

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2287

2001 SENATE NATURAL RESOURCES

SB 2287

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2287

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-2-01

Tape Number	Side A	Side B	Meter #
2	X		Start - end
		X	Start - 1.0
2-8-01	2	X	Start - 34.4
Committee Clerk Signature <i>Janet James</i>			

Minutes:

SENATOR TOLLEFSON opened the hearing on SB 2287, A BILL RELATING TO NATURAL WATERCOURSES AND DEBRISMENT OF BRIDGES AND LOW WATER CROSSINGS.

SENATOR THOMAS FISCHER of District 46, cosponsor of SB 2287 introduced the bill.

REP. OLE AARSVOLD of District 20 cosponsor of SB 2287 testified on the bill (See attached testimony).

GARY THOMPSON, representing the Traill County Water Resource Board, testified in support of SB 2287, (See attached testimony).

SENATOR TRAYNOR; questioned if there is a vote of the people from this special assessment.

REP. AARSVOLD: explained that there is provision in law where a federally funded project that is managed by the local water resource district does have the authority to levy for purposes of maintenance.

SENATOR FISCHER: clarified that there is also the ability to levy up to \$1.50 an acre on maintenance, but the thing about this bill is that it works well for small projects because it can cost almost as much or more to develop an assessment district for the project which is the normal process than the small project would actually cost.

TOM MOE, an attorney representing the Griggs County Water Resource District and the Traill County Water Resource District, testified in support of the bill and commented the bill was a tool that could be used by and help the boards as they are always struggling to find funds for these projects. He also presented a letter to the committee from the Griggs County Water Resource District (See attached testimony).

SENATOR CHRISTMANN: expressed his concern about the fairness of the assessment of the levies and that the farmers would be unfairly paying more of the cost for keeping bridges clear.

TOM MOE: explained that it is the landowners responsibility for the area of property he owns. That 200 acres of farmland has 200 times as much water shed as a 1 acre yard of a home owner and although some may not think it is unfair it is the formula that is used.

KEN VESTERSO, chairman of the Towner County Water Resource Board testified in support of SB 2287 (See attached testimony).

LLYOD HUBER, testified in support of SB 2287 and feels that a snagging and clearing bill is necessary, but the entire county should be accessed for flood control not just the land owner. He passed around pictures of his yard and the flooding of his milking barn caused by the snagging of the creek on his property. He feels this flooding problem was caused by the county with changes of bridges and culverts and the county should pay for the clearing.

MIKE DWYER, representing all the water resource districts of the state testified that the way the water code is set up is for improvements, is based on land area that contributes not based on evaluation of property.

DALE FRINK, Interim State Engineer of the State Water Commission testified that snagging and clearing is big problem In North Dakota and the main reason it does not get done is because of lack of funding and SB 2287 would be a step in the right direction to solving the problems.

GORDON JOHNSON from Richland County, testified in support of SB 2287 stating this bill would supply the funds necessary to do the projects.

DONOVAN MEIER, from Wells County testified in support of SB 2287. He would like to reclaim his flooded property and that the water boards need help with funding to do the clearing projects.

KEN REIS, with the Eddy Country Water Resource Board testified that he has flooding on his property and feels the state should add more funds to clearing projects.

Written testimony was given to the committee clerk from Daris D. And Mabel Bittner and was presented to the committee (See attached testimony)

ARDEN HANER, testified in a neutral position of SB 2287. He gave some history of projects of clearing and feels the formula for assessment of levies should be changed.

PAUL BECKER representing the North Dakota Farm Bureau testified in opposition to SB 2287 (See attached testimony).

JAMES FANDRICH, farmer and rancher from Wells County had many questions about the decisions and management of clearing projects. He feels there laws that are already not enforced and this same thing might happen to this bill.

VALGENE KREITER, Wells County landowner testified in opposition to SB 2287 saying that as a landowner it is not his responsibility that the water shed from his property causes the flooding down stream and feels that all that benefit should be equally assessed.

SENATOR TOLLEFSON closed the hearing on SB 2287.

FEBRUARY 8, 2001

SENATOR FISCHER reopened the discussion of SB 2287.

Discussion was held about the fairness of who should be assessed for these water clearing projects. MIKE DWYER of the water resource districts was asked to clarify some issues for the Committee.

SENATOR TRAYNOR made a motion to adopt an amendment on Line 16 ahead of the words "no action is required" that would read "if the assessment is for a project costing less than \$200,000.00".

SENATOR CHRISTMANN second the motion.

SENATOR FISCHER called for Roll Vote #1. The vote indicated 6 YAYS, 0 NAYS, 1 ABSENT.

SENATOR TRAYNOR made a motion for "DO PASS as AMENDED".

SENATOR KELSH second the motion.

SENATOR FISCHER called for roll vote # 2. The vote indicated 4 YAYS, 2 NAYS, 1 ABSENT for a "DO PASS as AMENDED".

SENATOR TRAYNOR will carry SB 2287.

Date: 2-8-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2287

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken to adopt - amendment

Motion Made By Traynor Seconded By Christmann

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	✓				
Sen. Layton Freborg					
Sen. John T. Traynor	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

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

to line 16
of the assessment is for a project costing less than \$200,000⁰⁰, no action is required.

Date: 2-8-01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2287

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Traynor Seconded By Kelsh

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every		✓
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann		✓			
Sen. Layton Freborg					
Sen. John T. Traynor	✓				

Total (Yes) 4 No 2

Absent 1

Floor Assignment Traynor

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2001 2:22 p.m.

Module No: SR-24-2903
Carrier: Traynor
Insert LC: 10640.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2287: Natural Resources Committee (Sen. Fischer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2287 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "No" with "If the assessment is for a project costing less than two hundred thousand dollars, no"

Renumber accordingly

2001 HOUSE NATURAL RESOURCES

SB 2287

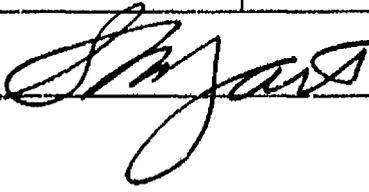
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2287

House Natural Resources Committee

Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
1	x		800 to end
1		x	1 to 645
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will open the hearing on SB 2287.

Sen. Tom Fischer - District 46: (See Written Testimony).

Chairman Rennerfeldt: Any questions of the committee?

Rep. Hanson: On the Red River, would we get any match from Minnesota?

Sen. Fischer: On the Red, I am not sure, we have never snagged the Red River. There has been Federal moneys. This is mainly for small rivers in our area, the Goose, the Sheyenne, the Maple.

Where you have a small problem that could be acted upon by the water board and the

Page 2

House Natural Resources Committee

Bill/Resolution Number SB 2287

Hearing Date March 15, 2001

commission. To put together an assessment district, the administration costs are greater than the costs of the removal of the debris.

Rep. Solberg: Is this confined to the land adjacent to the water course?

Sen. Fischer: The water shed would be determined by the board and the County Commission.

Rep. Solberg: So, all acres on the water shed?

Sen. Fischer: Not necessarily. On a particular water shed, if you have a reach of a small tributary and the problem is only in one reach, you would not access the whole water shed.

Rep. DeKrey: What insurance's would there be that this wouldn't be used to - if you had a water shed that had some snags that needed to be cleaned to be done it that you couldn't identify each of those projects as separate, instead of putting them together where it would be over 200,000 and you would have to take a vote. I am asking, can this be used somehow to short circuit the normal process?

Sen. Fischer: I don't think you could get the boards to agree on that type of situation. On the Sheyenne we do snagging with some general money and some assessment district money. The this is we do reaches per year because we can't afford it. In recent years we have gotten matching funds from the Federal Government for bridges and the rest of the reaches we have done a little every year with general funds. Using this we would have to have 2/3's of the board and the water district and I think it would be pretty tough. I think the people would want to be heard.

Rep. Ole Aarsvold - District 20: (See written testimony).

Vice Chair Nelson: One of the concerns is that when we open this door to eliminate the voting process of the people in the assessment district, where does this lead us? Do you see this process expanding because of legislation such as this?

Rep. Aarsvold: I don't see this as a problem. As the Senator pointed out this would be used primarily in localized situations. And the super majority that would be required to enact such an assessment is as such a stern test. Of course those folks are elected and the people on the water boards are appointed by the commissioners, so I guess I don't anticipate that problem. The folks in Traill County would welcome this tool for problems that are very, very real.

Vice Chair Nelson: Has a project ever been put to the landowners for clearing and snagging in your area?

Rep. Aarsvold: I am not aware of any project like this involving the local tax payers. Some of the general funds that the water management district have at their disposal have been used for that purpose, but it is a small amount.

Rep. Porter: I guess in looking at the concept I don't have any heartaches, but with projections of increased snowfall and runoffs, why the sponsors didn't look at putting an emergency clause on this piece of legislation so it could be used this year rather than wait until next year.

Rep. Aarsvold: I guess we didn't discuss that. I did think about that. Typically I think the process would take more than the amount of time available at the moment to achieve that purpose for this year. A lot of the clearing would be done over the winter, when they have access to the streams on foot. We would want frozen soil and stream bed conditions.

Chairman Rennerfeldt: Any further questions of the committee?

Kent Westerso - Chairman Towner County Water Board: I am speaking in support of SB 2287.

(See written testimony).

Vice Chair Nelson: Would you like to see this policy expanded to all your assessment proposals?

The provision of a 2/3's vote by the County Commission and the Water District Board?

Vesterso: The cost of this versus setting up a water assessment district which requires a majority vote. The problem with that is that you don't get enough people who care enough to come in and vote for it, you get only the opposition. The people don't tend to vote and give themselves a tax increase, even though they know they have the responsibility. I think on the big projects you should go that way, but so many projects are a \$10-15,000 job and they just don't justify the cost of spending all the money for engineering costs. You wasted a lot of money and you don't get no where. The big jobs you would continued with the assessment district process.

Vice Chair Nelson: So, you wouldn't like to see this expanded any further than the limits of this particular bill?

Vesterso: Not in my view.

Vice Chair Nelson: One thing you said in your testimony about having the tools you need to do your job, which I agree you need, but unlike legislators you are appointed we're elected and inherently there is a safeguard built in.

Vesterso: The Commissioners who appoint us are elected. So there is a trickle down process.

Gary Thompson - Traill Co. Water Resource Board: (See written testimony).

Chairman Rennerfeldt: Any questions of the committee? Anyone else to testify in favor of SB 2287.

Ben Varnson - NDWRD: I can only echo the very strong support of our area. We need some tools that this bill would help us with not only money and to expedite projects that are needed. Nelson County have five different water sheds in it. We have broken ourselves into three water shed districts. This would be a very wise and proper method to help us solve some issues in our area.

Rep. Nottestad: Other testimony mentioned matching funds available for this. Presently general funds have been used when available. How do you see the future if this bill is passed, do you see the matching funds as only the assessments or do you see general funds use. The reason I am leading up to this is because if a bridge is saved or lost, there isn't going to be an assessment to replace that bridge, it is going to be general fund money. My point is...is the responsibility on all parts here or just between the matching funds and the investment?

Varnson: I think that the solution and movement of debris from our tributaries will respond to that, but I don't think I know the exact question for sure. This would cosmetically take care of the light issues before us.

Rep. Nottestad: Would this become the chief source of use? Of matching funds and the assessments and also some general funds next year?

Varnson: I don't think it will be used an awful lot, but we do have various spots in our counties that it wouldn't be used throughout. Each county may be different.

Rep. Porter: When it says, it just has to be a vote of the County Commission, is there a requirement that it be an agenda item, or is there a requirement that there be a hearing first and then a vote or how would that process work? And when it says 2/3's of the members, is that the members present or is it the whole board and the whole board has to be present?

Varnson: I would like to have our leading Senator answer that question. It think it would be part of the regular meeting. I do not have an answer to that.

Mike Dwyer - The Water Resource District Association: The way we wrote it and the way we intended it is that it be all the members, 2/3's of the members. There would have to be discussion back and forth and there would have to be a time when all the members were present. Or you would have to have the unanimous vote if one of the members was not present.

Rep. Porter: Then as far as the item being on the agenda, would it have to be a hearing on the agenda or just an agenda item on the vote.

Dwyer: There is no requirement in this legislation that the County Commissioner hold a hearing, but the Water Boards generally have two or three hearings on these water projects before they move forward. It is anticipated there would be a number of times the public could offer input before they actually voted.

Rep. Porter: Is there something in the Century Code relating back to the Water Board that requires public input?

Dwyer: On this particular mechanism there is no requirement for a public hearing.

Rep. Droydal: Is there any limit on the number of projects a specific area can run per year?

Dwyer: There is no limit to the number of cleaning projects per year.

Chairman Rennerfeldt: But there is a limit to the assessment?

Dwyer: There is a limit to the total amount per project.

Rep. Winrich: With respect to the questions Rep. Porter was asking, both the County Commission and the Water Resource Board are required to hold public meetings and come under the requirement for public notice and publication of the agenda and would take input at those meetings, would they not?

Dwyer: As public bodies they are required to advertise their meetings and agendas.

Rep. Winrich: And they come under the state open meeting laws/

Dwyer: Yes, they do.

Dale Frink - Interim State Engineer - ND Water Department: I would like to say that snagging and clearing is a major problem in the state and funding is the main problem we do have. I am in support of SB 2287.

Vice Chair Nelson: When there is some Federal cost share available...FEMA or the Federal Government doesn't get involved currently in snagging and clearing operations. Is that correct?

Erink: That is the situation in most cases, there have been some situations in the past where the NRSC has come in with cost share for a short period of time. Generally Federal dollars are not available.

Ken Teubner - Towner County Commissioner: I wish you would support this bill for the simple fact that in Towner County we have had a lot of water problems since 1993. We have had a lot of roads wash out and channels that get plugged and this bill would be an option for us to build or clean out some of these problems generated by high water in the last 6 or 7 years in our area. We as the County Commission appoint the members of the water boards and I don't think that would be a problem. If they get out of line they wouldn't be on that board very long.

Rep. Porter: Sir, I guess I have one question in regard to the public hearing problem. If you would see as a County Commissioner a problem with imposing a tax on the people that you represent without at least having one public hearing on the issue to get input of everybody?

Teubner: Our meetings are advertised and they are always open and I think on an issue like this I would be there, there shouldn't be a problem.

Vice Chair Nelson: Do you publish your agenda in the paper?

Teubner: Normally it is in the paper weekly. If it is no problem for anyone to check our agenda.

Rep. Nottestad: How would you feel that absentee landowners be notified of this? Or are they just left out of it?

Teubner: I guess, in these situations when we have road projects and these type of thing goes on, we have to get easements. I feel that it is important for the person operating their land to notify their people as to what is going on and represent them in this area.

Chairman Rennerfeldt: Any questions of the committee? Anyone else in favor of SB 2287?

Anyone opposed to SB 2287?

Paul Becker - ND Farm Bureau: I am here opposed to SB 2287 today. A lot of things in the bill I can live with. On the Senate side there was no dollar limit on it, now there is, but I think it is a little to high. I would think that \$200,000 would a lot if we are just talking about moving some trees away from bridges and the like. The only cost you are saving on this bill are the administrative costs. That is a one time expense setting up the district. Once the district is set up then your administrative costs are minimal, you are still going to need to do all the engineering before you can decide on a project. That is one of the big upfront costs to a project. I think one of the biggest things in requiring us to set up an assessment district is that we need to explain to the people how they benefit. Across county lines, we are talking two County Commissions, two Water Boards, how is that going to be handled? Would that be two separate projects and all of a sudden the \$200,000 is \$400,000? That type of deal, maybe if we could knock this down to \$50,000, maybe we could live with it. The way it is right now we stand opposed to it.

Rep. Klein: How much work can do for \$50,000 on one of these projects?

Becker: I would think if you are talking a project anything over that, that is when you need to get the people informed and get them behind you.

Vice Chair Nelson: Would you agree that in an area where you and I live, a clearing operation would be an easier to sell than in other parts of the state?

Becker: I think it probably would be. We can foresee a benefit.

Vice Chair Nelson: Your opposition has been largely based on the \$200,000. You mentioned that \$50,000 would be a smaller project. Would you agree to support or remain neutral on this proposal if there was an assessment of less than \$200,000?

Becker: I think we would probably be neutral on it. It was asked to me after the other hearing. Looking at it since then we decided the \$200,000 is too high. But \$50,000, if you have a small project then it can be taken care of. And would that be \$50,000 one time cost, or \$50,000 per year for four years?

Rep. Nottestad: I think we are talking chickens and turkeys here. What you are talking about is a clearing project. Take a look at the pictures. This is the type of thing we are talking about, snagging and clearing. I wonder if \$50,000 would even be worth monkeying with. Clearing that type of thing is not a small project.

Becker: I agree, and if it is not a small project, then it needs to go through the assessment project and set that up. Once the assessment is set up, the 50 cent deal works. The biggest thing is we need to get those assessment districts out there.

Rep. Winrich: The previous testimony made some reference to the fact that on projects of a certain size it didn't seem to be worth the cost of forming an assessment district. What does it cost to form an assessment district?

Becker: Our assessment district included about 200,000 acres. Our administration costs on it were \$65-75,000, included in that cost was the engineering work that needs to be done whether you have a vote of the people or not. The actual meeting expenses we would save would be less than 10%. The public notices and the meetings are minimal. I can't see what we are going to save in the education part? The only other cost we are going to save is the actual voting cost. That is minimal and one time. Once that assessment district is set up then we have that 50 cents and we can go out there anytime and do it.

Rep. Klein: You have to get 80% on the Water Board and 80% on the County Commissioners so are really not shoving it down their throats.

Becker: But if we haven't educated them as to their benefit, they probably won't be real happy.

Chairman Rennerfeldt: Any further questions? Is there anyone else who would like to testify in opposition?

Chuck Damschen - LAND, Cavalier County Water Resource Board: I think this bill deserves a lot of discussion and a lot of thought. As a Water Board member, I have no arguments that this would make the process quite a bit simpler. On the other hand, I don't know that it is good to make it simple to tax people. Especially if they can't receive the benefits before they are taxed. When an assessment district is formed, it starts out with members of the water shed presenting a petition to the county water board, and my understanding is that the county water board can require the petitioners to put up a bond for the cost of bringing this project to a vote. I think we have over 15 projects going in Cavalier County. Those people assessed themselves for projects. You don't just throw that out there and let people vote on it. You need to sell it. There is potential for an individual to come in and see the tax versus benefit ratio would be unequal. Another question I have is, I understood that in some projects we got 35% cost share from the State Water Commission and would this type of project qualify if there wasn't a vote of the people? The process we have works really well. It can be lengthy and costly but it is a system of checks and balances.

Chairman Rennerfeldt: Any questions from the committee? Is there anyone else opposed to this bill? I will close the hearing on SB 2287. I will appoint a sub committee to look at this - Rep.

Drovdal, Rep. Porter and Rep. Winrich.

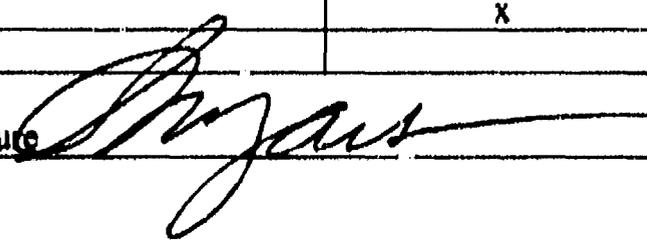
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2287

House Natural Resources Committee

Conference Committee

Hearing Date March 23, 2001

Tape Number	Side A	Side B	Meter #
1	x		2314 to end
1		x	1 to 420
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: Okay, SB 2287. You have some amendments here?

(Rep. Droydal presents amendments and explains them. Discussion on amendments followed.)

Rep. Porter: I move to adopt the amendments.

Rep. DeKrey: I second.

Chairman Rennerfeldt: We have a motion on a do pass on the amendments. Any further discussion? All in favor say Aye. Opposed? Motion carries.

MOTION TO ADOPT AMENDMENTS

CARRIED BY VOICE VOTE.

Page 2
House Natural Resources Committee
Bill/Resolution Number SB 2287
Hearing Date March 23, 2001

Chairman Rennerfeldt: Are we going to address the mill levy?

(Rep. Keiser addresses the formula to assess land involved in water system.)

(Discussion on assessments and formulas)

Rep. Keiser: I move a Do Pass as Amended.

Rep. Solberg: I second.

Chairman Rennerfeldt: Any further discussion?

(Mike Dwyer was asked to come forward and explain formula)

(More discussion)

Chairman Rennerfeldt: Okay, the question has been called on SB 2287 for a Do Pass as Amended. Call the roll.

MOTION FOR A DO PASS AS AMENDED

YES, 14 NO, 0

1 ABSENT AND NOT VOTING

CARRIED BY REP. WINRICH

Prepared by Maggie Walsh, Legislative Intern for
Representative Drovdal
March 23, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2287

Page 1, line 16, replace "two" with "one"

Renumber accordingly

10640.0202
Title.0300

Adopted by the Natural Resources
Committee

March 23, 2001

VR
3/23/01

HOUSE AMENDMENTS TO SB 2287
Page 1, line 16, replace "two" with "one"

HOUSE NATURAL RESOURCES

03/23/01

Renumber accordingly

Amendments

SB 2287
Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Rep. Porter Seconded By Rep. DeKrey

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman			Lyle Hanson		
Jon O. Nelson - Vice Chairman			Scot Kelsh		
Curtis E. Brekke			Lonnie B. Winrich		
Duane DeKrey			Dorvan Solberg		
David Drovdal					
Pat Galvin					
George Keiser					
Frank Klein					
Darrell D. Nottestad					
Todd Porter					
Dave Weller					

Total (Yes) 14 No 1

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Price ✓ vote lower \$\$\$ cap. project

Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2287

House Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass as amended

Motion Made By Rep. Keiser Seconded By Rep. Solberg

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke			Lonnie B. Winrich	✓	
Duane DeKrey	✓		Dorvan Solberg	✓	
David Drovdal	✓				
Pat Galvin	✓				
George Keiser	✓				
Frank Klein	✓				
Darrell D. Nottestad	✓				
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Winrich

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

REPORT OF STANDING COMMITTEE (410)
March 23, 2001 12:56 p.m.

Module No: HR-51-6546
Carrier: Winrich
Insert LC: 10640.0202 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2287, as engrossed: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2287 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "two" with "one"

Renumber accordingly

2001 SENATE NATURAL RESOURCES

CONFERENCE COMMITTEE

SB 2287

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2287

Senate Natural Resources Committee

Conference Committee

Hearing Date 4-10-01

Tape Number	Side A	Side B	Meter #
1	X		30.0 - 50.0
Committee Clerk Signature <i>Janet Janney</i>			

Minutes:

SENATOR FISCHER opened the Natural Resources Conference Committee on SB 2287.

Roll was taken with all present including SENATOR FISCHER, TRAYNOR, EVERY and REPRESENTATIVES KEISER, GALVIN and WINRICH.

SENATOR FISCHER stated that he has no problem with the House amendment to change from \$200,000.00 to \$100,000.00. He has visited with others about the issue of notifications and would like to put in some insurances that people in the assessment districts would be notified. Post card would be sent out to those of concern informing them of an informational meeting where they can discuss the assessment district before it ever goes to a vote before the water board and the county commission.

REPRESENTATIVE KEISER stated that in general the House Committee had a misunderstanding of the notification process. He felt that the proposal creates a potential for a legal confrontation if the notification process is in the statute.

Page 2

Senate Natural Resources Committee

Bill/Resolution Number SB 2287

Hearing Date 4-10-01

Discussion was held as maybe the general requirements of public meeting need to be looked into instead of acting on each meeting separately.

SENATOR TRAYNOR made a motion Senate to accede to the House amendments of SB 2287.

SENATOR EVERY second the motion.

SENATOR FISCHER called for the roll vote on SB 2287 indicating 6 YAYS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

SENATOR FISCHER closed the Conference Committee meeting on SB 2287.

REPORT OF CONFERENCE COMMITTEE (420)
April 10, 2001 1:35 p.m.

Module No: SR-63-8287

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2287, as engrossed: Your conference committee (Sens. Fischer, Traynor, Every and Reps. Keiser, Galvin, Winrich) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1128 and place SB 2287 on the Seventh order.

Engrossed SB 2287 was placed on the Seventh order of business on the calendar.

=====
REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420
=====

07398

Bill Number) SB 2287 (, as (re)engrossed):

Your Conference Committee

For the Senate:

For the House:

Thomas Fischer, Chairman ✓

George Keiser ✓

John Traynor ✓

Pat Galvin ✓

Michael Every ✓

Lonny Winrich ✓

[] recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (SJ/HJ) page(s) _____

[X] and place 2287 on the Seventh order.

[] , adopt (further) amendments as follows, and place
_____ on the Seventh order:

[] having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the
calendar.

DATE: ___/___/___

CARRIER: _____

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

=====

(1) LC (2) LC (3) DESK (4) COMM.

2001 TESTIMONY

SB 2287

**TESTIMONY ON SB 2287
PREPARED AND OFFERED BY GARY THOMPSON
FEBRUARY 2, 2001**

Mr. Chairman and Committee Members. My name is Gary Thompson, and I represent the Traill County Water Resource Board out of Hillsboro, North Dakota. The Red River Joint Water Board, which includes ten counties that are in the Red River Basin from the South Dakota border to the Canadian Border, and also the North Dakota Water Resource Association. The reason I mention all these different water groups is the fact that we have a general consensus on this snagging and clearing Senate Bill 2287, which is very unique in the sense that everyone agrees to the need we have in this area.

Not only do the water groups have an interest, but the Highway Departments as well. We work very closely with the Highway Departments on bridges, roads, etc., and the worst thing we can do is let them be compromised. We did have a bridge go out on us in Traill County west of Portland on the Goose River that was in an area devastated by Dutch Elm Disease. This area, in the summer, looks like a war zone. These trees falling into the River are giving us a major problem for our roads and bridges.

We have no funding mechanism other than the State Water Commission's cost share at 25%, which leaves a big gap on the rest of the project to be funded, and most entities cannot afford to pay for these projects. For instance, a project costing \$100,000, the SWC, at a vote of the board if passed, would fund \$25,000 and the general fund would pay the

remainder, which would be \$75,000. This project will not be done unless we have Senate Bill 2287's funding mechanism.

Here is the funding mechanism that we propose in 2287 in contrast to current law on federally funded projects. The assessments to be levied may not exceed fifty cents per acre (.40 hectare) annually on agricultural lands and may not exceed fifty cents annually for each five hundred dollars of taxable valuation of nonagricultural property. No action is required for the establishment of the assessment district or the assessments except the Water Resource Board must approve the maintenance and assessment. Therefore, by a vote of two-thirds of the members and the Board of County Commissioners of the county must approve and levy the assessments to be made by a vote of two-thirds of its members. Let me reiterate that by passing Senate Bill 2287, you as the Legislature would not be assessing these projects, but would give your County Commissioners and local water resource boards the authority to assess the land by a two thirds vote by each entity.

The fifty cent per acre assessment is easy to figure out with assessments from 0-50 cents per acre being levied. When figuring city assessments, it is a little more complicated. It's fifty cents per \$500 of taxable valuation, in other words a \$100,000 true and full value home would be \$100,000 divided by two, which is \$50,000 times 9% for residential, which is \$4,500 taxable valuation, divided by \$500 which equals nine, times fifty cents, which is a \$4.50 total assessment on a \$100,000 home.

There has been some misinformation about the fifty cent per \$500 taxable valuation. Some people will have you believe that on a \$100,000 home, you will pay \$100 per home, but keep in mind that the law says on taxable valuation and not on true and full value.

Mr. Chairman and Committee Members, I would like to thank you very much for this opportunity to address you here today.

If you have any questions I would be glad to answer them.

Formula for 50cent assessment on every \$500.00 taxable valuation.

True and full value of a home is \$100,000.00

The tax assessor divides by ----- 2

The answer-----\$ 50,000.00

Residential percentage is -----x 9%

The answer-----\$ 4,500.00

Divide by the taxable valuation
factor-----\$ 500.00

The answer-----\$ 9.

Times the 50cent per \$500.00
taxable valuation factor-----\$ x .50

The total assessment for a
\$100,000.00 home will be-----\$ 4.50

Commercial

100,000.00

÷ 2

50,000.00

x 10%

Taxable \$ 5.000

÷ \$ 500.00

10.

x .50

\$ 5.00

Lebecca M Braaten
Trail County Auditor

Griggs County

Water Resource District

Members

Bob Messner 676-2720
Allen Jacobson 769-2655
Orville Tranby 797-2232
Keith Monson, Exec. Sec.

1505 Rollin Ave. SE--Cooperstown, ND 58425—ph.(701)797-2977
fax(701)797-2978—e-mail kmonson@corpcomm.net

To: Senate Natural Resource Committee

RE: S. B. 2287 - Snagging and Clearing

Resolution: Griggs County Water Resource Board

The Griggs County Water Resource Board has been struggling for years with the tremendous amount of debris and snags that are in the Sheyenne River, which traverses our County from north to south. The problem was dramatically worsened with the onset of Dutch elm disease, some 15 years ago. We have conducted a river survey over the past two years and found over 50 full cross-river blockages. These blockages are backing up waters onto farmland to the distress of the farmers, and interrupting any recreational use of the river. Over the past 2 years we have been successful in removing a portion of these blockages in partnership with the NRCS. Their program however, can only be accessed when you have an event that triggers a natural disaster declaration, and then only where roads, bridges and farmsteads are endangered. It has become obvious to us that additional help is needed beyond our normal tax base.

Once we get this river clean again it should be much easier and cheaper to maintain. It is our belief that this bill would be a significant tool in our efforts. We agree with the built in controls of the Commissioners and Water Boards, and would support this bill.

Respectfully submitted by,



Griggs County Water Resource Board
Keith Monson, Exec. Sec.

**TESTIMONY ON SB 2287
PREPARED FOR THE SENATE NATURAL RESOURCES
BY REPRESENTATIVE OLE AARSVOLD**

Senate Bill 2287 is a result of two and one-half years of work by water management districts across North Dakota. It is a response to the degraded condition of our state's natural watercourses. Banks sliding into the channel, deadfalls resulting from diseased and dying trees, and soil eroding into the watercourse have impaired the ability of many streams to handle necessary water flows.

The consequences of this problem is especially evident during events causing high flows, spring run-off, and excessive rainfall. Snow melt is an especially difficult time since broken ice sheets combined with trees, logs and other debris collect behind bridges, low water crossing and other conduits forming dams that result in local flooding. Damage to adjacent property often occurs. In addition, stream crossings are sometimes washed out and destroyed resulting in an open channel which once served as a

flow control. Downstream flooding often results from these uncontrolled flows.

An obvious problem is the impact of debris from secondary and tertiary streams moving into primary watercourses. Such debris snags and collects, particularly in or near cities where there are a number of bridges to provide access to these population centers. There is little question that such debris contributes significantly to higher flood crests than if a clear channel could be maintained.

The assessment for such an operation is modest compared to the potential financial loss resulting from a stream overflow. The assessment is levied by a majority of 4 of 5 board members and 4 of 5 county commissioners. Such a super majority is difficult to achieve and would be likely only after very convincing evidence and need.

I solicit the committee's support of Senate Bill 2287 and would be pleased to respond to questions.

Testimony SB 2287

Senate Natural Resources Committee

Feb. 2, 2001

Good Morning! I'm representing the Towner County Water Resource Board as its chairman. The thoughts expressed are from my years of experience with water issues.

I am speaking in support of SB 2287 which is known as the "snagging and clearing bill".

I am a farmer as well as a water manager. I believe in responsible water management because of both roles. However, water managers are like legislators, we must have the financial tools the job requires to accomplish our tasks as public servants. I'm sure you as legislators would find your jobs of running ND's school systems, highways, social services etc. almost impossible if you couldn't raise the finances that those public services require. Water managers are faced with the identical situation.

Presently, if we want to do a water management task of any size, we are faced with setting up an assessment district. This is both expensive and time consuming. Smaller projects such as natural drainage cleanouts-"snagging and clearing", even though they are imperative and begged for by the landowners and farmers, don't justify the difficult and expensive process of attempting to set up an assessment district. Consequently, these dire needs of our farmers get neglected. We as water managers just plainly and simply cannot do the job that we were appointed to carry out. This

problem has been magnified many times, of course, by the excessive rainfall that we have experienced the last number of years.

The situation that I have outlined is the reason we need SB 2287. This bill gives water managers the ability to raise some very modest funding to help accomplish the task of snagging and clearing natural waterways; the job that our farmers over and over ask us water managers to do. The request is modest. Only 50 cents per acre annually is a very slight burden in exchange for carrying out the much needed work that should and can be done by the water managers of ND. It should also be noted that not only must the water board pass this assessment by a 2/3 vote, but also the county commission must pass this assessment by a 2/3 vote. This double layer of consent should mitigate any fears that the water boards are acting irresponsibly, as some may lead you to believe.

Please give your show of support to the water managers of ND and the entire water community. We are trying to help our fellow farmers through these trying times just as you are. Please give us a financial tool we need by passing SB 2287.

Kent Vesterso, Chairman-Towner County WRB

To whom it may concern.

I am very much in favor of having a law that would allow the water Board to put an assessment on all land that drains into the Rocky Run area. All land drained by natural or man-made contribute to ^{the} Rocky Run filling with sediment. The water used to drain off the land. Due to the sediment, it is filling the main channel and we in our area have good productive farm land flooded out year after year. With farming the way it is, we all need our acres to farm. The whole Rocky Run channel needs cleaning out and more controls put in toward the top of the entire area, to slow the water and keep it in the channel. It is flooding out entire quarters of good farm land we haven't been able to farm for several years.

Doris D. Britner
Mabel Britner



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North Dakota Farm Bureau

www.ndfb.org

Testimony of North Dakota Farm Bureau

Senate Bill 2287

Presented by Paul Becker

Chairman Fischer, Members of the Senate Natural Resources Committee. My name is Paul Becker, I am a farmer from the Devils Lake area. I am representing the 26,000 member families of North Dakota Farm Bureau.

I am here today in opposition to Senate Bill 2287. We cannot support a tax that has not been approved by the landowners in the assessment area. I am a member of the Ramsey County Water Board and we just completed an assessment district for the maintenance of the Starkweather Coulee in Ramsey and Cavalier Counties. This project includes almost 200,000 acres with a budget in excess of \$400,000. It did take a lot of work on our part to sell the benefits of the project to the affected landowners. But at this time we have landowners who voted almost 70% in favor and are supportive of the project. If we had the authority to impose the assessment district on these landowners and did not go through the education process, I feel we would have alienated the landowners and made any further efforts to maintain our coulees impossible. Do your job as a water manager and educate the landowners. I would entertain any questions you may have of me.

One future. One voice.

TESTIMONY ON SB 2287
PREPARED FOR THE HOUSE NATURAL RESOURCES
BY REPRESENTATIVE OLE AARSVOLD
MARCH 14, 2001

Senate Bill 2287 is a result of two and one-half years of work by water management districts across North Dakota. It is a response to the degraded and degrading condition of our state's natural watercourses. Banks sliding into the channel, deadfalls resulting from diseased and dying trees, and soil eroding into the watercourse have impaired the ability of many streams to handle necessary water flows.

The consequences of this problem are especially evident during events causing high flows such as spring run-off and excessive rainfall. Snow melt is an especially difficult time since broken ice sheets combined with trees, logs and other debris, collect behind bridges, low water crossing and other conduits forming temporary dams that result in local flooding and rapidly rising and falling crests. Damage to adjacent property often occurs. In addition, as flood waters rise behind these ice and debris dams, stream crossings are sometimes washed out and destroyed resulting in an open channel at a point where a bridge or culvert once served as a flow control. Downstream flooding often results, or is exacerbated by these uncontrolled flows.

An obvious problem is the impact of debris from secondary and tertiary streams moving into primary watercourses. Such debris snags and collects, particularly in or near cities where there are a number of bridges to provide access to these population centers. There is little question that such debris contributes significantly to higher flood crests than if a clear channel could be maintained.

The assessment for a snagging and clearing operation is modest compared to the potential financial loss resulting from a stream overflow. The assessment is levied by a majority of 4 of 5 board members with 4 of 5 county commissioners concurring. Such a super majority is difficult to achieve and would be likely only after very convincing evidence and demonstrated need.

I solicit the committee's support of Senate Bill 2287 and would be pleased to respond to questions.

Testimony SB 2287

Good Morning! I'm representing the Towner County Water Resource Board as its chairman. The thoughts expressed are from my years of experience with water issues.

I am speaking in support of SB 2287 which is known as the "snagging and clearing bill".

I am a farmer as well as a water manager. I believe in responsible water management because of both roles. However, water managers are like legislators, we must have the financial tools the job requires to accomplish our tasks as public servants. I'm sure you as legislators would find your jobs of running ND's school systems, highways, social services etc. almost impossible if you couldn't raise the finances that those public services require. Water managers are faced with the identical situation.

Presently, if we want to do a water management task of any size, we are faced with setting up an assessment district. This is both expensive and time consuming. Smaller projects such as natural drainage cleanouts-"snagging and clearing", even though they are imperative and begged for by the landowners and farmers, don't justify the difficult and expensive process of attempting to set up an assessment district. Consequently, these dire needs of our farmers get neglected. We as water managers just plainly and simply cannot do the job that we were appointed to carry out. This

problem has been magnified many times, of course, by the excessive rainfall that we have experienced the last number of years.

The situation that I have outlined is the reason we need SB 2287. This bill gives water managers the ability to raise some very modest funding to help accomplish the task of snagging and clearing natural waterways; the job that our farmers over and over ask us water managers to do. The request is modest. Only 50 cents per acre annually is a very slight burden in exchange for carrying out the much needed work that should and can be done by the water managers of ND. It should also be noted that not only must the water board pass this assessment by a 2/3 vote, but also the county commission must pass this assessment by a 2/3 vote. This double layer of consent should mitigate any fears that the water boards are acting irresponsibly, as some may lead you to believe.

Please give your show of support to the water managers of ND and the entire water community. We are trying to help our fellow farmers through these trying times just as you are. Please give us a financial tool we need by passing SB 2287.

Kent Vesterso, Chairman-Towner County WRB

SB 2287 - House Natural Resources Committee

Testimony of Senator Tom Fischer

Mr. Chairman and members of the committee HB 2287 is an alternative to a full assessment district to remove debris from rivers and streams within a defined watershed.

The problems encountered with full assessment districts for this type of work is that the administrative cost of setting up the district. Many times this cost is greater than the cost of the work being done.

This bill allows water resource districts in conjunction with the county to set up assessment districts under 200,000 dollars to remove trees and other debris from rivers, streams, and drains.

The maximum assessment is .40/acre of farmland and .50/500 dollars of taxable value of developed property.

In order to enact this process the water resource district board must approve the project by a 2/3 vote and the county commission must do the same.

Even with this type of project it will not happen overnight and there will be a lot of information shared with the affected property owners so they can make their views known.

This bill will save counties substantial money, shorten the time to act on a problem and open waterways for the citizens. I ask for your support of SB 2287 and will stand for questions. Thank you

**TESTIMONY ON SB 2287
PREPARED AND OFFERED BY GARY THOMPSON
MARCH 15, 2001**

Mr. Chairman and Committee Members. My name is Gary Thompson, and I represent the Traill County Water Resource Board out of Hillsboro, North Dakota, and also the Red River Joint Water Board, which includes ten counties that are in the Red River Basin from the South Dakota border to the Canadian Border. Within these ten counties comes a general consensus that something needs to be done in our natural watercourses.

Not only do the water groups have an interest, but the Highway departments as well. We work very closely with the Highway departments on bridges, roads, etc., and the worst thing we can do is let them be compromised. We did have a bridge go out on us in Traill County west of Portland on the Goose River that was in an area devastated by Dutch Elm Disease. This area, in the summer, looks like a war zone. If areas such as these are left alone, flooding will become more frequent relative to our roads and bridges being washed out as well as farmers crops being destroyed.

Current law 61-16.1-40.1 tells us that we can assess and not exceed fifty cents per acre annually on agricultural lands and may not exceed fifty cents annually for each five hundred dollars of taxable valuation of nonagricultural property. These assessments are limited to areas that have been Federally Funded in the past, and would require a two thirds vote from the County Commissioners and also a two thirds vote of the County Water Resource Board before any assessments could be made. We are asking that Snagging and Clearing SB 2287 be funded in this manner, with an amendment added through the Senate hearings for a two hundred thousand dollar limit to any one project.

The only funding tool we have at this time is from the State Water Commission with a cost share of twenty five percent. That leaves the local water boards with a seventy five percent cost share that they cannot afford out of the general fund.

Time is critical for our natural watercourses to be maintained for the good of all people relative to flooding, roads, bridges and the stabilization of the river channels themselves.

We as the Red River Joint Board would like to ask for your support
on Snagging and Clearing SB 2287 as amended.

Mr. Chairman, Committee Members, thank you.