

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2328

2001 SENATE FINANCE AND TAXATION

SB 2328

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2328

Senate Finance and Taxation Committee

Conference Committee

Hearing Date 1/31/01

Tape Number	Side A	Side B	Meter #
1		x	5.8-17.2
2		x	44.6-end
3	x		0-10.2
2/6/01 - 2		x	33.4-49.7
Committee Clerk Signature <i>Synelle G. Kraft</i>			

Minutes:

Senator Urlacher: Opened the hearing on SB 2328, relating to creation of special assessment districts by townships.

Senator Thomas Fischer: Prime sponsor of the bill, testified in support.

Representative Wes Belter: Co-sponsored the bill, testified in support. There are subdivisions that have difficulty in raising tax revenues to help them build dykes, so I attempted to have a bill in the House that would address that. This bill might be one that would allow subdivisions to raise a property tax and they could use those funds to possibly build a dyke. This would give them the opportunity to do that.

Bryan Hoime: ND Township Officers Assoc., testified in support. Written testimony attached.

Senator Kroeplin: The property owners would have to bring this forward or could the township bring this forward?

Bryan Hoime: The way we've got it in here, the property owners. Just the people living in the township.

Senator Wardner: Would this help the situation in 2298?

Bryan Hoime: There are some similarities between the two bills. Explains.

Brian Kramer: ND Farm Bureau, testified in opposition. I think the special meeting part is a very necessary portion of the bill. Our concern is with the protest vote. If the project is good enough to go forward, why don't we vote it in instead of having a protest vote to vote it out. If we could make some changes in that, we would support the bill. We do oppose the protest vote.

Senator Urlacher: Closed the hearing. Action delayed.

Discussion held later. Meter number 44.6-end, Tape 2, Side B & 0-10.2, Tape 3, Side A.

Motion was made for a DO NOT PASS, but it was withdrawn after further discussion.

Bryan Hoime: Appeared to clarify some things.

Senator Kroeplin to get amendment.

Discussion held 2/6/01. Meter number 33.4-49.7.

Amendment introduced.

Bryan Hoime: Appeared to explain amendment.

AMENDMENT ACTION:

Motion made by Senator Stenehjem, Seconded by Senator Wardner, to move amendment numbered 18333.0102. Voice Vote taken. All in favor, amendment adopted.

COMMITTEE ACTION: 2/6/01

Motion made by Senator Kroeplin for a DO PASS AS AMENDED, Seconded by Senator Wardner. Vote was 4 yeas, 2 nays, 0 absent and not voting. Bill carrier was Senator Kroeplin.

Date: 1/31/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2328

Senate Finance and Taxation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Stenehjem Seconded By Nichols

Senators	Yes	No	Senators	Yes	No
Senator Urlacher-Chairman					
Senator Wardner-Vice Chairman					
Senator Christmann					
Senator Stenehjem					
Senator Kroeplin					
Senator Nichols					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 1/31/01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2328

Senate Finance and Taxation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Withdrawal of Do Not Pass

Motion Made By Stenehjem Seconded By Nichols

Senators	Yes	No	Senators	Yes	No
Senator Urlacher-Chairman					
Senator Wardner-Vice Chairman					
Senator Christmann					
Senator Stenehjem					
Senator Kroeplin					
Senator Nichols					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2328

Page 1, line 19, after "upon" insert "written" and after "the" insert "freeholder"

Page 2, line 10, replace "If the board of township supervisors receives protests" with "At the special township meeting for public disclosure of the findings of the engineer, the freeholder electors of the township in attendance are entitled to vote on the question of whether to proceed with the improvement project. Upon approval by sixty percent or more of the township freeholder electors voting on the question at the meeting, the improvement project may proceed. If fewer than sixty percent of township freeholder electors voting on the question approve the project, the election result is a bar against proceeding further with the improvement project described in the plans and specifications. An election result barring proceeding further with the improvement project does"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "bar against proceeding further with the improvement project. The bar action will"

Renumber accordingly

Date: 2/6/01
Roll Call Vote #: 4

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2328

Senate Finance and Taxation Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Kroepelin Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Urlacher-Chairman	✓				
Senator Wardner-Vice Chairman	✓				
Senator Christmann		✓			
Senator Stenehjem		✓			
Senator Kroepelin	✓				
Senator Nichols	✓				

Total (Yes) 4 No 2

Absent 0

Floor Assignment Kroepelin

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

REPORT OF STANDING COMMITTEE

SB 2328: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Sixth order on the calendar.

Page 1, line 19, after "upon" insert "written" and after "the" insert "freeholder"

Page 2, line 10, replace "If the board of township supervisors receives protests" with "At the special township meeting for public disclosure of the findings of the engineer, the freeholder electors of the township in attendance are entitled to vote on the question of whether to proceed with the improvement project. Upon approval by sixty percent or more of the township freeholder electors voting on the question at the meeting, the improvement project may proceed. If fewer than sixty percent of township freeholder electors voting on the question approve the project, the election result is a bar against proceeding further with the improvement project described in the plans and specifications. An election result barring proceeding further with the improvement project does"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "bar against proceeding further with the improvement project. The bar action will"

Renumber accordingly

2001 HOUSE FINANCE AND TAXATION

SB 2328

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2328

House Finance and Taxation Committee

Conference Committee

Hearing Date March 21, 2001

Tape Number	Side A	Side B	Meter #
1	X		50
Committee Clerk Signature <i>Jamie Stein</i>			

Minutes:

REP. AL CARLSON, CHAIRMAN Opened the hearing.

REP. WES BELTER, DIST. 22, Introduced the bill as a co-sponsor of the bill. Stated that he had introduced a bill earlier in the session which would have given the creation of a political subdivision within a township in order to do some projects. He stated there are a lot of developments which have a problem with flooding in his district, and under current rules and laws, it is virtually impossible for them to set up a taxing district in order to build a dyke or cover such expenses from flooding. That bill was killed. This bill, I believe, is a vehicle which would allow those subdivisions to develop a taxing district which they could go ahead and have projects with a sixty percent vote. It is something that will give flexibility within a township.

BRYAN HOIME, NORTH DAKOTA TOWNSHIP OFFICER'S ASSOCIATION Testified in support of the bill. See written testimony together with amendments.

REP. WINRICH Have the sponsors of the bill agreed to these amendments?

BRYAN HOIME We have discussed some of the amendments with some of the Senators who are involved and with Rep. Belter as well. We only put these together this morning, and I haven't had a chance to talk to everybody.

REP. WINRICH As I read the initiation of the special assessment district, it has to be by sixty percent of the freeholders, is that correct?

BRYAN HOIME That is correct.

REP. WINRICH We heard a bill earlier this week, dealing with county special assessment districts, they wanted it changed so that the county commissioners could initiate this and do the study and actually take a proposal to the voters, from their experience, having the freeholders or the property owners in the district initiate it was not workable, because they had no basis for initiating a project. Why are you taking this lead?

BRYAN HOIME The reason why we are allowing our township freeholders to do that and not the board to do it, is because we feel that township government has been one of the basic levels of government, where all of the actions are proposed from the electors or freeholders within the township. This will be a change for us, because it will be basically, dealing with property owners. Whereas generally, the township board is simply there as a governing body. All of the resolutions adopted, are made by the electors within a township.

REP. WINRICH In your testimony, you said that, in some cases, where there were projects needed, the county has gone ahead and created a special assessment district, why not continue to work with the county?

BRYAN HOIME There is no problem that I am aware of. In Cass County, for instance, there are small subdivisions that have gone up to the county level to have those problems addressed,

