

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1336

2001 HOUSE POLITICAL SUBDIVISIONS

HB 1336

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1336

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-2-01

Tape Number	Side A	Side B	Meter #
1	xx		5975--end
1		xx	1--3577
2	xx		2700-4399
Committee Clerk Signature <i>Pam Lewis</i>			

Minutes: Chair Froseth opened the hearing on HB1336 relating to reversion of property not used as a fairground in Stark County.

Rep. Frank Klein : sponsored and in support of this bill. This is a simple bill to remove the fairground requirement that was put in statute when Stark County bought this land from the state in 1987. I have the 1987 bill, etc. for you to look at. I have an amendment with me to HB1336. We want the restriction removed because we don't know what a fairgrounds is. We have had this land for 14 years. (SEE ATTACHED TESTIMONY) end side A

Dennis Johnson, Mayor of Dickinson : ( side B, Tape 1, 200) appeared in support of HB1336. (SEE ATTACHED TESTIMONY) Things have changed in 14 years in Dickinson.

Rep. Herbel : What has been the stumbling block that you couldn't use the land the way you wanted?

Dennis : In 1987 it became a mandate, so we have no choice but to follow. The location of this land was a stumbling block. The city is growing. We are here to get that changed.

Rep. Ekstrom : Has the city considered public use for the land like a library, etc.?

Dennis : (530) We have had much discussion over the years. Debate is good, but we want the flexibility of where the fairgrounds should go. Today, it does not make sense for the fairgrounds to go there. 14 years ago it may have made sense. Rep. Klein's amendments are fine.

Rep. Eckre : What is meant by motor sports?

Dennis : Track racing and drag strips.

Vice-Chair : If this law is passed and repeals the 1987, did you mean to leave in the statement that the land will revert back to the state?

Rep. Klein : I left that in, but it would be nice if that was removed.

Tom Husler, Stark County Fairgrounds Commission : (789) here to support HB1336. The 1987 law is too restrictive. Stark County paid fair market value for the property and we should be able to use it as we see fit.

Rep. Maragos : Minot has the ND State Fair and all the different activities that take place. What could be precluded from the use of fairgrounds as long as it is legal and of public nature?

Tom : State fairgrounds is different than county.

Rep. Klein : The reason this bill came up is that the Burleigh County fairground wanted to develop the land they bought and they did not know what *fairgrounds* meant. They want to put a trail and a park and wanted clarification. They have a bill in the legislature, also.

Vice-Chair Severson : (1207) Have there been any geological surveys done? ND keeps the mineral rights, I believe.

Tom : There have been wetland surveys done. When we develop we will have to work around those areas. We would like to enhance that area. Right now it is nothing. We have done nothing below surface.

Bob Zent, Vice-Chair Stark County Commission : (1355) here in support of HB1336. We have not been doing nothing for the past 14 years. We've had engineering plans done and looked at many projects. It went from the courthouse out and never got the support of the people. We no longer want to come up with ideas, We want the citizens to come to use with ideas. We want to get local control for a local issue by passing this bill. I welcome the amendments.

Claus Lembke, Burleigh Co. Commissioner : (2025) The main reason I am here is that we have the same issue here in Burleigh County. Our land will not convert back to the state, is the only difference. There is not definition of *fairground*. I guess I could have taken a sheep across the land and it would be a fairground. Three main reasons you should support this bill. (1) Stark County paid for it fair market value and the state was willing to sell it. (2) This is a zoning issue and it is a local issue for subdivisions. (3) You need to have a clear title to float bonds. Can't issue bonds if you have restriction on land. Stark County could not get a clear title with a restriction.

Rep. Delmore : I know Stark bought it fair market, but it was sold for a specific use and that's why the last part is in.

Claus : It was purchased at fair market, not given to them or bought at discount. The purpose has changed today.

Rep. Delmore : But if you and I have an original contract as two people, and I don't intend to follow through on what that contract provision was, shouldn't the contract reflect that? You have to look at original intent. Don't you agree?

Claus : Yes, I do. You are on one side and they are on the other. They are asking you. I hope you are on their side.

Rep. Klein : I would like to add that I got a legal opinion before I got the amendment. We need use it for public use. If not, it could be challenged.

Rep. Delmore : We need to make sure that the full legislative intent is in there.

Rep. Maragos : I have a question for Rep. Klein. If you were in our position, and you decided not to use it for public use, what would you do if you were us?

Rep. Klein : I think there would have to be legal action.

Rick Larson, Land Commissioner : neutral on HB1336. In 1995 we brought the same idea before this committee to remove the reversion of deed. That part was refused by the legislature.

Rep. Maragos : What was our rationale in 1995 not to pass that?

Rick : (3231-3520) *discussed history*. We do what ever the legislature wants.

Rep. Klein : If leaving the *reversion back to the state* in the bill will get a DO PASS, then we will do that.

Vice-Chair Severson : Any more testimony on HB1336? Hearing none, we are closed.

*Tape 2, Side A (2700-4000)* Chair Froseth : Let's look at HB1336.

Rep. Maragos : I would like to further amend the amendment to take out that the land revert back to the state. That last whole sentence. The state doesn't have a vested interest in the land except for the mineral rights and those they will keep.

Vice-Chair Severson : It doesn't really matter if we leave the line out because the land is not sellable to the public anyway.

Rep. Maragos : I think we should hold this so Rep. Johnson can have some time to see what the Dickinson people feel about this last line being in or out.

Rep. N. Johnson : I think that would help me out. I don't know how they would feel right now.  
(put on hold)

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1336 b

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-08-01

Tape Number	Side A	Side B	Meter #
I		xx	1840-2100
Committee Clerk Signature <i>Pam Devere</i>			

Minutes: Chair Froseth : Let's take up HB1336. I think Rep. Johnson has the amendment. I'll let her explain it.

Rep. N. Johnson : I talked with the people from Dickinson, and they would like the reversion taken away that says the land will go back to the state. **I move the amendment.**

Rep. Ekstrom : **I second.**

**VOICE VOTE: ALL YES. Amendment passes.**

Vice-Chair Severson : **I move a DO PASS AS AMENDED.**

Rep. Herbel : **I second.**

**VOTE: 14 YES and 0 NO with 1 absent. PASSED. Rep. Disrud will carry the bill.**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1336

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "**REPEAL**" with "**AMENDMENT**" and replace "repealed" with "amended and reenacted as follows:

**SECTION 2.** The property being sold must be used by Stark County for ~~the development of a county fairgrounds~~ public purpose. If the property ceases to be used for ~~that purpose~~ a public purpose, ownership of the property reverts to the state of North Dakota."

Renumber accordingly



February 8, 2001

VR  
2/8/01

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1336

**HOUSE AMENDMENTS** to **HB1336** **HOUSE POL. SUBS. 2-9-01**  
Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "REPEAL" with "AMENDMENT" and replace "repealed." with "amended and reenacted as follows:

**SECTION 2.** The property being sold must be used by Stark County for the development of a county fairgrounds public purpose. ~~If the property ceases to be used for that purpose, ownership of the property reverts to the state of North Dakota.~~

Renumber accordingly

Date: 2-08-01  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1334

House POLITICAL SUBDIVISIONS Committee

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

Legislative Council Amendment Number 10460, D102 .02-00

Action Taken DO PASS AS AMENDED

Motion Made By Vice-Chair Severson Seconded By Rep. Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓		Rep. Wayne W. Tieman	✓	
Vice-Chair Dale C. Severson	✓				
Rep. Lois Delmore	✓				
Rep. Rachael Disrud	✓				
Rep. Bruce Eckre	✓				
Rep. Mary Ekstrom	✓				
Rep. April Fairfield	AB				
Rep. Michael Grosz	✓				
Rep. Jane Gunter	✓				
Rep. Gil Herbel	✓				
Rep. Nancy Johnson	✓				
Rep. William E. Kretschmar	✓				
Rep. Carol A. Niemeier	✓				
Rep. Andrew G. Maragos	✓				

Total (Yes) 14 No 0

Absent 1 Absent

Floor Assignment Rep. Disrud

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

**REPORT OF STANDING COMMITTEE**

**HB 1336: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "**REPEAL**" with "**AMENDMENT**" and replace "repealed." with "amended and reenacted as follows:

**SECTION 2.** The property being sold must be used by Stark County for the ~~development of a county fairgrounds public purpose. If the property ceases to be used for that purpose, ownership of the property reverts to the state of North Dakota.~~

Renumber accordingly

2001 SENATE POLITICAL SUBDIVISIONS

HB 1336

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1336

Senate Political Subdivisions Committee

Conference Committee

Hearing Date March 8, 2001

Tape Number	Side A	Side B	Meter #
1		X	13.3-33.0
March 8, 2001 3	X		15.4-22.2
Committee Clerk Signature <i>Mary Jo Wicken</i>			

Minutes:

The hearing was opened on HB1336 which relates to reversion of property not used as a fairgrounds in Stark County. All senators were present except for Senator Lee and Senator Lyson who was testifying on another bill.

REPRESENTATIVE DEVER: District 32. I am one of the cosponsors on HB1336 which involves the Stark County Fairground. One of the reasons that I signed on to that is because there a similar bill 2212, which involves the Burleigh County Fairgrounds which was passed through the Senate and sent to the House. The prime sponsor is here. Anyway what happened, it seems that sometime in the past the Legislature has felt that when sold property to subdivisions even though it was completely at market value, that the state should retain the right to say what is going to happen with the property. So that property was sold to Stark County at full market value for the purpose of a fairgrounds. They haven't developed the fairgrounds there yet, yet I think they have plans to, but there was also a bill that said by the year 2012, if they haven't they

