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OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

2400

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Deanna Ballarito
Operator's Signature

10/22/03
Date

2003 SENATE FINANCE AND TAXATION

SB 2400

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Deanna Walker
Operator's Signature

10/22/03

Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2400

Senate Finance and Taxation Committee

☐ Conference Committee

Hearing Date February 10, 2003

Tape Number	Side A	Side B	Meter #
2	X		3285-5329
Committee Clerk Signature <i>Mary Kay Lueking</i>			

Minutes:

Senator Urlacher opened the hearing on SB2400. All committee members are present. This bill relates to survival of an easement or right of way on property upon acquisition by the county through tax foreclosure.

Senator Randy Christmann (mtr #3350) - Introduced the bill along with the reason for the bill.

Proposed an amendment.(Amendment attached)

Representative Craig Headland (mtr #3739) - Testified in support of SB2400.

John Richardson, Attorney for West River Telephone Cooperative (mtr #3832) - Testified in support of SB2400. Written testimony is attached.

Steve Schultz, OtterTail Power Corp (mtr #4438) - Testified in support of SB2400. Also supports the amendment.

Dale Niezwaag, Basin Electric (mtr #4641) - Testified in support of SB2400 and the amendment.

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Deanna Waller
Operator's Signature

10/22/03
Date

Page 2

Senate Finance and Taxation Committee

Bill/Resolution Number SB2400

Hearing Date February 10, 2003

David Crothers, ND Assoc. of Tel. Coops (mtr #4694) - Testified in support of SB2400. Urges a do pass and adoption of amendments.

Senator Tollefson (mtr #4836) - Question directed to Mr. Richardson regarding easement and attachment to land. Could it be construed as an easement in perpetuity.

Mr. Richardson (mtr #5006) - Does not believe that would be so. The bill does not change the nature of the agreement.

Senator Tollefson (mtr #5111) - Still questions an easement in perpetuity.

Mr. Richardson (mtr #5159) - Talked about the nature of the easement agreements and how this may effect that.

Senator Tollefson (mtr #5271) - Clarified that the purpose of this bill is to hold an easement in place.

Mr. Richardson (mtr #5285) - Exactly.

Senator Urlacher (mtr #5329) - Closed the hearing on SB2400.

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Deanna Ballantyne
Operator's Signature

10/22/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2400

Senate Finance and Taxation Committee

☐ Conference Committee

Hearing Date February 11, 2003

Tape Number	Side A	Side B	Meter #
1		X	4662-5480
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Senator Urlacher opened the discussion on SB2400. All committee members are present. This bill relates to the survival of an easement or right of way on property upon acquisition by the county through tax foreclosure.

Senator Urlacher reviewed the proposed amendment.

Senator Wardner move to accept the proposed amendment. 2nd by Senator Syverson. Voice vote 6 yea, 0 nay. Motion carried. Amendment adopted.

Senator Urlacher - we have the bill as amended.

Senator Seymour move for a Do Pass as Amended. 2nd by Senator Syverson. Roll call vote 6 yea, 0 nay, 0 absent. Carrier Senator Syverson.

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[Signature]
Operator's Signature

10/22/03
Date

30773.0101
Title.0200

Adopted by the Finance and Taxation
Committee

February 11, 2003

923
2-12-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2400

Page 2, line 1, replace "before" with "with an effective date that precedes the date of official notice to the record title holder which states that property taxes are delinquent and constitute a property lien"

Page 2, remove line 2

Page 2, line 3, remove "which the tax lien relates"

Page 2, line 18, after "recorded" insert "with an effective date that precedes the date of official notice to the record title holder which states that property taxes are delinquent and constitute a property lien"

Page 2, remove line 19

Page 2, line 20, remove "the tax lien relates"

Renumber accordingly

John or Vnette -

*There is a typo on page 1, line 11, of
SB 2400. NDCC 57-28-04 contains
the word "severed" but in the bill
the word "served" is mistakenly used
instead.*

Jeb

Date: 2.11.03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~2003~~ 2400

Senate	Finance and Taxation	Committee
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☐ Check here for Conference Committee**Legislative Council Amendment Number**

Action Taken Comments as proposed also Veria Veria call in power

Motion Made By Sam L. Williams Seconded By Sam. Savarino

[illegible]

Total (Yes) _____ No _____

Absent

Floor Assignment _____

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

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Operator's Signature

Date _____

Date: 2.11.03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~003~~ 2400

Senate Finance and Taxation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass as amended

Motion Made By Sen. Seymour Seconded By Sen. Seymour

Senators	Yes	No	Senators	Yes	No
Senator Urlacher - Chairman	1		Senator Nichols	1	
Senator Wardner - Vice Chairman	1		Senator Seymour	1	
Senator Syverson	1				
Senator Tollefson	1				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Senator Seymour

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Operator's Signature Deanna Hall Date 10/22/03

REPORT OF STANDING COMMITTEE (410)
February 12, 2003 4:41 p.m.

Module No: SR-27-2502
Carrier: Syverson
Insert LC: 30773.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2400: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2400 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "before" with "with an effective date that precedes the date of official notice to the record title holder which states that property taxes are delinquent and constitute a property lien"

Page 2, remove line 2

Page 2, line 3, remove "which the tax lien relates"

Page 2, line 18, after "recorded" insert "with an effective date that precedes the date of official notice to the record title holder which states that property taxes are delinquent and constitute a property lien"

Page 2, remove line 19

Page 2, line 20, remove "the tax lien relates"

Renumber accordingly

2003 HOUSE FINANCE AND TAXATION

SE 2400

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Deanna Hall
Operator's Signature

10/22/03

Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2400

House Finance and Taxation Committee

☐ Conference Committee

Hearing Date March 5, 2003

Tape Number	Side A	Side B	Meter #
1		X	0.9
Committee Clerk Signature <i>Janice Stein</i>			

Minutes:

REP. WES BELTER, CHAIRMAN Called the hearing to order.

SEN. RANDY CHRISTMANN, DIST. 33 Introduced the bill. Stated they discovered a problem in his telecommunications company, due to changes which were made a few sessions ago, and by accident, it was never discussed. Somehow it became the possibility where, if someone loses their property to taxes in the county, the right of way could be pulled away from the utility that had it. Our attorney noticed it, and brought it to my attention. Referred all questions to the attorney.

JOHN RICHARDSON, ATTORNEY FOR WEST RIVER TELECOMMUNICATIONS

COOPERATIVE, HAZEN, ND Testified in support of the bill. See attached written testimony. Also submitted a handout regarding the notice of expiration of period of redemption. See attached copy.

REP. FROELICH By doing this, would we give a perpetual easement?

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Deanna Hall
Operator's Signature

10/22/03
Date

Page 2

House Finance and Taxation Committee

Bill/Resolution Number SB 2400

Hearing Date March 5, 2003

JOHN RICHARDSON No, there is a separate statute which limits easements to ninety nine years. We are not attempting to eliminate that easement. What we are saying is, we really can't afford to have our easements gone, this not only involves West River, this involves other utilities.

REP. CRAIG HEADLAND, DIST. 29 Testified in support of the bill. This particular bill goes beyond just cooperatives, it protects all utilities.

STEVE SCHULTZ, REPRESENTING OTTERTAIL POWER, Testified in support of the bill. Our people were some of the people that worked on those amendments, because there is a chance that that could happen.

With no further testimony, the hearing was closed.

COMMITTEE ACTION

REP. DROVDAL Made a motion for a **DO PASS**.

REP. CLARK Second the motion. **MOTION CARRIED**

13 YES 0 NO 1 ABSENT

REP. WEILER Was given the floor assignment.

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Deanna Hall
Operator's Signature

10/22/03
Date

Date: **3-5-03**
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2400

House FINANCE & TAXATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Rep. Demichiel

Seconded By

Rep. Clark

Representatives	Yes	No	Representatives	Yes	No
BELTER, CHAIRMAN	✓				
DROVDAL, VICE-CHAIR	✓				
CLARK	✓				
FROELICH	✓				
GROSZ	✓				
HEADLAND	✓				
IVERSON	✓				
KELSH	✓				
KLEIN	✓				
NICHOLAS	✓				
SCHMIDT	✓				
WEILER	✓				
WIKENHEISER	✓				
WINRICH	✓				

Total (Yes)

13

No

0

Absent

1

Floor Assignment

Rep. Weiler

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

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Deanna Waller
Operator's Signature

10/22/03

Date

REPORT OF STANDING COMMITTEE (410)
March 5, 2003 12:03 p.m.

Module No: HR-30-3046
Carrier: Weller
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2400, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2400 was placed on the Fourteenth order on the calendar.

(2) DESK, (5) COMM

Page No. 1

HR-30-3046

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10/22/03
Date

2003 TESTIMONY

SB 2400

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Deanna Haller
Operator's Signature

10/22/03
Date

SB 2400
Possible improvements

I would suggest that wording of the amendment in Section 2 be changed, on the second page, to read as follows. The interest acquired by the county is subject to an easement or right of way recorded with an effective date that precedes the date of official notice to the record title holder that property taxes are delinquent and constitute a property lien.

Suggest that the wording of the amendment in Section 3 be changed to read as follows, and an easement or right of way recorded with an effective date that precedes the date of official notice to the record title holder that property taxes are delinquent and constitute a property lien.

My concern with the present wording is that there is an approximate 10 month period of every year that there is no public notice of tax lien. So in effect an easement acquiring agency, such as Otter Tail Power, could buy an easement without knowing that there is going to be a tax lien and may loose the rights purchased.

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10/22/03

Date

Same testimony to House

Testimony of John Richardson before The North Dakota Senate Finance and Taxation Committee on Senate Bill 2400 on February 10, 2003.

Mr. Chairman, and members of the committee, my name is John Richardson. I am Attorney for West River Telecommunications Cooperative of Hazen, ND and I speak in support of Senate Bill 2400. I request permission to address the committee

West River provides local and long distance telephone service and internet service in about 12 counties in southwest North Dakota and 3 counties in South Dakota. In order to carry on its business, West River must acquire easements throughout the area in which it operates to provide service to the approximately 15,000 members and 20,000 access lines it serves.

During the past year, West River has received official notices from the County Auditors of Morton County and McLean County in the form of notices of expiration of period of redemption, advising that certain land in which West River had an easement would be going back to the county on October first, cutting off the easement rights of West River. (copies attached) This left West River with a situation where it would need to pay unpaid real estate taxes on the land to protect its easements. In the 3 cases which arose, West

River monitored the situations, and the taxes were paid shortly before October 1st.

Senate Bill 2400 attempts to solve this problem by exempting easements and rights of way from interests which go back to the county upon a foreclosure of land for non-payment of taxes.

We suggest that we have a situation where legislation has resulted in unintended consequences, and we ask that Senate Bill 2400 be recommended for passage by this committee, and that it ultimately be approved by this 58th Legislative Assembly.

I would like to thank the committee for the privilege of addressing it today.

JOHN RICHARDSON
RICHARDSON, LANGE & DONOVAN PLLP
206 CENTRAL AVENUE NORTH
P O BOX 488
HAZEN, ND 58545-0488
PHONE (701) 748-2206
FAX (701) 748-6200
E mail HAZENLAW @WESTRIV.COM

-2-

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Deanna Wallis
Operator's Signature

10/22/03

Date

(ORIGINAL)

NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION

STATE OF NORTH DAKOTA
COUNTY OF MORTONOFFICE OF COUNTY AUDITOR
MANDAN, NORTH DAKOTA

TO:

GARY & VALEEN M. NELSON BONNEVILLE POWER ADM 914 AVE D SNOHOMISH WA 98290-2337
DAVID IVESDAL PO BOX 14 ST. ANTHONY ND 58566
MISSOURI WEST WATER SYSTEMS 2816 37TH ST NW MANDAN ND 58554
MANDAN SECURITY BANK 109 1ST ST NW MANDAN ND 58554
RAYMOND & ELEANOR KNOLL 309 3RD AVE NW MANDAN ND 58554
✓ WEST RIVER TELECOMMUNICATIONS PO BOX 467 HAZEN ND 58545

THE OWNER OF THE RECORD TITLE OF THE REAL ESTATE HEREINAFTER DESCRIBED,
AND TO ALL MORTGAGEES, LIEN-HOLDERS, AND OTHER PERSONS INTERESTED IN
SAID REAL ESTATE:

I, PAUL E. TRAUGER, COUNTY AUDITOR OF MORTON COUNTY, NORTH DAKOTA, GIVE
NOTICE THAT THE REAL ESTATE HEREINAFTER DESCRIBED HAS A LIEN FOR DELINQUENT
TAXES AGAINST IT FOR THE YEAR 1997 AND UNLESS THE TAX AND SPECIAL ASSESSMENTS,
WITH INTEREST, PENALTIES, AND COST OF FORECLOSURE ACTION ARE PAID ON OR BEFORE
OCTOBER FIRST, AFTER THE DATE OF THIS NOTICE, TAX DEEDS WILL BE ISSUED TO THE
COUNTY, GRANTING TO AND VESTING IN IT, THE ABSOLUTE TITLE IN FEE TO THE REAL
PROPERTY, SUBJECT, HOWEVER, TO THE LIEN FOR INSTALLMENTS OF SPECIAL
ASSESSMENTS CERTIFIED OR TO BE CERTIFIED TO THE COUNTY AUDITOR OR WHICH MAY
BECOME DUE SUBSEQUENT TO THE TIME OF SERVICE OF THIS NOTICE, AND FORECLOSING
ALL RIGHTS OF THE OWNER, MORTGAGEES, LIENHOLDERS, AND OTHER PERSONS
INTERESTED THEREIN, AS MAY APPEAR FROM THE RECORDS OF THE RECORDER OF DEEDS
AND THE CLERK OF THE DISTRICT COURT OF THE COUNTY. THERE IS GIVEN HERewith THE
DESCRIPTION OF THE PARCELS OF REAL ESTATE, AND SET OPPOSITE EACH DESCRIPTION
IS THE AMOUNT WHICH WILL BE REQUIRED TO SATISFY THE TAX LIEN FOR THE YEAR 1997.

THE PROPERTY IS DESCRIBED AS FOLLOWS, WITH THE AMOUNT REQUIRED TO SATISFY THE
LIEN SET OUT OPPOSITE EACH DESCRIPTION:

DESCRIPTION	SEC. OR LOT	TWP. OR BLK.	RGE.	TOTAL AMT. NECESSARY TO REDEEM
PCL# 16-35000 W 65' OF AUD LOT 13 OF W1/2SE1/4 .19 ACRE	6	136	81	
		TOTAL		\$380.18
		POSTAGE		
		SHERIFF SERVICE		
		** GRAND TOTAL:		

** CALL (701) 667-3300 FOR ADDITIONAL POSTAGE AND SHERIFF SERVICE FEES!

GIVEN PURSUANT TO AUTHORITY OF LAW THIS 31ST DAY OF MAY, 2002.

Paul E. Trauger

COUNTY AUDITOR OF MORTON COUNTY, NORTH DAKOTA.

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Deanna Hall

Operator's Signature

10/22/03

Date

Notice of Expiration of Period of Redemption

STATE OF NORTH DAKOTA,

OFFICE OF COUNTY AUDITOR

County of McLean.

ss.

Washburn, N.D.

To: Frances Bartole, et al., c/o Janet Gregoryk, 808 North 18th Street,
Bismarck, ND 58501-4363

the owner of the record title of the real estate hereinafter described, and to all mortgagees,
lienholders, and other persons interested in said real estate:

I, Marlan Hvinden, County Auditor of McLean County, North Dakota, hereby give notice that the real estate hereinafter described, at the annual tax sale held in the county on the 8th of December, 1998, was offered for sale for delinquent taxes against it for the year 1997 and was sold to the county, that more than three years have expired since the date of each of said tax sale certificates, that no redemption has been made therefrom, and that the same still are the property of such county, and unless redemption is made from each of said tax sale certificates on or before October first, after the date of this notice, tax deeds will be issued to the county, granting to and vesting in it, the absolute title in fee to said real property, subject however, to the lien for installments of special assessments certified or to be certified to the county auditor which may become due subsequent to the time of service of this notice, and foreclosing all rights of redemption, and all other rights of the owner, mortgagees, and lienholders and other persons interested therein, as may appear from the records of the register of deeds and the clerk of the district court of said county. There is given herewith the description of such parcels of real estate, and set opposite each description is the amount which will be required upon the date of the expiration of the period of redemption to redeem such real estate from such original and each subsequent tax sale certificate issued to county, exclusive of the cost of service of this notice.

Said property is described as follows, with the amount required to redeem set out opposite each description, to-wit:

<u>Description</u>	<u>Year</u>	<u>Total Amt Necessary to Redeem</u>
Wilton City		
Unplatted Lands		
10 Acres Pt of SE4 34-143-80	1997	7,261.98
TOTAL		7,261.98

Given pursuant to authority of law this 23rd day of May, 2002.

Marlan Hvinden
County Auditor of McLean County, North Dakota.

(SEAL)

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Deanna Hall
Operator's Signature

10/22/03
Date

CHAPTER 57-28-06 ND CENTURY CODE

NUMBER NOE165

(ORIGINAL)

NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION

STATE OF NORTH DAKOTA
COUNTY OF MORTON

OFFICE OF COUNTY AUDITOR
MANDAN, NORTH DAKOTA

TO:

SCOTT BRETTIN PO BOX 523 ARLEE MT 58621
TOM FRANK PO BOX 132 HEBRON ND 58638
WESTERN COOP CREDIT UNION PO BOX 504 HEBRON ND 58638
SOUTHWEST WATER AUTHORITY 4885 2ND ST SW DICKINSON ND 58601
REINHOLD KRAENZEL ADDRESS UNKNOWN
NW BELL TELEPHONE LEGAL AFFAIRS DEPT. 1801 CALIFORNIA ST DENVER CO 80202
UNKNOWN HEIRS OF R. COLEMAN ET AL ADDRESS UNKNOWN
CHRISTINA SPOER ADDRESS UNKNOWN

THE OWNER OF THE RECORD TITLE OF THE REAL ESTATE HEREINAFTER DESCRIBED,
AND TO ALL MORTGAGEES, LIEN-HOLDERS, AND OTHER PERSONS INTERESTED IN
SAID REAL ESTATE:

I, PAUL E. TRAUGER, COUNTY AUDITOR OF MORTON COUNTY, NORTH DAKOTA, GIVE
NOTICE THAT THE REAL ESTATE HEREINAFTER DESCRIBED HAS A LIEN FOR DELINQUENT
TAXES AGAINST IT FOR THE YEAR 1997 AND UNLESS THE TAX AND SPECIAL ASSESSMENTS,
WITH INTEREST, PENALTIES, AND COST OF FORECLOSURE ACTION ARE PAID ON OR BEFORE
OCTOBER FIRST, AFTER THE DATE OF THIS NOTICE, TAX DEEDS WILL BE ISSUED TO THE
COUNTY, GRANTING TO AND VESTING IN IT, THE ABSOLUTE TITLE IN FEE TO THE REAL
PROPERTY, SUBJECT, HOWEVER, TO THE LIEN FOR INSTALLMENTS OF SPECIAL
ASSESSMENTS CERTIFIED OR TO BE CERTIFIED TO THE COUNTY AUDITOR OR WHICH MAY
BECOME DUE SUBSEQUENT TO THE TIME OF SERVICE OF THIS NOTICE, AND FORECLOSING
ALL RIGHTS OF THE OWNER, MORTGAGEES, LIENHOLDERS, AND OTHER PERSONS
INTERESTED THEREIN, AS MAY APPEAR FROM THE RECORDS OF THE RECORDER OF DEEDS
AND THE CLERK OF THE DISTRICT COURT OF THE COUNTY. THERE IS GIVEN HERewith THE
DESCRIPTION OF THE PARCELS OF REAL ESTATE, AND SET OPPOSITE EACH DESCRIPTION
IS THE AMOUNT WHICH WILL BE REQUIRED TO SATISFY THE TAX LIEN FOR THE YEAR 1997

THE PROPERTY IS DESCRIBED AS FOLLOWS, WITH THE AMOUNT REQUIRED TO SATISFY THE
LIEN SET OUT OPPOSITE EACH DESCRIPTION:

DESCRIPTION	SEC. OR LOT	TWP. OR BLK.	RGE.	TOTAL AMT. NECESSARY TO REDEEM
PCL# 64-761000	28	140	90	
AUD LOT B OF SE1/4 (LESS 1.037A & LESS 0.156A RD) HEBRON LANDS 8.80 ACRES				
				\$56.16
				TOTAL POSTAGE SHERIFF SERVICE ** GRAND TOTAL:

** CALL (701) 687-3300 FOR ADDITIONAL POSTAGE AND SHERIFF SERVICE FEES!

GIVEN PURSUANT TO AUTHORITY OF LAW THIS 31ST DAY OF MAY, 2002.

Paul E. Trauger
COUNTY AUDITOR OF MORTON COUNTY, NORTH DAKOTA.