

2011 SENATE POLITICAL SUBDIVISIONS

SB 2283

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee  
Red River Room, State Capitol

SB 2283  
January 31, 2011  
13602

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to drainage project expenditures in excess of the maximum levy.

## Minutes:

*Written testimony*

**Senator Andrist** opened SB 2283 relating to drainage project expenditures in excess of the maximum levy.

**Senator Tom Fischer** District 46 introduced this bill, support of SB 2283.

**Mike Dwyer:** Representing the North Dakota Water Resource Committee. See written testimony.

**Senator Andrist:** One section provides for it right now? **Mike Dwyer:** Three sections provide for the \$2.00 and the one on this bill still assesses a \$1.50 per acre fee.

**Senator Olafson:** Can you give us a brief overview of the four sections and what they cover?

**Mike Dwyer:** There are two chapters in the Century Code whereby water resource districts can bill an assessment project. In Chapter 61:21 for assessment drains only, Chapter 61.16.1 is for flood control, dikes, levees, other kinds of projects. They both have the same procedure for levying assessment and they both have similar statutes for maintaining the project. The three statutes deal with, one section deals with maintaining federal projects and the other three deals with maintaining local water service projects. They all are very similar in they are for maintenance of water resources.

Closed hearing on SB 2283.

## Committee Discussion:

The committee requested information from our Intern relating to the title of those sections of the Century Code that was left out relating to this bill. The committee then discussed how these sections relate to a fee acre, not to an urban setting. This is all agriculture, both 61:21.46 and 47.

**Mr. Dwyer:** For non-agricultural property, the assessment is \$2.00 per \$500 of value of evaluation. So if there is an assessment, these assessment projects have to be initially voted on by the property owners, but once they are in place if it's non agricultural property its' \$2.00 per \$500.00 of evaluation, if its agricultural property its \$2.00 per acre.

The committee asked Mike Dwyer how the Drain Districts were established, and how the powers apply to the Drain Boards. They kept the powers by just eliminating the Drain Boards, and gave those powers to the Water Resources Districts. So that is why there are two separate sets of authorities.

**Senator Andrist:** Are there situations in the western part of the state where they drain land? **Mike Dwyer:** There are limited situations. In Williams County, there is a couple of drain projects near Tioga; near Williston, there is a couple; in Ward County there is a few; up in Bottineau County there are a few more. As you go east you just continue to have more and more, but their limited.

61:16.1.40.1 Maintenance of Special Assessments Projects; Assessment Projects established.

61: 16.1: 45 Maintenance of Drainage Projects

61:21:46 Maximum Levies, Accumulation of Funds

61:21:47 Expenditures in Access of Maximum Levies

Motion Do Pass: Senator Olafson

2<sup>nd</sup> - Senator Dotzenrod

5 Yea, 0 No, 0 Absent

Carrier: Senator Olafson

## FISCAL NOTE STATEMENT

Senate Bill or Resolution No. 2283

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, or school districts. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Becky Keller  
Senior Fiscal Analyst

Date: 1-28-2011  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2283

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Senators	Yes	No	Senators	Yes	No
Senator John Andrist	✓				
Senator Lonnie Laffen	✓				
Senator Judy Lee	✓				
Senator Curtis Olafson	✓				
Senator Jim Dotzenrod	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Senator Olafson

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

**REPORT OF STANDING COMMITTEE**

**SB 2283: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Eleventh order on the calendar.**

2011 HOUSE POLITICAL SUBDIVISIONS

SB 2283

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee  
Prairie Room, State Capitol

SB 2283  
March 4, 2011  
Job # 14950

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to drainage project expenditures in excess of the maximum levy.

## Minutes:

Testimony #1

**Chairman Johnson:** Opened the hearing on SB 2283.

**Rep. Hofstad:** This bill was brought forward at the request of the water resource boards. If you could refer to the code 61-21-46 it says that a levy in any year for cleaning out and repairing a drain may not exceed \$2 per acre. What this does is make 61-21-47 consistent with the previous chapter.

**Rep. Koppelman:** Is that for a different type of legislation or what?

**Rep. Hofstad:** The maximum that you can assess for a cleanout is \$2 per acre. In 61-21-47 if the cost of maintenance, cleaning out, or repairing of any drain shall exceed the amount of produced by the maximum levy and this one had \$1.50 so it simply was not consistent with the previous section.

**Rep. Klemin:** Whenever they revised Section 46 they overlooked 47.

**Rep. Hofstad:** That is exactly right.

**Cary Backstrand, ND Water Resource Districts Association:** (See testimony #1).

**Rep. Koppelman:** This just refers back to that. This doesn't establish a different amount of levy. It deals with other issues. It is just a reference back to the previous section.

**Cary Backstrand:** Yes. It is just housekeeping.

Opposition: None

Hearing closed.

**Do Pass Motion Made by Rep. Maragos: Seconded by Rep. Beadle**



Rep. Koppelman: I have a question. The reason this is before us and all it is a reference to the previous section. I am wondering if we just shouldn't have taken the amount out? That would avoid this in the future.

**Vote:            14 Yes   0 No   0 Absent   Carrier: Rep. Shirley Meyer**

Date: 3-4-11  
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2283

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Adopt  
Amendment

Rerefer to Appropriations  Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Kilichowski	✓	
Vice Chairman Hatelstad	✓		Rep. Shirley Meyer	✓	
Rep. Beadle	✓		Rep. Mock	✓	
Rep. Devlin	✓		Rep. Zaiser	✓	
Rep. Heilman	✓				
Rep. Klemin	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Meyer

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

**REPORT OF STANDING COMMITTEE**

**SB 2283: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2283

Testimony  
ND Water Resource Districts Association  
Senate Political Subdivision Committee  
January 28, 2011

Mr. Chairman, Members of the Committee, four years ago we asked the Legislature to increase maintenance levies from \$1.50/acre to \$2.00/acre for assessment projects, and to allow accumulation of such funds for 6 years. However, we mistakenly left Section 61-21-47 out, and are seeking to correct this mistake. Thank you.

Statutes with \$2/acre for maintenance

- 1. 61-~~61~~<sup>66</sup>.1-40.1
- 2. 61-61.1-45
- 3. 61-21-46

Statute left out

- 1. 61-21-47

Testimony on SB 2283  
ND Water Resource Districts Association  
House Political Subdivision Committee  
March 4, 2011

Mr. Chairman, Members of the Committee, four years ago we asked the Legislature to increase maintenance levies from \$1.50/acre to \$2.00/acre for assessment projects, and to allow accumulation of such funds for 6 years. However, we mistakenly left Section 61-21-47 out, and are seeking to correct this mistake. Thank you.

Statutes with \$2/acre for maintenance

1. 61-16.1-40.1. Maintenance of federally constructed projects - Assessment district established.
2. 61-16.1-45. Maintenance of drainage projects.
3. 61-21-46. Establishing new drains in location of invalid or abandoned drain.

Statute left out

1. 61-21-47. Drain kept open and in repair by water resource board.