

Testimony SB2037

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Neutral Testimony for SB2037

To the Honorable Chairman and the members of the Committee, we submit these remarks on behalf of DRC.

Mr. Chairman,

DRC would like to first take this opportunity to thank the Interim Committee members for their work on this bill. We and our members have been watching this bill unfold now for the past 2 years since it was SB2008 and then converted into a study. It's good that we create clear concise water laws once and for all so that we have no contradictions. We'd like to admit that water laws are never easy and there are always winners and losers with these bills.

Our biggest concern when these laws are drafted are the following questions:

1. Are landowner rights protected from government overreach?
2. Is local control maintained?
3. Is the process for new projects fair?

We would like to address some concerns that we have with the bill.

Landowner Rights

On this bill notifications for any water projects seem fair and also will fix the problem of landowners in counties downstream that may not know about the project because it originated in a different county. We have to ask if a project costs more than 1 million dollars if that is a low bench mark for triggering a cost benefits assessment. What safeguards can be made to ensure the project is not split up into multiple projects to avoid an assessment? We also have to ask exactly how are their property values being determined and when will that be assessed when a vote is held?

Local Control

We would also like to ask how the 50% of the vote of landowners was determined and why each vote is based on dollars per assessment of the land? When the Townships, Counties, or Cities vote per their assessment, who determines what their vote is? Is there a percentage of votes if the city council, county commission, or township boards have a split vote? Multiple owners of land with differing opinions could be problematic. Is it the majority stakeholder in the property that makes the decision? Is this information going to be made immediately available?

Fairness

Finally we come to the most important question. Is this bill fair towards all parties involved or will it serve to benefit a select few? Our primary concern with current laws and regulations is that we have people elected by the people who are making decisions regarding assessments. From what we can gather we're concerned if these members of the water board are being appointed and making decisions about levying taxes, this would create a situation of taxation without representation. So how are these boards made up is the fundamental question we have to ask. The government doesn't have to steal land in order to violate property rights; they can also impose taxes and assessments that would make the property near worthless or extremely difficult to sell.

I would like to yield any of my remaining time to someone who could answer some of these questions at the Chair's Discretion.

Thank you for your time and consideration.