

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2393

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2393

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 2/5/09

Recorder Job Number: 8557

Committee Clerk Signature

Kate Ouse

Minutes:

Greg Wilz: Deputy Director of Homeland Security, this is not a good news story. If the bill was implemented as is the actual cost would be against the criteria. At 200%, we didn't use 70%, because of all the cities have hit their 70%, that is not criteria in and of itself, because it is criteria everyone is in. If you take a look at lowering it to 200% of model snow depth average, the cost to the state is \$18,075,000. If you step that up to 300% modeled average snow depth the cost becomes \$10,825,000. Trying to work within the intent of the bill as it was developed, we had looked at one other option, that is to use a per capita number. If you were to use approximately \$1.55 and use 300% of modeled snow depth average, you would consume that million. I will give you an example using Morton County, these numbers are approximate, at \$1.55 has 25,000 people if you did the math on that they would come up with about \$40,000 and if you applied that across the other counties, that would hit at 300% total number of counties would be 33. I would have loved to have more time to work on this, did a good job with what time we had. Bottom line is this is what the bill could do.

Senator Horne: I guess the original bill was capped at a million?

Senator Dever: Line items say up to.

Senator Ohelke: Sum of a million.

Senator Dever: Up to \$100,000 for counties and \$10,000 for townships.

Greg Wilz: We worked it from the bottom up and top down because we wanted to know what this was really meaning to us. It is capped at a million when we worked it from the cap down, you would have a township who would get \$700 and we thought that would be a slap in face. When we look at it in that perspective the percents that they will get is a drop in the bucket

Senator Nelson: So Senator Taylor lives in an unorganized township, he has a family of 5, so they are going to get \$10?

Greg Wilz: The way we look at this is that we felt that for those who are incorporated cities there could be a pass though and can get the money. Those that are unorganized need to be rolled up into the county.

Senator Dever: Population of Morton County is 25,000 they would be getting \$40,000.

Greg Wilz: That is how we looked at it.

Senator Cook: Your model was just using counties, not thinking about cities. If a county gets \$40,000 will they get to decided how to use it?

Greg Wilz: If you go to the proposed amendment, we meant for the \$1.55 to be a pass down.

Senator Cook: Regarding cities have the issue of existing local effort. If you have a political subdivision out there that has very little effort I am not sympathetic. If we are giving out grants then we all have a responsibility. 1 million dollars is a slap in the face to everybody.

Senator Dever: Benefits of the amendments need to have more discussion.

Senator Horne: Senator Cook is right, a million is a nice gesture but if we use this formula, we need to make this mean anything. Here is a \$20 do something with it. I think if we are serious we need to up the dollar amount.

Senator Nelson: Is there any way to prioritize those 32 counties? Obviously there are some counties that are a whole lot worse off than others.

Greg Wilz: Looked at a lot of things, cities that are above population. What did they go after?

There just wasn't enough time. You can make a program bottom up or bottom down. Having a number and working it down is an easier approach.

Senator Dever: One county abandon roads and then the people of that county end up driving 4 miles instead of 1 mile.

Greg Wilz: We are getting reports that are doing that, I applaud that effort.

Senator Nelson: This morning we heard from the gentleman from Morton County was he representing Morton County or Mandan, too? Is there some way we need to pass it through the city.

Senator Dever: Would you use the 2000 census.

Greg Wilz: Yes.

Senator Ohelke: This morning I have behind your name I have National Guard involvement. Federal disaster before they can get involved?

Greg Wilz: Guard has already helped. Treated as a contractor put people to work who are off of the winter. Guard can mobilize on word of the governor. They are available, but most counties are able to contract.

Senator Ohelke: All the plows are doing is creating a tunnel.

Greg Wilz: The National Guard has undergone a change in the past few years. They only have one blower left.

Senator Dever: Discretion of the governor.

Senator Horne: What is the population of McHenry County, 10,000 maybe? So the whole county would get \$15,000?

Senator Cook: Not the first time we have had 60 inches of snow. Snow removal is a local responsible, we live here, we have to deal with snow every political subdivision is different.

Common sense decisions to keep their total costs down, I think the best thing to do is let them continue the work. I move a do not pass.

Senator Ohelke: I second. Hard time caring over snow budgets, no savings. Not good business 2 or 5 or 10 years of good business. It can happen. They talked about this, snow will melt.

Senator Dever: This is headed to be federal emergency.

Senator Horne: This is the least we should do, vote no on do not pass.

The roll call was taken and passed 3-2.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2393

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 2/5/09

Recorder Job Number: 8792

Committee Clerk Signature

Kate Oliver

Minutes:

Senator Ryan Taylor: See attached testimony #1.

Senator Dever: Has there been a precedent for state funding snow removal

Senator Taylor: Have not researched it to that point to know what the president is on that. I am sure that the emergency commission has funded certain extraneous situations like this in other ways and other times. I am not sure what happened in the case of the Grand Forks Flood, snow is harder for EMA to get involved with, this may be possible but can't wait for federal funding.

Senator Dever: Who declares snow disaster, is it the governor or county commissioners? Are there federal funds available to do that?

Senator Taylor: The county can declare a disaster, that is done by the county commissioner's I think to access some of their reserve funds, the governor can and has, as far as a federal declaration that is an answer that I will let someone else give.

Senator Horne: If this was approved, this million would go to department of emergency services then cities and counties would then apply to them?

Charles Mormann: Morton county highway superintendent-see attachment #2. To date

Morton County has not been declared emergency because we have not reached the magic

figure of 400 for the snow event. We have some numbers that would prove that the number. Morton County maintains 1,300 miles of road, we do not have any organized townships in Morton County, so all the roads are considered to be county roads, right now we have 28 miles that are closed for the winter. Since November we have spent \$688,000 of county dollars for labors, parts, ect. In the past we have always hired dozers to push snow back, which works real well, what you end up doing is destroying a lot of fences and all the good will done in the winter comes back to haunt you in May when the farmer has to repair the fence. We had a big event in '96-'97, but then we had to start fixing the fences. So we tried to use snow blowers and that worked out well for us. We have 4 snow blowers working today. 14:22

Senator Horne: Does Morton County own snow blowers?

Charles Mormann: We own 2 rent 2.

Senator Dever: So in the column that says January equipment, it reflects those expenses?

Charles Mormann: Yes.

Senator Dever: The bill refers to snow removal reserve funds.

Charles Mormann: We run a line item budget for the entire year, in summer we maintain 1,600 miles. No reserve set aside for snow removal.

Senator Dever: Can't bank from one year to the next?

Charles Mormann: We can but it is not a popular option with the taxpayer.

Randi Suckut: See attached testimony #3.

Steve Dick: See attached testimony #4

Senator Horne: Have you closed because of snow? How many days? Do you have to make them up?

Steve Dick: We have 2 snow days built in. So far, we have missed 3, made up 1 already. From then on we have to extend the school year or ask governor for forgiveness.

Senator Horne: Is this a widespread problem?

Steve Dick: All I know is it a large problem in McHenry County. I know to the West of us they don't seem to have that problem.

Ron Krebsbach: Support 2393, the record snow fall we have encountered in last month and a half to two months has been devastating to the county budgets. In McClain county we have 12 dozers, 3 pay loaders, a snow blower, 10 blade plows, & 3 truck plows currently operating. In regards to the dozers, we have floater dozers running right now so they are not going into the ditch and coming back up. Cost are in \$100,000 our road crew worked 36 straight days in same shape as all counties you are hearing from. I would occur a Do Pass on this bill.

Vern Kongsli: See attached testimony #5.

Don Malcomb: Chairman of Ward county township association which will represent about 35 townships in Ward County. Most of the townships have spent entire budget in removal of snow, there are roads closed that will not be open until spring because of lack of equipment and lack of funds. This bill is structured to reach townships, the meeting we attended in Ward County and FEMA usually comes in when there is structural damage and there is no damage yet.

Randy Hauck: See attached testimony #6.

Senator Dever: I am not hearing that they are not doing it because they don't have the funds.

Randy Hauck: Well, in McHenry County they are basically out of funds. They are not plowing township roads in our area.

DeWayne Johnston: Pierce county commissioner for Rugby. Vote yes on 2393, just in the month of December, we have spend over \$70,000 we have about \$126,000 in an emergency fund and we have snow like the other counties. I believe it will take 10 days to do it all unless we run out of money and we have to stop them. We have closed 54 miles and some of those

are mail routes. With that I urge a do pass on this bill. Even if it is 2 mill and we get 50% of that.

Senator Horne: You mentioned running out of money, what do you do then?

DeWayne Johnston: Quit or take out of the general fund. All these counties will run out of money because they are just as bad as our county. I drive these roads.

Vern Kongsli: In our county we have 53 townships. 8 are unorganized and the rest are organized. In the unorganized townships the county commissioners act as the township board. Eventually we will run out of miles we need to get out there and remove the snow.

Senator Dever: In a normal year does a township have the money to do what they need to do.

Vern Kongsli: One reason is we are maxing it at their mill. The revenue source is limited, township roads are suffering, not enough funding to keep roads maintained. I hear that a lot.

Ralph Olson: Maddock ND, the main thing I do is that I am the transportation manager for the Maddock School. Last night we got a new bus stuck a new bus. We are in dire need for funds to help the school districts and rural people.

Alvin Tschosik: I am in support of this bill. Gravel that is taken off the road and needs to be replaced in the spring and that is a big expense.

Erling Karlsbraaten: Benson county the townships are in dire shape, we know we do not enough money to keep going and the county can't keep carrying them. In 2007 in December we had \$6,603.58. In 2008 December it was \$17,251.60, in January 2008 it was \$3,124.00 and January of 2009 it was \$27,482.91. The total figures \$44,734.51 for 2 months where a year ago it was \$9,703. February of last year was out big snow month added \$20,815. Need some kind of assistance any support would be appreciated most townships have special mills on that are getting up to \$8,000.

Dana Larsen: Ward County engineer. One example is that we spent \$50,000 in overtime in January in Ward County alone. Rushville Township spent entire budget in one month. You can't stop plowing the roads, you just have to keep going forward, and governor's assistant will help. My biggest fear is that come February or March the money is gone. I support this bill, or any other bills that assist cities, counties, and townships.

Doug Schonertz: Burleigh County Commissioner, \$120 a mile for gravel and snow removal. With an 18 mill cap the money is not there. In the future, you may want to consider, if they ask to raise the cap, echo everything that is said.

Mark Johnson: ND Association of Counties urges to convince leadership on both sides to give money to the bill. Any bill that has a lot of money has to be re referred to appropriations

Senator Nelson: I move a do Pass with re referral.

Greg Wilz: Deputy Director of Homeland Security.

Senator Dever: No one has addressed the cost to the cities, I am wondering, do they not have a problem?

Greg Wilz: From what we hear the cities do have a problem, Bismarck and Minot are spending a large chunk of money over the same periods of time and we think that they will participate.

Senator Dever: National Guard helped in '97 with snow removal, correct?

Greg Wilz: The National Guard got involved in many aspects of that particular blizzard, everything from opening roads in cities and rural areas to assisting private individuals in feeding cattle at the time. As you are aware, at that point in time we did get a federally declared disaster which assisted with the cost of those programs.

Senator Dever: That being considered?

Greg Wilz: Yes, I have a drafted letter on my desk the request to FEMA requesting a disaster declaration for the state. FEMA's rules have changed over the past few years they are harder

to get. Program rules say that you need to hit snow of record. If so there is a 48 hour period of time that federal government will pay for everything.

Senator Cook: Snow of record in December, does that not count? Is it only the total snowfall for the winter?

Greg Wilz: Not sure what they look at, a record that is based on a single snow fall. Current program is based on snow in a single even that is why it has been hard.

Senator Cook: How does the mechanics will work?

Greg Wilz: This is not a bill that is generated out of the agency. Need time to put rules together. Make sure that they pass the common sense test, have not tried this yet. Current rules are good, but need to be modified.

Senator Cook: Would you like more guidelines from us?

Greg Wilz: The answer to that is yes. Easier to develop a program, put that together and trust me we will vet that back with as individual legislators.

Senator Dever: Deadline is today.

Greg Wilz: We ran a number of models; the models were only suggestive in what they need to be. Make a recommendation to the committee this afternoon.

Chuck Mormann: FEMA looks at statewide event. They compare us to 97. We didn't break the record until April. Can't get our mind around that we are ahead of where we were then. All the counties and townships are fighting this. The number keeps getting lost, keep referring to 101 inches, this is a record event.

Date: 2-5-09
 Roll Call Vote #: 1

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.**

2393
ohelke

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Cook Seconded By ohelke

Senators	Yes	No	Senators	Yes	No
Dick Dever	X		Dwight Cook	X	
Dave Oehlke	X		Carolyn Nelson		X
Robert M. Home		X			

Total Yes 3 No 2

Absent _____

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE (410)
February 12, 2009 8:30 a.m.

Module No: SR-23-2456
Carrier: Oehlke
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2393: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
SB 2393 was placed on the Eleventh order on the calendar.

2009 SENATE APPROPRIATIONS

SB 2393

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2393

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-17-09

Recorder Job Number: 9631

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee hearing to order at 9:00 am in reference to SB 2393 in regards to emergency services for emergency snow removal grants; and to declare an emergency. He stated they had a very thorough explanation on the floor yesterday regarding this issue.

Senator Ryan Taylor, District 7, North Central ND testified in favor of SB 2393 and provided written testimony # 1. He also presented written testimony # 2 which is a crossed off version of SB 2393. What you have before you is the stricken language on this bill. This bill now reflects the governor's thresholds of his proclamation that the counties and townships must cut through 400% of average snowfall and have expended greater than 200% of their average snowfall removal budgets.(3.06) There is an emergency in north central North Dakota. We have the map that shows those 13 counties, it is not normal or average and everyone seems to be doing their part. We have farmers donating their own time and equipment. The townships have spent what little money they have. The counties are busting their budgets and wonder how they will make another 10 months of the calendar year to continue to maintain their roads. They can't spend it all this winter. The governor's declaration is good assistance with the 50% cost share and I think we as a Legislature ought to be moving this bill along ourselves as well. I know the money in this bill, if combined with the amount in the governor's recommendation of

cost share is not an exorbitant amount with the task that lays before these counties. It may exceed that in time. (4.14) I would really appreciate you to continue this process along. It is a basic function to make sure the workforce can get to work, the kids get to school, and the ambulance can get out if someone has a medical emergency and there is cases where that just isn't available.

Senator Christmann asked since most counties have more than 10 townships it looks like to me that more of the money is going to townships than of counties. In the counties where there are not organized townships do the counties get the county share plus the township share or are those counties severely hand strung in the way this is laid out in the fact they don't have organized townships?

Senator Taylor, stated as the bill is written right now that would be for the organized townships. Under the governor's declaration the townships are coming in under the counties as they submit their expenditures and their billings. That may be an issue to consider and if the committee thought it would be smoother flowing and more fair to just use counties, county governments and the townships can come in under that, it is certainly a possibility.

Senator Mathern said I just wonder if your bill isn't drafted to permit to make some kind of room to make that kind of decision. Looks like we have grants so they're not automatically to a township or a county. It appears the department of emergency services could make that decision.

Senator Taylor, there is some flexibility in the grant process.

David Sprynczynatyk, Major General, NDARNG I am here to present information of a program that has been put into place and to explain a couple of issues that should be addressed in order to make this work well and then to answer any questions you may have. It was back on Jan 22, 2009 the governor issued the disaster declaration and also implemented

a program and provide assistance in those areas hit unusually hard this year. There are areas of the state that have in excess of 500% of snowfall on the ground through the month of January. The program that was implemented in January has two basic criteria One is If a county has been determined to have at least 400% of snow on the ground as of that date and if they have exceeded 200% of the expenditures for the month of January or February for the past 5 years then they would be eligible for reimbursement plus up to 50% over and above that 200% level and for cities larger than population of 5000 it would be reduced 25% of that plus along with that program at that point and time a certain dollar amount (08.36) was identified as a starting point to provide funds to assist those counties. Some was provided by the emergency commission and the remaining amount is contained in HB 1023 which is the deficiency appropriations bill for the state. So if the deficiency appropriations provided for we would have a total of (09.03) dollars available to us to follow through with this program. As of today there are 13 counties that qualify based on the data we had on January 22nd. There may be two more, those two are Williams and Stutsman Counties, and the only reason I say there may be two more is that additional data came in through the month of January to the national weather service and we are waiting for the results of the rerunning of the model that we think is most appropriate to determine that 400% threshold. we should hear more today or tomorrow and if our speculations are correct there will be 15 counties eligible under that criteria. That program is based on reimbursement costs so we have begun to receive invoices from counties and cities. We made the decision to easiest way to handle townships was through the county. And if not organized they would still come through the counties. I think that is the fairest way to address this snow removal in these 13 maybe 15 counties. To date, we have received invoices from 10 cities and counties. We asked everyone to provide us that data for January by the end of February. The reason that we have not paid anything out, because we don't think

we will have enough to pay these. (11.29) As we look at SB 2393 as amended yesterday, one of the questions that needs to be clarified as I read it and it says up to an amount, that we use as we continue to address actual cost. It is not just a grant up front. (he did read testimony, did not provide it to the clerk) (11.42) As we look at the 13 counties, there are 13 counties, 96 cities, and 413 townships in that area and if we were to assume the maximum and this is a stretch because we know that the costs are great in some of the smaller communities but if you were to assume the maximum the total costs (12.11) so that is an extreme. We won't know the actual costs for some time. The other question was raised we based our data on corporate cities, some are not corporate, and that poses a problem. We have been working on all the data we need, we have had discussions with FEMA and that is a big if. The numbers are pretty staggering state wide. I think the intent of this bill is very good. (14.54)

Senator Mathern considering the history of funding I wonder if it wouldn't be better to put deficiency in the bill. It seems to me it was demonstrated on the floor there is support for this. (16.42)

Dave Sprynczynatyk said he would not disagree with you. What is the most expedite way to provide the funding relief and as quickly as possible.

Chairman Holmberg stated there are many different avenues. We will be hearing those kinds of bills early in the next half.

Senator Krauter asked can you give us, for the records, specifics what kind of reimbursements you are dealing with now. It is important we understand what those costs are. Not the dollars, is it fuel, is it labor, is it blades for the plow?

Dave Sprynczynatyk stated it is fuel, labor, cost of contractors. We have put out the word that we would not provide for engine replacement. But if it's a cost of something that is a direct result and ongoing effort to remove snow that would probably be an eligible cost. It's most

everything that has been required to move snow in cities, townships, and counties. We want to be very liberal in providing reimbursement.

Senator Krauter asked would you say a large percentage of those are going to be contracts for snow removal.

Dave Sprynczynatyk stated the county hires contractor, that would be eligible, if county hires an individual that would be eligible they have to prepare a 1099. We want to be sure this is legal, fair, and ethical. (18.57)

V. Chair Grindberg stated just to reinforce, there is nothing unusual as far as administrative process how we normally address emergency situations in your division that would allow this to come through, in other words, your's is fair and distribution of funds, whether it be federal or state and also being a larger deficiency appropriation there's nothing that would get in the way of that because I think your department has always responded well with these situations that occur in this state.. Even if we pass this bill and it goes to the House your approach will be much faster in getting the money out to the people, would it not?

Dave Sprynczynatyk said funding flows through the agency one way or the other. (20.12)

V. Chair Grindberg commented if we get another blast of winter again, compounding the problem, the emergency committee can meet again, we can handle it through the normal means and address any deficiencies with the team that you have versus trying to fit an immediate thing through the legislative process which is a nice gesture but it doesn't really take in the grand scale a change of outcome which you are going to address anyway.

Dave Sprynczynatyk stated there is something that needs to be understood. The emergency commission was only able to provide us with a certain amount. That came out of the state's contingency fund. As the commission looked at the resources it could only provide the agency a certain amount. What they did is they recognized that the state would be making a

request right now if nothing happened we would only have a certain amount available no matter what amount is provided to us. (22.23)

Chairman Holmberg closed the hearing and we will take any motions you might have.

Senator Warner moved a DO PASS. Seconded by Senator Robinson

Senator Christmann said I move if it is possible to amend this to eliminate the township reference and then these caps to make it flow in the same pattern in the system that they already have.

Chairman Holmberg asked if the maker of the motion would withdraw his motion. The motion was withdrawn. Both Senator Warner and Senator Robinson withdrew their motion. Do you have any objection to the amendment Senator Christmann is talking about? They did not. He asked Senator Christmann to make a motion.(23.39)

Senator Christmann I move we amend to have the money distributed in the same way as what is currently available. V. Chair Bowman seconded.

Chairman Holmberg we will have to see the language. There was further discussion.

Senator Christmann stated up to a certain dollar amount(24.17) and cities up to a certain dollar amount . My understanding from the Adjutant General that they don't have those caps in there and they are just basing it upon the amount of requests that come in and are appropriate and then they are going to spread the money in apportion and so I don't know if we want to start having these caps either. I think we just add to the pool as close as possible a sufficient amount to take care of the needs.(24.54)

Senator Warner asked if the deficiency appropriation passed in the House. He was told no.

V. Chair Grindberg said it might be just as easy to amend the bill from the dollar amount (25.10) to the department of division of emergency management and services and leave it at that. We are getting a bill next week, there is only one bill that has to address this issue.

Senator Christmann I agree with that.

Chairman Holmberg said if you look at the bill we would take that period on line 8 as the final period of the bill. Is that what would solve that; appropriate to the department of emergency services that dollar amount for the purpose of providing emergency snow removal grants to counties, townships and cities for the period beginning with the effective date and ending June 30th. (26.11)

Senator Christmann stated no. Before that I would remove townships, ? (26.14) then after June 30th, 2009 reference except for the emergency clause again.

Chairman Holmberg Do I have a second to that amendment. **Seconded by Senator Seymour.**

Senator Krauter asked if that still be in the emergency clause. He was told yes.

Senator Mathern had question in terms of procedure. The Senate already passed this bill.

Doesn't the Senate have to make this decision and reconsider it's action.

Chairman Holmberg stated no because that has happened That was done by the rule. So we can do with it as we want. .

Senator Christmann stated in consulting with the sponsor and the Adjutant General instead of saying beginning with the effective date of this Act I think it should say beginning January 1, 2009. That is the way the whole system is set up already.

Chairman Holmberg stated beginning January 1st, 2009 and ending June 30th, 2009.

Senator Christmann That's the way the current system with that dollar amount is set up (28.37) and that's when we started with the snow measure and that sort of thing ?

Dave Sprynczynatyk said I will explain the rational. If you go back to January 1st, you are correct Senator Christmann in that it started back in November but January 1st is the start of the new budget year for the subcommittees and as we looked at making January we thought

that was most critical for the counties, cities and townships. The snow measurement is snow on the ground.

Chairman Holmberg all in favor of the amendment say aye. It carried. Could we have a motion on SB 2393.

SENATOR WARNER MOVED DO PASS AS AMENDED. SECONDED B Y SENATOR ROBINSON. A ROLL CALL VOTE WAS TAKEIN ON A MOVED DO PASS AS AMENDED ON SB 2393. 14 YEAS, 0 NAYS, 0 ABSENT. SENATOR WARNER WILL CARRY THE BILL.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2393

Page 1, line 7, remove ", townships,"

Page 1, line 8, replace "with the effective date of this Act" with "January 1, 2009," and remove
"To be eligible to"

Page 1, remove lines 9 through 15

Re-number accordingly

Date: 2/17/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2393

Senate _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number Amendment (new one will be drafted)

Action Taken Do Pass Do Not Pass Amended

Motion Made By Christmann Seconded By Seymour

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner			Senator Robinson		
Senator Fischer			Senator Lindaas		
V. Chair Bowman			Senator Warner		
Senator Krebsbach			Senator Krauter		
Senator Christmann			Senator Seymour		
Chairman Holmberg			Senator Mathern		
Senator Kilzer					
V. Chair Grindberg					

Total Yes Voicemail No _____

Absent _____

Floor Assignment _____

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

Date: 2/17/09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2393

Senate _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Warner Seconded By Robinson

Representatives	Yes	No	Representatives	Yes	No
Senator Krebsbach	✓		Senator Seymour	✓	
Senator Fischer	✓		Senator Lindaas	✓	
Senator Wardner	✓		Senator Robinson	✓	
Senator Kilzer	✓		Senator Warner	✓	
V. Chair Bowman	✓		Senator Krauter	✓	
Senator Christmann	✓		Senator Mather	✓	
V. Chair Grindberg	✓				
Chairman Holmberg	✓				

Total Yes 14 No _____

Absent _____

Floor Assignment Warner

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

REPORT OF STANDING COMMITTEE

SB 2393, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2393 was placed on the Sixth order on the calendar.

Page 1, line 7, remove ", townships,"

Page 1, line 8, replace "with the effective date of this Act" with "January 1, 2009," and remove "To be eligible to"

Page 1, remove lines 9 through 15

Renumber accordingly

2009 HOUSE APPROPRIATIONS

SB 2393

2009 HOUSE STANDING COMMITTEE MINUTES

SB 2393

House Appropriations Committee

Check here for Conference Committee

Hearing Date: March 9, 2009

Recorder Job Number: 10505

Committee Clerk Signature

Holly N. Aund

Minutes:

Chm. Svedjan opened the hearing on SB 2393.

Sen. Ryan Taylor, District 7 approached the podium to speak on SB 2393 which deals with Emergency Snow Removal Grants. Sen. Taylor expressed that snow removal has been one of the major issues brought forth by his constituents and the strain it has put on cities and counties. This bill has \$1 million in it and it is needed with the Governor's declaration. There's about \$2.4 million already in submissions on that declaration. We are trying to provide funds to get snow removal out to the counties. The Governor's declaration is a 50 percent cost share. After 200 percent, townships and counties are still putting in \$.50 on every dollar. Farmers are donating time, equipment and fuel to help open roads. The townships have spent what little money they have. The counties have spent significant amounts of their budgets and still have nine or ten months of maintenance and road repair to do. I think this bill is our role as a legislature to help out. There was very broad support in the Senate and I hope we see that here. We need to keep the roads open. It's been an exceptionally hard winter. We were hoping for some FEMA assistance but I will let others speak to that. (:11)

Rep. Arlo Schmidt approached the podium to speak in support of SB 2393. The west half of Benson County, the north half of Sheridan County and all of McHenry and Pierce County are in need. We had a forum in Devil's Lake and they related some of the problems they have. One

township owes Benson County more than \$50,000 for snow removal. One year ago that township spent \$400 on snow removal. There are worries about emergency vehicles being able to pass, getting children to school and to the store. Three townships are raising their mill levy to the max and they still owe money. The folks back home are hurting and would be very thankful. The winter isn't over and I hope you'll give this favorable consideration. (4:28)

Chm. Svedjan: Senator Taylor, was this a prefiled bill? (6:24)

Sen. Taylor: It was started during the session as we saw the snow

Chm. Svedjan: After the Emergency Commission

Sen. Taylor: No. It was started during the session as we saw the snow accumulate. I got this in right on the deadline.

Chm. Svedjan: So you introduced it after the Emergency Commission took up the issue?

Sen. Taylor: It was almost simultaneous. The Emergency Commission put their \$1.5 million in and then my bill was about a week later.

Rep. Dennis Johnson, District 15 approached the podium and distributed testimony (Attachment A). The testimony gives a little perspective on what is happening in Benson County with regard to snow removal. (7:18)

Major General David Sprynczynatyk, Adjutant General, approached the podium (8:30) to speak in support of SB 2393. **MG Sprynczynatyk** gave a history of what has taken place within the Department of Emergency Services, explained the action taken by the Governor by Executive Order and indicated where we are with providing assistance to areas that have the most snow. In early January we began to look at the impact of the snowfall and the costs to the political subdivisions of the state. Some areas had in excess of 400 percent of snow on the ground. As a result we developed a program that allowed us through Executive Order to provide funding to the Political Subdivisions under certain criteria. The criteria are: if a county

or city had in excess of 400 percent snow on the ground based on National Weather Service data, we would attempt to provide funding to offset the cost in excess of 200 percent of normal (the last five years). As a result we made a request to the Emergency Commission for \$1.5 million from the contingency fund. They provided \$100,000 and recognized we would seek \$1.4 million in the deficiency appropriation which we have done. At that time there were thirteen counties that fell in this category of being above 400 percent. They provided additional information and two more counties were added. The fifteen counties presently within the 400 percent of normal include: Burke, Burleigh, Divide, McHenry, McLean, Mercer, Mountrail, Pierce, Renville, Richland, Sheridan, Stutsman, Ward, Wells and Williams. (11:38) Emmons, Benson, Sioux and Grant counties may also meet the criteria.

(12:17) The funding that would be provided would be 50 percent of the amount above 200 percent of normal. For cities with a population greater than 5,000 the amount would only be 25 percent of the expenditure above 200 percent of normal. We expect the total for January that would be paid out under that criteria to be \$2.4 million. If you look at where we're with the \$100,000 that was granted to us and the \$1.4 million in the deficiency appropriations bill and the \$1 million in SB 2393, that brings us up to the \$2.5 million level. The Governor did submit a request to the President for a disaster declaration framed on providing assistance to 33 counties and Three Affiliated Tribes and Fort Berthold Indian Reservations and it would be based upon 75 percent federal funding. The 33 counties are those that have at least 300 percent of normal snowfall. Unfortunately, we received a March 5 letter from FEMA and they denied the request for the disaster declaration. (14:15) The letter says, "Based on our review of all the information available, it's been determined that this event is not of such severity and magnitude as to be beyond the capabilities of the state and affected local governments." In the request that we presented we did indicate that action had been taken by the Emergency

Commission and it was being considered by the legislature to provide the \$2.5 million. If you apply the same criteria to February the cost could be an additional \$2 million. We are uncertain as to what March might bring but the outlook is not pretty. We decided that townships would be eligible for the same program but any requests from the townships should come through the counties.

Chm. Svedjan: It seems ironic that this \$1 million request fits with where you think you're going to be getting up to the \$2.5 million, but at the same time I'm hearing you say that you are going to be short quite a bit. Then what do you do? (15:48)

MG Sprynczynatyk: We're looking at \$2.4 million for fifteen counties through January. With February we expect it would be about another \$2 million. We have 30 days to appeal the disaster declaration denial and we intend to appeal. We're working with the Congressional delegation with hopes that we can get relief from the federal government. If we don't, we are short. I feel the program should continue beyond January.

Chm. Svedjan: If you get the federal funds, that's a 75 percent match, right?

MG Sprynczynatyk: That's right.

Chm. Svedjan: So that would lengthen or enlarge the amount of snow removal you could engage. I know there's another bill that would set aside \$44 million which is what has been spent over the last ten years for a variety of disasters. I'm wondering if there is a better way of handling this. This would be a direct appropriation. It would be a one-time appropriation. It would do nothing to handle the overage of what you're anticipating. Is there a better way?

MG Sprynczynatyk: That's an important question. Our experience in the past has been that for smaller events – those that do not exceed \$1 million in local costs – that we have been successful in getting federal funds through a federal disaster declaration. We have often looked at the smaller events and wondered if the state should be in a position to assist. Given

that there is no program in place the decision was made by the Governor that we put something specific into place for this event. The rules have changed since '96, '97 with the federal government when we were able to get a presidential disaster declaration for snow removal. They look at record snowfall in a 24, 36 and 72-hour period. The federal regulations say that if you exceed the maximum for any 24-, 36-, or 72-hour period then you're eligible for consideration for federal disaster declaration. Another section does make reference to the cumulative impact and that's what we had to use because we have not had record snowfalls for those periods. (18:27)

Rep. Nelson: What is the status today? It appears that most of the work has been done. How much more funding would be necessary given the situation as it is today? (21:33)

MG Sprynczynatyk: Our best guess for February is that it would be another \$2 million. I would expect given that March typically does have a fair amount of snow we are looking at another \$2.5 to \$3 million under the same criteria. The number of counties impacted could also grow.

Rep. Nelson: Given that, you and the Executive Branch had to anticipate that the \$1.5 million would not be enough in the original declaration. Was one of the considerations not to appropriate more money? Were you banking on the FEMA disaster designation to pick up part of that? Why was only \$1.5 million appropriated originally? (23:29)

MG Sprynczynatyk: We didn't know the full fiscal impact of what was happening in those counties. Initially there were only 10 counties. Later five more counties were added which added to the cost. If we had known then what we know today that request would have been for \$2.5 million. (24:34)

Rep. Nelson: Snow removal is one thing, but I've noticed that the conditions of these roads as the snow melts are horrible. Without a disaster declaration, this issue is not going to go away

when the snow melts. Is that part of your appeal process to get the roads back in drivable condition? (25:10)

MG Sprynczynatyk: I would not envision that that would be a part of the disaster declaration. The focus will be snow removal. We need to provide for clearing of the roads so emergency vehicles can respond. The cost is overbearing. This winter has been very hard on roads and the maintenance requirements will be tremendous. We're well into planning and preparation for flooding in the spring.

Chm. Svedjan: If you were to be successful with your appeal, would that leverage \$2 million? (27:57)

MG Sprynczynatyk: The request was based for federal declaration was based on the federal government assisting with the costs from February 1 on. The rationale was to show that the state was already committed to deal with the snow removal through January. We thought that would help us because we weren't asking for everything. If you use the numbers I gave you, it's conceivable the February costs over and above 200 percent of normal would be \$4 to \$5 million. March would be another \$4, \$5 or \$6 million. In round numbers it could be \$10 million in those 33 counties for February and March. If the federal government were to provide assistance, they would pick up \$7.5 million. The state would be obligated for \$1 million and the remaining \$1.5 million would be borne by the Political Subdivision itself.

Chm. Svedjan: The original \$1.5 million is a moot point.

MG Sprynczynatyk: That's right.

Chm. Svedjan: What is the timing on your appeal?

MG Sprynczynatyk: We have 30 days to appeal.

Chm. Svedjan: What do you do if this bill fails?

MG Sprynczynatyk: We have told the counties that we will only provide funds to the extent they are made available. If the amount available is less than the total that's been invoiced we will proportionate it downward. We have not paid anything out yet. (30:14)

Rep. Delzer: The letter sounded like their thought on this was that we had already shown that we could cover the problem. Did passing the \$1.4 in the deficiency appropriation and this bill so far hurt us? (30:46)

MG Sprynczynatyk: No. That helped us. Normally if a state incurs \$1 million or more they will come forward. We demonstrated to them that we had requested \$1.5 million and there was another \$1 million that had been approved on the Senate side. In their words, "it's been determined that this event is not of such severity and magnitude as to be beyond the capabilities of the state and local affected governments." We are demonstrating that we are stepping up to the plate.

Rep. Delzer: When you read that again now, it sounded like they said "you have covered it so we're not worried about it." If we were to increase this or put a contingency fund out there to cover even more, I would see that as them saying "you guys have covered it." I would be hesitant of supporting that at this time.

MG Sprynczynatyk: I couldn't agree because in the original letter we had informed them of the extent of impact through January and the request was for February 1 and beyond. In order to have said we have additional capability we would have had to indicate that – we never would have done that – We asked them to look at what we've covered, the cost to continue to be incurred is beyond our capability. We are asking the federal government to consider February and beyond.

Chm. Svedjan: Will your appeal focus on what was requested the first time? Will you enhance your appeal based on other snow events? (33:35)

MG Sprynczynatyk: We will enhance it to the greatest extent we can.

Chm. Svedjan: Given what is happening today and tomorrow and what happened recently on the southern border (referring to anticipated and past snowfall)?

MG Sprynczynatyk: We will include what is happening weather wise and what expenses are being incurred on the local level. Also will discuss flood preparations.

Rep. Nelson: In the event the money doesn't reach the cost and you have to allocate proportional amounts to the counties and cities, and with the absence of townships being included in the bill, would counties have the flexibility to withhold payments to townships? What is the distribution formula? (34:39)

MG Sprynczynatyk: That would be a decision the counties would have to make. We have indicated that we want the counties to provide all of the costs incurred at the township level to us through the county. If a county indicated that their costs with the townships were \$200,000, for example, and we only provided \$150,000 they would have to make the decision how to divide that.

Rep. Skarphol: What is your plan for appeal? If you appeal today you would miss the opportunity to take advantage of any snowfall that comes in the next 20 days, for example. Is it your intention to wait until close to the deadline to make that appeal? What is the anticipated timeline for the federal decision? (36:19)

MG Sprynczynatyk: Our intent would be to leverage our ability to be successful in our appeal and what you described is one option. March often brings a great deal of snowfall. The turnaround is roughly two weeks from the time we sent the letter until the time we received a response.

Terry Traynor, Association of Counties, approached the podium to encourage the Committee to support this bill. Most of the costs the townships incur are being borne by the counties right now. It wouldn't be to their advantage not to pay those off as well. (38:10)

Dana Larsen, PE, Ward County Engineer, approached the podium and distributed and reviewed testimony in support of SB 2393 (Attachment B). The first responsibility is to life, the second is to property. Hopefully the state will help these townships. In Rushville, we spent two years budget in two months. (39:14)

Rep. Nelson: Rushville has hired its own contractor in some cases. How will Ward County flow that money back to the townships? (45:00)

Mr. Larsen: Let's say it's a diminished amount – we only get 50 percent. Personally I think it should be evenly distributed. The county would get 50 percent of what it thought it would get.

The Commissioners may differ and if I had to guess they would probably differ on giving more to the townships than the county. They tried to use some of their emergency funds in the county to give to the townships to help them out and we found out under the Century Code you can't do that with snow emergency funds. We requested an Attorney General's opinion on that but we won't know for another month.

Rep. Skarphol: Maybe you need a statutory change that would allow you to utilize the emergency money you have in the county. (46:25)

Mr. Larsen: It may help somewhat. That would probably help some of the townships, but in some it might not. The amount you can have in an emergency account is based on your mill levy. To be the solution, I would say that would not be the case.

Rodney Ness, County Highway Superintendent for Burleigh County, approached the podium and spoke in support of SB 2393. He gave examples of situations that arose because of snow. Burleigh County was one of the original counties that was eligible for the disaster

package. In January and February alone the township expense has been \$260,600 and that's for 29 of 47 townships. The five-year average for January was \$36,220. In January 2009 we spent \$572,769. That's a 1581 percent increase over the five-year average. In February, the five-year average was \$42,850. In February 2009 we spent \$455,650, a 1063 percent increase. The townships are the ones that really need the assistance. (47:42)

Connie Sprynczynatyk, ND League of Cities, approached the podium to speak in support of SB 2393. She distributed "City of Bismarck NDDDES Snow Assistance 2009." (Attachment C) This has been a tremendous cost to the communities. Cities the size of Bismarck have resources beyond what the smaller communities have. The five-year average for January is \$128,000. We spent almost \$700,000 this January. The same fund is used to patch the potholes as is used to clear the snow. Ms. Sprynczynatyk also distributed a letter she received from the Balfour City Auditor (Attachment D). Many small communities have no reserve fund for snow removal. Your assistance would mean a great deal to the communities. (50:14)

Kerry Schorsch, Farmer, Township Supervisor and President of the ND Township Officers Association, approached the podium and shared the discussion of a phone call he received last week from a mother of three who had been snowed in for three days who was wondering how she would get her kids to school. She also asked him what they would do if they needed an ambulance. Mr. Schorsch expressed that those are the types of personal issues that need to be addressed. (53:51)

Ken Yantis, Executive Secretary of the North Dakota Township Officers Association, approached the podium to speak in support of SB 2393. What's good for the counties is good for the townships. I feel strongly that we have to reimburse the counties for some of the costs they have incurred. Many residents have been snowed in and blocked for some time.

Emergency seems to me is something that is done in a hurry to provide help to those people.

(55:26)

There was no further testimony on SB 2393.

Rep. Wald moved a Do Pass. Rep. Ekstrom seconded the motion. (57:30)

Rep. Nelson: There were a couple of things discussed today as far as contingencies or a potential change to the statute. Was it your wish to act on this today? (57:39)

Chm. Svedjan: I would leave it up to the Committee. If you feel you'd like to make that kind of change, that's one thing. I'm not certain it would be sufficient assistance to deal with the problem at hand. (58:00)

Rep. Delzer: I would request we hold this and get some answers on some questions and see where HB 1023 is at in relation to this. (58:34)

Chm. Svedjan: That's a good idea. Would you withdraw your motion Rep. Wald?

Rep. Wald withdrew his motion. Rep. Ekstrom removed her second.

Chm. Svedjan closed the hearing on SB 2393.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2393

House Appropriations Committee

Check here for Conference Committee

Hearing Date: March 19, 2009

Recorder Job Number: 11237

Committee Clerk Signature	<i>Nancy L. Gerhardt</i>
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Minutes:

Chm. Svedjan turned the Committee's attention to SB 2393, the emergency Snow Removal Grant.

Chm. Svedjan: It seems we have a mechanism to address these kinds of emergencies. I wish this had been part of the Deficiency App. Bill. By the time this money gets out, the snow will be gone.

Rep. Delzer: There was some discussion as to whether this would help or hurt with getting a Presidential Declaration. Passing this would lessen our chance of a Presidential Declaration instead of increase it. I would move a Do Not Pass.

Rep. Skarphol: 2nd.

Chm. Svedjan: Ok, a Do Not Pass motion by Rep. Delzer, 2nd by Rep. Skarphol, any discussion?

Rep. Metcalf: The bills are still going to be there even after the snow melts. I feel there is a need for this money. I'm going to vote against the disapproval.

Rep. Skarphol: I don't disagree that the \$1 million is necessary. There's nothing that precludes us from taking this up during Conference Committee. I think this is premature for us to do this in light of the fact that he has and will request the Presidential Declaration. Until we have that little more certain, and what the ramification of that might be, I think it's premature to do this.

Rep. Nelson: The \$1 million added to the Governor's Emergency Response only gets the money through the month of January. The counties affected are very concerned. This bill would only give them some reassurance. If the appeal does pass there is a greater need for more money. There will be additional costs.

Rep. Delzer: I don't disagree that we will spend the money. I think this is the wrong way to do it. The letter from the feds to me indicated that "you are taking care of it." I think this is premature.

Rep. Kaldor: Whatever we do, it's important to remember that the criteria the fed government requires had to do with the 24 hour snowfall requirement. Snow drifts. Temps don't rise for months at a time.

Rep. Skarphol: I believe we are going to spend this money. It is strictly a case of when and how and what the justification will be. The melting of all the snow has ramifications that would push the President to give us that declaration. If we get that declaration then we have a better idea on what we really do need. I think right now is not the time for this.

Chm. Svedjan: Any further comments? Seeing none on a Do Not Pass motion to SB 2393 we'll take a roll call vote.

Vote: 10 Yes 12 No 3 Absent Motion Fails what are your wishes?

Rep. Nelson: I make a motion for a Do Pass.

Rep. Metcalf: 2nd.

Chm. Svedjan: Do Pass motion by Rep. Nelson, 2nd by Rep. Metcalf. Any further discussion?

Rep. Wald: I think we should hold this vote until all the members are present.

Chm. Svedjan: We have members who have stepped out of the room and some who are out of town. I don't know that I can hold this.

Rep. Onstad: We have a motion on the floor that needs to be addressed before we take another motion.

Rep. Dosch: It comes back to really responsible government. This is the first time in 10 years we've had bad snow fall here, and just like we are trying to do on the state level. We're setting aside money for a rainy day for those events that we can't foresee. Nothing like this has been done. On our city levels and as soon as we have a bad winter its run helps bail us out. I can't support this bill.

Rep. Kaldor: Would it be in order for a substitute motion, to amend and put the level at \$900,000 and get this in a conference committee? I would move that substitute motion.

Chm. Svedjan: We have a substitute motion to amend the bill changing the appropriation from 1 million dollars to \$900,000. 2nd by Rep. Wald. Discussion

????????: If that does happen is there any guarantee this won't go to conference and we won't see it a 2 million dollars?

Chm. Svedjan: No, there's no way I can guarantee that.

Rep. Kaldor: That's my intent is that it does go to conference committee. The Senate hopefully will disagree and that will be dealt with toward the end when we reconcile the Adjacent General's budget and all these other issues.

Rep. Delzer: This is not the vehicle where this belongs. I know people don't want to seem like they are not supporting their counties. That isn't the case. This is not the vehicle where it belongs.

Chm. Svedjan: Any further discussion? Seeing none we'll take a roll call vote on the substitute motion to amend. Changing the 1 million dollars to \$900,000.

Vote: 11 Yes 11 No 3 Absent Motion Fails

Rep. Skarphol: I think Rep. Wald had a valid point earlier about letting the entire committee vote on it, since this part of the committee cannot a decision about this.

Rep. Glassheim: I move a Do Pass.

Rep. Metcalf: 2nd.

Chm. Svedjan: Rep. Glassheim moves a Do Pass 2nd by Rep. Metcalf. Discussion? Seeing none we will take a roll call vote on a Do Pass on SB 2393.

Vote: 12 Yes 10 No 3 Absent Carrier: Rep. Glassheim Motion Carries.

Date: 3/9/09
 Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2393

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken R. Pass

Motion Made By Wald

Seconded By Ekstrom

Withdrawn

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 3/19/09
 Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2393

Page 50

Full House Appropriations Committee

Conference Committee

Legislative Council amendment Number _____

Amended Action Taken: Do Pass Do Not Pass As Amended
 Motion Made By: Delzer Seconded By: Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber		✓
Rep. Wald	✓		Rep. Onstad		✓
Rep. Hawken		✓	Rep. Williams		✓
Rep. Klein		✓			
Rep. Martinson	✓				
Rep. Delzer	✓		Rep. Glassheim		✓
Rep. Thoreson	✓		Rep. Kaldor		✓
Rep. Berg	✓		Rep. Meyer		✓
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom		✓
Rep. Bellew	✓		Rep. Kerzman		✓
Rep. Kreidt	✓		Rep. Metcalf		✓
Rep. Nelson		✓			
Rep. Wieland	✓				

Total Yes 10 No 12

Absent 3

Floor Assignment: _____

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

Date: 3/19/09
 Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2392

Full House Appropriations Committee

Conference Committee

Legislative Council amendment Number _____

Action Taken: Do Pass Do Not Pass As Amended

Motion Made By: Nelson Seconded By: Metcalf

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glasheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total Yes _____ No _____

Absent _____

Floor Assignment: _____

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

Date: 3/19/09
 Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2393

Subst. Motion

Full House Appropriations Committee

Conference Committee

Legislative Council amendment Number *Close* TBD

Action Taken: Do Pass Do Not Pass As Amended *Adopt Amendment*

Fails

Motion Made By: *Kaldor* Seconded By: *Wald*

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan		✓			
Vice Chairman Kempenich	✓				
Rep. Skarphol		✓	Rep. Kroeber		✓
Rep. Wald	✓		Rep. Onstad		✓
Rep. Hawken	✓		Rep. Williams		✓
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer		✓	Rep. Glassheim	✓	
Rep. Thoreson		✓	Rep. Kaldor	✓	
Rep. Berg	—	✓	Rep. Meyer	✓	
Rep. Dosch		✓			
Rep. Pollert		✓	Rep. Ekstrom		✓
Rep. Bellew	—		Rep. Kerzman	✓	
Rep. Kreidt		✓	Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	—				

Total Yes 11 No 11

Absent 3

Floor Assignment: _____

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

Change amount to \$900,000

Date: 3/19/09
 Roll Call Vote #: 4

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2393 Day 50

Full House Appropriations Committee

Conference Committee

Legislative Council amendment Number _____

Action Taken: Do Pass Do Not Pass As Amended

Motion Made By: Glassheim Seconded By: Metcalf

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan		✓			
Vice Chairman Kempenich		✓			
Rep. Skarphol		✓	Rep. Kroeber	✓	
Rep. Wald		✓	Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein		✓			
Rep. Martinson	✓				
Rep. Delzer		✓	Rep. Glassheim	✓	
Rep. Thoreson		✓	Rep. Kaldor	✓	
Rep. Berg	—		Rep. Meyer	✓	
Rep. Dosch		✓			
Rep. Pollert		✓	Rep. Ekstrom	✓	
Rep. Bellew	—		Rep. Kerzman	✓	
Rep. Kreidt		✓	Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	—				

Total Yes 12 No 10

Absent 3

Floor Assignment: Glassheim

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

REPORT OF STANDING COMMITTEE (410)
March 19, 2009 2:34 p.m.

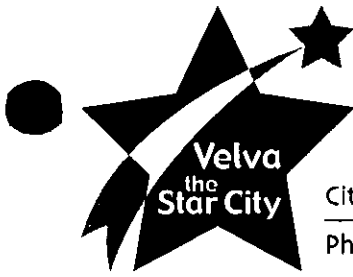
Module No: HR-50-5398
Carrier: Glasshelm
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2393, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)
recommends **DO PASS** (12 YEAS, 10 NAYS, 3 ABSENT AND NOT VOTING).
Reengrossed SB 2393 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2393



A MUNICIPAL CORPORATION
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Phone 701.338.2660 ★ Fax 701.338.2485 ★ Email velvand@srt.com ★ Website www.velva.net

February 4, 2009

Support SB 2393

Senator Ryan Taylor

As with many other communities in our area,
Velva is struggling to make ends meet do to the large volume of snowfall this past
three months.

Enclosed I have included cost figures, pictures and a Resolution expressing the
urgent need for assistance to help us defray added expenses we have incurred as
a result of the 70+ inches of snow that has fallen in and around Velva.

Our old equipment is unable to hold up to the demands of keeping our streets
passable but certainly not safe because of the narrowing streets.

It is imperative that Senate Bill NO 2393 is passed to assist us with the burden this
weather emergency has created.

A handwritten signature in black ink that reads "Cindy Shattuck".

Cindy Shattuck
Mayor of Velva

WINTER 2009 SNOW REMOVAL RECORD

DATE	NAME	Reg. Hrs.	O.T.	Fuel \$	Equip. Used	Repair	Contractor
1/1/09	City of ...		10		Payloader		
1/1/09	...	1.5			Bobcat		
1/1/09	...				2 Trucks		\$504.00
1/1/09	...				Skid Steer		\$90.00
1/2/09	Northway		10.5		Payloader		
1/2/09	...	1.5			Bobcat		

Budget \$10,000 per year, snow expense in January 2009= \$13,204.50

Invoice from Ivan for Blowing Snow to add to January expenses: \$1418.00 + 11,786.50 = \$13,204.50

1/6/09		8			Payloader		
1/6/09		8			Bobcat		
1/6/09					Skid Steer		\$67.50
1/6/09					2 Trucks		\$273.00
1/6/09					Bobcat Blower		\$150.00
1/7/09	504.00*	8			Payloader		
1/7/09	90.00	2.5			Bobcat		
1/7/09					2 Trucks		\$420.00
1/7/09	504.50				Bobcat Blower		\$150.00
1/7/09	45.00	3			Sand & Blade		
1/8/09	67.50	8			Sander & Bobcat		
1/8/09	273.00	8			Skid Steer		\$135.00
1/8/09	150.00	11.5	3		Plow		
1/8/09	150.00	7.5	8.5		Bobcat & Sander		
1/9/09	420.00				Skid Steer		\$225.00
1/10/09	150.00		11.5		Payloader & Plow		
1/10/09	135.00		5		Bobcat		
1/10/09	225.00				Skid Steer		\$202.50
1/12/09	202.50	15			Plow		
1/12/09	202.50	15			Bobcat		
1/12/09	247.50				Skid Steer		\$247.50
1/13/09	Contractor	10			Bobcat		
1/14/09	300	10.5			Plow		\$3013.50
1/14/09	13.50	8.5			Bobcat		2520.00
1/15/09	Repairs	10			Payloader		
1/15/09	193.00	8			Bobcat		\$5533.50
1/16/09	Oil	6.5	1.5		Bobcat		
1/17/09	Fuel		8		Bobcat		
1/20/09	over	8			Bobcat		
1/21/09	Time	8			Bobcat		
1/22/09	Repairs	8			Bobcat		
1/22/09	2520.00	8			Bobcat		
1/23/09		7	5		Payloader		
1/24/09			8		Payloader		

Hoarsenech
Moose River
Oil

Loader Rep

OT - Jan. 09 (91 Hrs)

OT - Nov + Dec 08 (148 Hrs)

Walt Racers January Snow Removal \$2520

2193.00
1156.00
230.00 } 1386
2674 -
3160 -



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NORTH DAKOTA LEAGUE OF CITIES

City of Velva ★ 101 First Street West ★ P.O. Box 219 ★ Velva, North Dakota 58790

Phone 701.338.2660 ★ Fax 701.338.2485 ★ Email velvand@srt.com ★ Website www.velva.net

VELVA CITY COMMISSIONERS

PO BOX 219

VELVA, ND 58790

Phone 338-2660 Fax 338-2485

RESOLUTION 09-1

COMMISSION PRESIDENT Shattuck introduced the following resolution and COMMISSIONER BLOTTER moved to adopt;

WHEREAS, the City of Velva has suffered extremely cold winter conditions and above average snowfall creating continuous cleaning of city streets and public roadways resulting in costly repairs on snow removal equipment, and

WHEREAS, the impact of this extreme winter has threatened the health, well being and public safety of the citizens of the City of Velva, and

WHEREAS, the cost of removing the snow and the clearing of city streets and highways has created a financial burden on the cities available resources.

NOW THEREFORE, BE IT RESOLVED, that the Velva City Commissioners declare a state of emergency for the City of Velva residing within McHenry County.

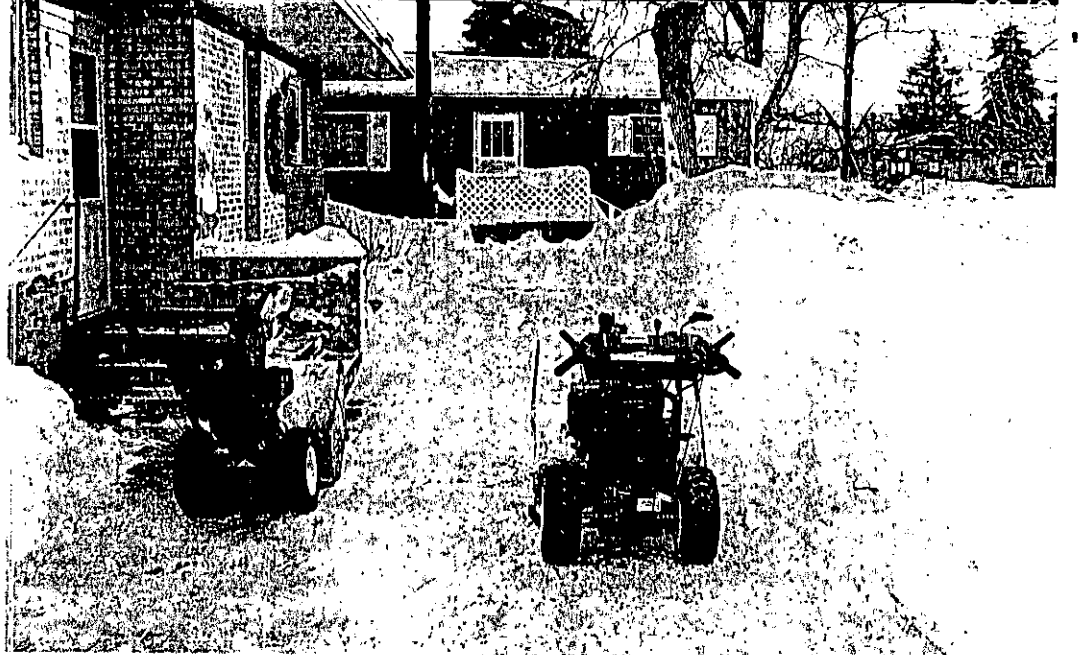
Upon roll call, Commissioners Shattuck, Hollenbeck, Blotter and Bodine voting aye, whereupon this resolution was declared adopted.

Dated at Velva, North Dakota, this 12th day of January, 2009.

ATTEST:

Carol Bickler
Velva City Auditor

Cindy Shattuck
Commission President







I am Vern Kongsliie Fifth District McHenry County Commissioner. I have lived in McHenry County my entire life and was born and raised on a ranch southwest of Towner which is the county seat. McHenry County has a population of about 6000 people and covers an area of about 1900 square miles. McHenry County has about 90 miles of county pavement roads, 186 miles of county gravel roads, and about 1600 miles of township roads. On November 6 and 7 of 2008 much of our county received over 2 feet of wet snow. During the last week of October and the first week of November before the snow event most of the county received several inches of rain so when the snow event came the roads were not frozen and complicated snow removal and damaged many of our roads. We still have packed snow and ice on many of the gravel roads since that first snow event because we have never had any substantial thawing periods since November 6, 2008. We have had continuous storm events with many inches of additional snow since then also. McHenry County depends heavily on its infrastructure to support our family farms, dairy's, and ranches. We also have energy industries and rural electric companies that depend on our infrastructure. We have eight motor graders which attempt to remove snow from about 1900 miles of roads. We just leased an additional motor grader last week for the next five months to assist with snow removal. We really could not afford this but we are out of options. We need about 7 more graders since we are constantly breaking down with our motor graders since we are running them 7 days a week but there are none available that have V-Plows and wings. This week alone four of our motor graders have broke down and some are still being repaired. Due to the frequency of the high winds and snow this winter we have not been able to keep the roads opened and the snow drifts on many of our roads have become too deep for our motor graders to remove. The County and the townships have had to hire contractors with bulldozers and large snow blowers to open these roads and then a few days later they blow shut again. We have many people and children having to make arrangements to find places or motels to stay in towns so they can get to work and to school. Ranchers are having a difficult time getting feed to their cattle and other livestock. People are becoming very frustrated and angry. I receive many phone calls each day and many of them are very unpleasant. I have been cussed and many times the phone probably would have been throw at me instead of being slammed without a goodbye. Our township roads are suffering the worst of this winter disaster and the townships have very limited financial resources and need additional help. McHenry County has 53 townships of which 8 are unorganized. In the unorganized townships the Board of County Commissioners act as the township board. I have attached to this letter copies of the expenses and incomes for 2008 for two of those townships. As you can see they have very limited resources to hire snow removal and will have no funds to gravel and repair their roads this spring and summer and to hire blading of their roads for summer if we use those funds now to remove snow.

Also attached to this letter is a copy of a letter I wrote in September of 2008 to the townships and residents of McHenry County. McHenry County was already facing a financial crisis before we knew we were going to have such a difficult winter. On Saturday Jan 31 and Sunday Super Bowl Feb 1, 2009 McHenry County was pounded with winds up to 60 miles per hour. By Sunday I knew we were going to have many roads blocked and many people unable to get to work so I made several phone calls to some

local ranchers that had large four wheel drive tractors with bulldozer blades and asked them to assist us on Monday to open township roads in the unorganized townships. I hired three of them to assist us on Monday. Of the three, two of them broke down within the first two hours because the snow drifts were so hard. The one that did not break down was working in Gorman Township. Now Gorman Township is where Senator Ryan Taylor lives with his family. I received a phone call on Monday morning from one of Senator Taylor's neighbors informing me that Senator Taylor was blocked in and needed to get to Bismarck by noon for an important hearing or to vote on a road issue. To make a long story short Senator Taylor did not make it to Bismarck by noon. In fact the farmer never did get the road open to Senator Taylor's driveway but instead pulled Senator Taylor's pickup with Ryan and his family in the pickup through the last couple of miles of unplowed roads that evening in the dark. I could go on for some time telling you stories such as these but I have only one request. Please vote for Senate Bill 2393. Thank you.

HOUGOM TOWNSHIP

Beginning Balance 2008

\$4,398.23

Income:

Taxes	\$3,917.55
1 Cent Gas Tax	\$1,728.01
2007 Grant Land	\$349.25
FEMA Payment	\$1,068.88
State Aid	\$589.83
Penalty & Interest	\$7.56
Homestead Credit	\$58.86

Total Income

\$7,719.94

Expenses:

2008 Road Mtce	\$2,150.00
Dokken - Gravel	\$300.00
Mary Holen - Gravel	\$3,750.00
Jerry Bailey	\$100.00
McHenry County - acct pmt	\$3,000.00

Total Expense

\$9,300.00

Current Balance

\$2,818.17

GORMAN TOWNSHIP

Beginning Balance 2008

\$1,294.74

Income:

Taxes	\$3,201.76
1 Cent Gas Tax	\$2,148.93
2007 Grant Land	\$118.24
FEMA Payment	\$5,202.00
State Aid	\$485.74
Miscellaneous	\$4,694.47

Total Income

\$15,851.14

Expenses:

2008 Road Mtce	\$2,263.00
Dokken - Gravel	\$10,907.40
Tim Schmidt	\$100.00

Total Expense

\$13,270.40

Current Balance

\$3,875.48

McHenry County is facing a crisis with the 2009 preliminary budget dealing with the county bridge and road fund. McHenry County has about 185 miles of county gravel roads, about 90 miles of county pavement, and about 1557 miles of township gravel roads. The county operates 8 road graders and has a maintenance agreement with most of the townships. A couple of the townships maintain their roads with private contractors or have their own equipment. The townships that have the county maintain their roads pay the county \$100 per mile per year. This amount has unchanged for the last few years. As we all know higher fuel prices are causing major problems for all businesses. The McHenry County Auditor told the commissioners that the county bridge and road fund could go in the red as much as \$200,000 for 2008 and we cannot continue this path without going broke. The county as of January 2008 had about \$465,000 in a reserve fund for this budget but that will not last long. The mill levy for this fund is at the max and cannot be raised without a vote by the people. This has been tried several times in the past and defeated and would probably be defeated in the future if tried. The county bridge and road fund is there to maintain the county roads and not the township roads. This fund has sufficient funding to provide 2 or 3 road graders to maintain the 185 miles of county gravel and 90 miles of county pavement. We must also buy gravel for the county roads and repair bridges from this budget fund. As most of us know the townships receive about \$96 per mile per year from the state for the roads they certified that they are maintaining. The county has sent letters to the state senator and representatives and governor requesting additional state funding for the county and township roads at the 2009 legislative session. But the township boards and individuals must also lobby your legislators as well to make these changes. It is quite obvious we have a major crisis and I have no easy answers. Maybe the townships want to take care of their roads. Maybe you could contract the road maintenance or maybe buy your own equipment but you probably would have to share with other townships on the buying option. Maybe the townships want to continue contracting with the county as in the past but the rates may have to be increased. On 9/2/08 the commissioners voted to increase the price to \$125 which still does not cover the county's cost for the township roads. In order to meet our budget we may have to probably cut the hours of blading unless the townships are willing to pay more. Many of the townships are already taxing at their maximum mill rate but you may have to consider raising that rate by voting to increase the township mill rate if allowed by law. The county has also experienced increased costs due to providing benefits to county employees such as health insurance which keeps increasing. The county provides 100 per cent of the premium for county employees including blade operators. For example it costs the county \$9804 per year for health premiums for a family employee. The county has to also pay workers comp, FICA, retirement fund contributions, overtime and etc. As you can see maybe it would be more economical for the townships to group together and contract your road maintenance or buy or rent your equipment and operate it yourselves.

Maybe we should have a group meeting with all the township boards and the county commissioners some evening soon to discuss our options and share more ideas.

Vern Kongsli
McHenry County Commissioner

Mr. Chairman, Members of the Senate Government & Veterans Affairs Committee.

My name is Steve Dick, I am the Supt. of the Velva Public School District in Velva, N.D. We are located in South Western McHenry County, approximately 20 miles South East of Minot.

My school district is very large. It contains 562 sections of land and stretches many miles. We have 400 students and approximately 180 of these ride the 5 bus routes that we operate.

To give you an idea of our miles: 1 bus route runs 35 miles one way to the SE of Velva, 1 bus route runs 28 miles to the South, 1 route runs 22 miles to the East, 1 route runs 12 miles to the North & NE, and 1 route runs 6 miles to the west as we then run into the Ward County Line.

According to a couple of people in Velva who unofficially measure the snow, they estimate that we have received 72 to 78 inches of snow so far this winter. Many of our roads in the county are blocked. It is no longer possible to keep them open as they are closed again by the next day. We have adjusted our routes so that we can provide as much bus transportation as possible to help out our parents living in the country. Many days we are not able to reach the farms and as a result parents with 4 wheel drives try to get their kids to the bus, drive in themselves, or just stay home. Some mornings when we call about their roads, they just say "don't even attempt to get here".

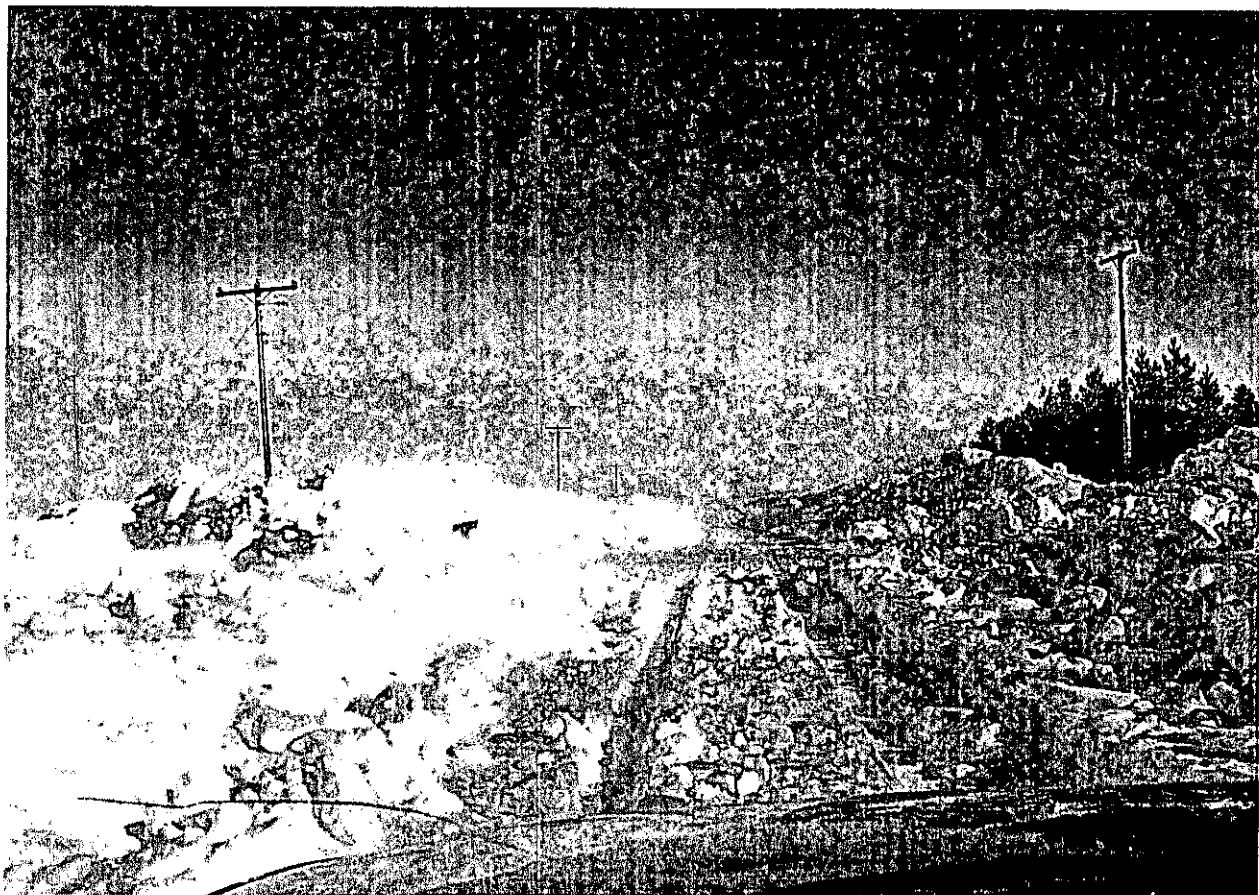
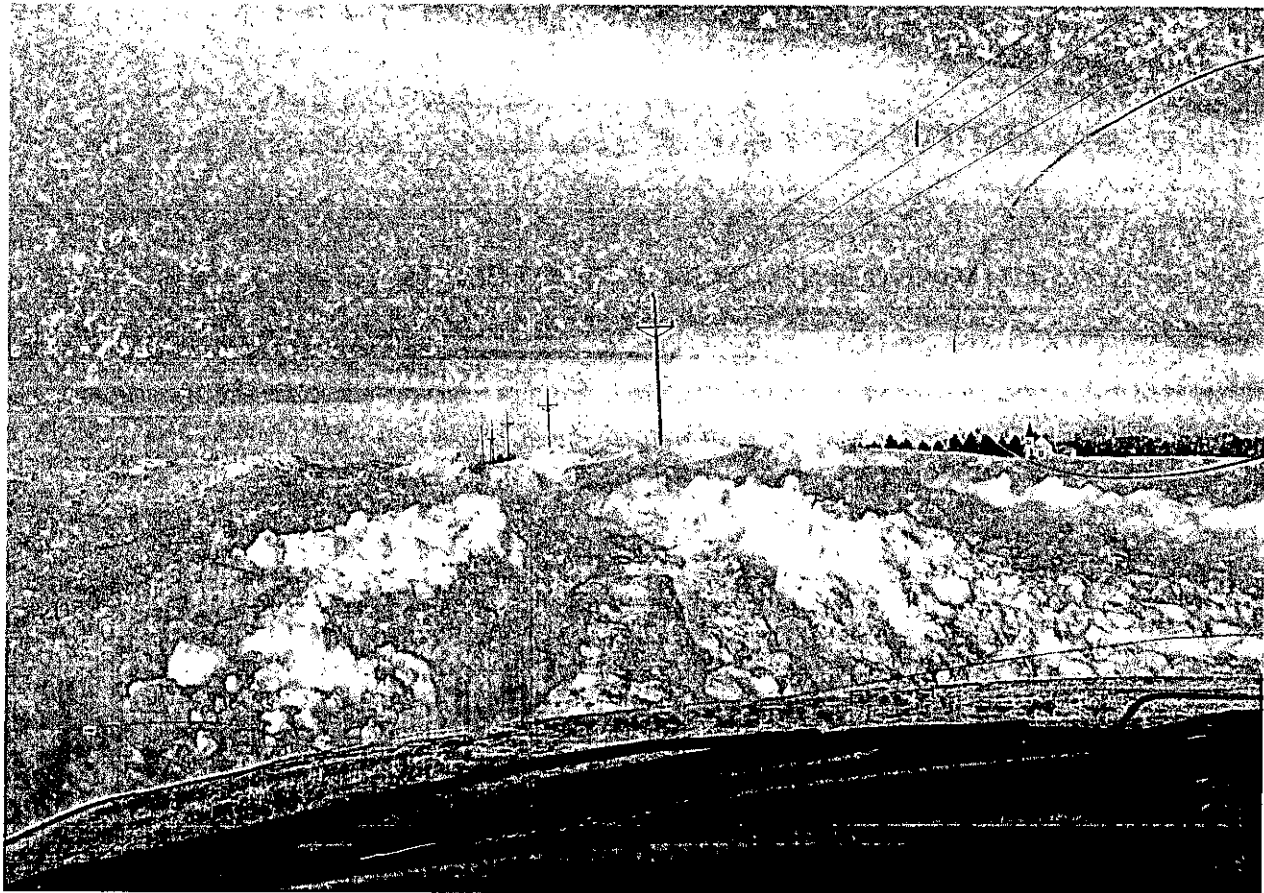
To put it mildly. We are in trouble. The snow is banked up on both sides of the road. There is nowhere for the snow to go. We need help in getting the snow pushed away from the roads, out of the ditches, so they don't continually fill in by the next day.

Another concern is that our roads have ridges on both sides. Once the thaw begins, the water will sit on top of the road. In many areas the gravel is very thin or non existant. This will cause our roads to be very soft, muddy and undriveable.

In closing, I ask that you consider Senator Taylor's SB 2393. any help we can get would be greatly and sincerely appreciated.

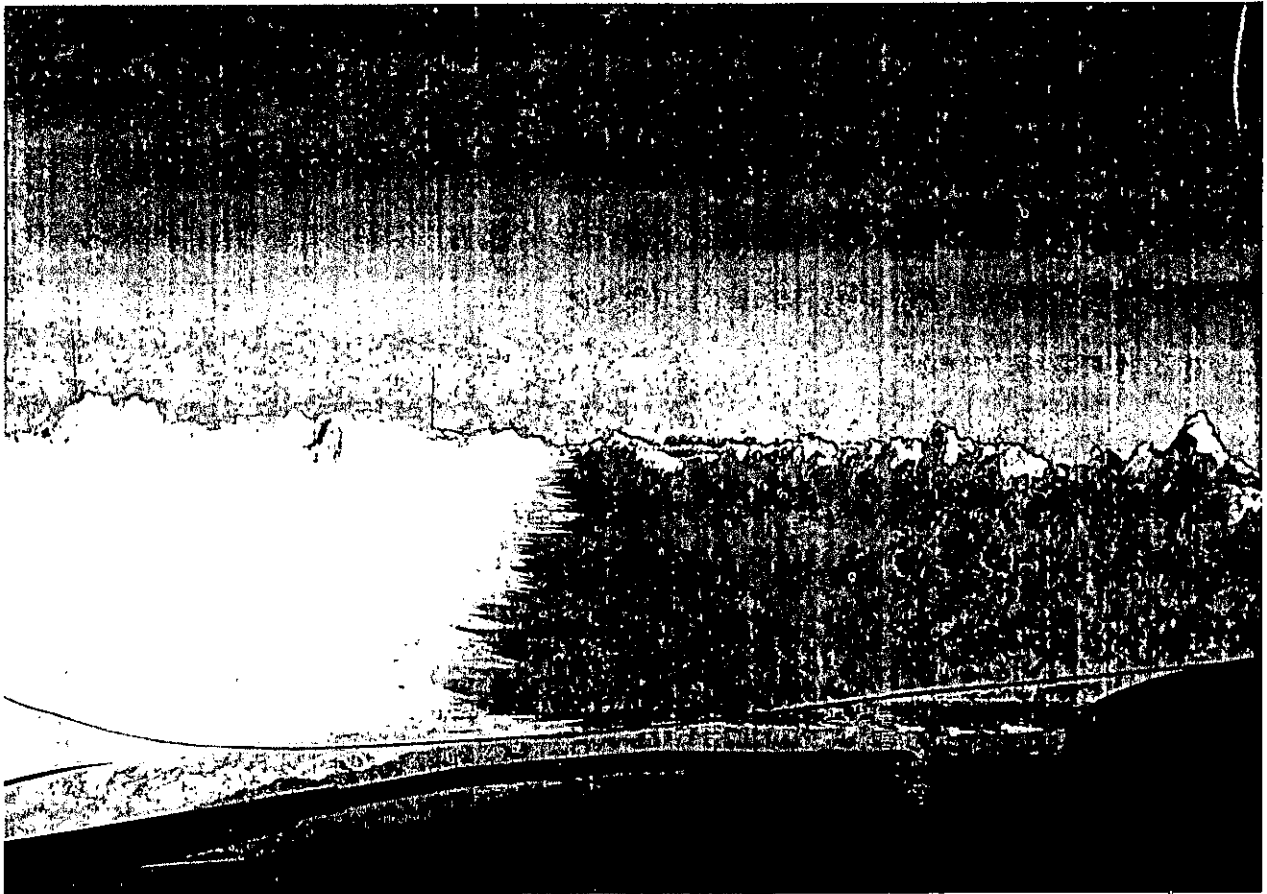
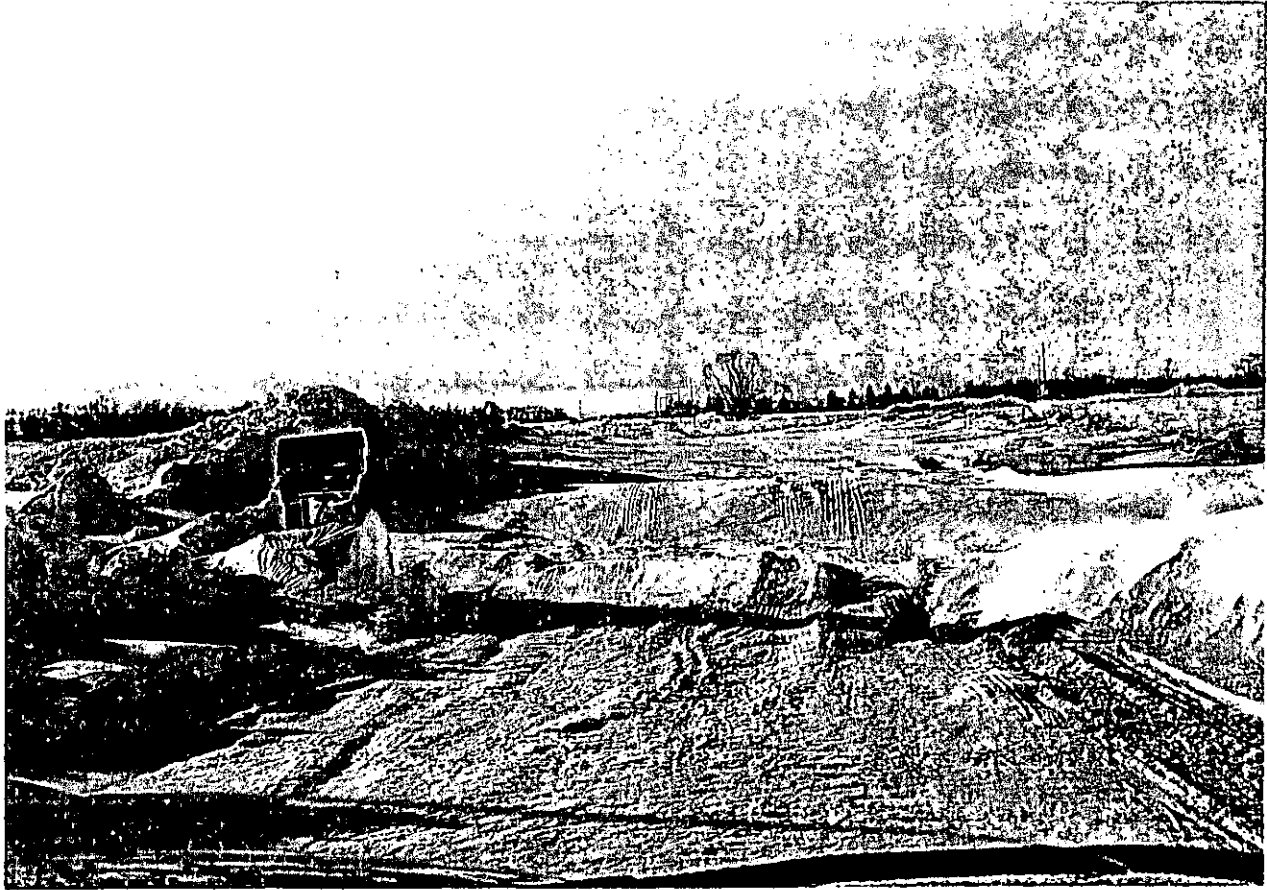
Thank you.

Soath McHenry Co, 1/1 - January 2001



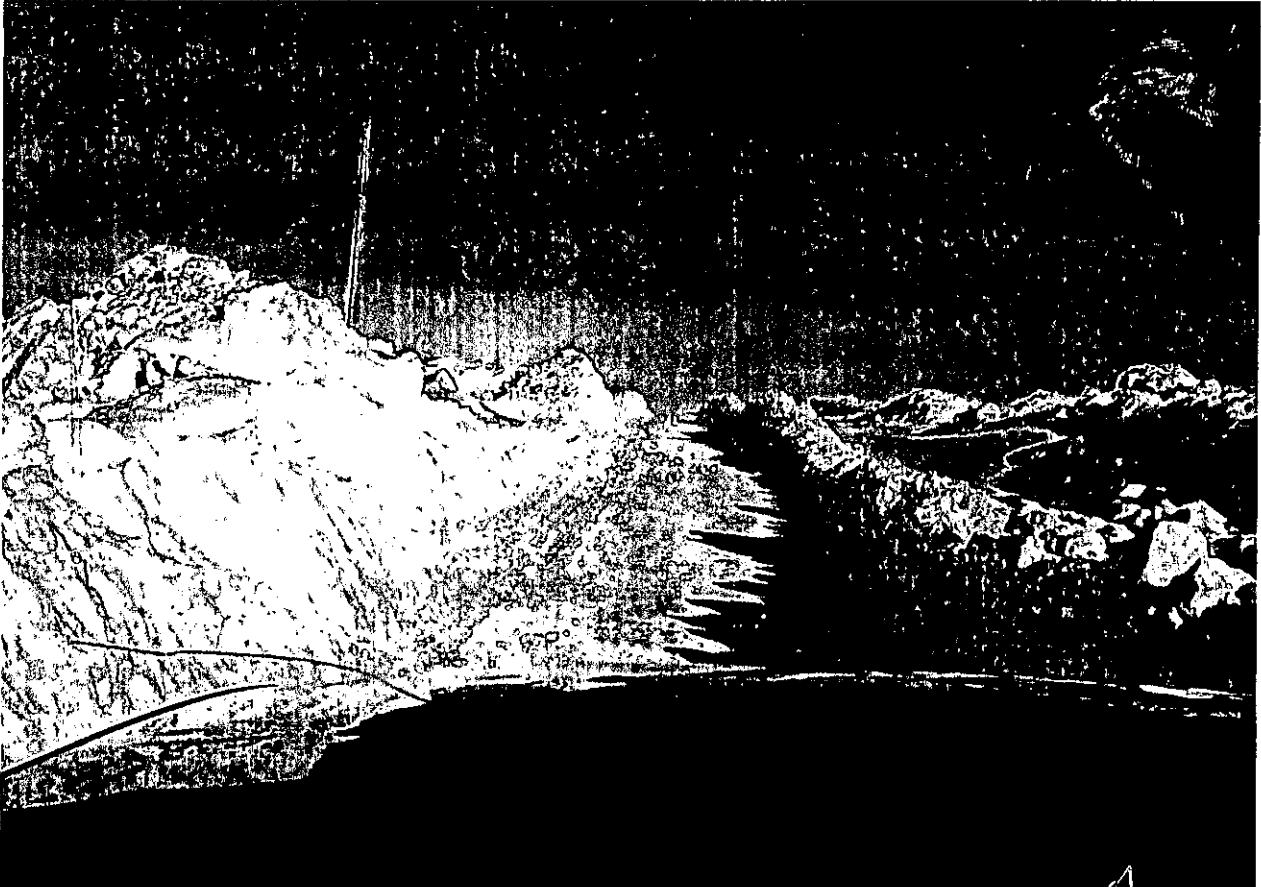
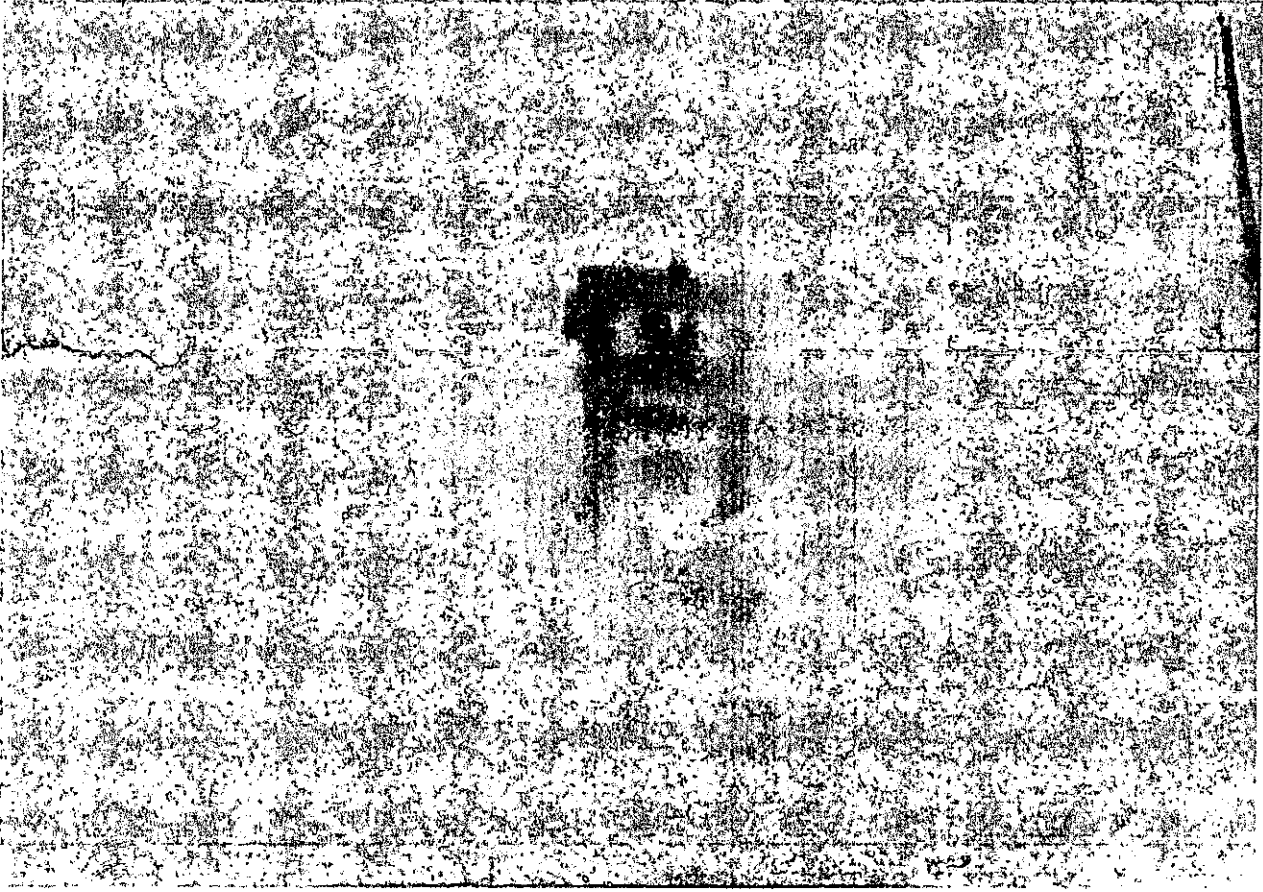
D. Hark

South meHenry C. n. January 2009



J. H. H. H.

South McHenry Co. Twp - January 2009



J. D. Darr

WELLS COUNTY

SB2393

January 5, 2009

Good Morning Chairman Dever and members of the committee. My name is Randi Suckut, and I am Chairman of the Wells County Commission. I thank you for the opportunity to testify in support of SB 2393.

SB 2393 is requesting \$1,000,000 in additional funding for counties, townships, and cities to help with snow removal costs. Wells County has been one of the hardest hit areas for snow fall in the state as reflected on the % normal snow depth map (see attachment #1). A television reporter from Minot recently acknowledged this with a report on Wells County featured on the 6:00 and 10:00 news. Attachment #2 is a map of counties with areas that currently exceed 400% normal snow depth.

On January 20, the Wells County Commission declared a snow emergency to allow us to use our emergency fund. December expenses for snow removal exceeded 2004-2008 averages by \$32,112, just for fuel and overtime. January's expenses exceeded the averages by \$60,357, again just for fuel and overtime. As of January 31, we have used \$130,992 from our emergency fund for the removal of snow. We are still dealing with the effects of the snowfall we have already received because of windy conditions and are faced with the possibility of 3 more months of snowfall leading to even more expenses for snow removal. Wells County can only replenish its emergency fund with a two mill levy per year which amounts to approximately \$34,000. I know, and I believe you know also, how happy our constituents are to pay more in property tax. I sincerely hope we don't have another winter like this one next year.

I was encouraged and appreciative of Governor John Hoeven's declaration of a state snow emergency for those affected, but I have to admit that I was taken aback that only 1.5 million was appropriated. Knowing of the widespread snow fall and all the entities that would ask for and require assistance, 1.5 million would not stretch far enough. I know that as of Tuesday February 3, 22 counties have declared snow emergencies, 3 counties are pending, and 14 cities have declared. (See attachment #3) There are possibly even more added as of today.

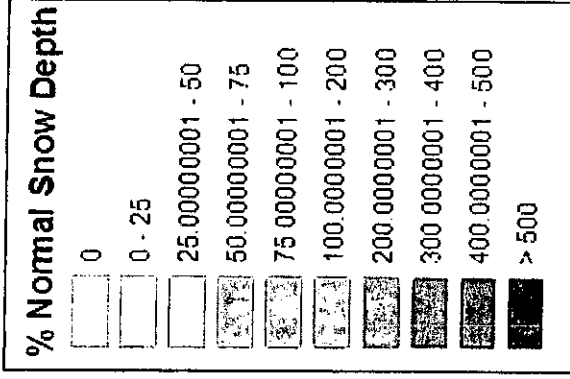
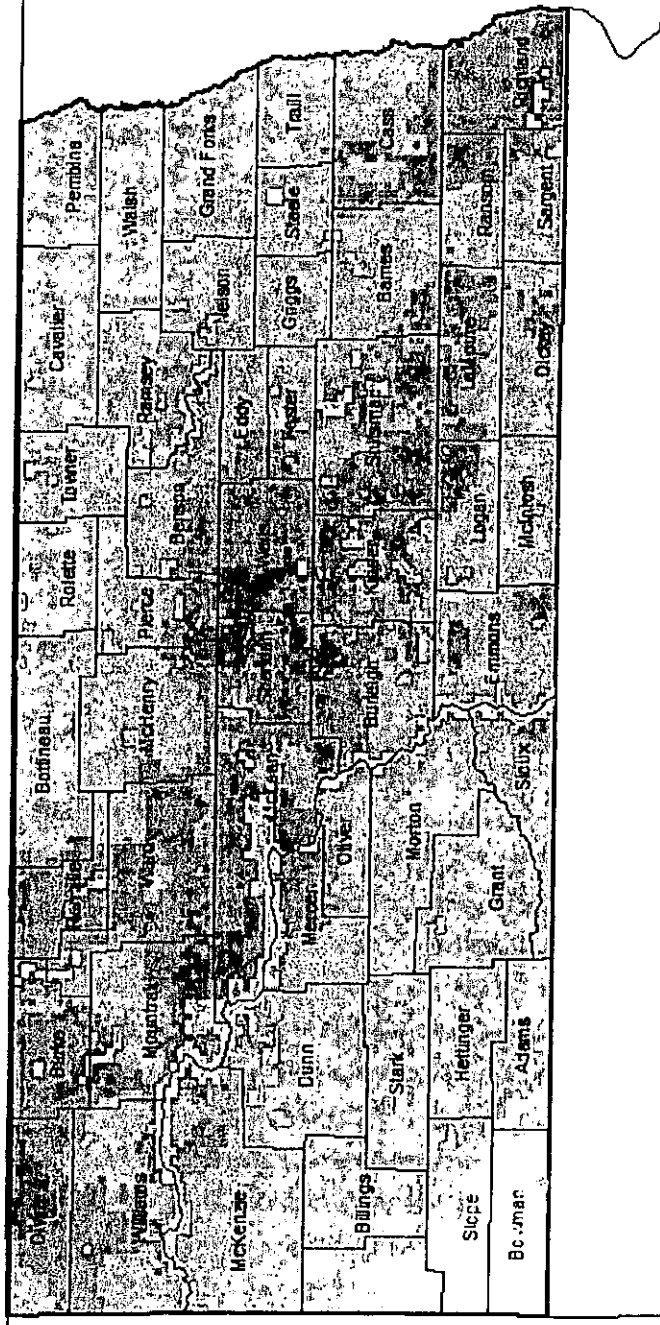
I support SB 2393 and ask for a do pass recommendation from this committee, while at the same time I am unsure whether even the additional 1 million is enough. Thank you for your consideration.

Sincerely,

Randi Suckut

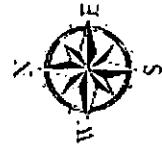
Chairman, Wells County Commission

**% Normal Snow Depth
North Dakota
2009-01-21 06Z**

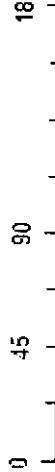


National Operational Hydrologic
Remote Sensing Center

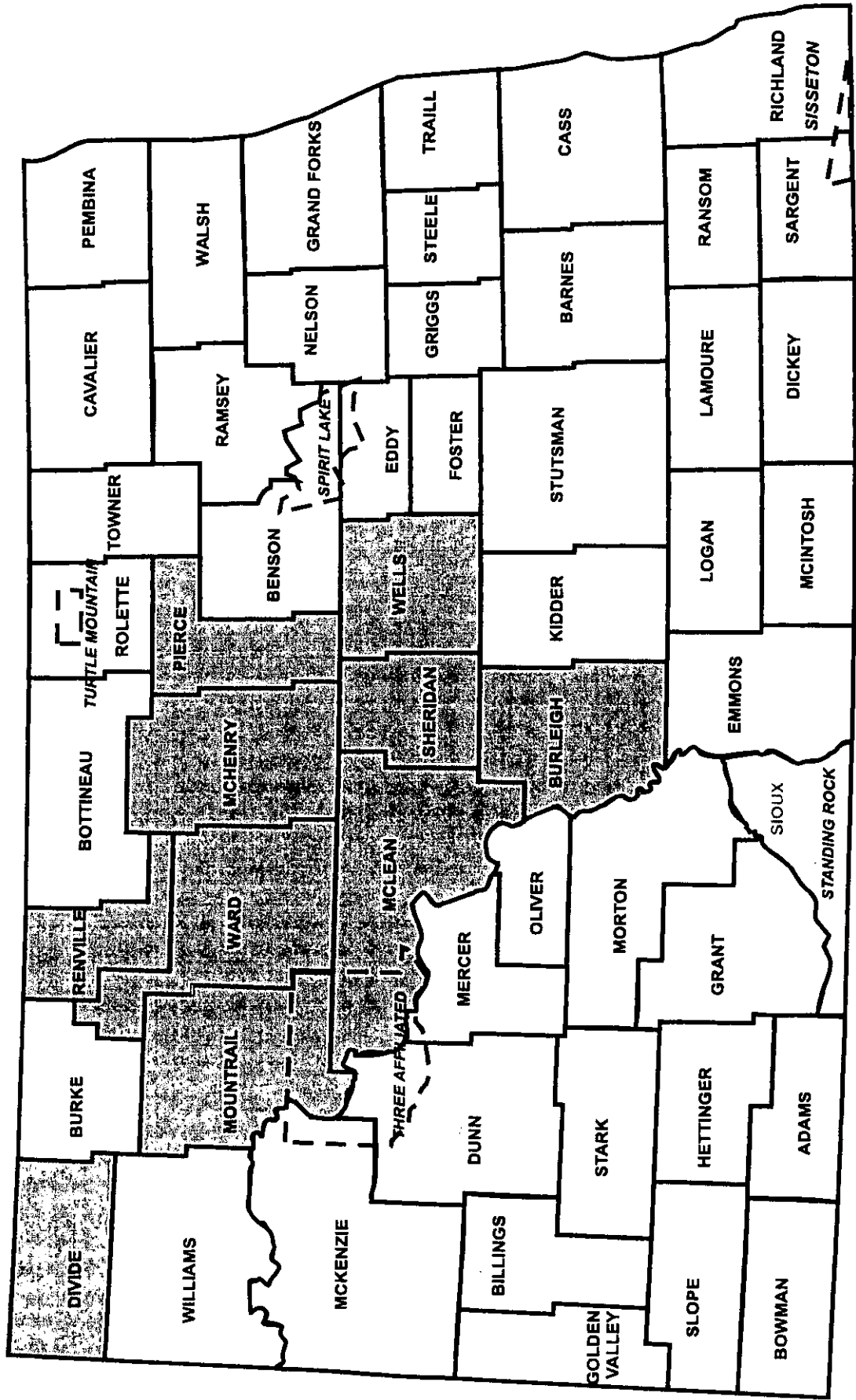
Office of Hydrology
National Weather Service, NOAA
Granthassan, III



180 Miles



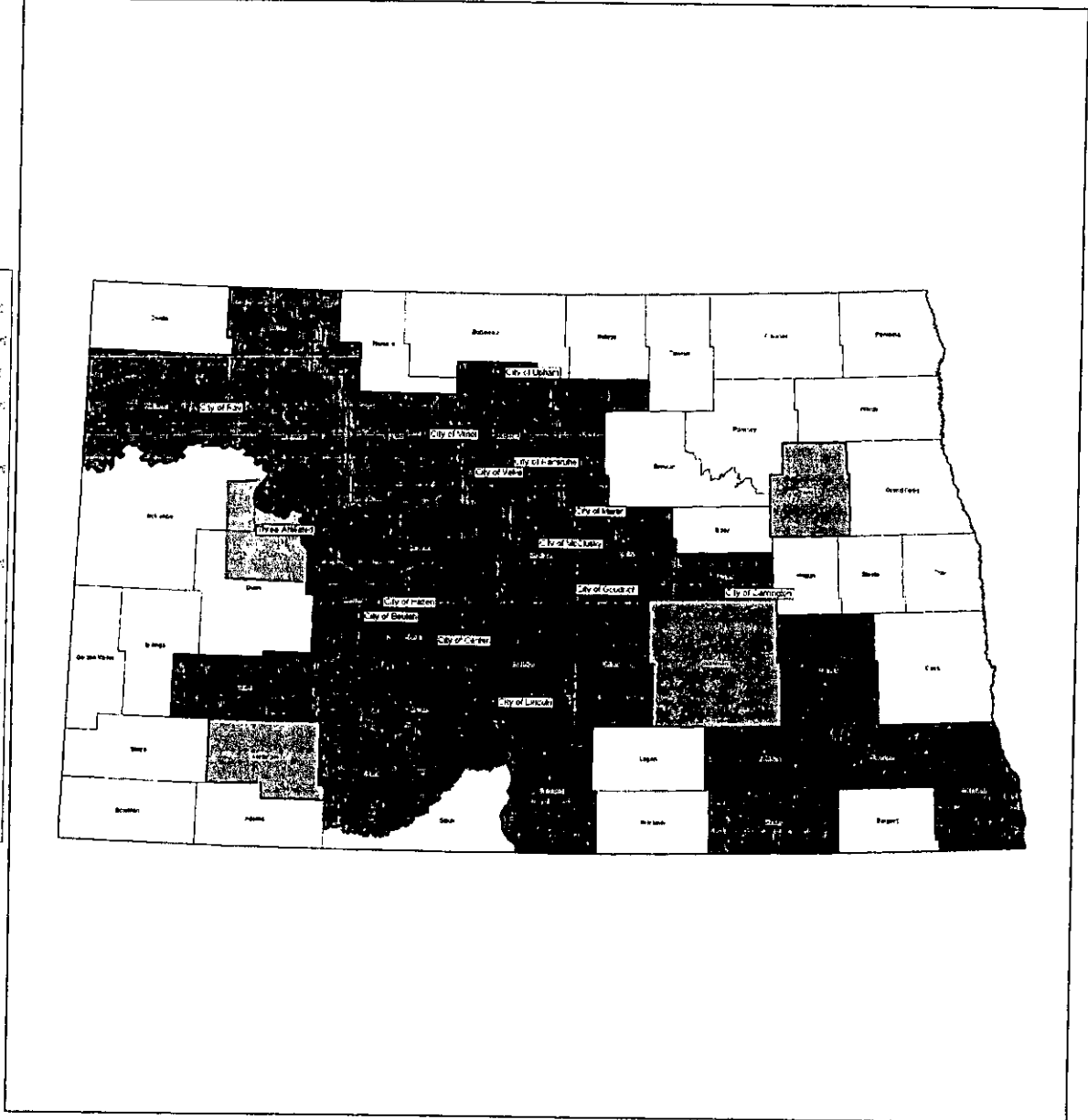
Counties With Areas Exceeding 400% Normal Snow Depth



Winter Storms - Situation Overview Map

Legend

- City of Devils Lake (Snow Declaration)
- City of Bismarck (Snow Declaration)
- City of Dickinson (Snow Declaration)
- City of Grand Forks (Snow Declaration)
- City of Minot (Snow Declaration)
- City of Jamez (Snow Declaration)
- City of Mandan (Snow Declaration)
- City of Moorhead (Snow Declaration)
- City of Park River (Snow Declaration)
- City of Sully (Snow Declaration)
- City of Valley City (Snow Declaration)
- City of Wahpeton (Snow Declaration)
- City of Williston (Snow Declaration)
- City of Bismarck (Snow Declaration)
- City of Grand Forks (Snow Declaration)
- City of Jamez (Snow Declaration)
- City of Mandan (Snow Declaration)
- City of Moorhead (Snow Declaration)
- City of Park River (Snow Declaration)
- City of Sully (Snow Declaration)
- City of Valley City (Snow Declaration)
- City of Wahpeton (Snow Declaration)
- City of Williston (Snow Declaration)
- Snow Declaration (Snow Declaration)
- no
- Pending
- Under Consideration
- Three Cities (Snow Declaration)



2009 Snow Declaration Map February 3, 2009 3:30pm

MORTON COUNTY HIGHWAY DEPARTMENT - Snow Removal Cost
YEARLY & MONTHLY LABOR & OVERTIME COST/EQUIPMENT/MATERIAL/FUEL

MONTH OF JANUARY YEAR BELOW	JANUARY LABOR	JANUARY OVERTIME	JANUARY EQUIPMENT	JANUARY MATERIAL	JANUARY FUEL	TOTAL
2004	\$ 14,211.51	\$ 7,883.84	\$ 42,495.50	\$ -	\$ 11,814.45	\$ 76,405.10
2005	\$ 3,937.04	\$ 1,667.01	\$ 14,492.50	\$ 1,942.50	\$ 8,082.50	\$ 30,121.55
2006	\$ 2,339.99	\$ 388.08	\$ 5,952.50	\$ 1,701.00	\$ 11,931.04	\$ 22,312.61
2007	\$ 3,383.60	\$ -	\$ 7,137.50	\$ 294.00	\$ 12,570.06	\$ 23,385.16
2008	\$ 122.56	\$ -	\$ 280.00	\$ -	\$ 500.00	\$ 902.56
2009	\$ 86,448.00	\$ 60,316.23	\$ 243,255.00	\$ 3,537.22	\$ 43,762.29	\$ 437,318.74

5 YEAR AVERAGE OF ALL SNOW REMOVAL COST FOR MONTH OF JANUARY 2004-2008	\$ 30,625.40					
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TOTAL COST FOR MONTH OF JANUARY 2009	\$ 437,318.71					
MONTH/YEAR	LABOR EQUIP MAT	OVERTIME	FUEL	TOTAL		
TOTAL COST OF NOVEMBER 2008	\$ 42,180.92	\$ 7,370.54	\$ 17,973.72	\$ 67,525.18		
TOTAL COST OF DECEMBER 2008	\$ 150,632.68	\$ 5,715.36	\$ 27,173.26	\$ 183,521.30		
TOTAL COST OF JANUARY 2009	\$ 333,240.22	\$ 60,316.23	\$ 43,762.29	\$ 437,318.74		

TOTAL COST OF WINTER EVENT NOV, DEC & JAN	\$ 688,365.22					
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SB 2393

Sen. Ryan Taylor, testimony
District 7

*Some
Seven to
House*

Good morning, Mr. Chairman, senators of the Government & Veterans Affairs committee. For the record, my name is Ryan Taylor, senator for District 7, all of McHenry and Pierce Counties, and a good share of Sheridan and Benson Counties—this winter's snow capital of North Dakota. A lot of people go south in the winter in search of warmer weather, like some of you, I go south every other winter but only as far as Bismarck, which isn't always warmer, but this winter does have considerably less snow than my home.

I submitted SB 2393 on Monday, Jan. 26, our deadline day to aid a critical problem in an area of state hit hard by mother nature with limited resources to fight the battle. A week later, my absence from my Monday committee and chamber session put an exclamation point on the need for this bill. Our area has had somewhere around 7 feet of snowfall since the first storm on Nov. 6 that dropped about 22 inches on our ranch. Little to no snow has melted since that time, as the lack of bare ground has limited our ability to get any significant heat. It hasn't settled much, either, but it blows around a lot.

I got home last weekend Friday night right behind our snow plow. There's 12 miles of gravel road between the highway and our ranch. Much of the road resembles a trench with a narrow path nestled between two snowbanks 8 or 10 feet tall. Winds gusted to 50 mph that weekend and the newly plowed road was sealed shut a day later. No way to get to church on Sunday, no way to return to Bismarck Sunday night, or Monday morning, or Monday afternoon. On Monday snowplows were trying to rescue school buses and get kids to school. Two farmers with four wheel drive tractors and bulldozers worked most of the day to get within a couple miles of me. Drifts were hard enough to support a 9,000 pound pickup...almost. Finally, at 7:30 that night, with my pickup loaded, my neighbor and I decided we weren't going to get the road cleared so we hooked up chain from his four wheel drive tractor to my pickup and he pulled me through 4 miles of the worst. I got to Bismarck at midnight.

That road still isn't plowed out. Our county does it's very best, but resources (equipment, labor, funding for contractors) are stretched to the max. Machines are broke down in the shop, the going is slow, and the routes take a long time to clear, meaning people may go a week or more without access to work, groceries, medical care, school. Yesterday, my hired man got within three miles of the ranch and walked in to get our cows fed. Mine is one story of many. I've heard many stories about people getting to work only to be stranded away from their home to find some kind of lodging in town for several days until they can return home again. One constituent's shopping trip to Minot turned into a three day stay and a hotel bill before they could get back to their ranch. On the up side, she had a son who enjoyed the cable television access so he could watch the Superbowl on a channel that didn't come in at their ranch.

One of our more non controversial pieces of work as public policy makers usually has to do with transportation and maintaining an adequate system of roads and highways. Most of us see it as a basic function of government to provide public roads that facilitate commerce and the trading of goods and services, transportation to school and work, the ability to get to hospitals and handle medical or other emergencies as they might arise.

SB 2393 tries to get some needed resources to an area in great need. Our whole state isn't in a state of emergency but much like helping a neighbor who had a stroke of bad luck, a city who's river

overflowed its banks, or a locality that had the misfortune of sitting in the path of a tornado, the unaffected step up to help out. We've been flooded by snow and we've sat in the path of every possible winter storm front. It's more than we can handle by ourselves.

The governor's proclamation is very helpful, but more is needed. The proclamation offers a 50 percent cost share after a county spends 200 percent from than their average snow removal budget. Once you've spent double your usual budget the 50 percent is hard to come by, particularly when you need a little set aside for another 10 months road maintenance and repairs—there's still a couple three months of snowing and blowing, possible flooding and washouts, the usual summer road maintenance and the start of another winter next fall.

This bill would be particularly helpful to townships that are nearly all flat broke after a winter like this. It would help counties and towns who need more resources, more machines, more contractors, to handle this natural disaster. There'll be plenty of testimony with personal stories, examples of costs to our local entities, maybe a few photos. Thank you for hearing us. I ask for a Do Pass to help these folks out.

**TESTIMONY OF RANDY HAUCK
MEMBER SERVICE MANAGER OF VERENDRYE ELECTRIC COOPERATIVE
TO THE ND SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
February 5, 2009**

Mr. Chairman and members of the committee, my name is Randy Hauck, Member Services Manager of Verendrye Electric Cooperative, headquartered in Velva, ND. Verendrye serves 11,400 meters in six counties over 4,400 miles of power line with 50,000 poles. I am here on behalf of our membership to speak in favor of SB 2393 and ask for your support of emergency snow removal grants.

Our six county service area includes McHenry, Ward, Wells, Pierce, Sheridan and Renville Counties. Most of these counties have experienced record snow fall this winter. County roads are extremely narrow and require constant snow removal whenever the wind blows. A large percentage of township roads are not being plowed and are currently blocked. Our service area is part of the Missouri Escarpment which has some of the highest average wind speeds in the state of North Dakota. This is a blessing for wind farm development but it is also a curse when it comes to blowing snow.

Most of our 4,400 miles of power lines are located next to county or township roads. Our main mission is to provide reliable affordable power to our members. Power outages do and will happen. If a township road is blocked and we need to repair a broken pole, the process of opening the road will add many hours to the length of the power outage. In the past five years we have experienced two smaller scale ice storm events that put a couple hundred poles on the ground. These ice storms resulted in outages that lasted a couple days. Road conditions during that time were much improved from what we are experiencing today. If we are unfortunate this spring experiencing a large scale ice storm event like the one that just occurred in Arkansas, or the event Verendrye experienced in 1983 with 2,200 poles on the ground, we will have a major disaster. Current road conditions would make the power restoration process extremely slow or next to impossible. Getting snow removal crews in before our crews can determine the damage and start repairs could result in outage lengths not measured in hours but in days or even worse weeks.

On behalf of Verendrye Electric Cooperative and our members, I urge the committee to support SB 2393 and recommend a do pass recommendation to the full Senate. Thank you!

February 5, 2009

To: Chairman Deaver and Members of the Government and Veterans Affairs Committee

My name is Jeff Michalenko and I am a resident of Bergen, ND.

I am here today to speak in favor of Senate Bill 2393.

We have 9 households in Bergen where people live during the winter. 3 of these 9 are actually located in the township but the only way to them is through Bergen. The people in 6 of the 9 households all work out of town or go to school. One household is occupied by a retired couple that hardly ever gets out, one by a woman and a baby, and one by a farmer/rancher on the edge of town. We have rural mail delivery and we have a bus route that comes to Bergen.

As shown in the attached pictures we have so much snow we are running out of places to put it. This makes it hard for the county snowplow to wing it out when he does get to town. We have no money in our budget for getting a bull dozer or pay loader in to push it back which would enable us to have a place to keep pushing snow ourselves as we have time.

Our snow removal was covered under the county at one time but because they are low on money they are charging us \$60.00/hr to come in now because we are considered a city. This they will do as time permits because of their priority roads. I and a farmer on the edge of town do what we can with our loader tractors when we have time but we cannot keep up. The county snowplows or blades cannot keep up with all of the snow removal they have in McHenry County at this time. When they have gotten to Bergen and opened up the roads we have had a snowstorm or blowing snow the same night or the next day and we block in again.

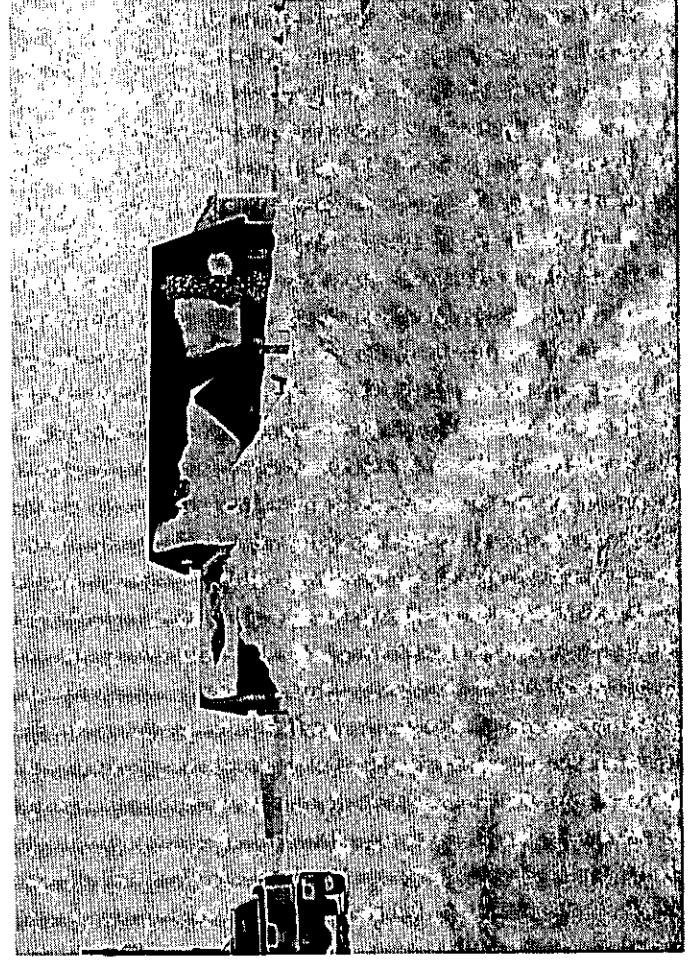
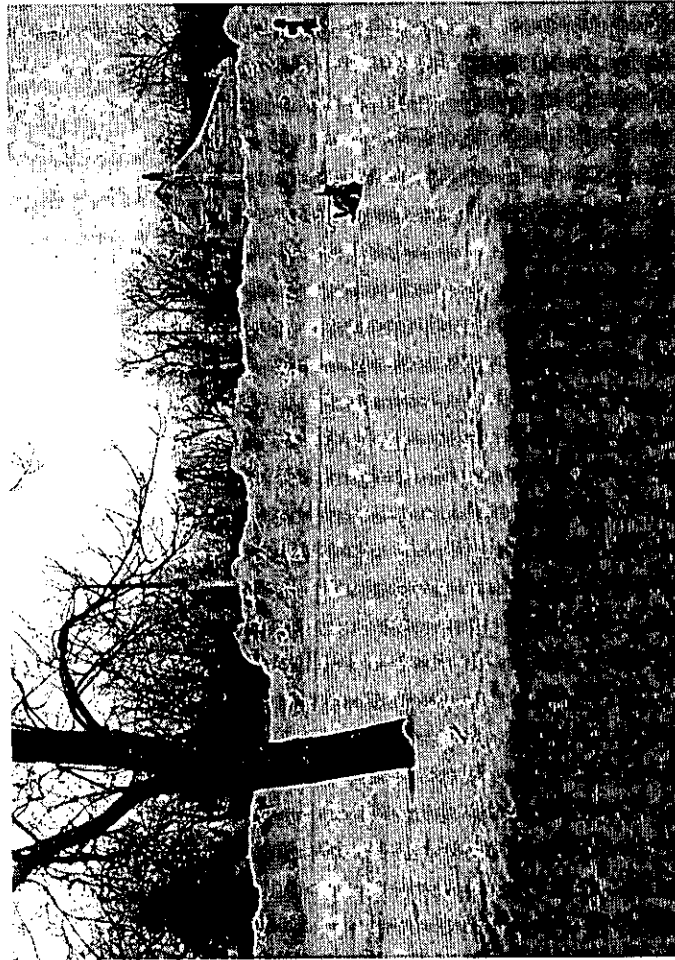
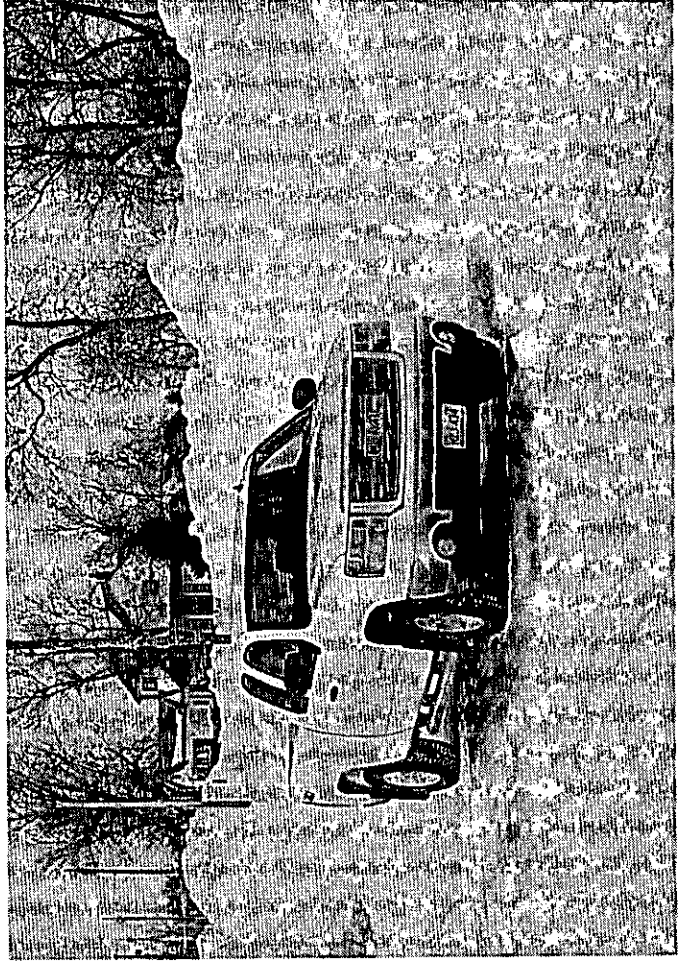
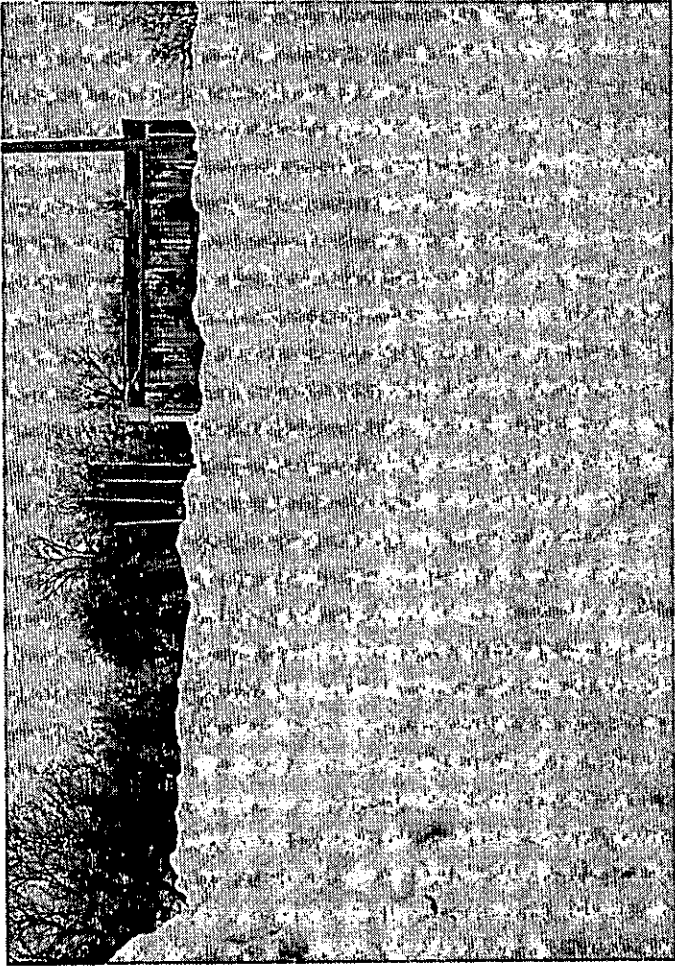
Bergen has neither businesses nor any city employees so our budget for snow removal is very small. It is \$400/yr. which is what we used to pay a farmer that lived on the edge of town. He opened up after every snowstorm so people could get to work or school and then the county snow plow would come in when it was in the area and widen things out. He has passed away and his place has been sold to a lady who works out of town as does almost everyone else in town.

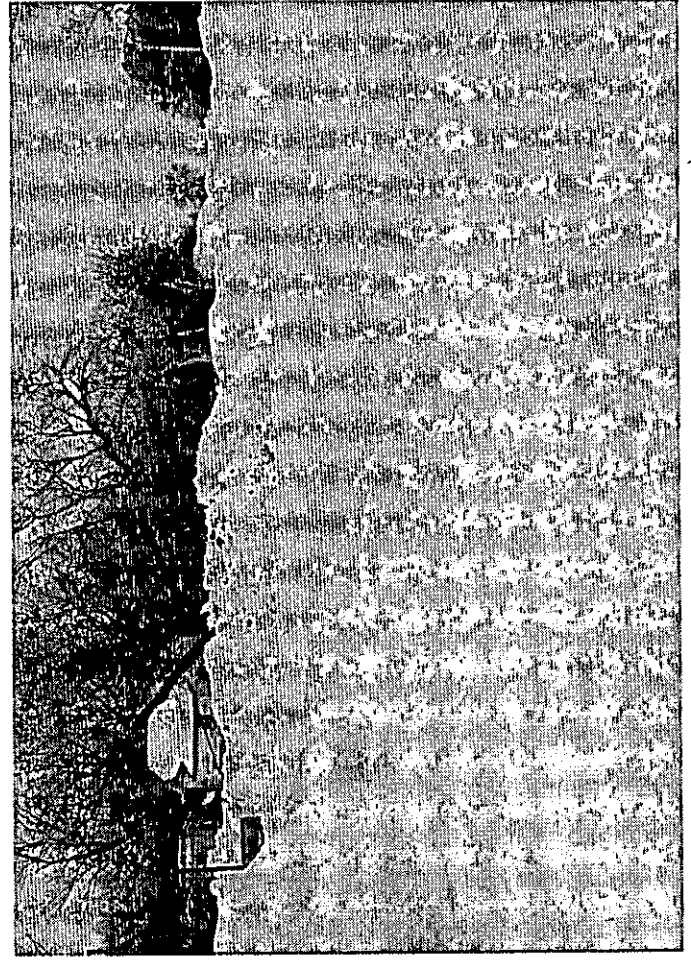
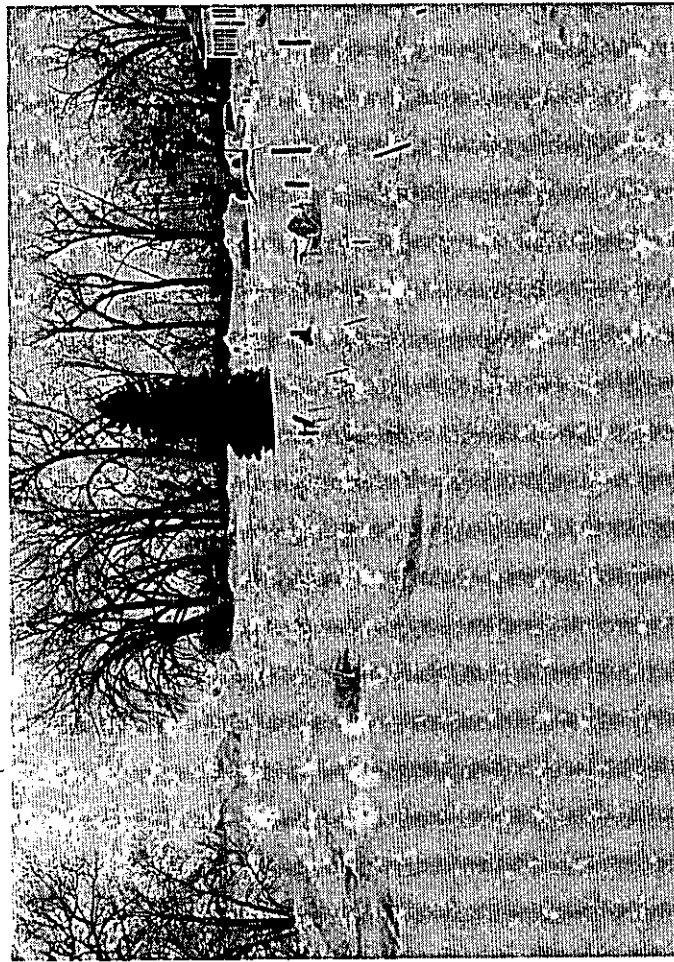
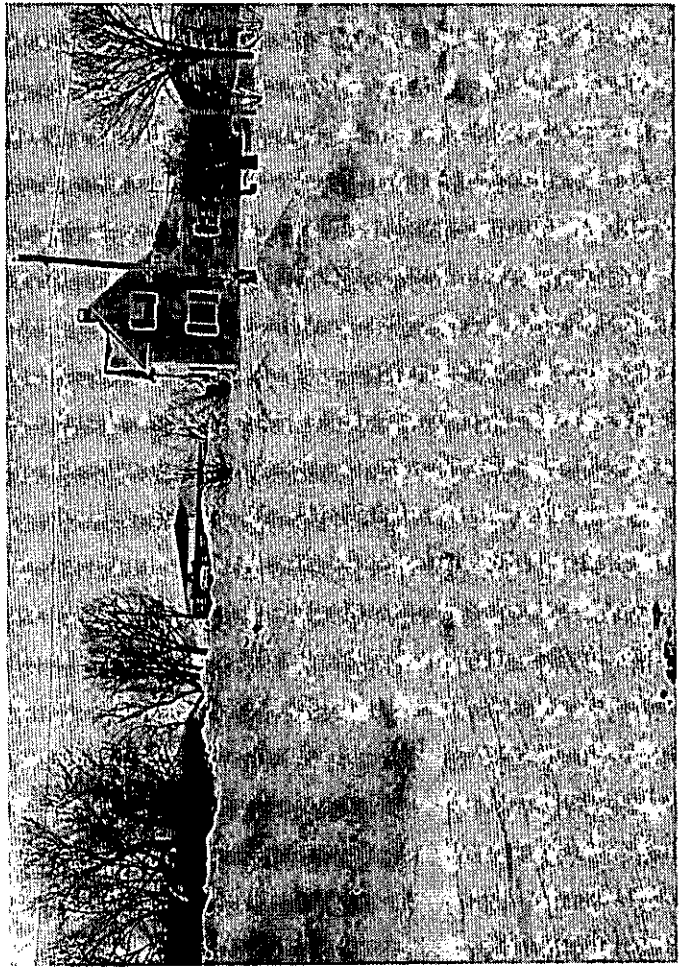
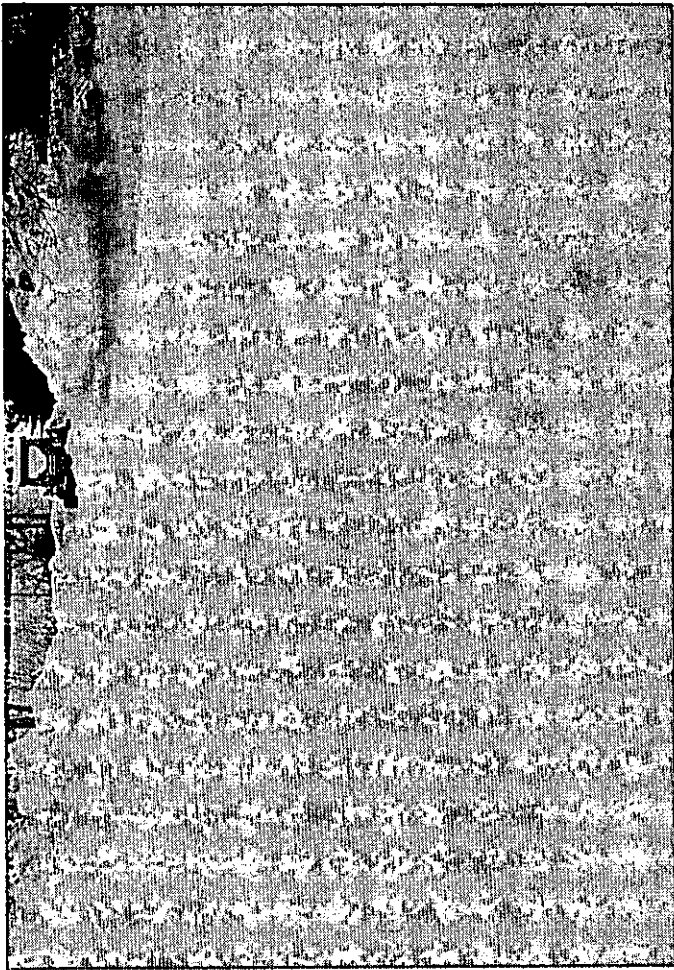
There are two entrances to Bergen. At this time we are able to get in and out of Bergen by one entrance while the other is blocked in. If we continue to get snow and blowing snow we may not be able to get out due to the fact that we have no where to push snow anymore. It is because of this that I am requesting passage of SB 2393 so that McHenry County may get some needed assistance which would help them to assist us.

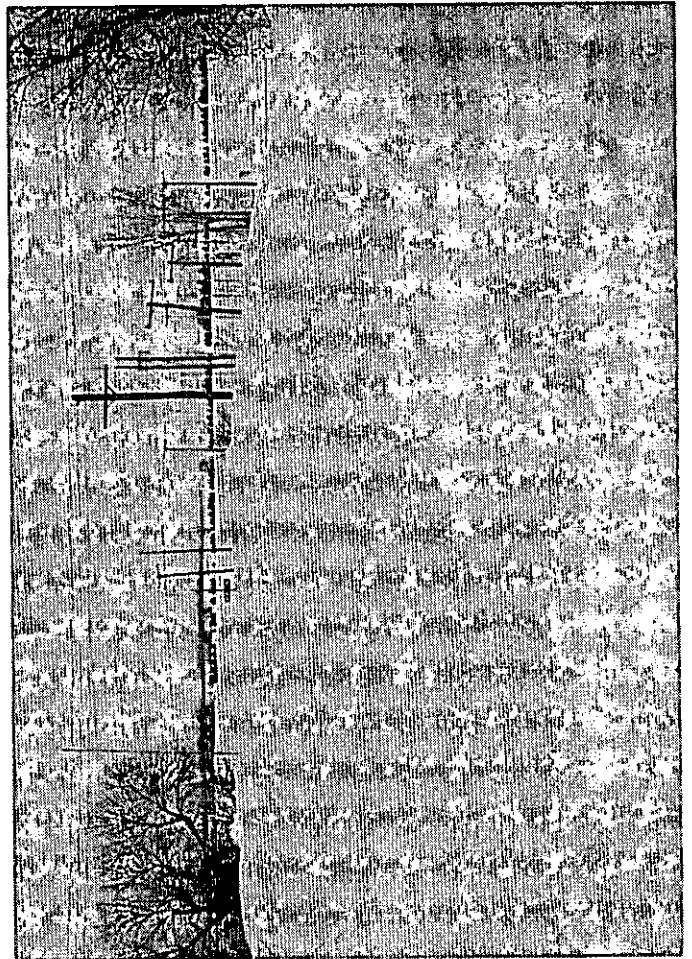
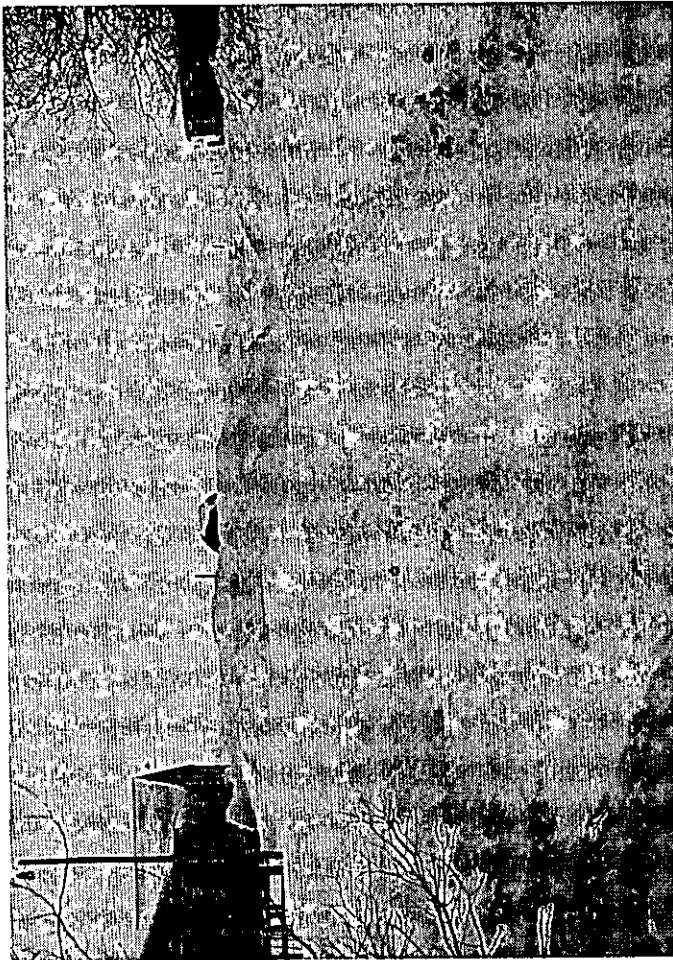
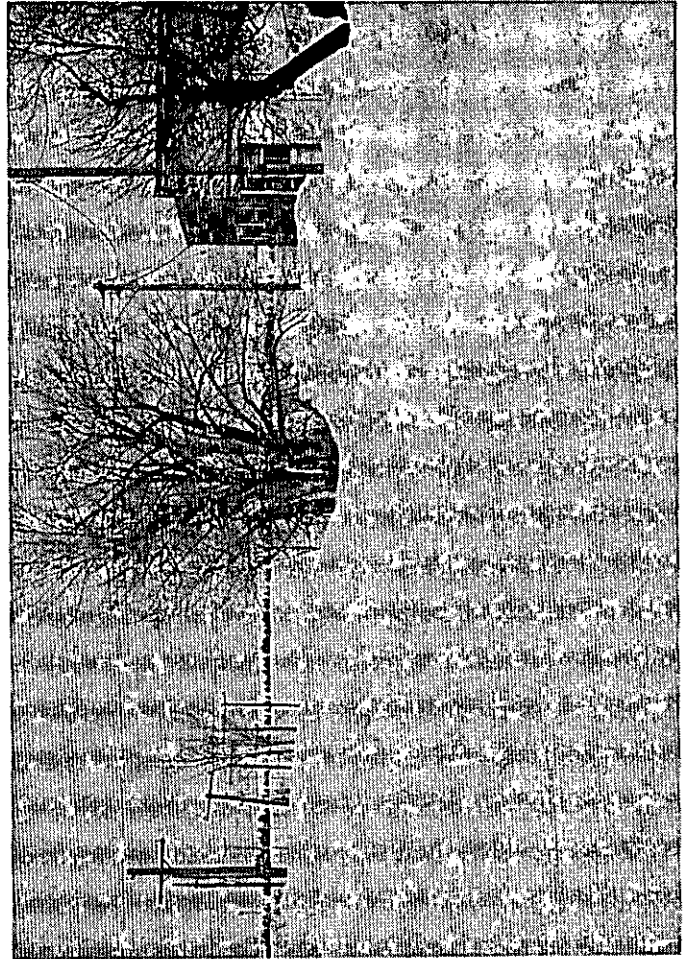
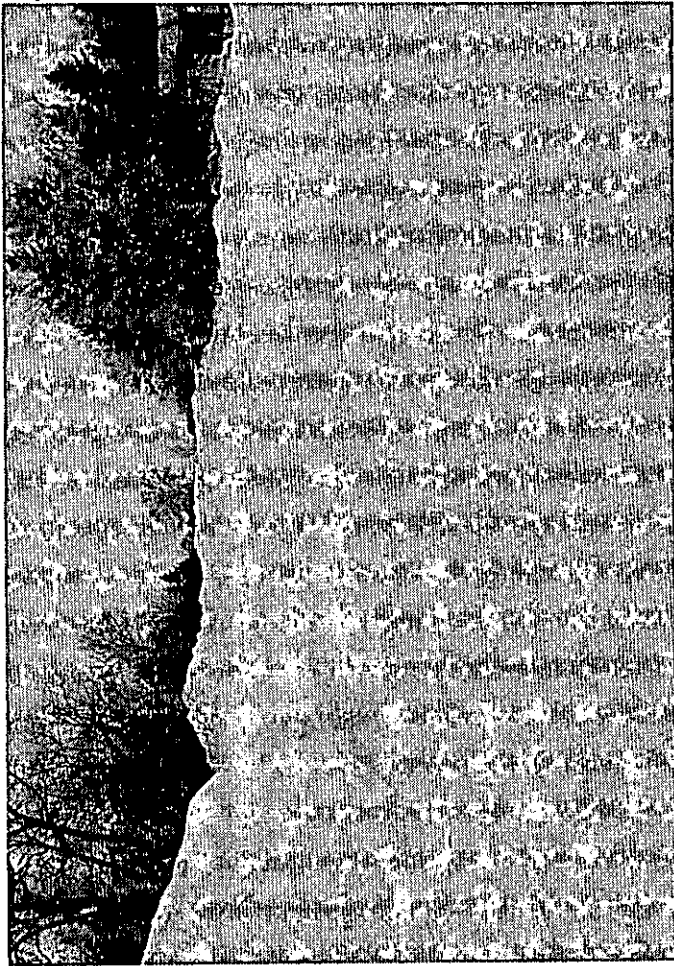
Thank you for hearing our concerns and I ask for your yes vote on SB 2393.

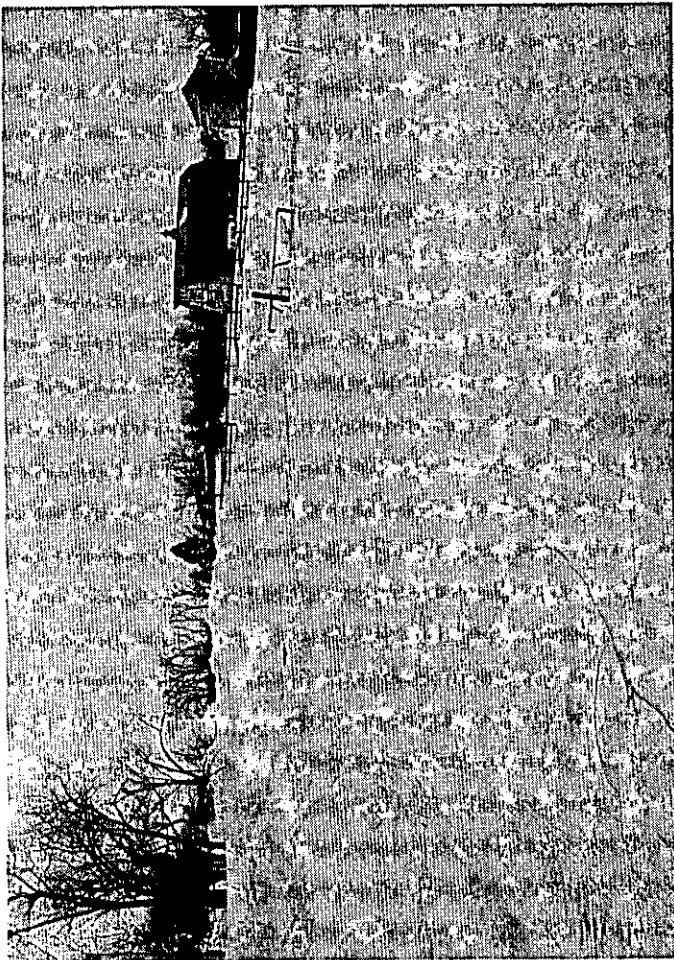
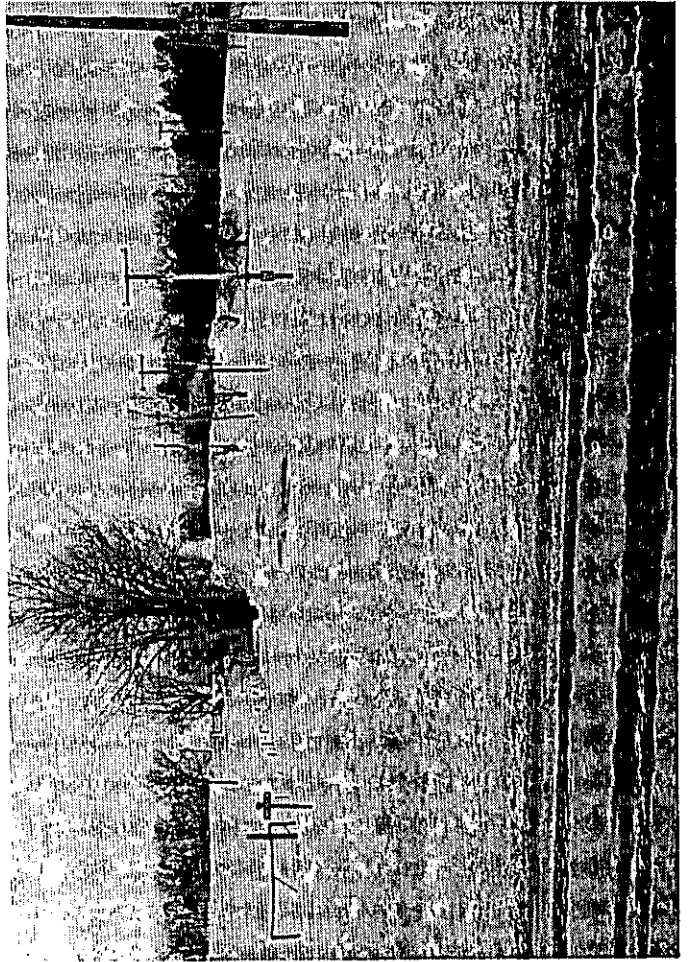
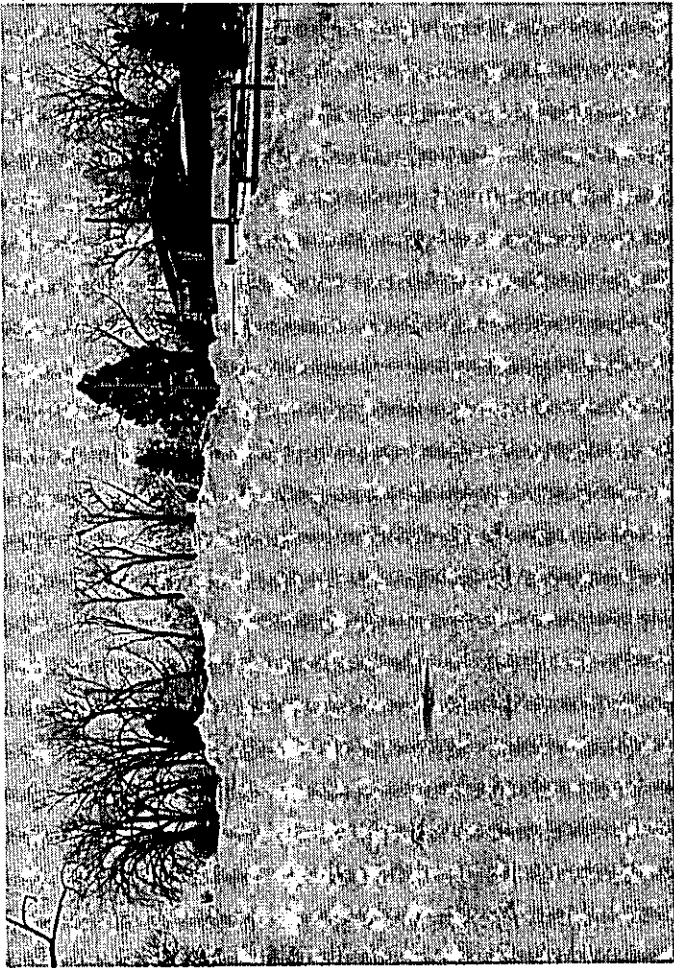
Jeff Michalenko
419 Main Street
Bergen, ND 58792-1704

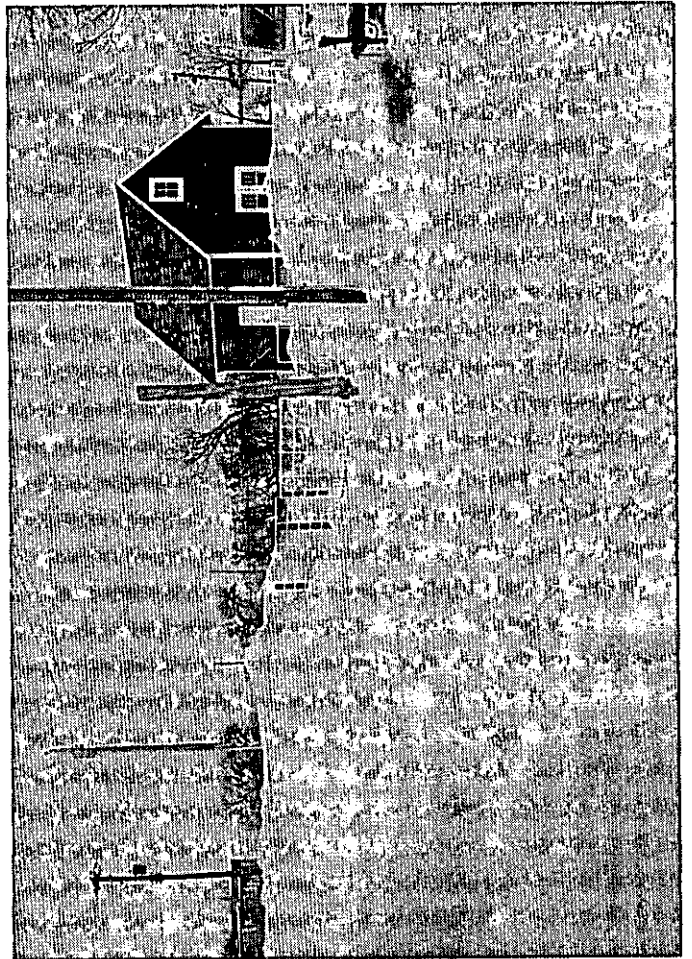
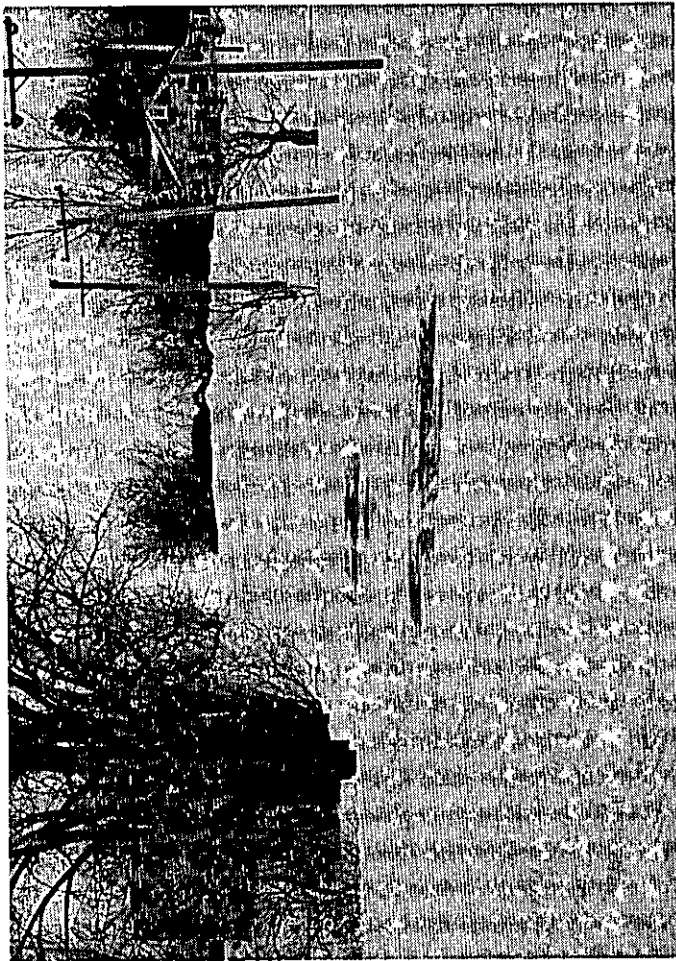
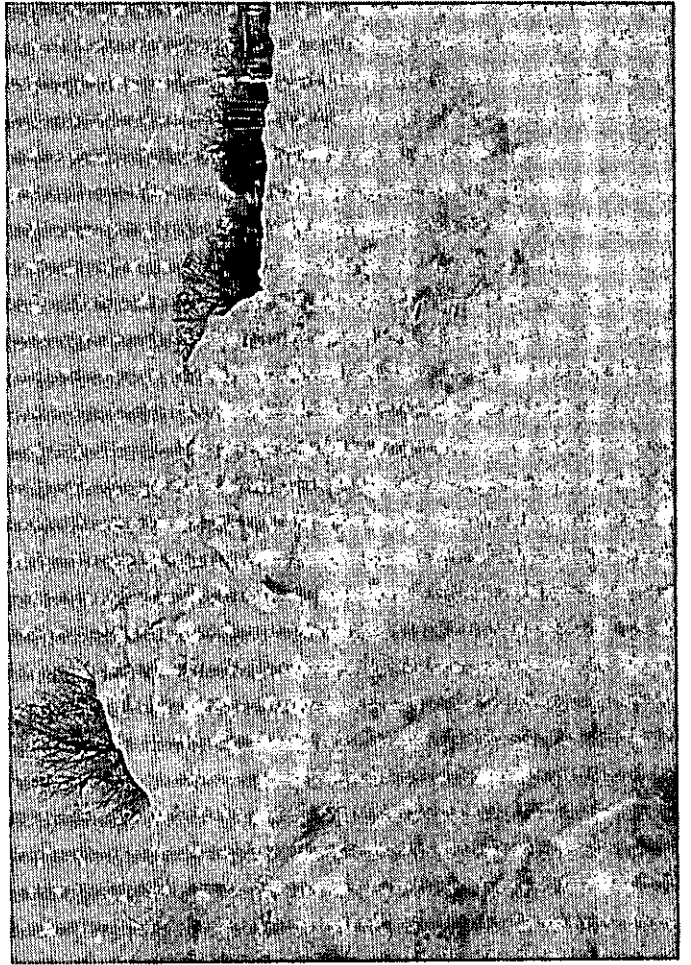
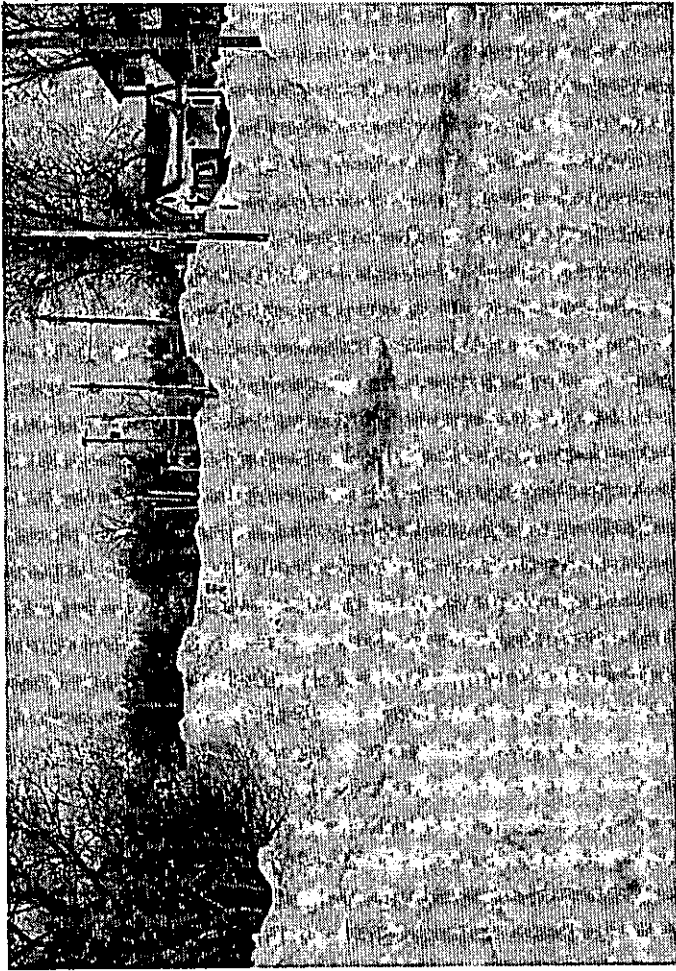
Phone Numbers: Work: 701-338-2811
Home: 701-525-6724
Cell : 701-626-1601











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 N... er and December of 2007,
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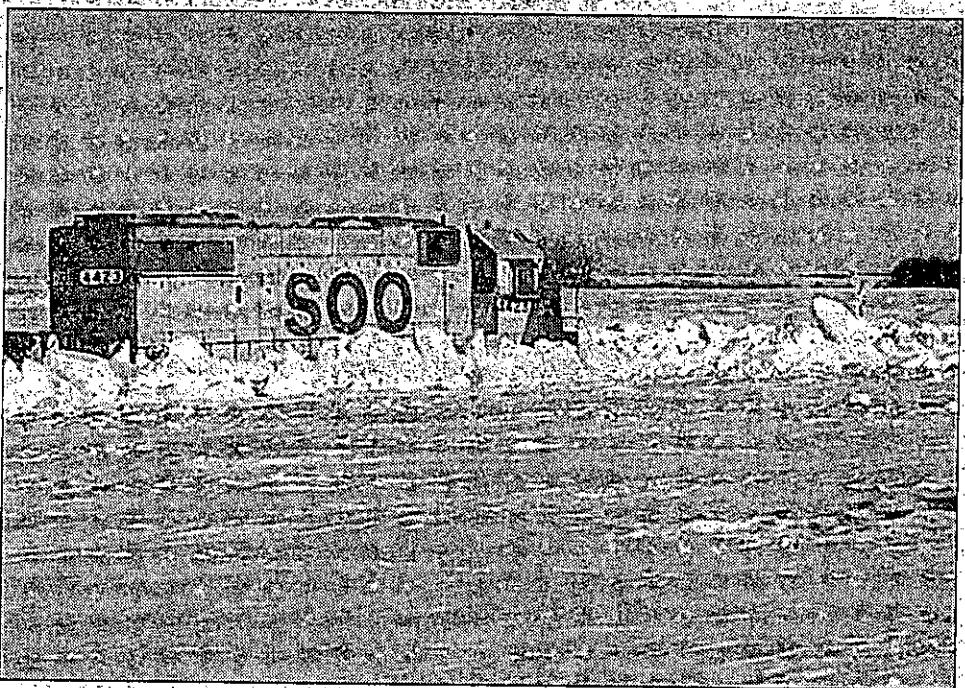
ne big igines at ouldn't!

ament to the never-ending battle
 age through this winter's snow,
 o Line engines were stuck near
 week. Railroad employees and
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 son of Drake, worked on digging
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 ain became mired in the snow
 lay Jan. 20, and work to clear the
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 s se... by Dennis Schott.)

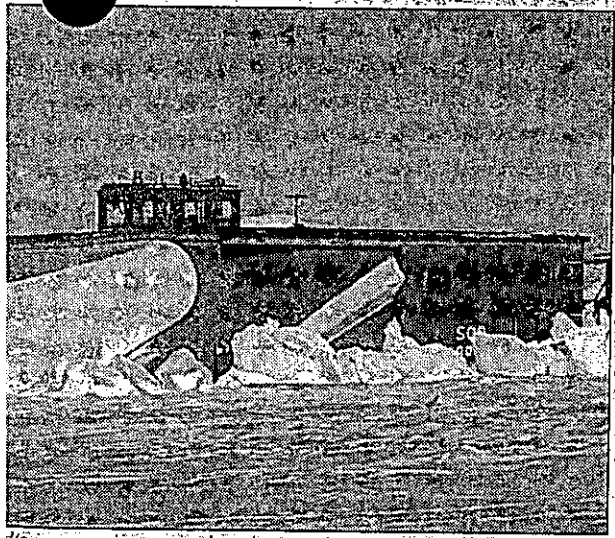
tential relief offered by the state will be
 welcome, although the specific numbers
 are not available yet.

Gov. Hoeven has also ordered National
 Guard resources to be positioned across
 the state to ensure clearance for emergency

The governor and the Department of
 Emergency Services encourage com-
 munities in need to identify local assets,
 including private contractors, if they are
 facing similar challenges with snow re-
 moval.



One of the engines brought to a standstill by the blocked tracks.



It's impressive snow-busting equipment!



Working to clear one of the crossings.

March 7, 2 p.m.
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Schedule
 Due to schedulir
 February meetin
 Commission has
 Thursday, Feb. 5
 Velva City Hall!

Sweethea
 Members of the
 ers Saddle Club
 for their Sweet
 February 13. Tic
 from any saddle
 call 626-7579.

McHenry

Velva Area Voice

Velva, North Dakota 58790

Thursday, January 22, 2009

V

Winter marches on ... and on! Cattle require special attention during harsh weather

rages on, McHenry County Extension Agent Raquel Dugan Dibble has some advice for cattlemen and offered some tips to keep cattle healthy and safe.

"Some cold and record snowfall in the area has been hard on cattle and producers this winter," she noted. "It increases the energy requirements for the animals."

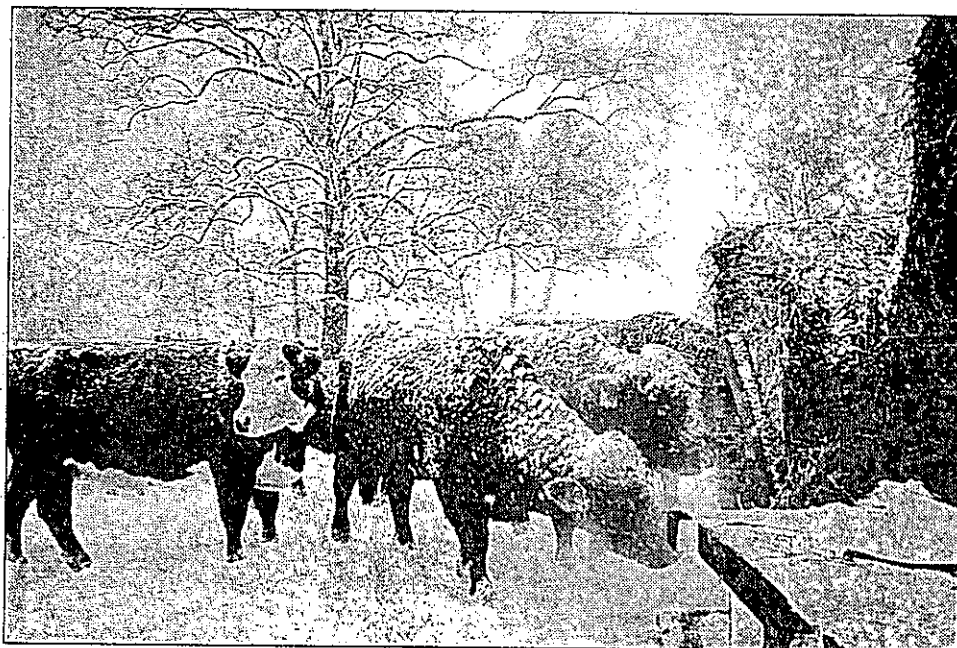
Producers are advised to take the following steps to mitigate the effects of the weather:

- Provide protection from the wind. Wind exposure increases their energy requirements. Providing some form of wind protection or natural wind protection is essential.

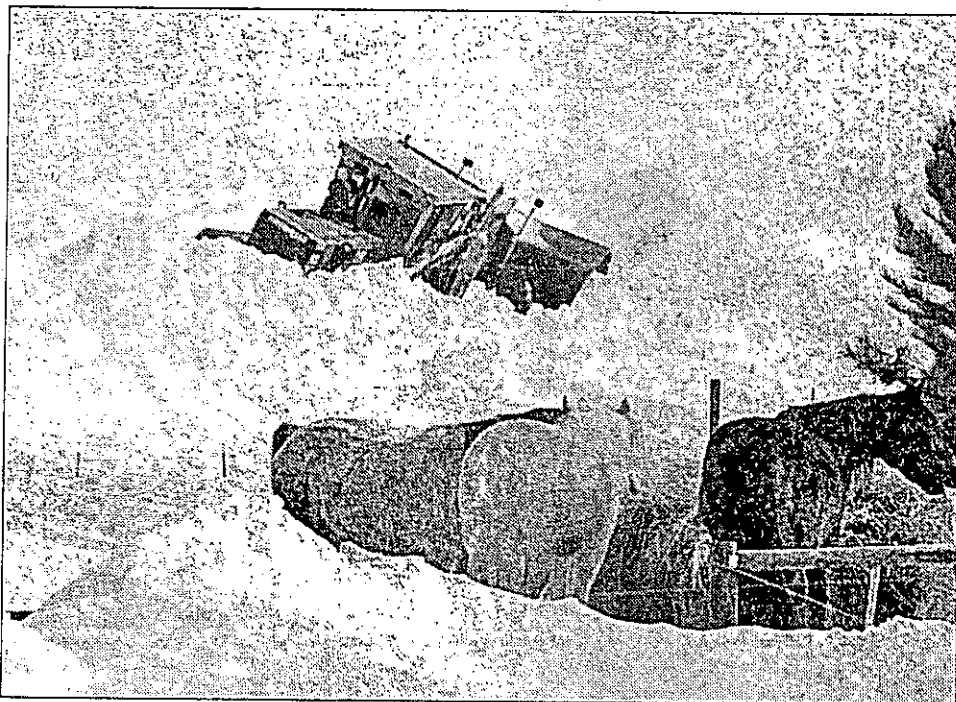
- Bedding during extreme cold. Bedding is important when the mercury is below freezing. It will reduce the possibility of frostbite. While newborn animals are at the greatest risk of frostbite, adult animals can be affected in extremely cold temperatures. Extremities such as ears, tails, and scrotums also can be affected.

- Additional energy. Cold and wind increase the animals' energy requirements. One way to compensate for colder weather is to increase feed intake. However, cows have a limit on how much they can consume. When quality feeds and supplements are provided for the increased energy requirements, producers should be sure to meet the needs as well.

- Cattle are more susceptible to cold stress. Sort off thin cows and separate them from the herd. Advise producers that the cows are affected by extreme weather. Remember to consider aspects of personal safety when caring for animals.



Snow crusted cows anxiously await their meal. This winter has been hard on the animals and hard on the producers trying to feed them.



Country roads continue to present problems for commuters and maintenance crews alike as recent winds blow around the snow and make it difficult to tell the difference between roads and ditches. Last weekend's whirlwinds resulted in this local maintainer getting stuck northwest of Velva on 20th Ave. N. The maintainer hit the ditch on Saturday and was pulled out Sunday.

McHenry

Inside this

Your voice

Local letter to the editor

Winter dance

More reasons to improve your sewer vents.

Honor lists

Local college students from respective schools

Girls do it!

The Aggies and the Aggies clashed in local basketball last weekend.

Grappling

The Velva-Garrison area have been busy on the mats last two weeks.

Op Ed

Classifieds

Coffee Talk

Word on the

N.D. Reads

The Velva School Library will once again participate in North Dakota Reads. The program includes: Sunday, February 22, 2 p.m., "Coyote Warrior" by David Giler; Sunday, February 29, 2 p.m., "When the Quiet Comes Again, the Link" video and a discussion with the North Dakota poet, March 7, 2 p.m., "The World: Growing up in the shadow of a volcano" by

same months in 2008 saw expenditures of \$84,688.81, an increase of more than \$30,000. Those numbers cover only fuel and wages, and there's no end in sight.

"This is just the start. January is going to be our highest bills," Carpenter said. "They're putting in a lot of hours out there. I'm afraid the worst is yet to come."

In Velva, snow removal efforts are also taxing the city budget. City Auditor Carol Bickler reports the city spent nothing on snow removal in November and December of 2007, and only \$200 in January of 2008. Bickler said that was a little sanding, and the wages for the work were maybe \$400 or \$500. However, November and December 2008 snow removal costs were \$11,518 for just rentals, repairs and fuel. Regular and overtime wages for snow removal crews added another \$10,700 to that total.

"And we've already spent \$7,442 this month, plus another \$3,300 in wages," Bickler noted. "It's costing mega-bucks to move all this snow."

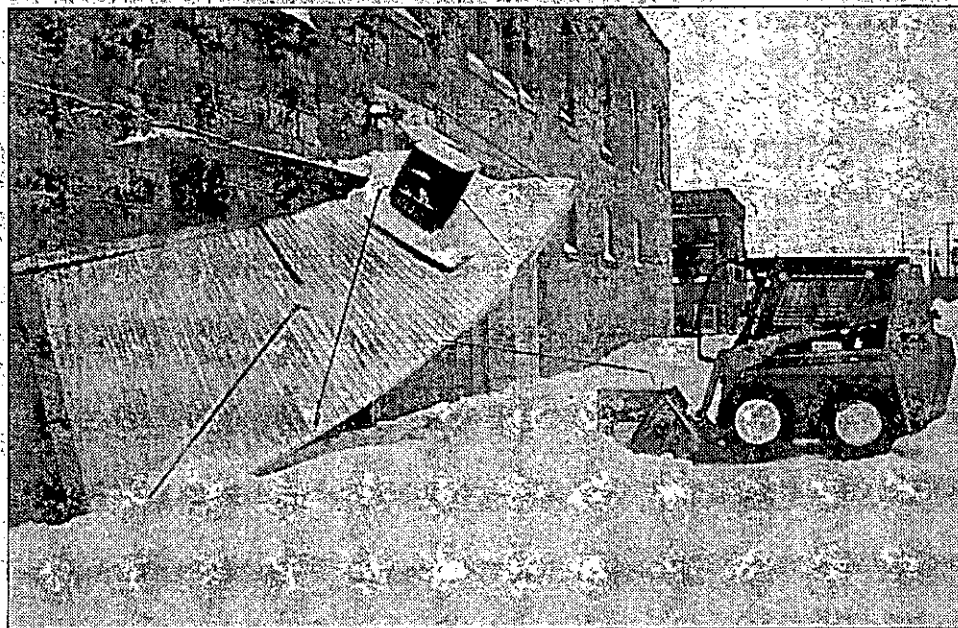
Warnings and reminders

The Velva City Commission reminds residents to remove their vehicles from the street to accommodate snow removal. The sheriff's department will be enforcing the 48-hour parking ordinance and violators will be ticketed and vehicles may be towed.

The Velva Fire Department asks residents to please help emergency services by removing snow around fire hydrants. If you have a hydrant near your property, please clean out a four-foot area surrounding it.

The U.S. Postal Service reminds all patrons that mail delivery requires their post boxes to be accessible and cleared of snow.

For safety's sake, all home and business owners should regularly remove snow from their rooftops and check their sewer vents. Heavy snowfall can cause roof and awning collapses, while plugged vents may cause an interior build-up of dangerous noxious fumes.



The awning over Thompson-Larson Funeral Home in Velva came down last weekend, collapsing under the weight of the snow.

Inside this Issue

District Court 3

The McHenry County District Court has released its December convictions.

Girls go at it 7

The Aggie ladies were back in action last week.

Op Ed 2

Classifieds 6

Coffee Talk 7

Word on the Street

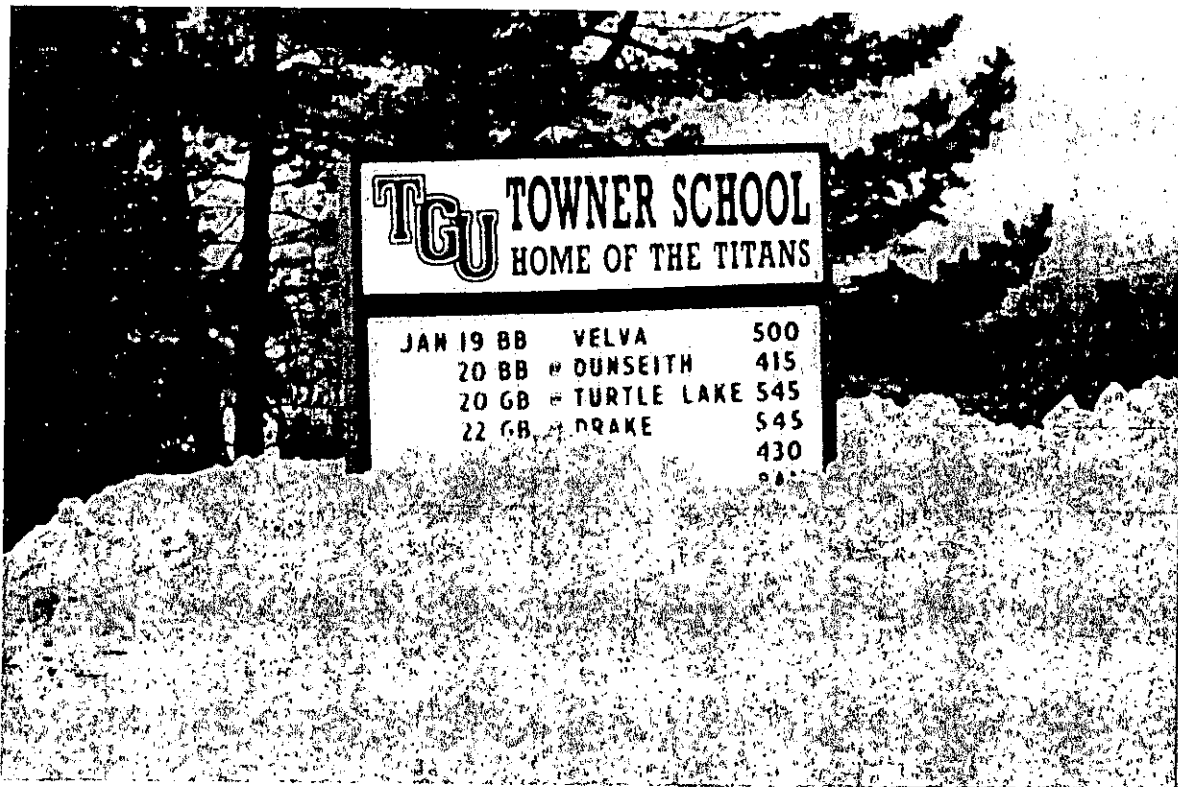
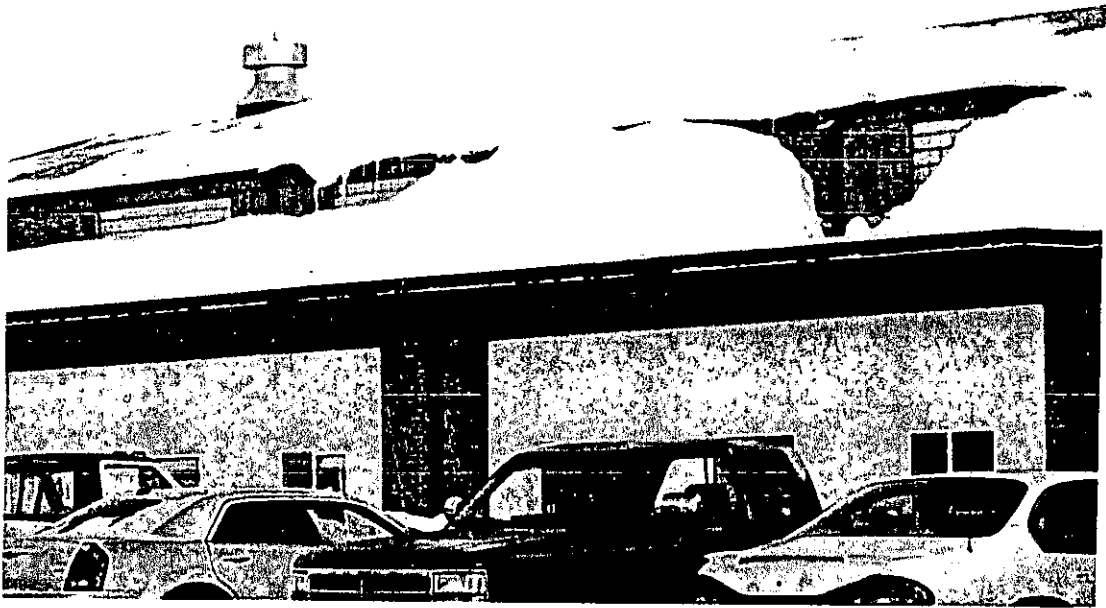
Velva fun run

The Velva Ghost Riders Snowmobile Club is sponsoring a Fun Run on Saturday, Jan. 17. Things start off at 11 a.m. at the Lariat and the ride continues through 5 p.m. Call 338-2151 for more information.

Food drive in Velva

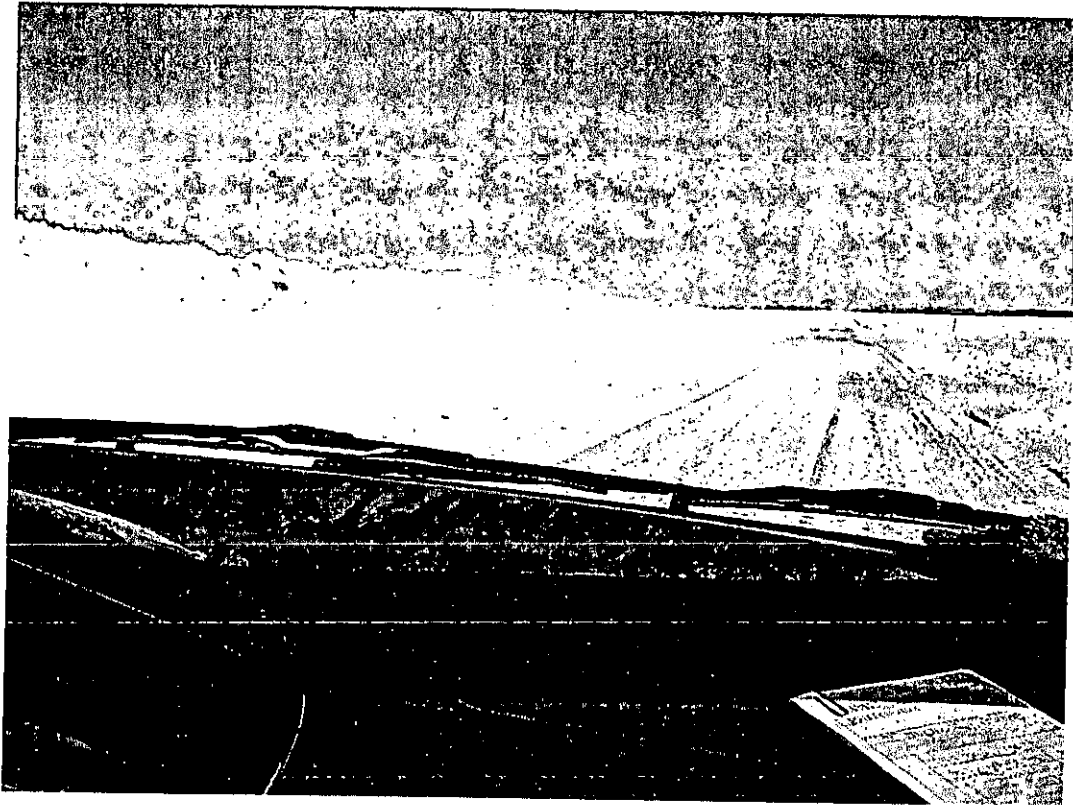
A Velva FCCLA STAR Event group is "Freezin' for a Reason" as they sponsor a food drive for the Velva food pantry on Sunday, January 18 from 4 to 6 p.m. Members will be going door-to-door collecting for the food pantry. Possible contributions include canned goods and other non-perishable food items. Cash donations will also be accepted; checks may be written out to the Velva Public School or the Velva Food Pantry.

McHenry

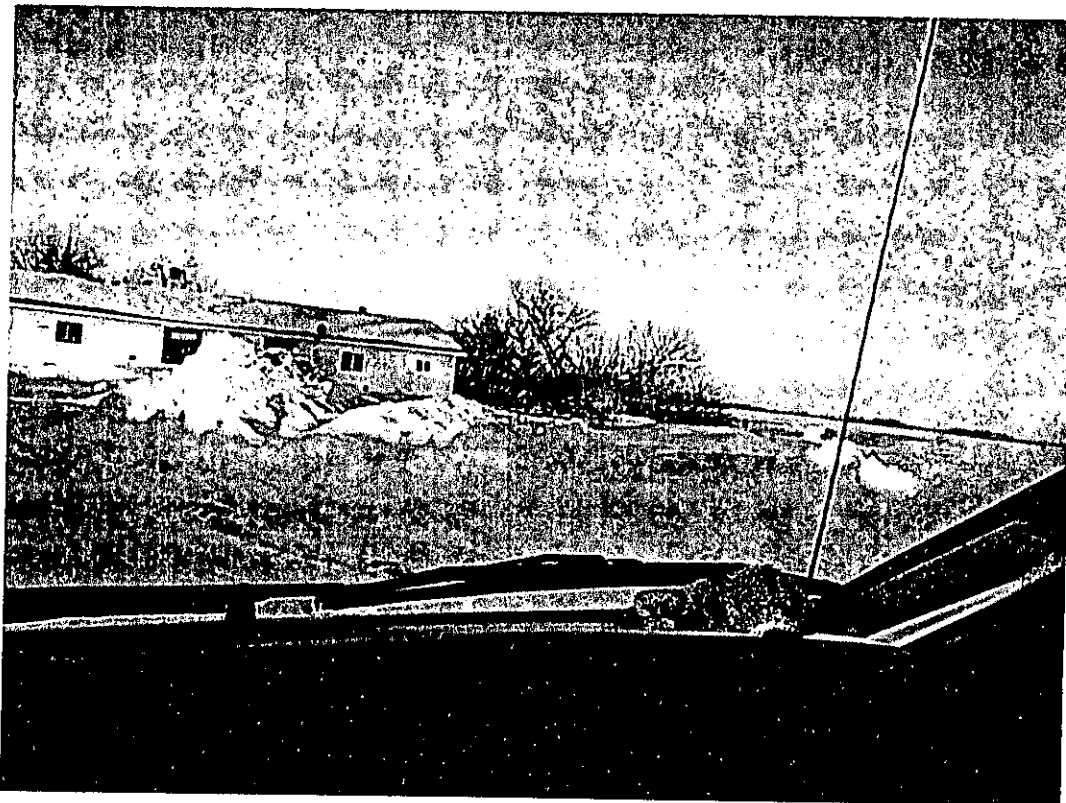


Towner

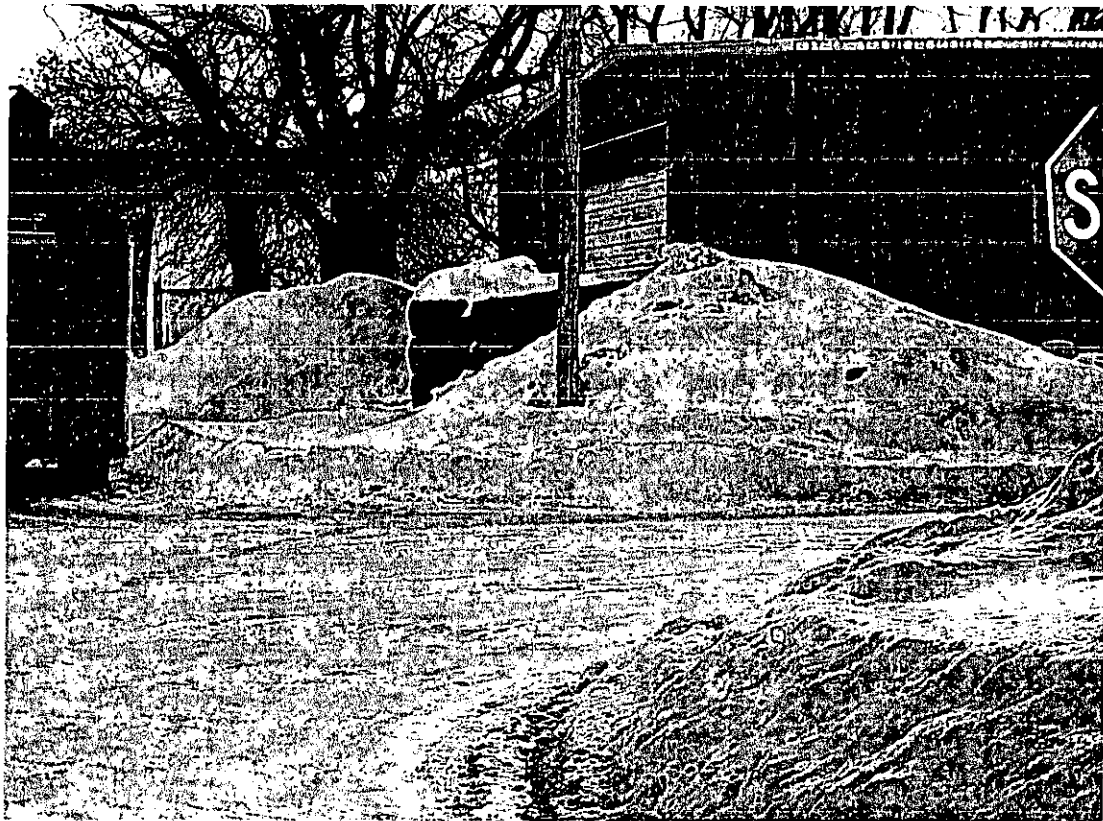
Mc Henry



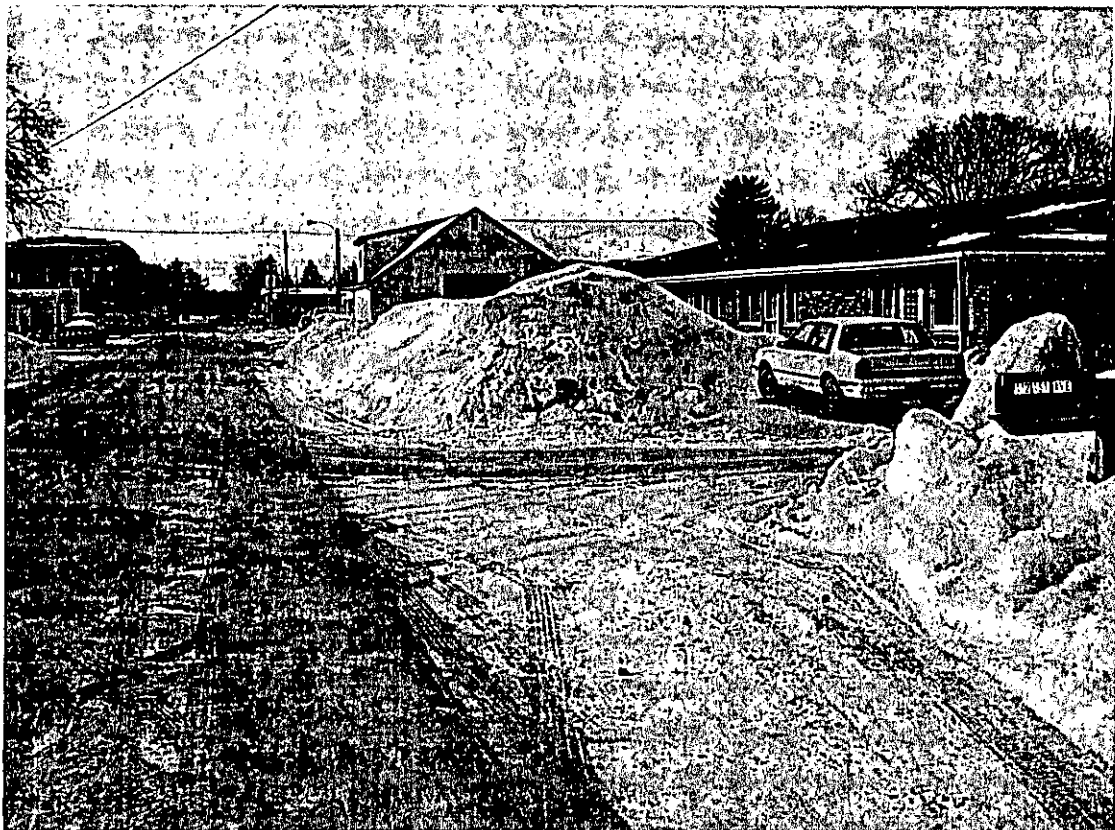
Red Cross 2009



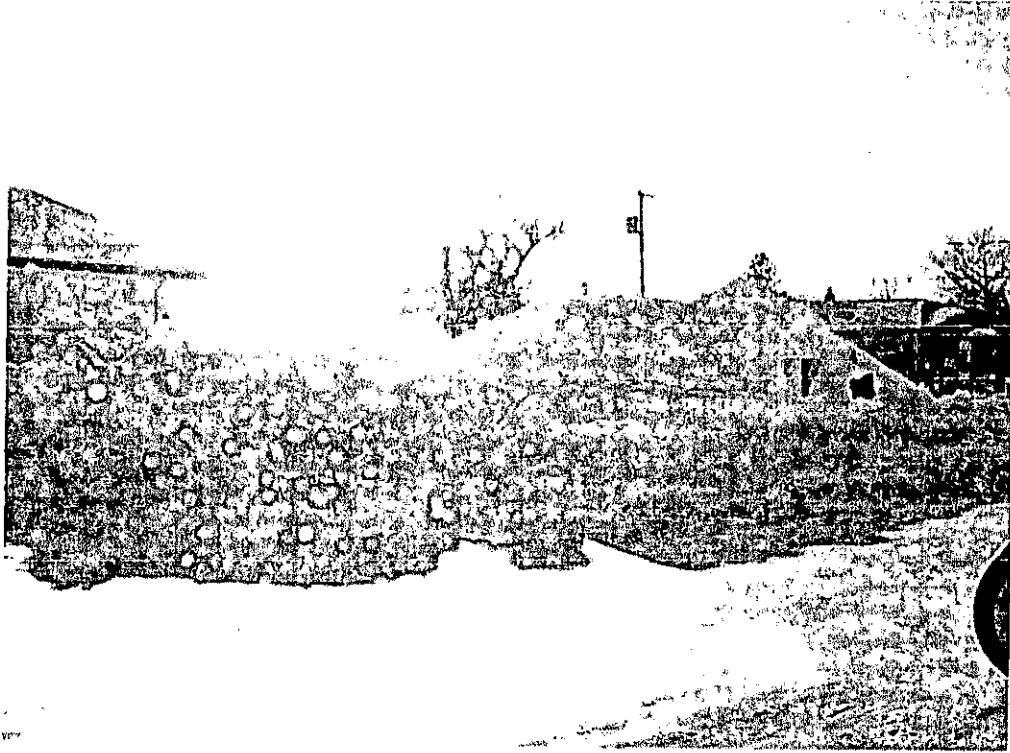
McHenry County



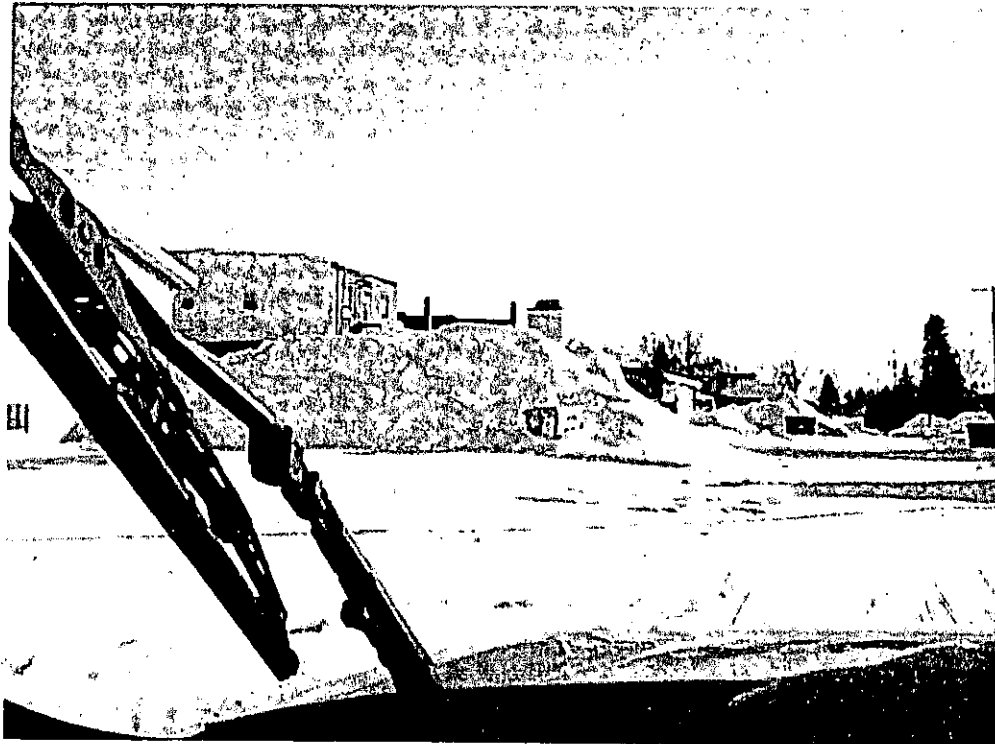
Velva 2009



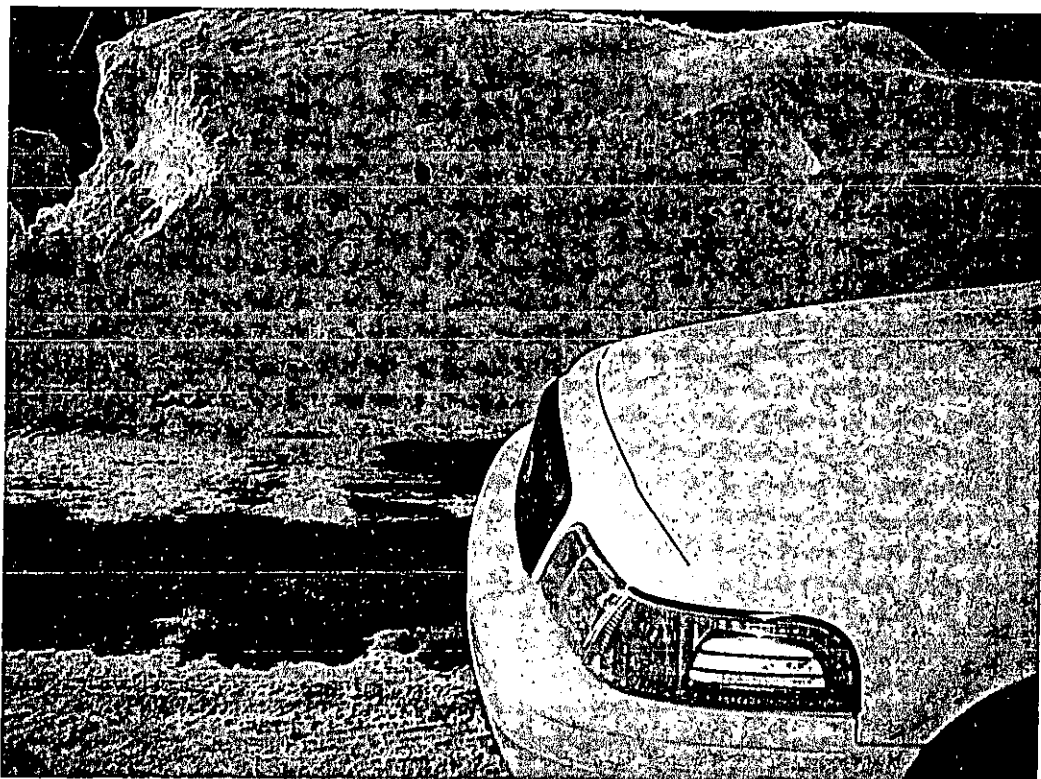
Mc Henry



Anamoose 2009



McHenry County,



Velva 2009



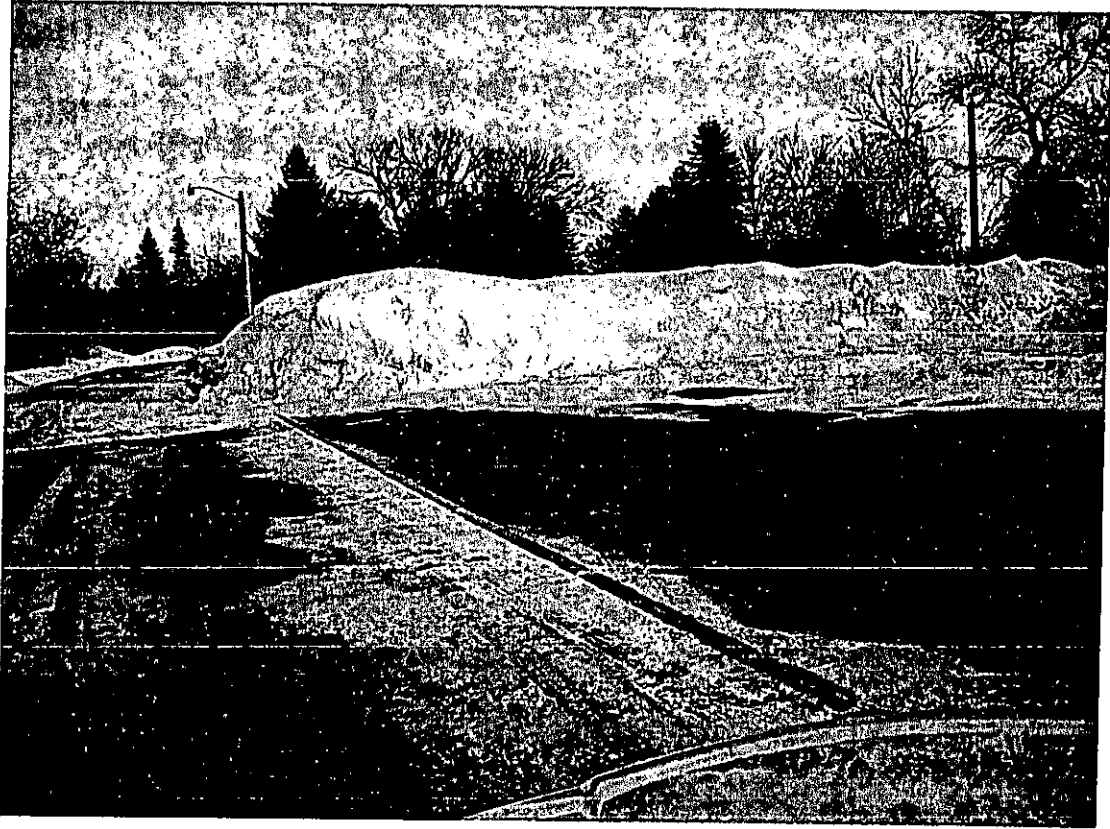
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Anamoose 2009



McHenry County



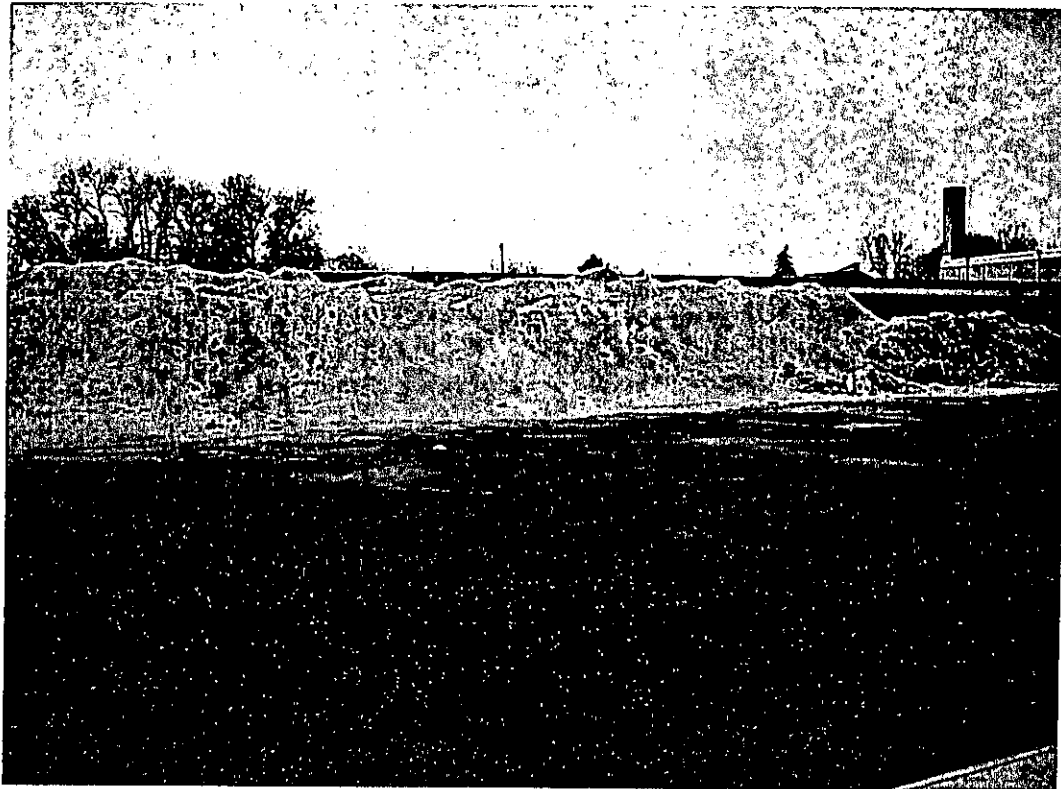
Velva 2009



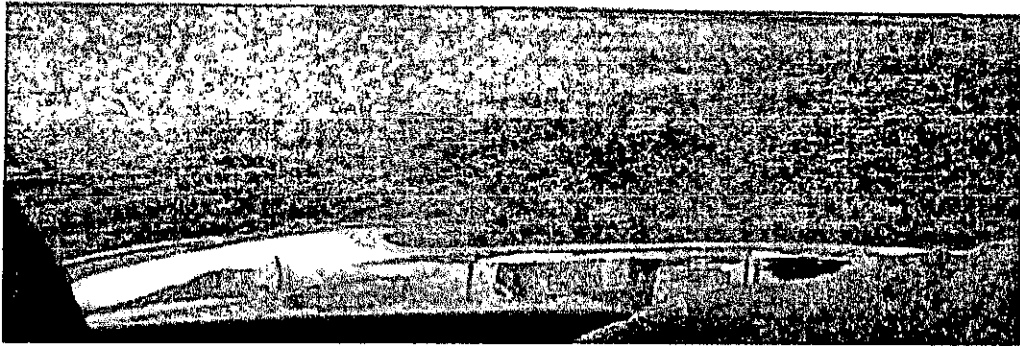
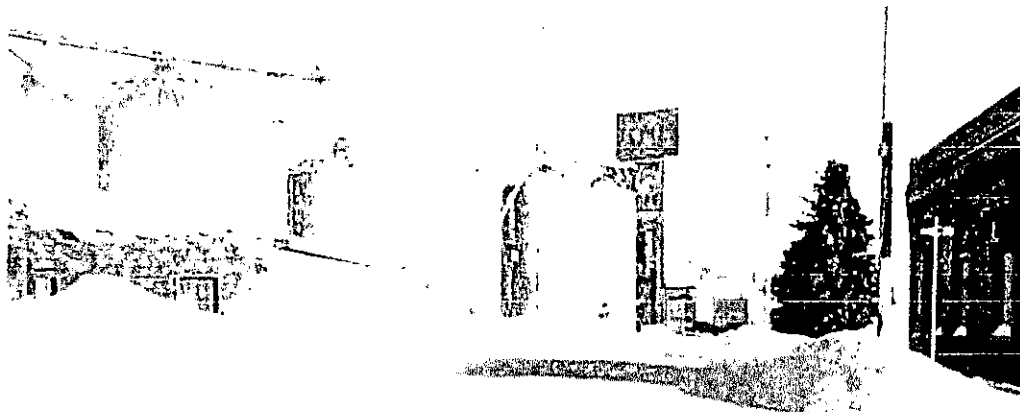
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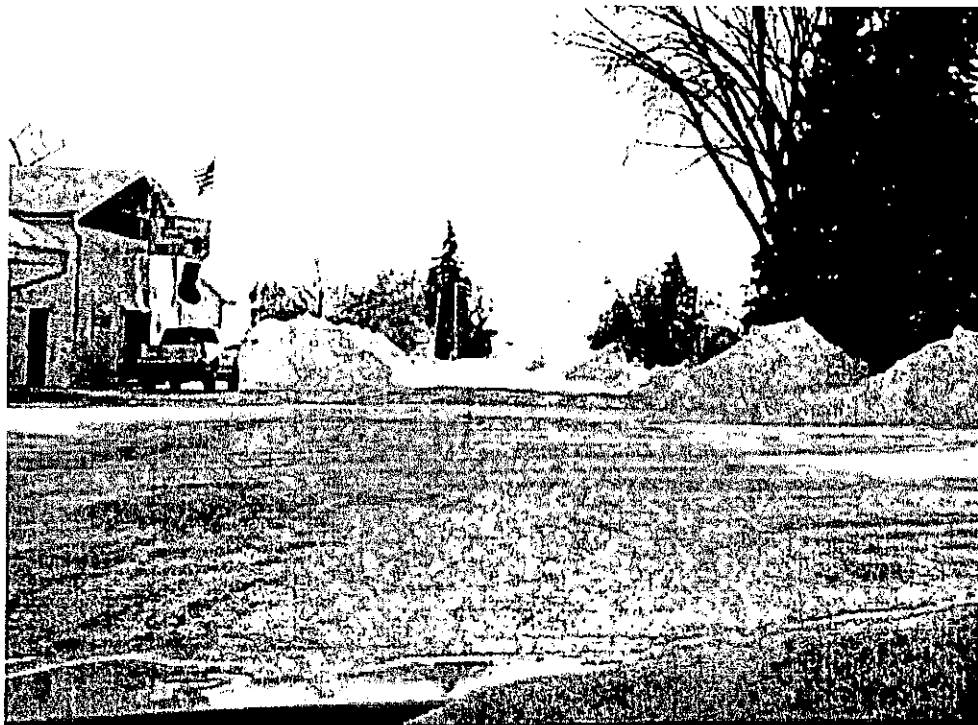
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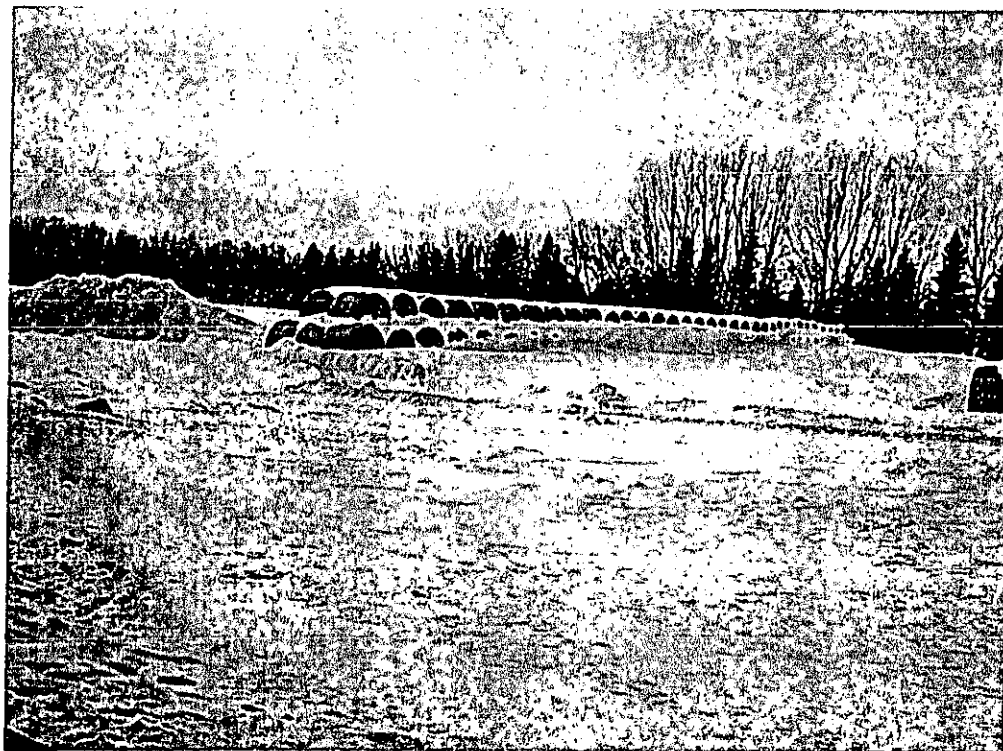
Mc Henry



Anamoose 2009



McHenry County



Newport 2009



Mc Henry



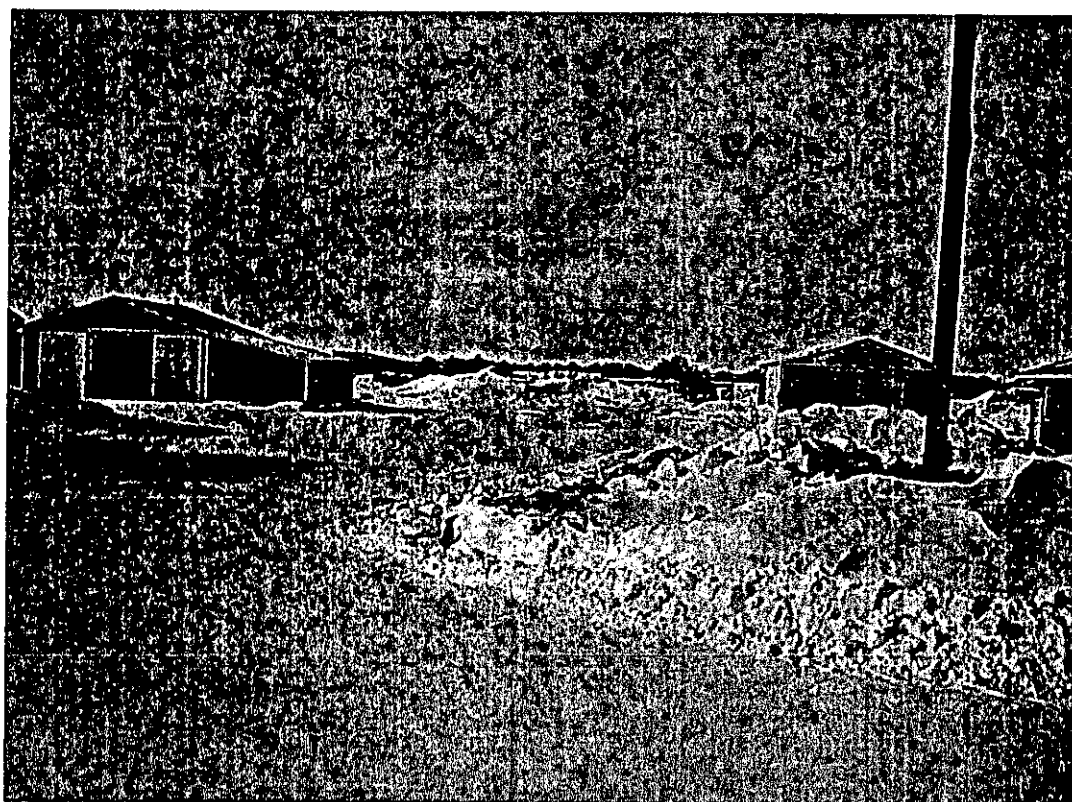
Granville 2009



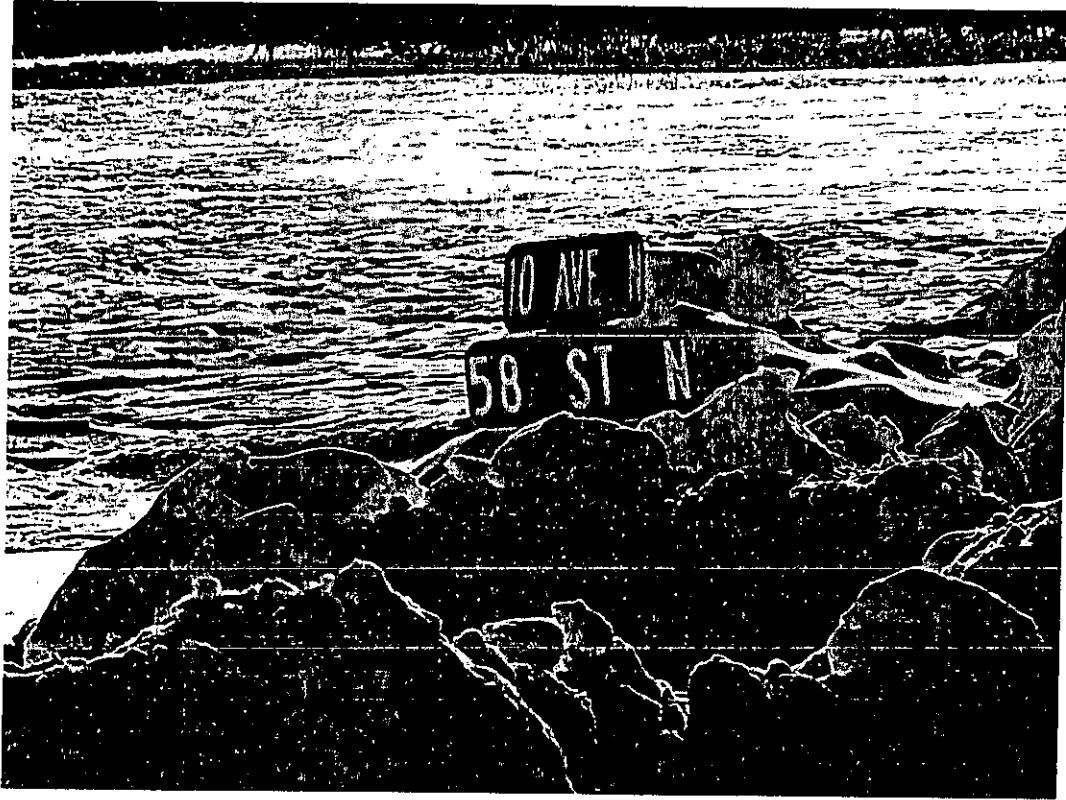
McHenry, County



West Side of Towner 2009



Mc Henry



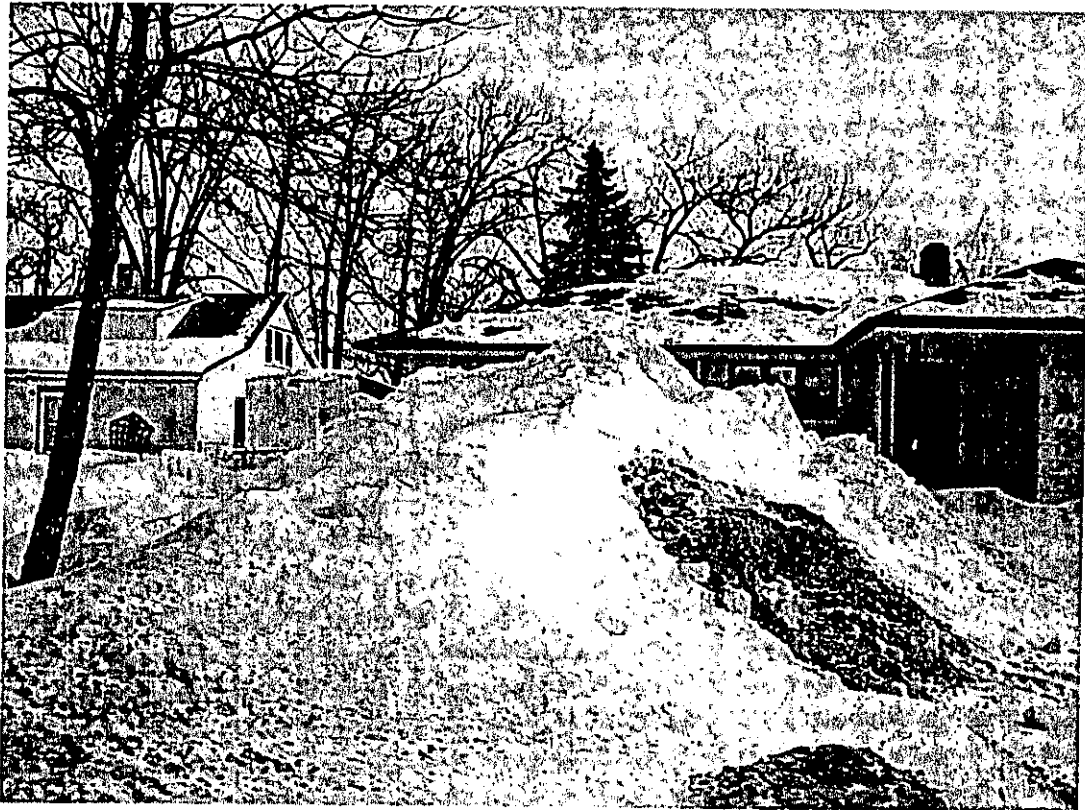
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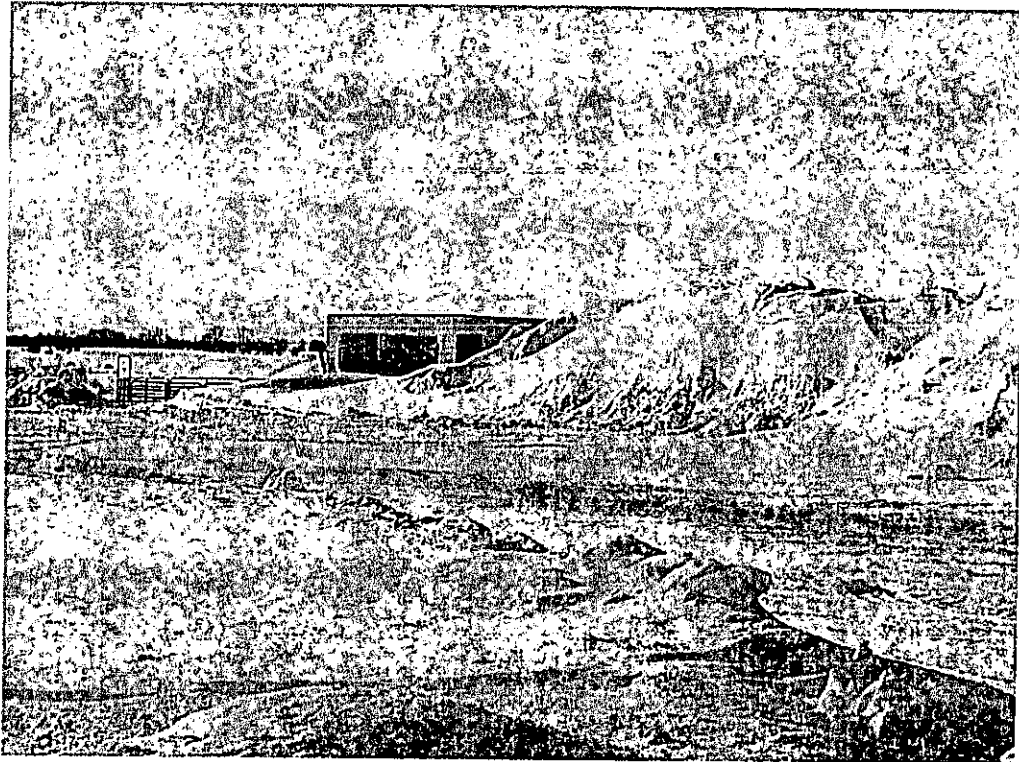
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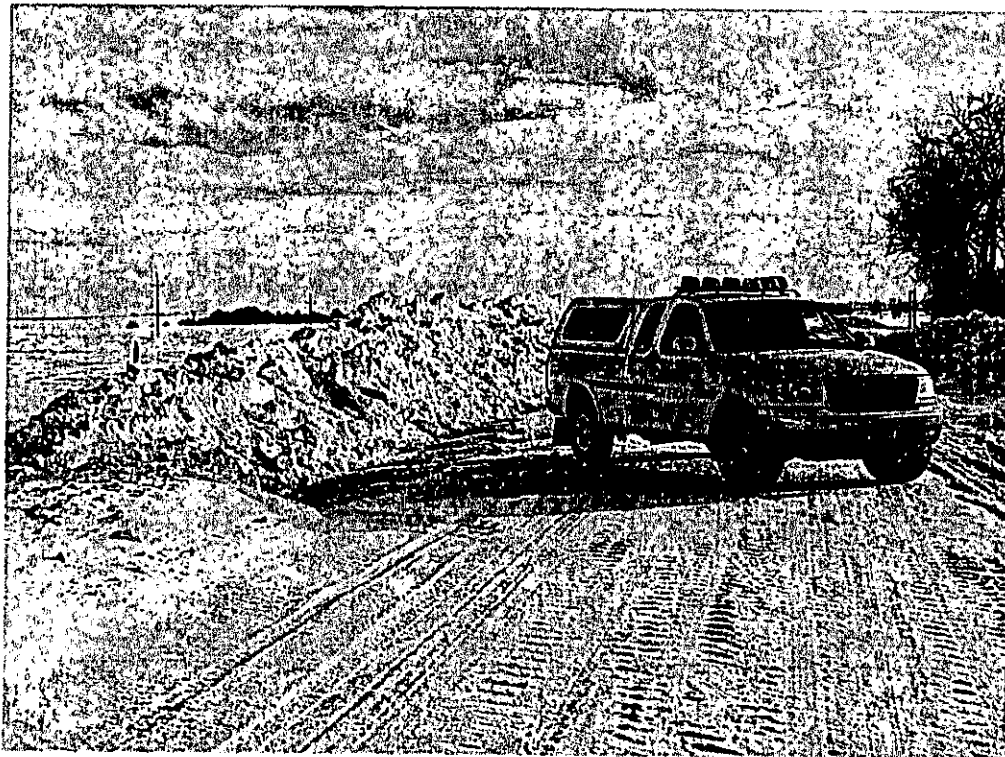
Towner 2009



McHenry



Granville 2009



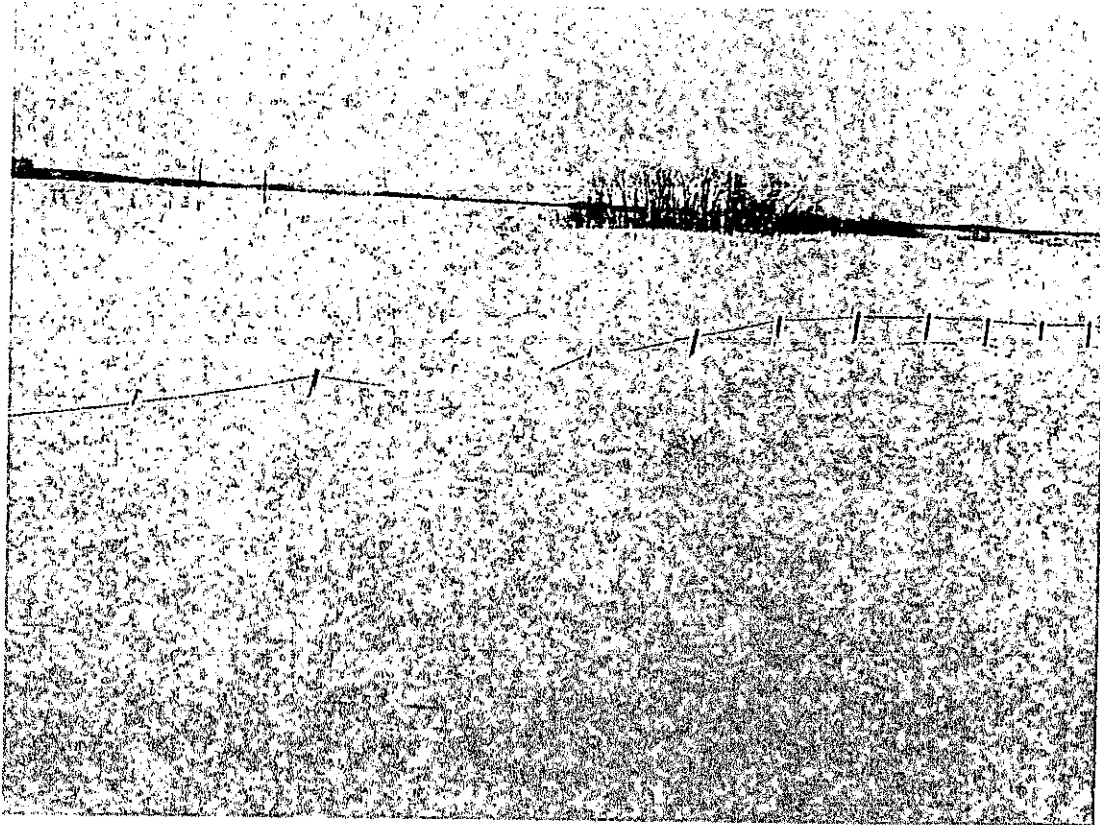
McHenry County



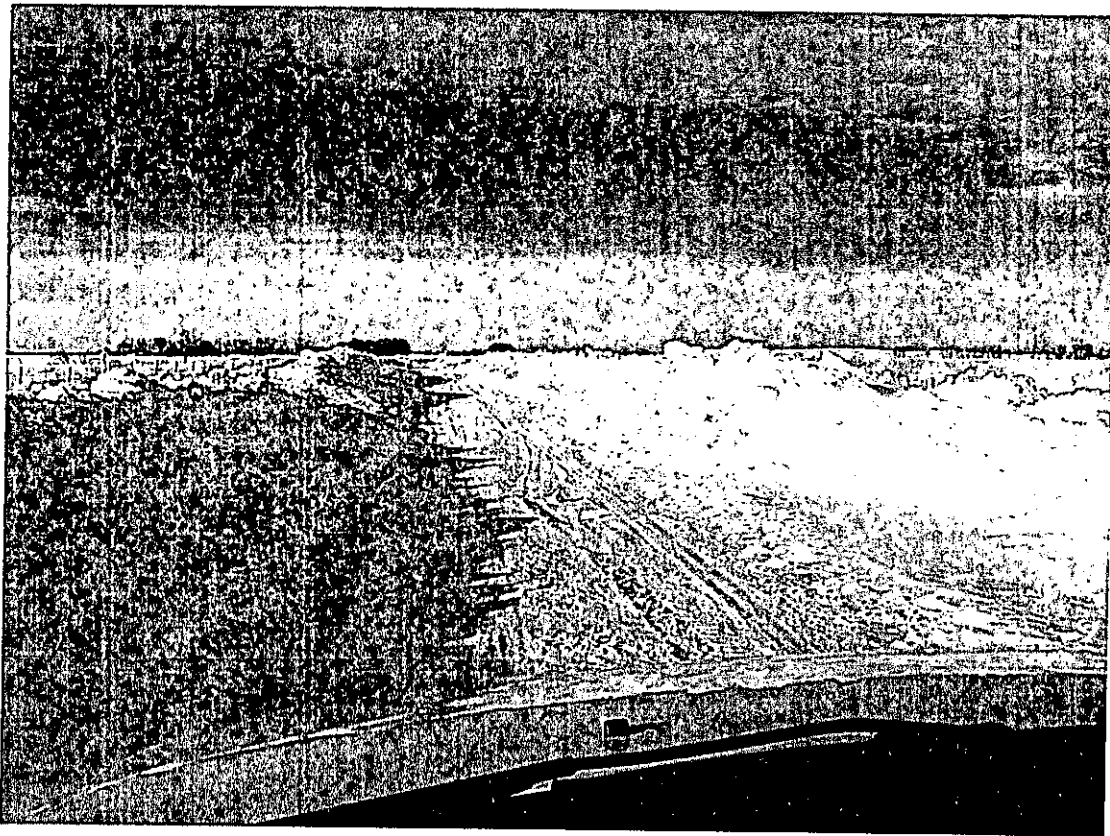
Towner 2009



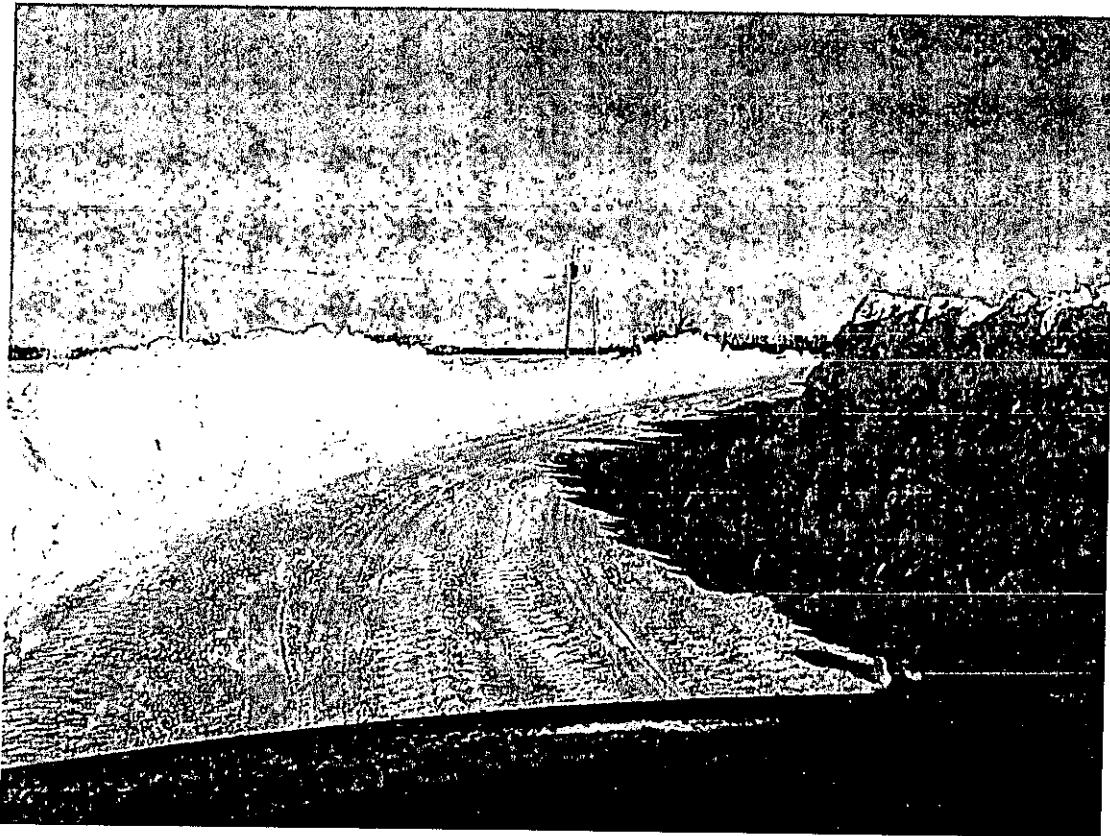
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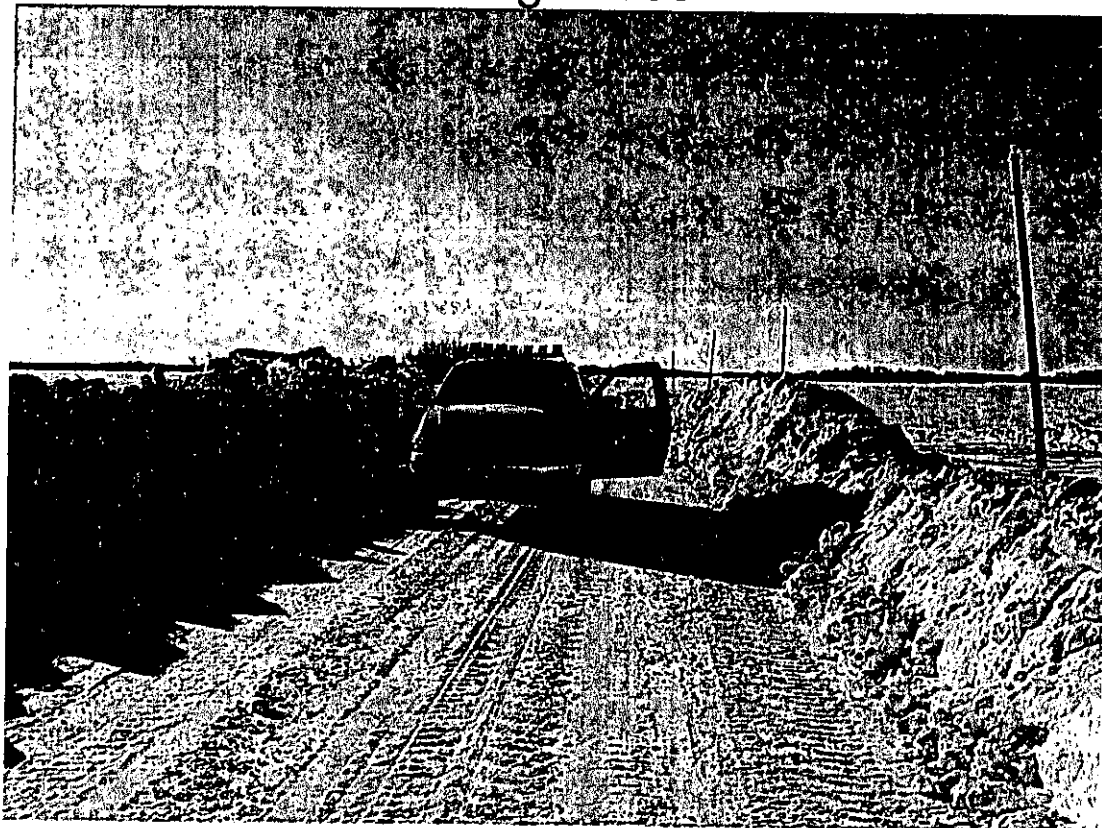
Granville 2009



McHenry County



Denbigh 2009



McHenry County



Drake 2009



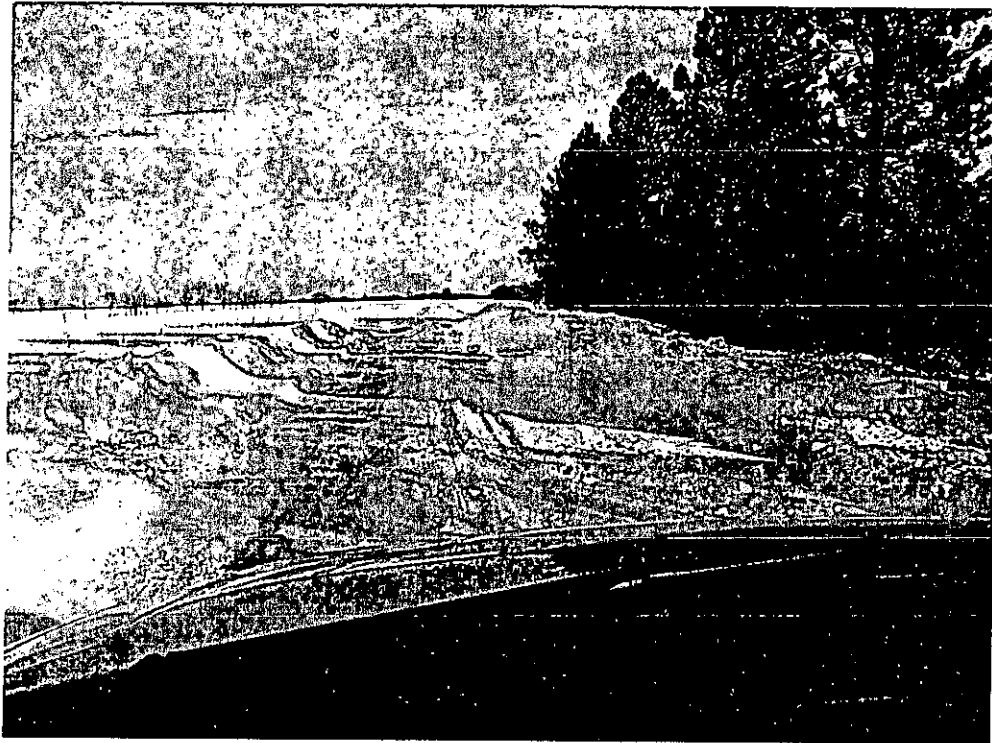
McHenry



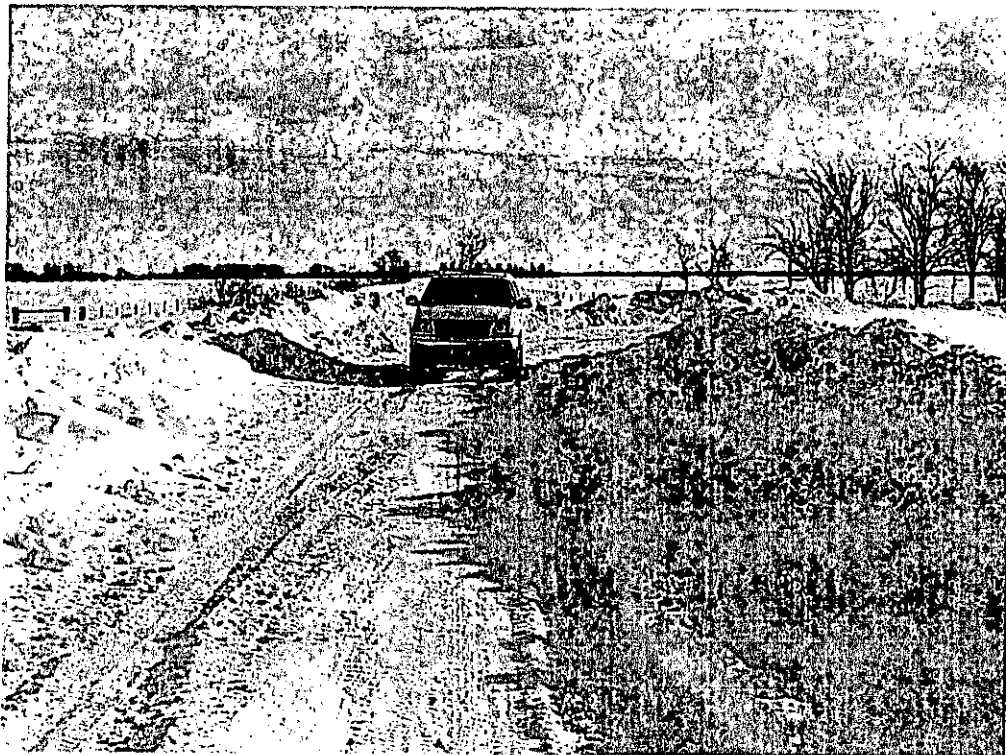
Drake 2009



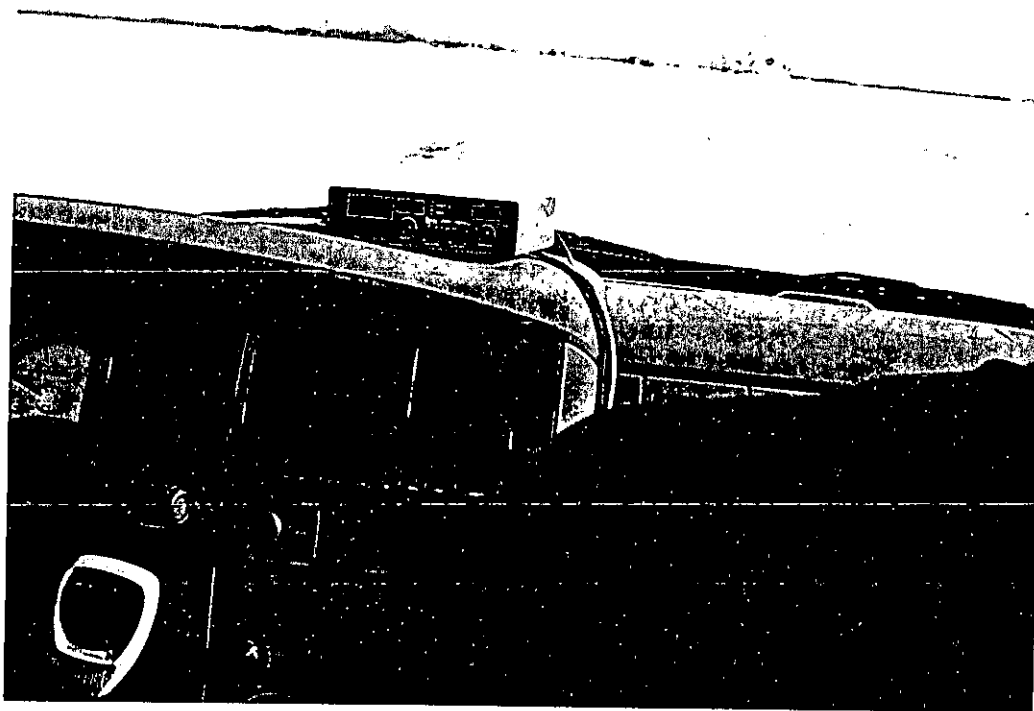
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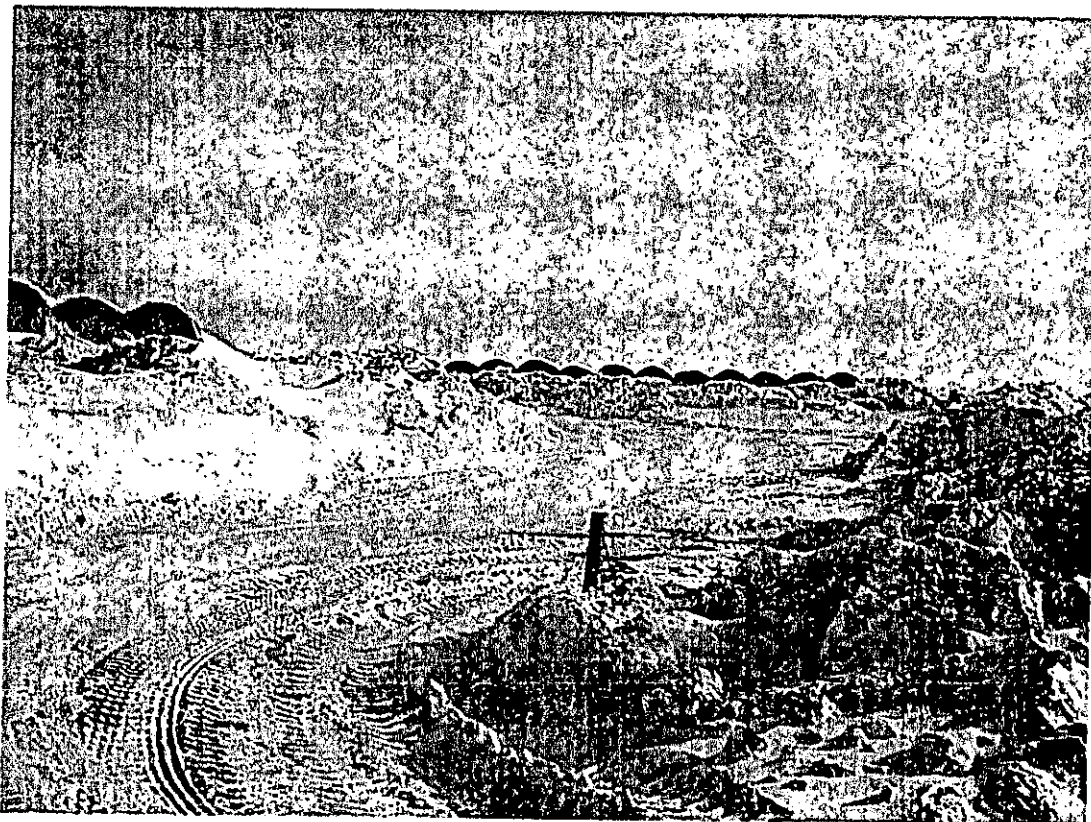
Granville 2009



McHenry County



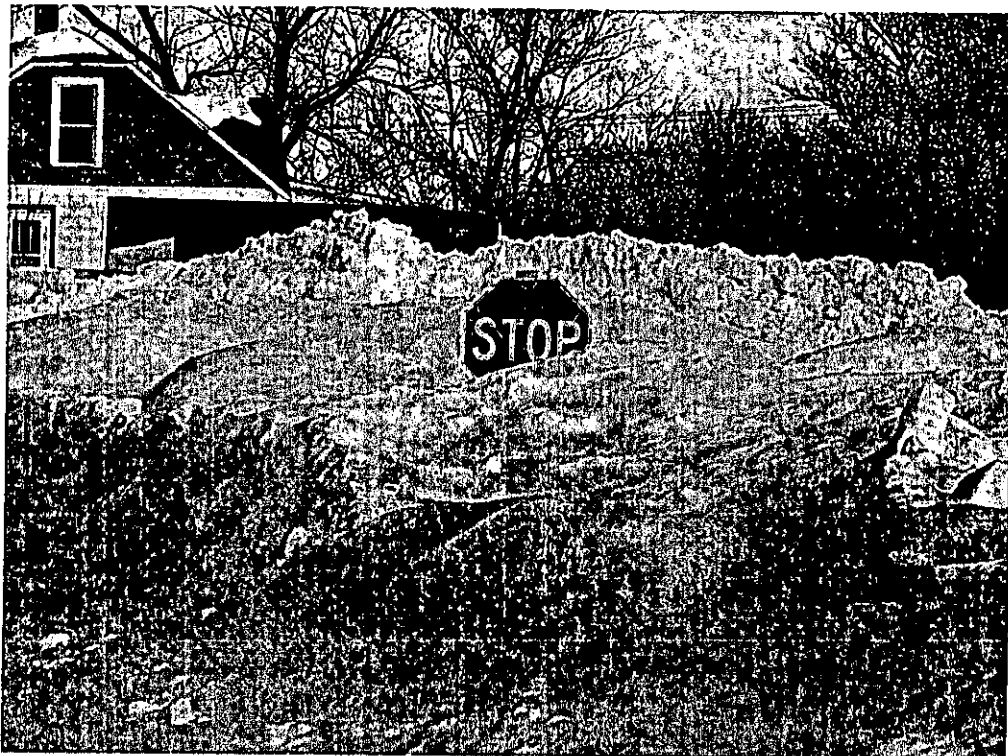
Copperdahl Hill 2009



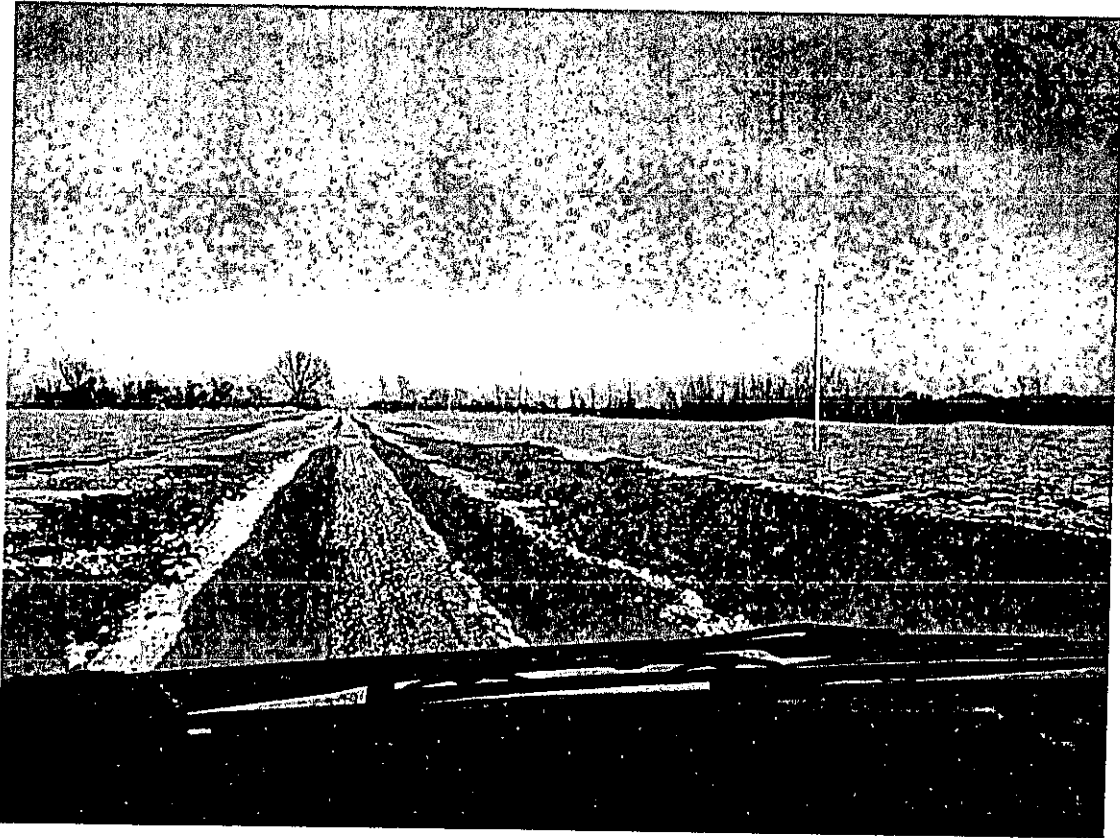
McHenry



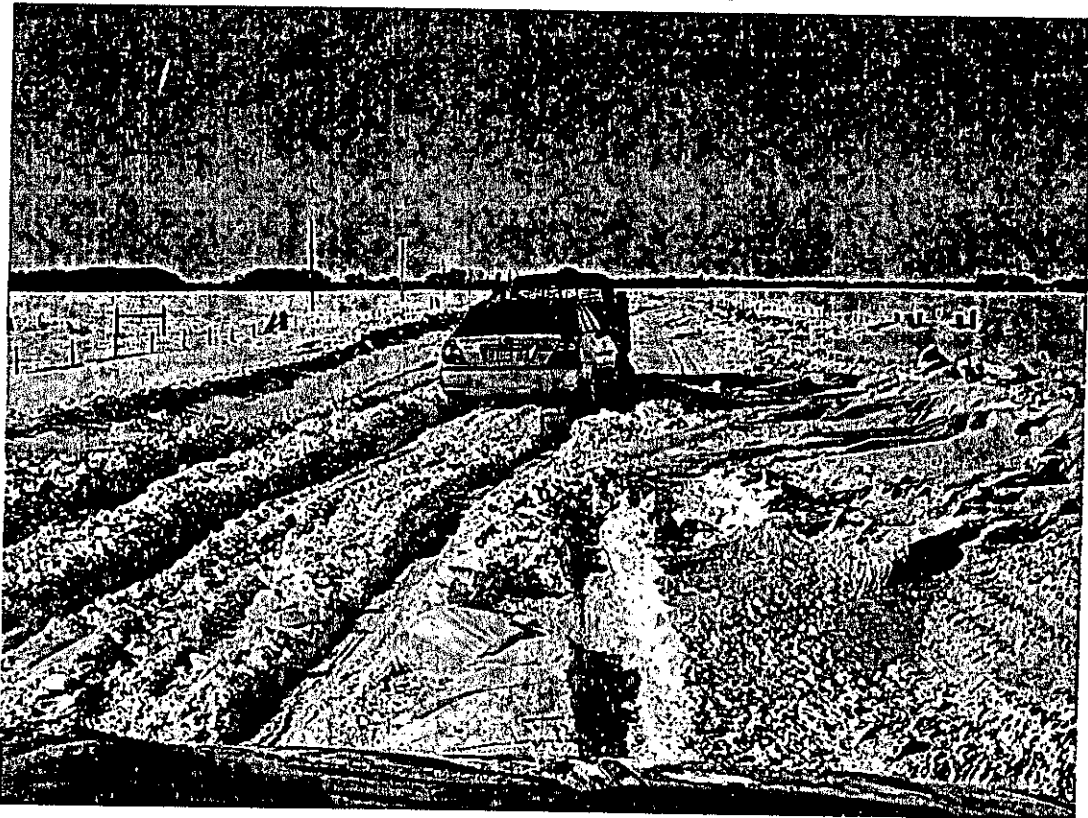
Granville 2009



McHenry Court



Red Cross 2009



McHenry County

2

Introduced by

Senators Taylor, Horne, Klein

Representatives DeKrey, Nelson, Schmidt

1 A BILL for an Act to provide an appropriation to the department of emergency services for
2 emergency snow removal grants; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. APPROPRIATION.** There is appropriated out of any moneys in the
5 general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so
6 much of the sum as may be necessary, to the department of emergency services for the
7 purpose of providing emergency snow removal grants to counties, townships, and cities, for the
8 period beginning with the effective date of this Act and ending June 30, 2009. To be eligible to
9 receive a grant, ~~a snow disaster must have been declared for the area and the political~~
10 ~~subdivision must have expended at least 70 percent of its snow removal reserve funds.~~ The
11 grants available pursuant to this section are as follows:

- 12 Counties - Up to \$100,000
- 13 Townships - Up to \$10,000
- 14 ~~Cities with a population of at least 1,000 - Up to \$15,000~~
- 15 ~~Cities with a population of under 1,000 - Up to \$10,000~~

16 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Attachment A
 SB 2893
 3/9/09

Request for snow removal assistance												
BENSON COUNTY												
History											Population:	
Applicant:	Feb-04	Feb-05	Feb-06	Feb-07	Feb-08	Total	Average					
TWP	\$24,752.50	\$2,040.00	\$2,628.00	\$2,844.00	\$17,753.20	\$50,017.70	\$10,003.54	200%				\$20,007.08
COUNTY	\$17,095.00	\$180.00	\$11,963.00	\$14,616.00	\$15,344.55	\$59,198.55	\$11,839.71					\$23,679.42
	\$41,847.50	\$2,220.00	\$14,591.00	\$17,460.00	\$33,097.75	\$109,216.25						
Claims for February 2009												
Force Account												
Equipment	Labor	Materials	Others	Rentals	Contractors	DOT	NG	Total				
2009 BENSON COUNTY SNOW		\$39,514.00			\$27,640.00	FEB TOTAL	\$67,154.00					
2009 TOWNSHIP SNOW		\$18,162.00			\$8,195.00	FEB TOTAL	\$26,357.00					
							\$93,511.00					
<p>I certify that this a true recap snow removal expenses for which supporting documents are on file in the office of the undersigned I certify the amounts claimed are for expenses incurred in the month of January 2009 for snow removal and that payments for the same have been processed. These documents will be made available for audit upon request.</p>												
Signature											Date	
Approval Signature											Date	
ND DES-PA Form Executive Order 2009-2												

Testimony Regarding Senate Bill 2393
Prepared by: Dana G Larsen, PE, Ward County Engineer

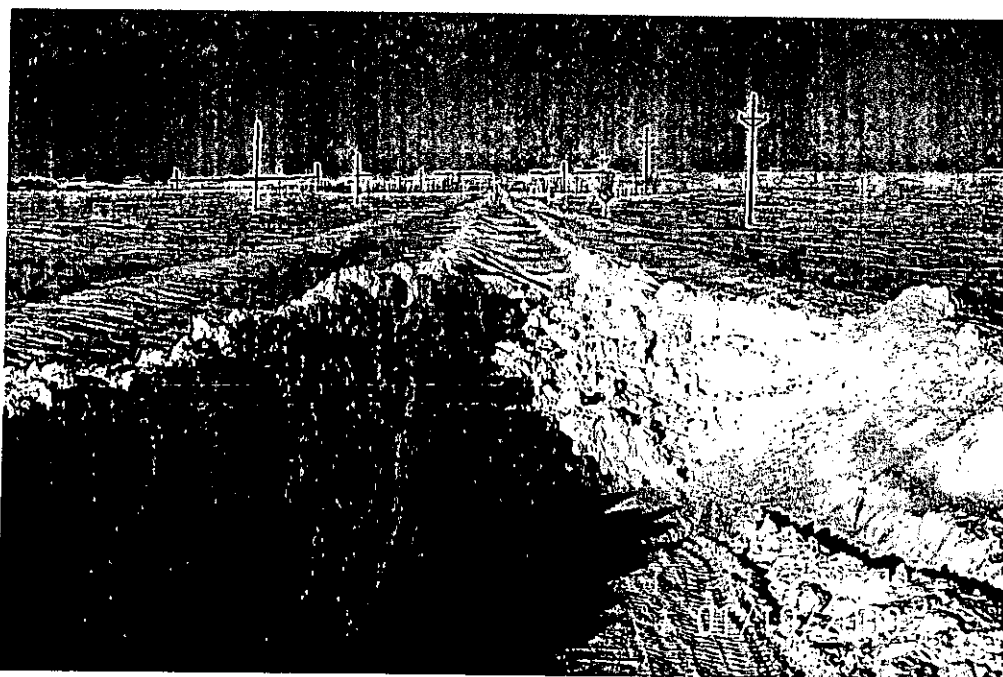
Chairman, and Committee member, I would like express that I am in favor of Senate Bill 2393. This bill would add an additional 1 million dollars to the governor's proposed 1.5 million dollars. Under the current emergency snow removal grant program, townships and counties can apply for a 50/50 cost share on snow removal that exceeds 200% of their 5 year average. I am estimating that the current \$1.5 million will cover the snow removal requests from January. However, anyone that would apply for the grant to cover their cost from February would find that the money would be very limited.

Ward County has been greatly impacted by the snow storms this year, not only on our county roads, but the township roads as well. We have submitted our reimbursement request to the state, from January, but many of our larger bills will be in February. In January, most of the increased costs were from overtime hours worked, and extra materials need, but in February there will also be bills from contractors. Ward County has two dozers, and they have been working every day since January. We want to have contractors assist us as well, but their forces were busy in neighboring counties, and assisting the NDDOT. We knew that if we had to we could have requested the guard, but based on previous discussions, felt it may be better just to wait, a couple of weeks. Most of our roads were open, and if wind did not blow, we could wait until the contractors had finished up in McLean County. The contracts finished up on McLean County at the beginning of February, and worked in Ward County for the remainder of the month.

Many of the Townships hired contractors to push snow back, and their funds are even more limited than the counties. One example is Rushville Township. The township receives approximately \$2,400 for gas tax and other taxes, and can levy up to \$6,900 from property taxes. Rushville levies at the maximum allowed by state law, which is 18 mils plus a 3 mil snow levy. The snow removal costs from December, January, and February of this year are \$19,712.50. This is almost twice the yearly budget. If it were not for the assistance program, townships would be left with the decisions of abandoning roads and the people that live on them. Even with

the assistance program many townships will be in very tough shape for the next few years, trying to recover from the winter of 08-09, but without assistance townships would be left devastated.

I have attached a few pictures of the roads from January, and once again would ask for your support. Thank you for your time.



Attachment C
3/9/09
SB 2393

CITY OF BISMARCK
NDDDES SNOW ASSISTANCE 2009
FIVE YEAR AVERAGE EXPENDITURES/EXPENSES COMPARISON

	January 2004	January 2005	January 2006	January 2007	January 2008	Five Year Average	January 2009	Percent Change
Snow Labor Regular	\$43,425.57	\$14,981.34	\$14,387.92	\$50,046.69	\$8,422.54	26,252.81	\$147,707.14	462.63%
Snow Labor Over-time	24,285.27	3,314.41	2,750.37	7,560.94	1,113.02	7,804.80	80,851.69	935.92%
Fleet--- Fuel	10,370.22	4,896.83	21,407.76	21,494.86	6,058.45	12,845.62	64,306.05	400.61%
Fleet--- Parts	3,608.08	2,196.21	1,941.72	3,194.37	2,075.02	2,603.08	8,654.98	232.49%
Fleet--- Labor	5,091.00	780.00	4,353.75	5,636.25	2,125.00	3,597.20	12,737.50	254.09%
Equipment Rental Cost	133,915.00	28,631.00	73,247.00	125,024.90	17,148.43	75,593.27	376,202.19	397.67%
Totals	\$220,695.14	\$54,799.79	\$118,088.52	\$212,958.01	\$36,942.46	\$128,696.78	\$690,459.55	436.50%

	Five Year Average	January 2009	Dollar Change	Percent Change	Qualified Reimbursement
COMPARISON - JANUARY 2009	\$128,696.78	\$690,459.55	\$561,762.77	436.50%	\$140,440.69

3/9/09

SB 2393

Dear

I Am Writing In response to
By getting some help as far
as paying for snow removal in
The City of Balboa.

We do not have any money
in a reserve fund for snow removal,
we just barely have enough money
in our account to pay the
regular monthly bills and that is
it.

We are supposed to pay \$60 (sixty
dollars) and up per hour to have
someone to come in and clean the
streets, that does not include the
snow removal. So we are having a
very hard time coming up with the
money to pay for clearing the streets.
We owe right now of over \$2500.00
(twenty five hundred dollars) for street cleaning,
then we are at a point that we will
need someone to come in to remove
~~the~~ snow and we do not have any
money to pay for it.

We will need some kind of financial
Aide to help pay for these bills.

I was told to write to you and see
if you can help us out anyway
possible.

Please let me know about this
situation as soon as possible.

Sincerely,

Victoria Crisman
Balfour City Auditor
11 East Street North
Balfour, N. D. 58712