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ROLL NUMBER

DESCRIPTION

2280

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Deanna D. Smith
Operator's Signature

10/21/03
Date

2003 SENATE NATURAL RESOURCES

SB 2280

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Deanna Waller

Date

12/21/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2280

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 1-30-03

Tape Number	Side A	Side B	Meter #
1	X		37.9 - end
		X	0.1 - 0.8
Committee Clerk Signature <i>Janet James</i>			

Minutes:

Senator Ben Tollefson, Vice Chairman of the Senate Natural Resources opened the hearing on SB 2280, relating to the assessment for federally constructed flood control projects.

All members of the Senate Natural Resources Committee were present.

Senator Thomas Fischer introduced SB 2280 stating the bill it to bring the collection of special assessment maintenance dollars from a \$.50 to \$1.50 per acre. This is specific to federal projects such as low level dams and drains. Fifty cents is not enough to cover these projects. Assessment districts will not change just the maximum amount that can be charged against those projects.

Representative Ole Aarsvold of District 20 testified in support of SB 2280. He told story of when he was child and the flooding project that saved the family farm. He stated that 10 years ago legislation authorized a \$.50 levy to maintain that flood way. As the cost of maintenance was not met by the levy, general funds were used by the water districts to supplement those projects.

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10/21/03
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Page 2

Senate Natural Resources Committee

Bill/Resolution Number SB 2280

Hearing Date 1-30-03

Finally general funds were stripped and with the authorization of this bill funds would be available to fund these maintenance projects.

Mike Dwyer (42.5) representing the North Dakota Water Resource Districts Association

testified in support of SB 2280. This bill would make it consistent with other statutes 6.1-45 and Chapter 6121 which deal with assessment drains that the counties have to work with.

Senator John Traynor asked what was the largest project he has ever worked with.

Mike Dwyer responded that it would probably be 44,000 acres and dollar wise about \$500,000.00 to \$1,000,000.00.

Gary Peterson (44.9) representing the Trail County Water Board District testified in support of SB 2280. He presented pictures of a floodway that showed damage and the need for more than the present \$.50 per acre that is needed to maintain these projects.

Andy Mork (47.6) representing the Morton County Water Resource District testified in support of SB 2280. He stated that flooding is not confined to the eastern part of the state and told of the project that was completed about 10 years ago. He suggested the same verbiage that is in SB 2278 about public hearings be added to SB 2280.

Dale Frink, the State Engineer with the North Dakota Water Commission testified in support of SB 2280. He stated that funding at the local level for water projects has become very difficult and that is why so many projects are on hold. There are many snagging and clearing projects along with their maintenance state wide and passage of SB 2280 would greatly help fund these projects and get them done.

Senator Stanley Lyson wanted to ask Mike Dwyer if his organization had any problems with a hearing process be amended to this bill for these projects.

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Senate Natural Resources Committee
Bill/Resolution Number SB 2280
Hearing Date 1-30-03

Mike Dwyer respond they would have no problem with a meeting, requiring public notice for input by those involved.

Senator Lyson asked about an amendment.

Mike Dwyer said that he would come up with an amendment for both SB 2278 and SB 2280.

Senator Tollefson asked for any opposing testimony and for any neutral testimony of SB 2280.

Senator Tollefson closed the hearing on SB 2280.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2280

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 2-6-03 Discussion and Action

Tape Number	Side A	Side B	Meter #
1		X	39.7 - 41.2
2		X	25.9
Committee Clerk Signature			

Minutes:

Senator Thomas Fischer, Chairman of the Senate Natural Resources Committee opened discussion on SB 2280.

All the members of the committee were present.

Senator Fischer explained the bill.

Senator Stanley Lyson made a motion for a Do Pass of SB 2280.

Senator John Traynor second the motion.

Roll call vote was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Michael Every will carry SB 2280.

Senator Fischer closed the discussion on SB 2280.

Senator Thomas Fischer reopened the discussion on SB 2280 stating action has already been taken on the bill but needs to be referred to Appropriations along with SB 2125 and 2227.

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10/21/03
Date

Page 2
Senate Natural Resources Committee
Bill/Resolution Number SB 2280
Hearing Date 2-6-03

Senator Layton Freborg made a motion for Do Pass and Rereferred to Appropriations of SB 2280.

Senator Ben Tollefson second the motion.

Roll call vote was taken indicating 7YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

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10/21/03
Date

FISCAL NOTE
Requested by Legislative Council
01/22/2003

Bill/Resolution No.: SB 2280

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Water Resource Boards are political subdivisions. The State Water Commission does not know how many Water Resource Boards would be effected by this bill, how many would raise their assessments or what they would raise them to, therefore, we can not quantify the fiscal impact.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	David Laschkewitsch	Agency:	State Water Commission
Phone Number:	328-1956	Date Prepared:	01/22/2003

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Deanna Waller

Date

10/21/03

Date: 2-6
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2280

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Lysm Seconded By Traynor

Senators	Yes	No	Senators	Yes	No
Senator Thomas Fischer	✓		Senator Michael A. Every	✓	
Senator Ben Tollefson	✓		Senator Joel C. Heitkamp	✓	
Senator Layton Freborg	✓				
Senator Stanley W. Lyson	✓				
Senator John T. Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Every

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

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Operator's Signature

12/21/03
Date

Date: 2-6
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2125 2280 ~~2277~~, 2227

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass + referred to appropriation

Motion Made By Frey Seconded By Tollefson

Senators	Yes	No	Senators	Yes	No
Senator Thomas Fischer	✓		Senator Michael A. Every	✓	
Senator Ben Tollefson	✓		Senator Joel C. Heitkamp		
Senator Layton Freborg	✓				
Senator Stanley W. Lyson	✓				
Senator John T. Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Every

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

REPORT OF STANDING COMMITTEE (410)
February 7, 2003 9:57 a.m.

Module No: SR-24-1962
Carrier: Every
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2280: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2280 was rereferred to the Appropriations Committee.

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Operator's Signature

12/21/03
Date

2003 HOUSE NATURAL RESOURCES

SB 2280

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10/21/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2280

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 28, 2003

Tape Number	Side A	Side B	Meter #
1	xx		1683-3968
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Chair Nelson called the meeting on SB 2280 relating to the assessment for federally constructed flood control projects to order.

Sen. Fischer: Introduced SB 2280. This bill deals with Federally constructed projects and the assessment districts that were created. Up until now the maximum assessment was \$.50 per acre. This bill would increase the maximum to \$1.50 per acre. This would match assessment districts across the state. The County Commission has to verify the assessments.

Rep. DeKrey: This is a 300% increase. Did you put this in on behalf of anybody?

Sen. Fischer: I put in on behalf of many districts with these federal projects. When the Federal Projects leave they leave these districts in the lurch.

Rep. Solberg: Who determines the beneficiaries of these projects.

Sen. Fischer: That has already been determined.

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[Signature]
Operator's signature

12/21/03
Date

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House Natural Resources Committee

Bill/Resolution Number 2280

Hearing Date February 28, 2003

Chair Nelson: These projects are at a disadvantage with local projects. Why were they funded lower in the first place.

Sen. Fischer: When they were started \$.50 was probably adequate. Today, it is not enough to maintain it.

Andy Mork: Morton County Water Resource Board. This bill is basically a housekeeping measure to keep up with inflation. We are unable to keep up with the costs at this fixed rate of income. We would hold an informational meeting with the affected parties.

Chair Nelson: 300% increase is hard to sell as a housekeeping measure.

Andy Mork: This has been done in other areas.

Chair Nelson: Can you assess further into the future?

Andy Mork: We have hired an engineering firm to come up with a figure for the total bill. We can not drag that out forever.

Rep. Porter: Are you required to hold public hearing or is that just the right thing to do?

Andy Mork: The law says nothing about hearings. We will invite people. However we can levy a tax without it if the county commission so desires it.

Mike Dwyer: ND water resource district. Spoke out in support of SB 2280. I want to clarify that this is only for the Federal projects without current funding. This would make these projects current with existing legislation that allows for \$1.50 per acre.

Rep. Nottestad: How is the boundary determined?

Mike Dwyer: Water Board will set it up.

Rep. Nottestad: The water board has the authority to set the district.

Mike Dwyer: Strictly for the maintenance.

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House Natural Resources Committee

Bill/Resolution Number 2280

Hearing Date February 28, 2003

Rep. Nottestad: We can only have so much in the account. Are there similar protections in this?

Mike Dwyer: This allows no accumulation.

Rep. Nottestad: Shouldn't we allow for that?

Mike Dwyer: There has not been a need. We can address for that later.

Chair Nelson: Could you support public notices.

Mike Dwyer: There is another bill that will come to this committee that will address that.

Dale Frink: ND State Engineer. I support this bill. Thank You.

Chair Nelson closes the hearing on SB 2280

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12/21/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2280

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 7, 2003

Tape Number	Side A	Side B	Meter #
2		XX	400-675
Committee Clerk Signature <i>C. M. M.</i>			

Minutes:

Chair Nelson called the meeting on SB 2280 back to order.

Rep. DeKrey moves a Do Pass seconded by Rep. Hanson. The motion carries by a vote of

11-0-3. Rep. DeKrey will carry.

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12/21/03
Date

Date: 3/7/03
Roll Call Vote #: /

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2280

House House Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By De Krey Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓				
Vice-Chairman Todd Porter	✓				
Rep. Byron Clark	✓				
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Lyle Hanson	✓				
Rep. Bob Hunsakor	✓				
Rep. Dennis Johnson					
Rep. George Keiser	✓				
Rep. Scott Kelsh	✓				
Rep. Frank Klein	✓				
Rep. Mike Norland	✓				
Rep. Darrell Nottestad					
Rep. Dorvan Solberg	✓				

Total (Yes) 10 No 0

Absent 3

Floor Assignment De Krey

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

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10/21/03
Date

REPORT OF STANDING COMMITTEE (410)
March 7, 2003 2:10 p.m.

Module No: HR-41-4275
Carrier: DeKrey
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2280: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2280 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-41-4275

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10/21/03
Date

2003 TESTIMONY

SB 2280

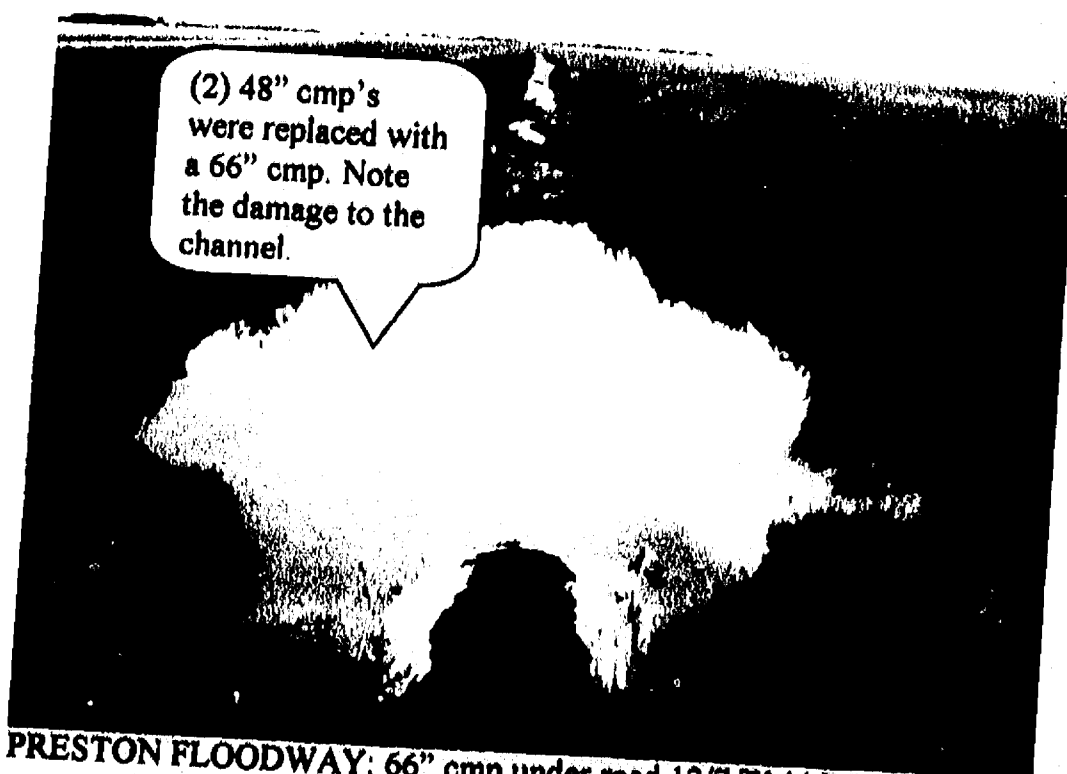
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10/21/03
Date



PRESTON FLOODWAY: (2) 48" cmp's under field approach near 1/4 line between 1/12 T144 R52



PRESTON FLOODWAY: 66" cmp under road 12/7 T144 R52/51 (down stream).

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10/21/03
Date

TESTIMONY ON SENATE BILL 2280

Senate Natural Resources Committee

**Dale L. Frink, State Engineer and Secretary to the
State Water Commission**

January 30, 2003

Mr. Chairman and Members of the Senate Natural Resources Committee, I am Dale Frink, State Engineer, appearing in support of Senate Bill 2280.

Senate Bill 2280 amends North Dakota Century Code § 61-16.1-40.1. The existing language provides for the establishment of assessment districts for maintenance of federally constructed flood control and soil conservation projects and provides authority for assessments of up to fifty cents annually per agricultural acre and fifty cents annually for each five hundred dollars of taxable valuation of nonagricultural property. The proposed legislation would raise that assessment from fifty cents to one dollar and fifty cents.

Many federally funded and constructed projects in the state became the responsibility of our county water resource districts upon completion. In most cases no federal funds were provided for maintaining these projects, and that responsibility falls to the water resource districts. Many of the water resource districts are unable to adequately fund these maintenance activities out of their mill levy, so establishment of an assessment district is necessary. Many of the federally constructed projects from 20 to 30 years ago are in need of maintenance work today.

We work closely with the various water resource districts and we frequently hear that fifty cents an acre is inadequate to meet their needs. This may be, in part, attributable to rising construction costs, but it is also likely attributable to the type of large-scale projects constructed by the federal government now requiring maintenance.

I ask for your favorable consideration of this bill. Thank you.

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Dale L. Frink
Operator's signature

10/21/03
Date