

February 15, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2037

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "section" with "sections"

Page 1, line 2, after "projects" insert "and public informational meetings"

Page 2, line 17, after "10." insert "Direct benefits" and "directly" in regard to benefits mean a measurable or quantifiable benefit to a piece or parcel of land that is attributable to the project.

11."

Page 2, line 18, replace "11." with "12."

Page 2, after line 19, insert:

"13. "Indirect benefits" and "indirectly" in regard to benefits mean a public good or shared benefit that is not directly attributable to an individual piece or parcel of land."

Page 2, line 20, replace "12." with "14."

Page 2, line 25, replace "13." with "15."

Page 3, line 3, replace "6" with "7"

Page 6, line 7, replace "6" with "7"

Page 7, line 15, overstrike "profiles," and insert immediately thereafter "a preliminary engineering report which must contain the preliminary"

Page 7, line 15, overstrike the second comma

Page 7, line 16, after "~~thereof~~" insert "including acquisition of right of way, project design, and project construction. The preliminary engineering report also must identify any locations where the proposed project crosses a railroad, public road, or highway"

Page 7, line 17, remove "include the cost to acquire"

Page 7, line 17, overstrike "~~right of way and~~"

Page 7, line 20, replace "6" with "7"

Page 7, after line 20, insert:

**"SECTION 6.** A new section to chapter 61-16.1 of the North Dakota Century Code is created and enacted as follows:

**Public informational meeting and information presented - Procedure.**

1. Upon the filing of the engineer's preliminary report as provided for in section 61-16.1-17, the board or the board's agents shall create and by resolution approve a preliminary analysis of the benefits and assessments

to be made, setting forth each county, township, or city assessed in its corporate capacity as well as each lot, piece, or parcel of land assessed; the amount each would be benefited by the proposed project; and the amount assessed against each in accordance with section 61-16.1-21 and section 7 of this Act.

2. After satisfying the requirements in subsection 1, the board by resolution shall set a date and place for a public informational meeting on the proposed project. The place of the hearing must be in the vicinity of the proposed project and must be convenient and accessible for the majority of the landowners included in the project's benefited area.
3. At least thirty days before the public informational meeting, the board shall mail notice of the meeting to all parties in the benefited area, including:
  - a. Each landowner affected by the assessments;
  - b. The governing body of each county, township, city, or other political subdivision affected by the assessments; and
  - c. An official from each railroad and road authority that may be crossed or impacted by the proposed project.
4. Each landowner must be notified at the landowner's address as shown by the tax rolls of the county or counties in which the affected property is located. The board shall send the notice by regular mail attested by an affidavit of mailing signed by the attorney or secretary of the board.
5. At the public informational meeting, the board or the board's agents shall present the proposed project and preliminary design, the board's methodology for determining benefits, and the approved preliminary cost-benefit analysis of the benefits and assessments to be made. The board also shall allow the parties to offer comments and recommendations. The board may alter the preliminary cost-benefit analysis as the board deems just and necessary to include alterations to the proposed project, the project's preliminary design, or assessments made under section 61-16.1-21.
6. The board's engineer shall file an updated engineer report which must include the preliminary project plans and an updated estimate of the total estimated costs of the project. The updated engineer's report also must identify any locations where the project crosses a railroad, public road, or highway."

Page 8, line 2, after the second "the" insert "following criteria for determining the direct benefits of a project:

- a. If the project will provide an increase in market value;
- b. If the project will provide an increase or improvement in agricultural production;
- c. If the project will provide demonstrable residential, commercial, or industrial development;

- d. If the project will provide or furnish an outlet for tile or surface drainage;
  - e. If the project will provide flood damage reduction benefits; and
  - f. Present use of the property including existing public or private easements.
3. To prepare the cost-benefit analysis, the board shall use the following criteria for determining indirect benefits of a project:
- a. Protection value of public or utility services including emergency, water, sewer, electric, telephone, internet, or other services or utilities;
  - b. Value provided to public safety;
  - c. Flood damage reduction benefits of public infrastructure;
  - d. Reduced costs of public services;
  - e. If the project will provide other consumptive or nonconsumptive value including recreational opportunities; and
  - f. Value to upstream landowners as beneficiaries of improvements to watershed management of surface waters.
4. In determining benefits, the board may use the"

Page 8, line 3, replace "and" with ". Upon analyzing the criteria for direct and indirect benefits, the board shall"

Page 8, line 7, replace "3." with "5."

Page 8, line 12, replace "4." with "6."

Page 8, line 28, overstrike "Upon" and insert immediately thereafter "Following the public informational meeting and upon"

Page 8, line 29, replace "6" with "7"

Page 8, line 30, after "board" insert ", by resolution"

Page 8, line 30, overstrike "fix" and insert immediately thereafter "set"

Page 9, line 11, replace "calculations required" with "assessments calculated"

Page 9, line 11, replace "6" with "7"

Page 9, line 11, remove "and the engineer's"

Page 9, line 12, replace "calculation of costs for the project" with "as well as the engineer's report, preliminary plans, estimate of total project costs, and any locations where the project crosses a railroad, public road, or highway"

Page 9, line 13, replace "calculations" with "assessments"

Page 9, line 14, after "benefits" insert "and costs"

Page 9, line 15, remove "and identifying the several costs for the project must be attached to the"

Page 9, line 16, remove "results"

Page 9, line 17, replace "The" with "At least thirty days before the hearing, the"

Page 9, line 28, after "e." insert "Include a copy of the assessment list showing the amount of assessments against each lot, piece, or parcel of land and against each county, township, city, or other political subdivision that benefits from the project."

f."

Page 9, line 28, after "Include" insert "a method to access the"

Page 9, line 28, replace "and benefit calculations" with "benefit analysis"

Page 9, line 30, replace "f." with "g."

Page 10, line 1, overstrike "the"

Page 10, line 1, remove "cost and benefit calculations"

Page 10, line 1, overstrike "and"

Page 10, line 4, replace "g." with "h."

Page 10, line 11, remove "Each affected landowner"

Page 10, line 11, overstrike "and the"

Page 10, line 12, overstrike "governing body of any county, township, or city to be assessed"

Page 10, line 12, overstrike "must be informed at"

Page 10, line 13, overstrike "the hearing of the"

Page 10, line 14, remove "cost and"

Page 10, line 15, remove "benefit calculations"

Page 10, line 15, overstrike the period and insert immediately thereafter:

"5. At the hearing, the board must inform those in attendance of:

- a. The project assessments and district boundary including total costs of the project and each party's share;
- b. A cost-benefit analysis summary;
- c. The project necessity and design; and
- d. The voting process under section 61-16.1-19."

Page 11, line 1, replace "6" with "7"

Page 13, line 4, after "a" insert "developed before the hearing on assessments under section 61-16.1-22"

Page 13, line 7, remove "project's"

Page 13, line 7, after "benefits" insert "and cost of the project"

Page 13, line 12, remove the overstrike over "**Assessment**"

Page 13, line 12, remove "**Cost and benefit calculations**"

Page 13, line 17, replace "6" with "7"

Page 14, line 15, replace "6" with "7"

Renumber accordingly