

1999 HOUSE POLITICAL SUBDIVISIONS

HB 1247

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1247

House Political Subdivisions Committee

Conference Committee

Hearing Date 01-22-99

Tape Number	Side A	Side B	Meter #
1	x		.6-7.3
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: Chairman Froseth opened hearing on HB1247 with those present: Chairman Froseth, Vice Chair Maragos, Rep. Delmore, Rep. Disrud, Rep. Eckre, Rep. Ekstrom, Rep. Glasheim, Rep. Gunter, Rep. N. Johnson, Rep. Koppelman, Rep. Niemeier, Rep. Rose, Rep. Severson, Rep. B. Thoreson, and Rep. Wikenheiser.

BILL SUMMARY: A bill for an Act to amend and reenact 40-23-07 of the N.D. Century Code, relating to inspection of special assessment property.

Rep. Glasheim testified in support of the bill to explain to committee the need to change the language that deals with "personally" inspect, because this is impossible to make this request.

The law of "personally" inspect is not being done now, anyway. A clean up language bill.2.3

Connie Sprynczynatyk, N.D. League of Cities, Executive Director, 6.0 testified in support of the bill.

Chairman Froseth asked for more testimony for and against; hearing none, hearing closed. 7.3

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1247-a

House Political Subdivisions Committee

Conference Committee

Hearing Date 1-28-99

Tape Number	Side A	Side B	Meter #
3	x		.1-.6
Committee Clerk Signature <i>Pam Alver</i>			

Minutes: Chairman Froseth asked the committee what it wished to do.

Rep. Glassheim : .5 explained again what the bill does.

ACTION: Rep. Koppelman made a motion to DO PASS and Rep. Ekstrom seconded the motion.

ROLL CALL VOTE: 14 YES and 0 NO and 1 ABSENT. Rep. Rose will carry the bill.

Date 1-28-99

Please type or use black pen to complete

Roll call vote # _____

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1247

House POLITICAL SUBDIVISIONS Committee _____

- Subcommittee on _____
 - Conference Committee
- } Identify or check where appropriate

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Koppelman Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glassheim	/				
Rep. Gunter	/				
Rep. Johnson, N					
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B	/				

Total 14 0
(Yes) (No)

Absent -1-

Floor Assignment Rep. Rose

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

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE (410)
January 28, 1999 4:46 p.m.

Module No: HR-18-1408
Carrier: Rose
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1247: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1247 was placed on the Eleventh order on the calendar.

1999 SENATE POLITICAL SUBDIVISIONS

HB 1247


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HOUSE BILL 1247

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 26, 1999

Tape Number	Side A	Side B	Meter #
1	x		2400 to 3000
Committee Clerk Signature 			

Minutes:

SENATOR LEE: open hearing on HOUSE BILL 1247

REPRESENTATIVE GLASSHEIM: introduce HOUSE BILL 1247, changing of special assessment districts by special assessment councils to determine whom is getting special privileges from these special assessments by walking the land, purpose of bill is to avoid a lawsuit by someone saying "you didn't walk the land"

SENATOR LEE: any questions

CONNIE SPRYNEZNATCK: See testimony delivered from Howard Swanson

SENATOR LEE: problems with special assessment districts and way we have always done this and areas with high special assessment costs associated with them

CONNIE SPRYNEZNATCY: harm associated with city mayors and developers paying the special assessment costs

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Senate Political Subdivisions Committee

Bill/Resolution Number Hb1247

Hearing Date February 26, 1999

SENATOR LEE: any further questions or testimony

MOTION: close public hearing

MOTION: SENATOR LYSON: "do pass"

MOTION: SENATOR WATNE: second

Date: 2-26-99
Roll Call Vote #:

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1247

Senate Political Subdivisions Committee Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass

Motion Made By Lyson Seconded By Watne

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chairman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson					

Total (Yes) 5 No 0

Absent Nelson

Floor Assignment Watne

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

REPORT OF STANDING COMMITTEE (410)
February 26, 1999 12:58 p.m.

Module No: SR-35-3669
Carrier: Watne
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1247: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1247 was placed on the
Fourteenth order on the calendar.

1999 TESTIMONY

HB 1247

BEFORE THE FIFTY-SIXTH LEGISLATIVE ASSEMBLY
OF THE STATE OF NORTH DAKOTA

Testimony Presented to the House Political Subdivisions Committee

January 22, 1999

House Bill No. 1247

Mr. Chairman and Committee Members, this testimony is presented to you on behalf of the City of Grand Forks. I apologize that I am unable to appear before you today on this bill. The City of Grand Forks strongly urges your support of House Bill 1247.

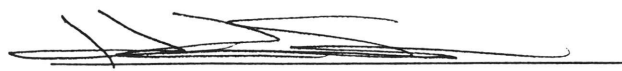
House Bill 1247 deletes the archaic requirement that members of a special assessment commission personally inspect "any and all lots and parcels of land which may be subject to ..." special assessments. The present statute requiring a personal inspection reflects a time when a special assessment commission was without the technology and information available to it today. The present language contemplates that the only source of reliable information would be gained by a special assessment commission through an inspection of the lots. However, such a simplistic approach is no longer necessary or reliable.

In the majority of special assessment projects today, a special assessment commission would have available to it detailed drawings, diagrams, and plans. In addition, the commission may also have available to it site photographs, videos, aerial photographs, satellite photography, surveys, computer generated depictions, GPS technology, digital technology, etc. The quality of information available to the commission today is far more complete and accurate than ever before. A walk-through of a special assessment district can render no greater nor more reliable information. However, if a commission deems it appropriate to inspect an area, it would be free to do so under the provisions of House Bill 1247.

The North Dakota Supreme Court has ruled on numerous occasions that any action by a special assessment commission in determining special assessments against a benefitted lot or parcel must be rationally based upon substantial evidence. House Bill 1247 does not change this requirement. Rather, it simply eliminates an unnecessary requirement of a personal inspection in the existing special assessment process. House Bill 1247 would provide for greater governmental efficiency while retaining accountability and rational decision making by a special assessment commission.

CONCLUSION

On behalf of the City of Grand Forks, I respectfully urge this Committee to give House Bill 1247 a strong "do pass" designation allowing the removal of a present outdated non-jurisdictional requirement in the special assessment process.


Howard Swanson
City Attorney
Grand Forks, North Dakota

BEFORE THE FIFTY-SIXTH LEGISLATIVE ASSEMBLY
OF THE STATE OF NORTH DAKOTA

Testimony Presented to the Senate Political Subdivisions Committee

February 26, 1999

House Bill No. 1247

Madam Chair and Committee Members, this testimony is presented to you on behalf of the City of Grand Forks. I apologize that I am unable to appear before you today on this bill. The City of Grand Forks strongly urges your support of House Bill 1247.

House Bill 1247 deletes the archaic requirement that members of a special assessment commission personally inspect "any and all lots and parcels of land which may be subject to ..." special assessments. The present statute requiring a personal inspection reflects a time when a special assessment commission was without the technology and information available to it today. The present language contemplates that the only source of reliable information would be gained by a special assessment commission through an inspection of the lots. However, such a simplistic approach is no longer necessary or reliable.

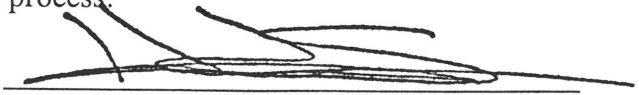
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The North Dakota Supreme Court has ruled on numerous occasions that any action by a special assessment commission in determining special assessments against a benefitted lot or parcel must be rationally based upon substantial evidence. House Bill 1247 does not change this requirement. Rather, it simply eliminates an unnecessary requirement of a personal inspection in the existing special assessment process. House Bill 1247 would provide for greater governmental efficiency while retaining accountability and rational decision making by a special assessment commission.

The North Dakota House passed this bill with overwhelming support recognizing that a personal inspection is not fundamental to a special assessment project. House Bill 1247 only removes the inspection requirement and does not otherwise alter the special assessment procedure.

CONCLUSION

On behalf of the City of Grand Forks, I respectfully urge this Committee to give House Bill 1247 a strong "do pass" designation allowing the removal of a present outdated non-jurisdictional requirement in the special assessment process.



Howard Swanson
City Attorney
Grand Forks, North Dakota