

1999 SENATE NATURAL RESOURCES

SB 2369

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2369

Senate Natural Resources Committee

Conference Committee

Hearing Date January 29, 1999

Tape Number	Side A	Side B	Meter #
1		x	2245-3455
Committee Clerk Signature <i>J. L. W. Ziegen</i>			

Minutes:

SENATOR TRAYNOR opened the hearing on SB2369: A BILL FOR AN ACT TO AMEND AND REENACT SECTIONS 61-16.1-18 AND 61-16.1-22 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO WATER RESOURCE DISTRICT PROJECT NOTICES.

SENATOR FISCHER explained SB2369 changes the language and method of how citizens are notified of water resource district assessments for projects and changes made in those assessments. It requires some mailings and changes for newspaper ads.

JAMES MCLAUGHLIN, SE Cass Water Resource District, testified in favor of SB2369 and asked for a DO PASS. (See attached testimony)

SENATOR REDLIN asked which paper were you advertising in that cost \$8,000.

JAMES MCLAUGHLIN replied The Forum, our legal paper for Cass County.

SENATOR REDLIN asked in some districts where they have a county weekly paper, would that qualify.

JAMES MCLAUGHLIN replied there are cases where that would happen in areas where the local county paper or local legal paper would not cover an area where a project is. You have to advertise in the paper that does cover that local area. There would be 2 legal notices that would have to be done where we feel by the mailing we make sure everyone gets the notice at a much reduced cost rather than the advertising. Once you establish the final assessment list, there is a legal advertising requirement and this is proper. The first notice is only a proposed assessment list and in many cases this is changed due to people being dropped out of the project, added, or a reallocation of the assessments.

SENATOR TRAYNOR asked you cited 2 examples of substantial savings of publication costs, so what would that save you annually.

JAMES MCLAUGHLIN replied it depends upon the number of projects throughout the state.

BRIAN NEUGEBAUER, Ohnstad, Twichell Law Firm, representing SE Cass Water Resource District and other water resource districts across the state, testified in favor of SB2369. This bill does not hurt anybody. If you are a landowner, you will receive an individually mailed notice.

After the project is established and there is going to be an assessment, those costs will be picked up as assessments are spread so it won't have a severe impact on a water resource board. It will not be out of the general fund. This bill will get the notice to the people, give them a right to vote on it, and keep it at a reasonable cost to give the opportunity to the people to make the choice whether or not to do the project, and not have the situation where water boards are afraid to bring it to a vote because of the economic ramifications if it fails.

Page 3

Senate Natural Resources Committee

Bill/Resolution Number Sb 2369

Hearing Date January 29, 1999

SENATOR REDLIN asked who signs the notice.

BRIAN NEUGEBAUER replied in most cases the secretary from the attorney's office signs the notice and the board generally designates the attorney or the secretary to do the mailing. By law, the person who deposits the notice in the mail has to sign the affidavit.

MIKE DWYER, representing water resource districts statewide testified in favor of SB2369.

SENATOR TRAYNOR closed the hearing with no discussion.

SENATOR FISHER moved for a DO PASS, seconded by SENATOR HEITKAMP. Roll call vote indicated 5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING. SENATOR FISCHER volunteered to carry the bill.

Roll Call Vote #: 1 Date: 1-29-99

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

Senate Natural Resources Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number SB 2369

Action Taken DO PASS

Motion Made By Fischer Seconded By Heitkamp

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr	✓				
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann					
Senator Layton Freborg	✓				
Senator Joel C. Heitkamp	✓				
Senator Rolland W. Redlin	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Fischer

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

REPORT OF STANDING COMMITTEE (410)
January 29, 1999 12:11 p.m.

Module No: SR-19-1467
Carrier: Fischer
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2369: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2369 was placed on the Eleventh order on the calendar.

1999 HOUSE NATURAL RESOURCES

SB 2369

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2369

House Natural Resources Committee

Conference Committee

Hearing Date 3/5/99

Tape Number	Side A	Side B	Meter #
1	x		0.0-10.0
Committee Clerk Signature <i>Robin D. Small</i>			

Minutes: REP. HENEGAR calls the committee to order, since REP. GROSZ is testifying in another committee.

SEN. FISCHER introduces the bill. SEE HANDOUT.

REP. SOLBERG asks if this would require a hearing or would that be optional? FISCHER replies that you would always have to have a hearing to approve an assessment district. The only thing that this does is that the notices would be mailed to all the landowners that would be within the assessment district appointment, and then you would either have a hearing to approve it or either turn it down. The only thing that this does is it does not require that the list of the landowners be published in the newspaper prior to the hearing. If the hearing is approved then its still required by law to publish that list in the newspaper, as an approved project. The difficulty here, the problem here is that you spend the money to publish the list in the newspaper prior to

the project vote, and the project is voted down, you have thrown that money to the wind. There really is no need for it.

REP. NOTTESTAD asks if the list would be certified mailing, so that full knowledge would be known of those, that they had received a card back. FISCHER replies that the mailings for the hearing, believes that it is by regular mail. FISCHER believes that its not required by certified mail. Last session it was changed from registered to certified for some documents, but I don't believe that list is. NOTTESTAD asks if it is eliminating one system and guaranteeing that everyone was notified, that there will be no come back later on. FISCHER replies that the only thing is , "do you read the legal?," And that part of the situation is that a lot of people do not read the legals in the newspapers.

REP. DROVDAL asks about notices mailed to the landowners within the district, what about the landowners that don't live within the district, will they also receive a notice? FISCHER replies that just the landowners that are affected by the assessment district. Whether they live in the district or not. He is going to defer that to his chairman on the water board.

REP. DEKREY states doing away with the notices of paper, and do away with the notices to the mailed to the landowner. Because if you ever think you can flip in assessment district of somebody, you really have to have your head in the sand, because that's one of those things that everyone knows about before you ever get the letter. Everyone has an opinion on it even before you get the letter. It's one of those things that everyone pays attention to. FISCHER replies by saying that is exactly right.

SUPPORT

REP. AARSVOLD testifies in support of this bill. AARSVOLD states that in his district they are having drainage problems. Their mailing lists are up to date.

NO QUESTIONS.

JAMES MCLAUGHLIN, SE CASS & CASS JT WRD, is also in support of this bill.

MCLAUGHLIN states that they support for reasons of economic value. They do believe that this is a proper procedure. SEE HANDOUT.

REP. NELSON asks about this being very similar to a piece of legislation to two years ago.

NELSON would like to know if this bill is passed, would MCLAUGHLIN be back in two more years for more. MCLAUGHLIN replies that he doesn't think so.

Let the record show that ARDEN HANER, ND WATER RESOURCE DISTRICT, signed the registration for in favor of this bill.

There was no OPPOSITION.

The hearing was then closed. REP. DEKREY moves for a DO PASS, seconded by REP.

CLARK. The roll call vote was taken with 12 YES, 0 NO, 3 ABSENT. The motion carries. The CARRIER of the bill on the floor is REP. SANDVIG.

Date: 3.5.99
Roll Call Vote #: /

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

House House Natural Resources Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken 2369 No pass

Motion Made By DeKrey Seconded By Clark

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	✓				
Vice-Chairman Dale Henegar	✓				
Representative David Drovdal	✓				
Representative Pat Galvin	✓				
Representative Duane DeKrey	✓				
Rep. Darrell D. Nottestad	✓				
Representative Jon O. Nelson	✓				
Representative Byron Clark	✓				
Representative Todd Porter					
Representative Jon Martinson	✓				
Representative Lyle Hanson	✓				
Representative Scot Kelsh					
Representative Deb Lundgren					
Representative Sally M. Sandvig	✓				
Representative Dorvan Solberg	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Sandvig

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

REPORT OF STANDING COMMITTEE (410)
March 5, 1999 11:22 a.m.

Module No: HR-40-4112
Carrier: Sandvig
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2369: Natural Resources Committee (Rep. Grosz, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2369 was placed on the
Fourteenth order on the calendar.

1999 TESTIMONY

SB 2369

House
Testimony before ~~Senate~~ Natural Resources Committee
on SB 2369

March 5 ~~January 29~~, 1999

Chairman ~~Tracy~~ and members of the committee, my name is James McLaughlin of Fargo and I am appearing in favor of SB 2369. I am the chairman of the Southeast Cass Water Resource District and also the Cass County Joint Board.

Our boards and others throughout the state of North Dakota are in favor of SB 2369 for the reasons of economics and reality of procedure on WRD projects. As present state law reads, there is the requirement during development of a project to develop an assessment list prior to the original hearing and voting by those to be assessed. We feel this is a proper procedure, but we also have to print the list in the official county newspaper before the voting takes place and a project has been certified. This is not only confusing to the general public, but costly to the water districts. As I have told those who have come to hearings, it isn't our money we're spending it is theirs.

We have had two recent proposals come before water boards in Cass County. In one case, the advertising cost \$8,718.08 and the other cost \$7,571.20. Neither of these projects went forward and therefore the costs came from general funds.

The SB 2369 before you would allow water boards to mail the notice of hearing and a proposed assessment list to each of the landowners who are affected. In the two cases noted the cost would be in the \$1400 to \$1600 range.

After the mailing and a normal hearing and vote for approval there would be the requirement to do the legal advertising of the final assessment list, and we think this is proper.

Our basic problem with the present procedure is that very few of the general public read legal notices and we feel we can better serve the public by a mailing to all interested parties. Of course there also is the difference in costs which is I said earlier is the public's money and not ours.

We whole heartily favor this bill and hope that you will favor it with a DO PASS recommendation.

Thank you.

SB 2369

Senator Tom Fischer

Mister Chairman, Members of the Committee:

For the record my name is Tom Fischer, state senator from district 46,
south Fargo

Senate Bill 2369 changes the language and method of how landowners
are notified of water resource district project assessments.

At the present time it is required to publish a complete assessment list
in the county newspaper prior to knowing if the proposed project is
approved. Each landowner is also mailed a notice before the hearing to
decide whether the project will move forward. After the mailing and the
vote to approve the project another assessment list must be published in
the county or local newspaper.

This bill would eliminate only the first published list. The landowner
will receive a mailed notice of the hearing and vote. After the
hearing, providing the project passes, the final assessment list would
still have to be published in the official newspaper..

Thank you Mr. Chairman . I 'll stand for questions if you have any.