

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1282

2007 HOUSE POLITICAL SUBDIVISIONS

HB 1282

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1282

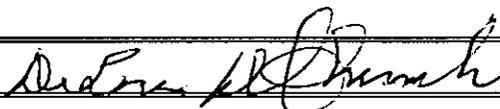
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 18, 2007

Recorder Job Number: 1367,

Committee Clerk Signature



Minutes:

Chairman Herbel opened the hearing on HB 1282.

Representative Damschen: Just changed the language to clarify the intent of one board of county commissioners should not be authorized to place tax an adjacent county. None of us could interrupt the law to say that. There are litigation implications and one county would attempt to tax another one. I am in support of the bill.

Rep. Dwight Wrangham: Why do you support this bill?

Representative Damschen: I don't want to see one county attempt to tax another and have it end up in court and cost both counties money.

Bill Hardy, Chairman of the Cavalier County Water Resource Board: (see attached testimony #1). In support of the bill. Discussed how it would work and how the counties would work together on fixing up all these old dams.

Chairman Herbel Has there been a problem between your counties in your area in the past?
Bill Hardy: We are repairing one with the state water commission and Pembina County is repairing a dam and the rest of them we are looking at wondering what we are going to do with them. Are we going to take them out or what. This bill only say that both counties would have to set down and make the decision; not just one county if it goes across the county line.

Rep. Lawrence Klemin: Looking at the second page of this bill line 3-6 this covers a situation where with water assessments, it says that each water resource board and county commissioner board of each county shall meet. Looking through this particular section seems to require that these different water resource boards meet and try to cooperate with each other to the maximum extend possible; it doesn't require them to come to any conclusion. Is that my right?

Bill Hardy: I would say on the dams we very seldom meet with the counties. On our drainage projects that we have together, we meet regularly. We have drainage problems across the line with Pembina County and Towner County and we meet two to three times a year. Most of the dams were put in the 50's it was the flood plain district; it wasn't the soil conservation district.

The flood plain district is from Pembina County on down mostly the dams represented there haven't been regular meetings. I think the county commissioners and water boards should set down and look at these with the State Water Commission. Discussed need for all dams to be reviewed.

Rep. Lawrence Klemin: Right now this other section 61-61.10 doesn't apply to county commissioners.

Bill Hardy: That is what this bill does; requires county commissioners to get involved in this too.

Rep. Lawrence Klemin: Have you discussed this with the county commissioners.

Bill Hardy: Yes, we do meet with the county commissioners often and we believe they should be involved.

Rep. Lawrence Klemin: I understand what your goal is to have all parties affected to be involved in it. The only thing I am looking at is the section of law that you have sited in this bill

only applied to water resource bills. The bill now would subject the counties to these provisions, as I understand. Is that correct?

Rep. Kim Koppelman: How would this bill affect neighboring counties in another state?

Bill Hardy: I don't know if I can answer that. Hopefully Pembina County is on the state and county lines and it would be the same way. It would be through state agencies just discussing it. Not sure how it would work with benefiting counties

Rep. Kim Koppelman: We don't want to hamstring one of our counties if they want to do a project and for some reason it might benefit somebody across the boarder and this bill were to say you can't do the project unless we have an agreement between the two benefiting areas.

Rep. Steve Zaiser: I have done allot between states so I would get that Rep. Koppelman that this situation there would have to be some kind of joint powers arrangement.

Rep. Nancy Johnson: Looking at the back of the bill, line 6 says the water resource board district and the board of county commissioners of each county shall meet to ensure that all common water management board meet, if they decide not to support it, than the county commissioners might decide not to support their water issues.

Bill Hardy: I think if there is a problem you have to be able to set down and discuss it.

Rep. Lawrence Klemin: To follow-up on Rep. Johnson's question, in a situation where lets say there was no initial meeting under section 61.16.1-10 and you still couldn't have approval by all affected parties. In that event the initial resource board could decide to go ahead anyway. Why do we need to have a hearing on all the other parties when it should only be the affected parties?

Bill Hardy: I would hope that would not happen. At that time the State Water Commission should be called in. I have stated in my testimony that the State Water Commission should be involved in this too. At that time I would hope they would come in to help settle any disputes.

Rep. Lawrence Klemin: Discussed the language of the bill and decided to change it.

Rep. Damschen: A form of assessment maybe levied under this section and not pertaining to whether it is one water board or even if they have jointly agreed on a project. This only involved the water board and county commissioners. If the counties can't or do agree, than the water board and commissioners of all involved counties. If they don't agree, and one county decided to go ahead and bear the expense, than they would have to hold the meeting.

Rep. Lawrence Klemin: That is not what is says. It says one resource water board being on its own. I think it is intended to apply to a situation like you describe, but it doesn't make any sense to me to say that it applies only to the water resource board and then bring in all these other people and you got to have a hearing to which a quorum is present.

Rep. Damschen: I think the wording is alright. Discussed changing the wording to clarify it. Anything you want to put in here to clarify the intend is fine with me. If that makes it more understandable.

Mike Dwyer: Rep. of the Water Resource District: I would be happy to work with Rep. Damschen and Rep. Klemin and get this amendment correct. I think we can fix this so it does what we want it to do.

Opposition: None

Chairman Herbel requested Rep. Lawrence Klemin meet with the two interested parties and come up with better clarification on this bill.

Hearing closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1282

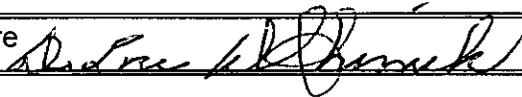
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: 1458

Committee Clerk Signature



Chairman Herbel reopened the hearing on HB 1282. Job #1458

Discussion:

Representative Damschen: Discussed how to do an amendment for the bill. It would read, line 6 delete the words resolve pursuant to section 61-16.1-10. Insert the words jointly addressed.

Just say problems are addressed jointly. Lines 9 and 10 after the word held delete the rest of that line and all of line 10 up to the period. Obviously, if there is only one district involved you don't need a quorum from other boards or other counties.

Rep. Kari Conrad: I have been in situations where a quorum has come up with county commissioners. Is it a quorum of the township or a quorum of an individual commissioners?

Rep. Damschen: We are not doing it. We have removed that requirement. There might be a quorum requirement for public meetings?

Rep. Pat Hatlestad: We have removed the quorum requirement. Just was wondering why the assessment from \$1.50-\$2.00 had not been changed since we worked on it the other day.

Probably will be changed at cross over.

Do Pass As Amended.

Motion Made By Rep. Lawrence Klemin Seconded by Rep. Nancy Johnson

Amendment was carried by a voice vote.

Do Pass As Amended

Motion Made By Rep. Chris Griffin Seconded By Rep. Steve Zaiser

Vote: 13 Yes 0 No Absent 1

Carrier: Rep. William Kretschmar

Hearing closed.

#1

HB 1282

Amendments

On page 1, line 21, change the word "will" to "may"

On page 1, line 21, add the words "in the state" after the word lands

On page 2, line 6, add the words "jointly addressed" and remove the words "resolved pursuant to Section 61-16.1-10"

On page 2, line 9 and 10, remove the words "and attended by a quorum of the affected water resource boards and a quorum of the affected boards of county commissioners"

January 19, 2007

VR
1/19/07

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1282

Page 1, line 21, replace "will" with "may" and after "lands" insert "in this state"

Page 2, line 6, replace "resolved pursuant to section 61-16.1-10" with "jointly addressed"

Page 2, line 9, remove "and attended by a quorum of the affected"

Page 2, line 10, remove "water resource boards and a quorum of the affected boards of county commissioners"

Renumber accordingly

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1282**

House Political Subdivisions Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Lawrence Klemin Seconded By Rep. Nancy Johnson

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman			Rep. Kari Conrad		
Rep. Dwight Wrangham-V. Chair			Rep. Chris Griffin		
Rep. Donald Dietrich			Rep. Lee Kaldor		
Rep. Patrick Hatlestad			Rep. Louis Pinkerton		
Rep. Nancy Johnson			Rep. Steve Zaiser		
Rep. Lawrence Klemin					
Rep. Kim Koppelman					
Rep. William Kretschmar					
Rep. Vonnie Pietsch					

*Roll Call Vote
 Carried*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1282

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Chris Griffin Seconded By Rep. Steve Zaiser

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	X		Rep. Kari Conrad	X	
Rep. Dwight Wrangham-V. Chair	X		Rep. Chris Griffin	X	
Rep. Donald Dietrich	X		Rep. Lee Kaldor	X	
Rep. Patrick Hatlestad	X		Rep. Louis Pinkerton		
Rep. Nancy Johnson	X		Rep. Steve Zaiser	x	
Rep. Lawrence Klemin	X				
Rep. Kim Koppelman	X				
Rep. William Kretschmar	X				
Rep. Vonnie Pietsch	x				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. William Kretschmar

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

REPORT OF STANDING COMMITTEE

HB 1282: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1282 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "will" with "may" and after "lands" insert "in this state"

Page 2, line 6, replace "resolved pursuant to section 61-16.1-10" with "jointly addressed"

Page 2, line 9, remove "and attended by a quorum of the affected"

Page 2, line 10, remove "water resource boards and a quorum of the affected boards of county commissioners"

Renumber accordingly

2007 SENATE POLITICAL SUBDIVISIONS

HB 1282

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1282

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4667

Committee Clerk Signature

Shirley Borg

Minutes:

Chairman Cook called the Senate Political Subdivisions Committee to order. All members (5) present.

Chairman Cook opened the hearing on HB 1282 relating to approval of assessments for maintenance of federally constructed flood control or soil conservation service projects.

Representative Damschen, District 10, NE Corner of State introduced HB 1282. This language change in this bill is to address some problems that we have seen. The wording that said the assessment would go on benefited areas; some people felt that that implied that that gave the county commission of one county the authority to levy a tax on the neighboring county without the blessings of that county commission. This caused some strife between the commission and the water board. This change deals with federally funded projects and addressed the issue and encourages cooperation between county commissions and water resource boards.

Senator Fischer, District 46, Fargo, ND testified in support of HB 1282. I would like to see this bill amended to read not to exceed two dollars per acre In Section 1 line 14. This would make this consistent with the other legislation that affects the assessment district through out the water law.

Senator Olafson: The bill that was passed recently was HB 1266. The amendment would make this consistent with the bill that was passed.

Bill Hardy, Chairman of the Cavalier Count Water Resource Board, testified in support of HB 1282. (Attachment #1)

Senator Olafson: Could the committee get a bit of history on the problem.

Bill Hardy: About three or four years ago in the way the law was written one county could call a hearing and public meeting and have that meeting and the only requirements was to have a hearing on it then they could put in the project and assess it to the whole basin. With this bill, when this comes up again for something to be repaired the two county commissioner, one from one county and one from the other county and the water board from both counties would sit down at the table and discuss it between them selves and come to an understanding then hold the public hearing for the residence of both counties.

No further testimony in support or opposed or neutral on HB 1282.

Chairman Cook closed the hearing on HB 1282.

Senator Olafson: The amendment would read line 14 and 15 Section 1 to two dollars per acre.

Senator Olafson moved to amend HB1282

Senator Hacker seconded the motion.

Voice Vote: All members (5) in favor.

Senator Olafson moved a Do Pass as amended.

Senator Hacker seconded the motion.

Discussion:

Roll call vote: Yes 5 No 0 Absent 0

Carrier: **Senator Olafson**

70528.0201
Title.0300

Adopted by the Political Subdivisions
Committee

March 8, 2007



Handwritten signature and date: 3-8-7

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1282

Page 1, line 14, overstrike "one dollar and fifty cents" and insert immediately thereafter "two dollars"

Page 1, line 15, overstrike "one dollar and fifty cents" and insert immediately thereafter "two dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1282, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1282 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "one dollar and fifty cents" and insert immediately thereafter "two dollars"

Page 1, line 15, overstrike "one dollar and fifty cents" and insert immediately thereafter "two dollars"

Renumber accordingly

2007 TESTIMONY

HB 1282

2/8/07 (3)

att # 1

Cavalier County Water Resource Board

901 Third Street, Suite 8
Langdon, ND 58249 Tel. (701-256-2220)

March 6, 2007

Same testimony given to House.

Senate Political SubDivision
Chairman Cook, Member of the Senate Political Sub Division

RE: House Bill No. 1282

My name is Bill Hardy, Chairman of the Cavalier County Water Resource Board. I'm here to speak in favor of **House Bill No. 1282**. I feel it is important that the Water Resource Board and County Commissioners in all counties involved have a voice in any project that affects both counties. The cost of repairing detention dams is so high today, that a lot of 50 year- old dams do not meet the cost benefit rational to repair. The State Water Commission has removed some already. I think that the State Water Commission, both County Water Boards and County Commissions should be involved. We have six (6) detention dams in our county and five (5) detention dams in Pembina County Basin. The cost could be devastating if all had to be repaired. We just repaired a dam in Cavalier County at a cost of 3 million dollars.

William S Hardy
William S. Hardy, Chairman
Cavalier County Water Resource Board

