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MICROFILM DIVIDER

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2003 HOUSE POLITICAL SUBDIVISIONS

HB 1031

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1031

House Political Subdivisions Committee

Conference Committee

Hearing Date: Thursday, January 9, 2003

Tape Number	Side A	Side B	Meter #
1	X		21.7-53.9
1		X	0.0-3.6
Committee Clerk Signature: <i>Mickie Schmidt</i> 1-14-03			

Minutes:

REP. GLEN FROSETH: Opened the Political Subdivision Committee hearing on HB 1031.

Roll call: All present. Read the proposed bill to the committee. Any testimony in favor?

CONNIE SPRYNCZYNATYK; ND LEAGUE OF CITIES: Testified in favor of this bill. (Could not hear her)

REP. NANCY JOHNSON: Can you give us a for instance?

CONNIE SPRYNCZYNATYK: There were two things going on during the Intrim. One would be the Department of Transportation's first ever comprehensive, strategic transportation plan. It involves the private sector, different levels of local government. It is a massive statewide effort. It was clear in that process that what ever we could do together in the future, what we needed to do.

REP. ANDREW MARAGOS: I served on this committee and I believe it was in Pierce or Benson County, where the counties wanted to give us the agreement but there was no authority to

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do so. They wanted to share expenses with the State because they had a mutual need to get a road fixed, and there was no clear authority.

CONNIE SPRYCZYNYATYK: The Tool Chest Legislation in 1993 did many things for local government, gave us ways to get into agreements, get out of agreements and etc... What it didn't address was the issue of how the locals can track with the state. We now have representatives from the county and state.

REP. BRUCE ECKRE: I also served on this and there were county engineers around the state as well as city engineers that showed up, and every one of them were for this. From all of the counties and cities, we have no opposition what so ever. They highly encourage us to work out some agreements from snow removal to everything else, that they could work together, because maybe the county couldn't do it, but the cities could, and vice-versa.

CONNIE SPRYCZYNYATYK: The cities will frequently enter into cooperative maintenance agreements for snow removal. If they are traveling across a county road, the blade on the plow should be down.

REP. MIKE GROSZ: Explained that on line 10 of the bill, it's too broad, and that it's giving up a lot of the responsibilities and duties of the State Legislatures.

CONNIE SPRYCZYNYATYK: The language seems a little bit too broad, but you should focus on line 7 on cooperative effort.

REP. HERBEL: It says the effectiveness of the state highway system, this is defined specifically to what?

CONNIE SPRYCZYNYATYK: The roadways in the state are classified differently. There's the Interstate system, the State Highway system, there are county highways, township roads, city

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streets, there are actually levels within that classification. When it comes to a highway going through a city for example, and there's a major project, like the State Street project, you'd have the pleasure of running your way through the street reconstruction, that would be an example of the State system where there's no partnership.

REP. HERBEL: What needs to be covered?

TIM HORNER: DIRECTOR OF TRANSPORTATION OF PROGRAMS FOR DOT:

Testified in favor of HB #1031, (see attachment #1).

MIKE GROSZ: With that verbiage in there, "any other state law" (in the Bill). As long as the DOT is going through some sort of agreement with the county or city, do they still have control over any appropriation in that period?

TIM HORNER: DIRECTOR OF TRANSPORTATION OF PROGRAMS FOR DOT: We believe that the intent is that we could do the cooperative agreements on a small scale.

REP. HERBEL: Why wouldn't all counties want to do this?

TIM HORNER: DIRECTOR OF TRANSPORTATION OF PROGRAMS FOR DOT:

Many will, but then again the Director has the instruction of entering into the agreements.

REP. IVERSON: It seems you're always doing that with the seven county issue. Is that just a specific one time example or has it been replicated across the state?

TIM HORNER: DIRECTOR OF TRANSPORTATION OF PROGRAMS FOR DOT:

There is no limitation to federal funds. But there is a limitation to doing that with State, County of City funds within the law. We do have a program where we distribute federal aid to towns and cities each year.

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REP. EKSTROM: In the prioritization of the projects. We have very limited resources, and need to know how to balance the funds. How do we prioritize?

TIM HORNER: DIRECTOR OF TRANSPORTATION OF PROGRAMS FOR DOT:

What we do as far as balancing the federal funds, we have a program where we communicate with the cities and counties and how they utilize their funds. The prioritization is done at that level.

REP. NIEMEIER: If this was to become law, would the counties make applications for the funds and would it be a cost share kind of arrangement?

TIM HORNER: DIRECTOR OF TRANSPORTATION OF PROGRAMS FOR DOT: I

suspect that we would not at this time create any type of programs until the situation would be available.

REP. NIEMEIER: If the county jurisdiction is getting state funds, is the county still able to maintain control in projects?

TIM HORNER: DIRECTOR OF TRANSPORTATION OF PROGRAMS FOR DOT:

This would not change anything.

WADE WILLIAMS: NDACO: Testified in favor of bill. You have the situation in many counties where a snow plow or grater is traveling on a state road, deadheading to get to a county road, and vice-versa. This is the type of situations that we're looking at where we can setup the agreements that disallow maps to save one or the other trips down roads. We are not changing the funding system.

REP. WOODY THORPE: Testified against the bill. I was on the Intrim committee, myself and the Senator were the two opposing votes when they kicked it out of the Intrim committee.

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The main reason is because is dollars. The bill is fine, the timing is wrong. We are way behind on maintaining our state highways. The two larger areas are receiving the bulk of the funds.

REP. MARAGOS: What is this in current law that you think stops that from happening now?

REP. WOODY THORPE: I'm not sure that there's anything stopping it now. It looks to me like an opportunity for expansion.

REP. MARAGOS: Do you believe that statute prohibits any sort of imbalance in the expenditure of those funds for the state system? The larger towns will get more money to maintain those roads, and roads less traveled will be neglected because of something that we would allow to have if this legislation will pass?

REP. WOODY THORPE: When they're doing projects, like on a state highway that there are approaches outside the perimeter of the state highway, that this engineer could envision that they could go ahead and do some of the work that maybe the county hasn't gotten to yet on county roads in the immediate area. We just don't have the funds for it.

REP. FROSETH: Everyone is short of funds to maintain roads, not just the state.

REP. MARAGOS: Can you envision any way of keeping the idea of the ability of the state to enter into cooperative agreements and then satisfy your concern? Is there any kind of amendment we can put in here that would allay your fears and still allow the state? Really what this addresses is the inability of the state under current law to enter any kind of cooperative agreements that would be beneficial to both parties?

REP. ECKRE: We can benefit in saving money by helping each other out in the sharing of maintenance in both the city and county roads.

CONNIE SPRYCZYNATYK: Can we put together an amendment?

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REP. FROSETH: Yes, Rep. Niemeier and Rep. Thorpe will help you on this amendment. We will hold the bill until Thursday, the 16th, 2003. The meeting on HB 1031 is adjourned.

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