊕ ROAD
- FIELD LINE
- BUILDING LINE
- BOUNDARY LINE THIS SURVEY

SURVEYOR'S NOTE:

THIS SURVEY IS BASED ON A CERTIFICATE OF SURVEY OF JOE & DAGNY SANDY BEACH LOTS SIGNED AND DATED MARCH 28, 1977 BY RODNEY J. RICHMOND. THE CERTIFICATE

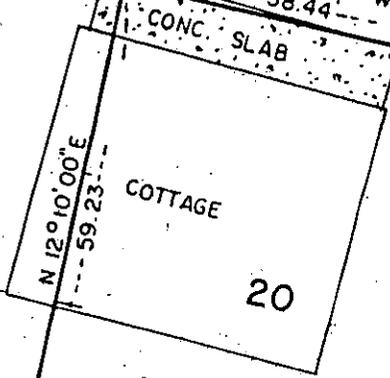
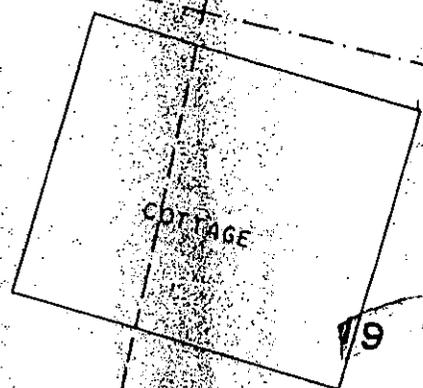
15 1/4 1/4
 15 1/4 1/4
 15 1/4 1/4

--- 1313.04' --- (ASSUMED BEARING) WEST LINE S.W. 1/4

FOUND NO. 4 REBAR MON. PLACED CAP ON FOUND MON.

GOLDEN L.
SHORELINE 10-2-2002

ND GAME & FISH DEPARTMENT PROPERTY



WEST BLOCK

21



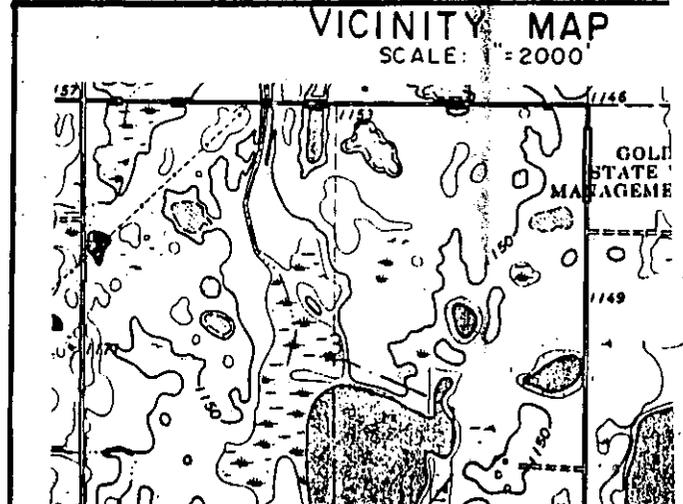
SEE DETAIL

DETAIL OF LOTS 19,

SCALE: 1" = 20'

VICINITY MAP

SCALE: 1" = 2000'



S. W. 1/4 - S. W. 1/4
GOVT. LOT 4

N 77°10'00" W
38.44'

N 12°10'00" E
59.23'

N 7°05'00" W

58.93'
S 77°50'00" E
86.00'

27.07'

5.2'

1.3'

83.21'

50'

38.44'

59.23'

62.26'

100.60'

58.93'