

FISCAL NOTE

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Bill/Resolution No.: SB 2348 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 2-3-97

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

If the current cost share policies of the State Water Commission are continued, it is estimated that approximately \$200,000 of state funds would go to the construction and modification of railroad bridges and culverts, as explained on the attached sheet.

2. State fiscal effect in dollar amounts:

	<u>1995-97</u> <u>Biennium</u>		<u>1997-99</u> <u>Biennium</u>		<u>1999-2001</u> <u>Biennium</u>	
	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>
Revenues:	0	0	0	0	0	0
Expenditures:	0	0	0	\$200,000	0	\$200,000

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1995-97 biennium: 0
- b. For the 1997-99 biennium: \$200,000
- c. For the 1999-2001 biennium: \$200,000

4. County, City, and School District fiscal effect in dollar amounts:

<u>1995-97</u> <u>Biennium</u>			<u>1997-99</u> <u>Biennium</u>			<u>1999-2001</u> <u>Biennium</u>		
<u>Counties</u>	<u>Cities</u>	<u>School</u> <u>Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School</u> <u>Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School</u> <u>Districts</u>
0	0	0	\$300,000	0	0	\$300,000	0	0

If additional space is needed, attach a supplemental sheet.

Signed 

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Date Prepared: February 5, 1997

Department State Water Commission

Phone Number February 5, 1997

Senate Bill No. 2348 shifts the full cost of construction or modification of bridges and culverts for drainage projects, that require an opening through a railroad grade, to the water resource district. The State Water Commission often cost shares with the water resource districts on drainage projects up to 40 percent. These structures can be very costly. In a recent project in Cass County the cost of a railroad bridge was approximately \$400,000. Culverts can cost as much as \$100,000. Normally there are only one or two railroad drainage crossings required per biennium; however, at the present time there are three or four water resource districts working on drainage projects that will require construction or modification of railroad crossings.

The Cass County project cited above resulted in a court case between the Burlington Northern Railroad and the Southeast Cass Water Resource District. Southeast Cass brought suit against the railroad company claiming that the railroad was responsible for the costs for a drainage structure through their grade to accommodate flows from an agricultural drainage project. The case went to the North Dakota Supreme Court, which ruled in favor of the water resource district and ordered the railroad to bear the cost for the drainage structure through the railroad grade.

Based on one bridge structure and one culvert installation per biennium, additional costs for drainage projects would be approximately \$500,000. Under present Water Commission cost shared guidelines, the State's share would be \$200,000. The remaining \$300,000 would be the responsibility of the water resource district.