

**1999 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2145**

STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2145

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 14, 1999

Tape Number	Side A	Side B	Meter #
2	X		2262-4211
Committee Clerk Signature <i>Jane A. Raib</i>			

Minutes: CHAIRMAN KREBSBACH opened the hearing on SB 2145. This bill relates to disaster emergency claims for compensation. SHEILA PETERSON, Director of the Fiscal Management Division of the Office of Management and Budget appeared before the committee to present testimony in support of this proposed legislation. A copy of her written testimony is attached. There was no further testimony offered in support of SB 2145. No individuals appeared in opposition to or neutral position on SB 2145. There was some committee discussion on SB 2145 involving questions from SENATORS W. STENEHJEM, DEMERS, THANE, and WARDNER. Following discussion SENATOR THANE moved to amend the language of the bill changing 180 days to a period of 1 year. This motion was seconded by SENATOR WARDNER. After a brief discussion the chairman called for a roll call vote on the amendment. ROLL CALL VOTE on the amendment was 7 YEAS, 0 NAYS, and 0 ABSENT OR NOT VOTING. A motion for DO PASS AS AMENDED was made by SENATOR THANE,

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2145

Hearing Date January 14, 1999

seconded by SENATOR W. STENEHJEM. ROLL CALL VOTE indicated 7 YEAS, 0 NAYS,

and 0 ABSENT OR NOT VOTING.



Date: 1/14/99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2145

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

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

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

Action Taken Do Pass - As Amended

Motion Made By Sen. Thane Seconded By Sen W Stenehjem

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM	✓				
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Mutzenberger

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

REPORT OF STANDING COMMITTEE (410)  
January 15, 1999 1:08 p.m.

Module No: SR-09-0701  
Carrier: Mutzenberger  
Insert LC: 98197.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2145: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2145 was placed  
on the Sixth order on the calendar.

Page 2, line 5, replace "hundred eighty days" with "year"

Renumber accordingly

**1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2145**

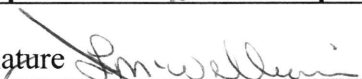
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2145

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2-11-1999

Tape Number	Side A	Side B	Meter #
1	X		12.7 - 23.0
1	X		30.5 - 37.7
Committee Clerk Signature 			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Representative Klein, Chairman of the GSA Committee opened the hearing on February 11, 1999.

Summary of the Bill: Relating to disaster emergency claims for compensation

Testimony in Favor:

Sheila Peterson, Director of Fiscal Management/OMB submitted written testimony which she read in it's entirety (**please refer to her testimony**).

Representative Kliniske, The 97 flood in East Grand Forks, several people wanted compensation for various things (yard). Has anything from the Grand Forks flood evolved, that would be similar to this?



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House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2145

Hearing Date 2-11-1999

Peterson, No we have no claims from the Grand Forks flood. Actually it's the Devils Lake area where we have our claims. In Devils Lake we have 2 lawsuits over highway 2. To save the highway we pumped water out of the ditch over the railroad lines into landowners property. The state tried to buy the land, but couldn't come to any agreement with the landowners. The Department of Transportation spent 300,000 to raise the highway.

Representative Klemin, Which statute of limitation applies to this? How about the effective date.

Peterson, None. The senate discussed the fact that they didn't want a time frame (one year) on it.

Testimony in Opposition: None.

Representative Klein, Closed the hearing on SB 2145.

Committee Action:

Representative Haas, Made the motion for a Do Pass.

Representative Metcalf, Seconded the motion.

Representative Grande, There should be some sort of a date in there, a one year time period. All those claims occurring before this date, have one year for filing.

Representative Metcalf, I believe that if they felt they needed that, they would have asked for it.

Representative Devlin, I agree, they've had one claim in 25 years. I don't think we will ever see this again.

Motion Passes: Do Pass **14-1-0**.

Representative Metcalf, Is the carrier for the bill.

Date: 2-11-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2145

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

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

Action Taken DO PASS

Motion Made By HAAS Seconded By METCALF

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH	✓	
VICE-CHAIR KLINISKE	✓				
REP. BREKKE	✓				
REP. CLEARY	✓				
REP. DEVLIN	✓				
REP. FAIRFIELD		✓			
REP. GORDER	✓				
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 14 No 1

Absent 0

Floor Assignment METCALF

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

REPORT OF STANDING COMMITTEE (410)  
February 11, 1999 12:10 p.m.

Module No: HR-28-2578  
Carrier: Metcalf  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

SB 2145, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2145 was placed on the Fourteenth order on the calendar.

**1999 TESTIMONY**  
**SB 2145**

**Testimony in Support of  
SB 2145  
Senate Government and Veterans Affairs Committee  
January 14, 1999**

Good afternoon Chairman Krebsbach and members of the Senate Government and Veterans Affairs Committee.

I'm Sheila Peterson, Director of the Fiscal Management Division of the Office of Management and Budget.

The North Dakota Disaster Act was originally passed in 1973. The Disaster Act provides that if personal property is used or destroyed, by order of the Governor, so that the state may effectively respond to a disaster, the owner of the property may claim compensation for the property that was used, damaged, lost or destroyed.

No claim was every filed under this provision until 1998 - 25 years after that statute was originally passed.

Now, as we deal with this statute for the first time, we became aware of the fact there is no time frame provided during which the claim must be filed.

This proposed bill inserts a 180 day time frame in which to submit a claim for compensation. We chose the 180 day time limit to mirror the statutes on the time limits that exist in suing the state.

In the particular claim that has been filed, the damage that is alleged to have been caused by the state occurred in March 1995. The claim was filed in July 1998, more than three years after the alleged damage.

Obviously, it is very difficult to establish the facts of the case, the extent of the damage if any, and so on, more than three years after the damage supposedly occurred.

We are asking for your favorable consideration of this bill. I'd be happy to answer any questions.

**Testimony in Support of  
SB 2145  
House Government and Veterans Affairs Committee  
February 11, 1999**

Good morning Chairman Klein and members of the House Government and Veterans Affairs Committee.

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Now, as we deal with this statute for the first time, we became aware of the fact there is no time frame provided during which the claim must be filed.

As originally introduced, this bill inserted a 180 day time frame in which to submit a claim for compensation. We chose the 180 day time limit to mirror the statutes on the time limits that exist in suing the state. The Senate amended the time frame to one year, noting that when major disaster strikes, like the Grand Forks flood, it may take longer than 180 days to assess the damage and even be aware of all avenues of recovery. We supported the amendment. Any time frame is better than no time frame.

In the particular claim that has been filed, the damage that is alleged to have been caused by the state occurred in March 1995. The claim was filed in July 1998, more than three years after the alleged damage.

Obviously, it is very difficult to establish the facts of the case, the extent of the damage if any, and so on, more than three years after the damage supposedly occurred.

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