

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1491

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Date

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2003 HOUSE POLITICAL SUBDIVISIONS

HB 1491

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1491 A

House Political Subdivisions Committee

Conference Committee

Hearing Date: February 7, 2003

Tape Number	Side A	Side B	Meter #
2		X	0-31.8
Committee Clerk Signature <i>Micki Schmidt</i>			3-11-03

Minutes:

**TAPE 2: SIDE B:**

**(0.0) CHAIRMAN GLEN FROSETH:** We will open the hearing on HB 1491. Support?

**(1.4) REP. SCOT KELSH:** (Testimony in support) (See attachment #1- an amendment) This amendment excludes both disabilities.

**(3.2) DENISE LOCNIKAR; CITIZEN:** (See attachment #2- she only had one and the Chairman has it.) We live in Fargo. I'm a wife, mother and I work outside the home. My children are grown, but I have a 20 year old who now lives at home. I have been an advocate for children and their safety. What happened to us. The Dakota Foundation and SE Children Services had a private meeting that we weren't invited to. At the point that they proposed this, they said that there would be a meeting because they wanted to detox that Halfway house. She had concerns for the children from convicted sex offenders, drug and alcohol users, profanity, and etc... People would be coming and going at all hours of the night. Our bedroom window is only 20 feet away

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House Political Subdivisions Committee

Bill/Resolution Number 1491

Hearing Date: February 7, 2003

from the building. The law is always there for fire and emergency matters including knifing, drunkenness, crazy goings on and etc...

**(14.6) AL STENEHJEM:** (Testimony in opposition) (See attachment #3) (There is no # 4)

**(17.8) BRUCE MURRY; ND PROTECTION & ADVOCACY PROGRAM:** (Testimony in opposition.) We support the amendments offered by Rep. Kelsh. This Bill would allow townships, counties and cities to regulate it's obligation of transitional living. The United States Supreme Court has ruled that it is unconstitutional to dissolve developmental disabilities group home out of residential neighborhoods. I would propose a one word amendment which would have similar results to Rep. Kelsh's amendment. It would limit the scope of the Legislation to correctional facilities.

**(19.5) CINDY GREY; SENIOR PLANNER/ZONING ADMINISTRATOR:** (Testimony in opposition) (See attachment #5)

**(24.1) CHAIRMAN GLEN FROSETH:** In licensing group homes, the neighboring surroundings must be a considering factor?

**(24.2) CINDY GREY:** Yes, very much so.

**(24.3) REP. ALON WIELAND:** How many applications or opportunities are there in a given time frame for this type of facility, how many requests annually?

**(24.6) CINDY GREY:** In the four years that I've been with the city of Fargo, I believe we've considered for strictly group home- transitional living facilities, no more than five applications. There are a couple of instances where in the downtown area, we have recently put in, in a transitional area right between a commercial district and a residential district that is serving individuals who sustain brain damage and cannot live on their own. Some cases it's transitional

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Bill/Resolution Number 1491  
Hearing Date: February 7, 2003

setting where they will eventually heal on their own, and other instances they are there for a very long time.

**(25.5) REP. ALON WIELAND:** If I look at this map, you're telling me that all of the white that you can see on the map with the exception of highways and so forth. Is there an allowed use there under the Bill?

**(25.7) CINDY GREY:** Yes, under our zoning combined with the overlay of the red area which is the proposed amendment statute, the white area would be lower and then those are to the large degree multiple family districts and the structures that are there are generally not available for purchase by the Human Service Agency. It's not as wide open as a situation might appear even in those white area's.

**(26.4) REP. SALLY SANDVIG:** Is it true that cost factors influence what type of building they can afford to get?

**(26.6) CINDY GREY:** I'm sure that it does weigh in heavily. I'm not familiar with the funding.

**(27.2) MARCIE CONMY-FISHER; DIRECTOR OF TRANSITIONAL CENTER.**

**BISMARCK:** (Testimony in opposition) (See attachment #6) When the company that I work for, Bismarck Transition Center went through the process of locating a facility in Bismarck. Bismarck does regulate just as Fargo does of where these facilities can go and where they can be located. We are located in an industrial area in town. It's excellent for us and we have no problems. The process the city has, works. There was one area they looked at and it didn't work out, we moved to a different area.

**(28.0) KEITH GILLESHAMMER; EXECUTIVE DIRECTOR OF CENTER INC.:**

(Testimony in opposition) (See attachment #7)

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Hearing Date: February 7, 2003

**(29.5) ELAINE LITTLE; DIRECTOR OF CORRECTIONS AND REHABILITATION:**

(Testimony in opposition)

**(30.9) CONNIE SPRYNSANATYK; LEAGUE OF CITIES:** The league does not support this

legislation, because the Cities already have their tools in place to deal with these very difficult issues.

**(31.2) CHAIRMAN GLEN FROSETH:** Further opposition? We will close the hearing on

HB 1491. We will take this Bill under consideration next Thursday. (31.8)

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1491

House Political Subdivisions Committee

Conference Committee

Hearing Date: February 13, 2003

Tape Number	Side A	Side B	Meter #
2		X	13.2-21.2
Committee Clerk Signature <i>Mickie Schmidt</i>			3-3-03

Minutes:

**TAPE 2; SIDE B:**

**(13.2) CHAIRMAN GLEN FROSETH:** We will open the hearing on HB 1491. There were two amendments offered. The one was from Rep. S. Kelsch that's on page 2; line 26. Explained the amendment.

**(14.2) REP. MARY EKSTROM:** I MOVE TO ADOPT THE AMENDMENT.

**(14.4) REP. CAROL NIEMEIER:** I SECOND IT.

**(14.5) CHAIRMAN GLEN FROSETH:** Any discussion on the amendments? Hearing none, I will take a voice vote: 14-y; 0-n; 0-absent; motion carries. Any discussion on the amendment? Rep. Nancy Johnson commented that the process worked and already had the tools. Rep. Ekstrom stated that there should be a change in zoning. What are the committee's wishes?

**(19.4) REP. ALON WIELAND:** I WOULD MOVE A DO NOT PASS AS AMENDED.

**(19.5) REP. GIL HERBEL:** I SECOND IT.

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House Political Subdivisions Committee

Bill/Resolution Number HB 1491

Hearing Date: February 13, 2003

**(19.6) CHAIRMAN GLEN FROSETH:** Any further discussion? Hearing none, I will ask the clerk to take the Roll Call Vote: 13-y; 1-n; 0-absent; Carrier: Rep. Johnson (21.1)

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*Salvatore Rickford*

Date

*10/16/03*



30705.0101  
Title.0200

Prepared by the Legislative Council staff for  
Representative S. Kelsh  
February 5, 2003

VK  
2/14/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1491 Po1 Sub 2-14-03

Page 2, line 26, after the underscored period insert "The term does not include a facility that provides accommodations for individuals with developmental disabilities."

Page 3, line 16, after the underscored period insert "The term does not include a facility that provides accommodations for individuals with developmental disabilities."

Page 5, line 8, after the underscored period insert "The term does not include a facility that provides accommodations for individuals with developmental disabilities."

Renumber accordingly

Page No. 1

30705.0101

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Date: 2-13-03

Roll Call Vote #: 3

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1491

House "POLITICAL SUBDIVISION" Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass As Amended

Motion Made By Rep. Wieland Seconded By Rep. Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz	✓				
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	✓				
Alon Wieland	✓				
Bruce Eckre	✓				
Mary Ekstrom		✓			
Carol A. Niemeler	✓				
Sally M. Sandvig	✓				
Vonnie Pietsch	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep. ~~Johnson~~ Johnson

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

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