

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1265

2007 HOUSE POLITICAL SUBDIVISIONS

HB 1265

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1265

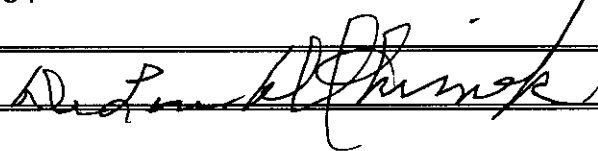
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 18, 2007

Recorder Job Number: 1364

Committee Clerk Signature



Minutes:

Chairman Herbel called the meeting to order on HB 1265.

Representative Aarsvold spoke in support of the bill. He discussed the problems that come about because of watershed. Neighbors can be your friends if they live above the watershed and those that live below you tend to be your enemy so with those two things in mind let's goes to the bill. This would allow folks to better work together within those watersheds to come up with plans that would benefit all. We have to account to all the individuals in the watershed if we are going to accomplish a plan that is appropriate. The major part of the resolution is having a single authority to govern size and placement of culverts within that watershed. This bill will establish the authority and use standards established by the DOT and our lead engineer and the placement and size of those culverts. There are those present who will testify that have a better understanding of this bill.

Mike Dwyer: ND Water Resource District Association: (See attached amendment #1) it is not drafted in the form of an amendment but it would be an amendment to replace the current bill. We told to Representative Aarsvold about this and he is aware of this and he is in support of this amendment. Discussed the Red River Valley and that it could not be farmed without drainage. This legislation is seeking to coordinate the culverts better in those drainages so

they word properly. This proposal is limited to township roads and it would require that the water resource district which is in charge of the assessment drain would have to approve culverts from now on through township roads if they are within one of these assessment drainages. These assessments drains are drains where the county puts them together and the farmers have to vote on them; and if they are approved on their land, they have to accept to pay for it. The goal is to have the water resource districts would have to approve any culverts through township roads if they are within these assessment areas. There have been quite a bit of legislative enactment in the last three or four sessions concerning culverts and the final consensus is the Department in the state of Louisiana are required to develop standards for culverts and they have done that and there are specific provisions in four or five other statues that provide that townships or counties and the highway departments are not liable for damages caused by water backing up if the culverts and road openings are constructed according to those standards so we have used that language in the last sentence in this proposed amendment that the water association that follow those standards wouldn't be liable for those assessment drainages. The middle part of it provides that if it is the landlord or the township is requesting this road they would pay for it otherwise, the water resource district would do it as part of their maintenance of the drainage. That is a summary of what the water districts are seeking to achieve is to coordinate the culverts that are located within the assessment drainage and to have authority over the old ones that are in the drainages through township roads. Currently water resource districts don't have the final jurisdiction or authority on a culvert; so this would be giving them that. I think everyone understands this is what we prefer with this proposed legislation. Currently townships have jurisdiction over township roads and counties have jurisdiction over county roads. This would put the water resource district in

charge of these culverts within these resource drainages. This would transfer the final discussion to the water resource district. They must approval all culverts.

Rep. Kim Koppelman: When the township makes a decision on a culvert now they are not required to consult water resource districts.

Mike Dwyer: Currently all township can put culverts in township roads. This would put the water resource district in charge of relocating and sizing those culverts, as putting them within assessment drainage. This would transfer the final decision making to the water resource district.

Rep. Lee Kaldor: When the township makes a decision now about locating a culvert or sizing a culvert, they are not required to consult with the drainage area?

Mike Dwyer: Yes, they are now required to service notice to the water resource district. Water resource districts don't have the authority to approve them.

Rep. Lawrence Klemin: Is there are water resource board in each district?

Mike Dwyer: Each county in ND has a water resource district and a few counties have more than one.

Rep. Lawrence Klemin: This essentially creates a veto board by the water resource district?

Mike Dwyer: Yes, that is correct.

Rep. Kim Koppelman Have there been problems, something was suppose to happen and didn't.

Mike Dwyer: There have been problems. Other people will testify on this.

Tom Fischer, Senator District 46: Just going on record supporting the amended bill.

Gary Thompson: Chairman for the ND Water Resource District Assoc. Just here in support of the bill as amended. At our annual meeting In December we adopted a resolution in support of legislation for the water resource district to approve or disapprove the placement

and size of culverts within the assessment areas of the legal assessed drain. Today the water resource does not have full control of the legal assessed drainage.

Rep. Lee Kaldor: This is an appropriate time to hear some stories.

Steve Thoreson, Chairman of Traill County WRD: Times have changed in the rural landscape; farmers are getting bigger and methods of draining and building the drains are more involved. It is time for the water resource districts to do a better job of management. It means getting a little more authority so that we can manage the districts as a whole, rather than simply managing the drains and having to deal with some of it.

Rep. Kim Koppelman: You tell us what the problem was and why this bill came about.

Steve Thoreson: Discussed fact that some "midnight farmers" would go out and do what they wanted and when they wanted to. Sometimes there are two or three guys in the township and sometimes these are the same guys that are on the township boards so you kind have not a good situation. You are asking the guy that wants drainage to also size the culverts and when they come to us they sometimes don't pay attention to us. We also have a problem with a drainage ditch bi-sects two townships. The township on the top is probably not concerned with the sizing of the culverts; water flowing through the culverts because they are not political responsible for them whereas we are. So as a county wide board, if I have neighbors doing something they maybe are doing something they should not be doing, I cane step back and let the 4 other members make the decision. Where in a township it is real hard to take on neighbors and farmers that you set next to at the ball game or in church so it is hard.

Rep. Lee Kaldor: Why don't you want to put county roads into this bill?

Steve Thoreson: Generally the counties are not the problem because they are a bigger entity and secondly counties, township roads can do more damage. There isn't normally that conflict of interest between counties as there is with townships.

There are a few instances every year where a few people go out and do things that have not been properly approved and after the fact how do you deal with them. We are trying to manage it so that the upstream landlord gets flooded and the downstream gets flooded. Much discussion on interaction between counties with regard to drainage.

Rep. William Kretschmar: Is there any objection to putting county roads on it also.

Steve Thoreson: I guess the reason we left it out is that we did not think it was necessary to **step on toes that there is no issues there in Traill county.**

Rep. William Kretschmar: My home county only has one organized township and the other roads in the county are under the county commissioners and there are no problems.

Steve Thoreson: This primarily confines itself to counties that are flat ground and have ongoing legal drainages.

Rep. Steve Zaiser: What about across county lines. Can this be looked at from a watershed aspect and that covers across the counties lines they would clearly be the authority.

Steve Thoreson: We are just trying to address the townships for now.

Rodger Olson, Maple River Water Resource District Cass County: Our board is in support of the amendment.

Ben Varnson, Jt. Water Resource Board's Nelson County: Described how they work as a joint and some in other states. Said they were in support of the amended bill.

Opposition.

Larry Syverson: NDTOA (See attached testimony #2) They had seen the amendments and said it was moving in the right direction.

Rep. Kim Koppelman: How do you feel the type of problem that was eluded to by going out in the middle of the night and putting a culvert because it benefits his property etc.

Larry Syverson: That should be dealt with as a violation.

Chairman Herbel: If there was some amendment before us that called for more cooperation it sounds like the townships are willing to work with that.

Larry Syverson: That is correct. We look to cooperate.

Rep. Donald Dietrich: Your statement that it could cause more problems than cure. Would you please explain this?

Larry Syverson: We are responsible for safety of the public and the water resources board is not responsible for that. Final authority rests with the counties, except in assessment drainage. Just within the assessment drainage channel.

Rep. Kari Conrad: Under this agreement who will the water users be talking to?

Larry Syverson: We would have to contact the water resources board and with this new bill.

Now as it stands we go directly to the county. Assessment area is the drainage area.

Rep. Lawrence Klemin: If we approve this bill then who would be contacted for culverts.

Larry Syverson: Lots of discussion on who would be contacted as the law stands now and it would be the township and counties for culvert installation. Drainage assessment is handled by the water resource assessment committee

Steve Thoreson: Wants to clarify a few issues. Mr. Syverson brought up that there is 58,000 miles of road which is actually a small percentage of roads that is actually in drainage districts. Secondly, the water resource districts standpoint is that you are making a mountain out of a mole hill. I am trying to say we just wanting to have an equitable system in place that would be fair to all county I would argue that the Water Resource District has a prouder point of view. We are managing the drain, but we have no control since we can not control the water that comes into it. By that nature, we have lost control of some drainage areas because of the amount of water and they are not happy with us and in reality things are happening that we cannot control.

Rep. Steve Zaiser given that fact that either side can't come to an agreement, is mediation the only option?

Steven Thoreson: In the end someone has to make a decision. We don't want to run rough shod over townships. Usually we can work it out, but right now we do not have the last say. Water is a huge issue in the River River Valley. It is allot easier to make a decision on the winner and looser when the looser is 15 miles away from you. It is almost an impossible position for a councilman to be in.

Rep. Kim Koppelman We heard earlier testimony from Mr. Syverson about the midnight county stuff it ought to be dealt with. Is it or do we just ignore it?

Steve Thoreson: If it is your next door neighbor, what are you going to do? Walk over to his door and knock on his door and ask him?

Rep. Kim Koppelman Your saying that it is better to ask forgiveness than to follow the law if he puts the culvert in the middle of the night, no one is going to do anything. Whose jurisdiction is it?

Steve Thoreson Right now it is the townships jurisdiction. The township right now is not responding due to local pressure with neighbor vs. neighbor issues. We only run into this issue a handful of times. 90% of the time things are working fine. Thinks the Water Resource Division would make the right decision.

Ken Yantes: ND Townships: Passed out a Letter of Opinion from the attorney generals office for your review and consideration. (See attachment #3).

Hearing closed.

2007 HOUSE STANDING COMMITTEE MINUTES

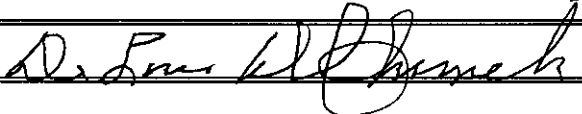
Bill No. HB 1265

House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1943

Committee Clerk Signature 

Minutes:

Chairman Herbel reopened the hearing on HB 1265. Deals with the drainage assessment and the authority that goes with it and who can put culverts in and who pays for them. There has been an agreement reached between the water resource board and also the townships so with that in mind I would like to call Larry Syverson up to address the amendment.

Larry Syverson: Went over the attached amendment #1. It would guarantee that the work be done in a safe manner too.

Moved the amendment Motion Made by Rep. Kim Koppelman Seconded by Rep. Louis Pinkerton

Discussion: Motion passed by voice vote.

Do Pass As Amended

Motion Made by Rep. Kari Conrad Seconded by Rep. Dwight Wrangham

Chairman Herbel: Rep. Kim Koppelman The water resource people and the township people have come to an agreement that they are satisfied with the amendment indicates their concerns.

Vote 13 Yes 0 No 1 Absent Carrier: Rep.Dwight Wrangham

Hearing closed

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1265

#1

Page 1, line 8, after "may" insert ", upon approval of the appropriate road authority"

Page 1, line 11 after "streamcrossing" insert "and construction site protection"

Renumber accordingly

January 25, 2007

VR
1/26/07

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1265

Page 1, line 8, after "board" insert ", upon approval of the appropriate road authority,"

Page 1, line 11, after "streamcrossing" insert "and construction site protection"

Renumber accordingly

Date: 1-25-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1245

House Political Subdivisions Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Moved Amendment

Motion Made By Rep Koppelman Seconded By Rep Pinkerton

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					

Total (Yes) _____ No Closed

Absent _____

Floor Assignment: _____

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

Date: 1-25-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1265

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Conrad Seconded By Rep. Wrangham

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	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep Wrangham

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

REPORT OF STANDING COMMITTEE

HB 1265: 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 1265 was placed on the Sixth order on the calendar.

Page 1, line 8, after "board" insert ", upon approval of the appropriate road authority."

Page 1, line 11, after "streamcrossing" insert "and construction site protection"

Renumber accordingly

2007 SENATE POLITICAL SUBDIVISIONS

HB 1265

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1265**

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: **February 22, 2007**

Recorder Job Number: **3701 and 3714 (action)**

Committee Clerk Signature

Stanley Borg

Minutes:

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

Chairman Cook opened the hearing on HB 1265 relating to culverts for assessment drains.

Representative Aarsvold, District 20, Trail County, prime sponsor, introduced HB 1265. (See attachment #1)

Senator Fischer, District 46, Fargo, ND testified in support of HB 1265. It is a very worthwhile piece of legislation. A lot of work has been put into this bill. This is very much needed in our area to be responsible for the surface water that we find running in the ditches and drains of eastern North Dakota.

Senator Hacker: How would this bill affect the Niche situation?

Senator Fischer: The Niche situation is promoted both by the Red and Pembina. There are some roads up there that could be dealt with the Water Board and Townships getting together and agreeing on some culverts and roads. This bill brings people to the table to discuss what the appropriate size with the standards set by the DOT and The State Water Commission as well as the water board and the townships. They can come to some conclusion to what is appropriate to the area.

Chairman Cook: Is there ever a time when the decision is made to put culverts in and of course all that does is allow water to move from high land to low land fast. Is there ever a time when someone needs to made a decision that a culvert needs to be blocked?

Senator Fischer: Yes, the sizing of culverts to reduce the flow of water is quite common, so that you have a systematic flow of water that is not just dumping all the water.

Mike Dwyer, Represents all the Water Resource Districts of ND, testified in support of HB 1265. He wanted to make it clear that what this bill deals with is just assessment range and allows water resource districts if they have the approval of the local hortatory to size those culvert, so what they are doing is taking the entire assessment area and trying to make it a uniform systematic series of culverts so that the water is controlled and flows in a systematic manner. This legislation applied to just the area within those assessment drains that are constructed in the valley. The valley has some of the riches farm land in the world and it wouldn't be with out the assessment range that extends from the Canadian Border down to Wahpeton.

Chairman Cook: What do you mean by assessment range? Do you mean that the area that the landowners have had an assessment on to pay for the drainage.

Mike Dwyer: Yes, they have had a vote on that and that project allows all the land within that assessment area to be drained.

Gary Peterson, Office Manager for the Trail County Water Resource District, testified in support. He passed out some maps for Trail County and what the Assessment drains are in that county. (See attachment #2)

Steve Thorson, Chairman of the Trail County Water Resource District testified in support of HB 1265. The driving force is to trying to provide more centralized water management.

Individual water authorities can all have their agendas but what we are trying to do is provide a more uniform and controlled method of drainage.

Larry Syverson, Chairman of Roseville Township of Trail County and District Director of the ND Township Officers Association, testified in support of HB 1265. (See attachment #3)

No further testimony in favor, opposed or neutral on HB 1265.

Chairman Cook closed the hearing on HB 1265.

Recorder # 3714 (Action) 2-22-07

Chairman Cook asked the committee if they wanted to take action on HB 1265.

Senator Olafson said it seems that they can. It seems that everyone involved seems to be in favor of the bill. It is a big issue in his part of the state.

Senator Hacker moved a Do Pass on HB 1265.

Senator Anderson seconded the motion.

Discussion;

Roll call vote: Yes 5 No 0 Absent 0

Carrier: **Senator Olafson**

Date: 2-22-07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1265

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Hacker Seconded By Senator Anderson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X		Senator Arden C. Anderson	X	
Senator Curtis Olafson, ViceChair	X		Senator John M. Warner	X	
Senator Nicholas P. Hacker	X				

Total Yes 5 No 0

Absent _____

Floor Assignment Senator Olafson

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

REPORT OF STANDING COMMITTEE (410)
February 26, 2007 8:40 a.m.

Module No: SR-36-3810
Carrier: Olafson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1265, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1265 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1265

1

A BILL for an Act to amend and reenact Section 26-06-34, relating to township roads and water resource district assessment drains.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

24-06-34. Notice to water resource districts. Whenever a county or township plans to construct or reconstruct a bridge, install or modify a culvert, or construct or reconstruct a drain in connection with a roadway or railway, the county or township shall provide notice in any way to the water resource board of the water resource district in which is located the bridge, culvert, or drain. This notice must be given at least thirty days prior to the date construction or reconstruction is to begin. The water resource board may submit comments concerning the construction or reconstruction to the appropriate officials of the county or township. This section does not apply in times of emergency, unexpected events, or acts of God.

If a township road is located within the assessment area of an assessment drain established pursuant to Chapter 61-21, the water resource district or districts where that assessment drain is located must approve the location and size of all culverts which are proposed to be installed, relocated or resized through township roads within the assessment area of the assessment drain, after the effective date of this Act. Any such culvert requested by a township or landowner shall be paid for by the township or landowner requesting the culvert. In addition, as part of the design and construction of a proposed assessment drain or the maintenance or reconstruction of an existing assessment drain, a water resource district may locate, relocate, resize, and install culverts through township roads which are not on the routes of assessment drains but which are within the assessment area of the assessment drain, and the water resource district may pay for such culvert as part of the maintenance of such assessment drain. A water resource district is not liable for any damage caused to any structure or property by water detained by a township road at the crossing if the township road crossing has been constructed in accordance with the stream crossing standards prepared by the department and the state engineer.

To oppose HB1265:

Good morning Chairman Herbel and members of the Political Subdivisions Committee.

I am Larry Syverson a farmer from Mayville; I am the Chairman of Roseville Township of Traill County. I am also a District Director of the North Dakota Township Officers Association. NDTOA represents the six thousand township officers that serve our eleven hundred dues paying member townships.

Township officers recognize the need to have water move away in an orderly manor and water control is part of normal road stewardship. At our 2006 annual convention our membership passed a resolution to cooperate with the water resource districts on these matters; however a bill that won't even notify townships of pending work within their rights-of-way is not what NDTOA considers to be cooperating.

There is nothing, in HB1265 to even provide notification to the entity that has been in charge of the general supervision of the roads since statehood. All legal responsibility for safe travel on 56,500 miles of township roads and within the right-or-ways has always been within the township authority. Are there enough problems to warrant change in all these years of Century Codes and Attorneys General opinions? NDTOA doesn't think so.

This proposal assumes that the water resources district claims are valid and gives them the right to enter township right-of way and make alterations. What if the claim is unfounded? Where is the negotiation? Where is the arbitration? What recourse will the township board have? How will liability issues be addressed?

This proposal assumes that decisions of water resource boards always logical and

follow nothing but cold hard fact. Anyone that has attended a few of their meetings would know the meetings are as full of contention as any governing board's meetings. Their findings are as likely to become political as any governing body's decisions as they seek to satisfy an outcry. I point out that this proposal was brought forward at the request of the Traill County Water Resource Board, which may very well now be one of the best run in the state; but one need not travel far to other districts to find allegations of questionable practices. In fact going back a decade or two in Traill County's history finds some doubtful actions. Personality conflicts cloud reason and personal agendas displace logic. As a result in many districts relations with the public are strained. Their findings are viewed with distrust.

This proposal before you is to make a statewide law to fix a problem in a small area. A 56,500-mile wide brush to paint one small corner. This wide area fix may very well cause more problems than it will cure. Therefore the North Dakota Township Officers Association asks you to give HB1265 a do not pass.

NDTOA stands ready to review it's position if amendments should be brought forward that will provide sufficient notice to the township supervisors and includes the township board in the decision process. NDTOA policy is to cooperate not abdicate. NDTOA urges the House Political Subdivisions Committee to give HB1265, as written, a do not pass.

Chairman Herbel and Committee Members that completes my prepared testimony and I will try to answer your questions.

#3

LETTER OPINION
2000-L-57

<PAGE NAME="p.L-57">April 18, 2000

Ms. Kathleen K. Trosen
Attorney at Law
120 9th Street West
Harvey, ND 58341-1505

Dear Ms. Trosen:

Thank you for your letter asking which political subdivision has authority to install culverts in county and township roads. You also asked whether a water resource district has the authority to order the repair of a culvert or the removal of debris from a culvert and if so, how that authority may be enforced and about a water resource district's liability for its actions.

In Kadlec v. Greendale Township Bd. of Township Supervisors, 583 N.W.2d 817, 822 (N.D. 1998), the North Dakota Supreme Court concluded that a township, and not a water resource district, has the authority to decide whether to put a culvert in a township road. In reaching this conclusion, the court reviewed prior decisions in which it had ruled that townships have the authority to install culverts in township roads when necessary to preserve a natural drainway for surface waters. Id. at 820. In addition, the court found N.D.C.C. § 24-06-01, which gives townships general supervision over township roads, as well as N.D.C.C. § 24-03-06, which imposes a duty on the board of township supervisors to construct or reconstruct roads in a manner that does not block the natural flow and drainage of surface waters, give the township the decision making authority to control the placement of culverts. Id. at 821-822. See also Ness v. Ward Co. Water Resource Dist., 585 N.W.2d 793, 797 (N.D. 1998) (while the Legislature envisioned townships and water resource districts working together on decisions relating to the placement of culverts, the township has the decision making authority to install culverts to preserve the natural drainage of surface waters).

The court in Kadlec noted, however, that the township does not act in a void. It has the responsibility to notify other townships affected by the insertion of a culvert that will increase surface water flow in those townships; certain decisions of townships may be appealed to the water resource district; the township must give notice of certain activities relating to the placement of culverts to the water resource district; water resource districts may advise the township; and townships must cooperate with water resource districts in the <PAGE NAME="p.L-58">installation, modification, or construction of culverts in order to achieve appropriate sizing and maximum consistency of road openings. Kadlec, 583 N.W.2d at 821.

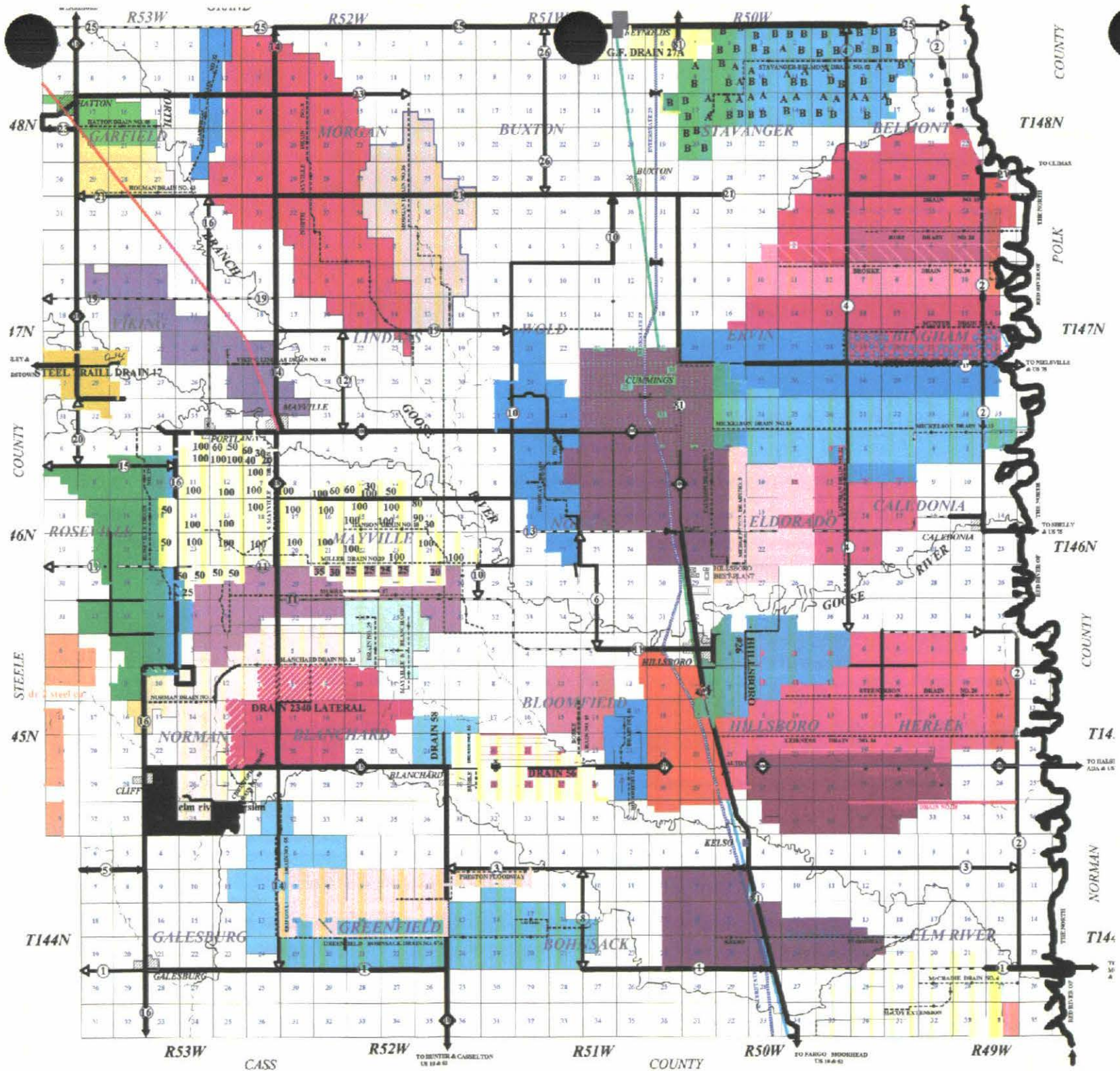
To: Senate Political Subdivision Committee
From: Representative Ole Aarsvold
Re: HB 1265 – Culverts Leading to Assessed Drain

I bring a subject very near and dear to many – surface water and drainage.

Living in eastern North Dakota, I have concluded that most who consider you a friend live above you in a watershed and it is easy to make enemies of those who live below you in the watershed.

I have also concluded that when those folks sit down and reason together and make decisions on a watershed wide basis, all will benefit. The key is doing drainage in a systematic matter, accounting for all interests and individuals. The major provision of this bill is to have a single authority in charge of culvert sizing and placement in a drain's watershed. HB 1265 would establish that authority and use standards established by our Department of Transportation and State Engineer.

There are others present who can provide you with more detail on the implications of enacting 1265.



Attachment # 2

In support of HB1265:

Good morning Chairman Cook and members of the Political Subdivisions Committee.

I am Larry Syverson a farmer from Mayville; I am the Chairman of Roseville Township of Traill County. I am also a District Director of the North Dakota Township Officers Association. NDTOA represents the six thousand township officers that serve our eleven hundred and forty one dues paying member townships.

Township officers recognize the need to have water move away in an orderly manor and water control is part of normal road stewardship. At our 2006 annual convention we passed a resolution to cooperate with the water resource districts on these matters.

NDTOA had concerns with the original bill, but after it was amended to require the prior approval of the road authority and to insure the safety of the public, we are able to support it.

Therefore Chairman Cook and Committee Members, the North Dakota Township Officers Association asks you to give Engrossed HB1265 a do pass.