

2011 SENATE APPROPRIATIONS

SB 2369


2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2369
03-04-2011
Job #14970

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A DELAYED BILL to provide appropriations to the Department of Emergency Services for emergency snow removal grants, flood mitigation, and for state disasters; to provide for a transfer; and to declare an EMERGENCY.

Minutes:

See attached testimony. # 1 – 7.

Chairman Holmberg called the committee back to order in reference to SB 2369. All committee members were present. Tammy R. Dolan, OMB and Sara Chamberlin, Legislative Council were present. We now have SB 2369 before us. We will ask Senate Majority Leader Bob Stenehjem to present this bill to us.

Majority Leader Senator Bob Stenehjem, District 30, Bismarck testified in favor of SB 2369 and presented Testimony attached # 1. Many of you were here last session, in fact all of you were, and you are aware that this year weather wise is not very much unlike two years ago and there was certainly some challenges for cities, counties and townships as it relates to snow removal and county roads and flood damage that happened to roads when the snow melt came in the spring. You are probably aware that we had a bill in to assist these financially strapped jurisdictions with a little bit of help as it relates to helping them for some of the extraordinary costs that they have had in snow removal and flood damage. SB 2369 would put \$9 million in a fund that would be made available to these jurisdictions to assist at a 60% level in the cost for snow removal in the winter months starting in January 2011. Also in there will be \$22 Million that will be set aside in the Adjutant General's budget for a disaster relief fund that will help in areas where the lake is inundating a town. Other possible unforeseen or un-happened yet natural disasters such as a tornado or something else in one of our communities in the state the disaster relief fund could be use in that area and for those purposes after emergency commission approval. Also on this bill is an emergency clause that would allow them to get started before the start of the next biennium. I know this is of interest to me and everyone else that's on this committee that goes back and represents their jurisdiction so I would certainly encourage you to look at this bill favorably. Remember this is a delayed bill so this is the first hearing that this bill has had in the Senate.

Chairman Holmberg: Yes, you are absolutely correct. This is a new bill but not a new concept. Everyone here has heard about this issue and how important it is. I believe we have a representative from the governor's office that would like to speak.

Ryan Bernstein, Deputy Chief of Staff and I am here on behalf of Governor Dalrymple to ask you to support this piece of legislation which provides emergency snow relief grants to cities, counties and townships and funding to help fight the spring floods. Testimony attached # 2. Meter 5.31)

Chairman Holmberg: Do you have any comments on what we are hearing that some people are having concerns about the 200 % because the last few years their budgets have been really strained. there are those that suggest that we take a look at that and it shouldn't be 200% or it should be 200% of a 7 year average verses the 5 year average?

Ryan Bernstein: The language is basically patterned after the bill that was introduced in 2009, which used that 5 year average. Now since the excessive snowfall in 09 that increased the average we would be definitely open to, if the committee wanted to change that to a 7 year average or use the number that was used back in 2009.

Chairman Holmberg: I didn't mention it too, but back in 2009 it was a 50/50 split and now it is more generous from the state's standpoint that it's a 60/40; 60% from state funds.

House Majority Leader Al Carlson, District 41, Fargo: This is the version of the bill we did last time. It is kind of odd for the majority leaders to come in who have spent the whole first half of the session telling you not to overspend the money to ask you to add money. That's exactly what this bill does but it is necessary. If I would make any other comments on the bill, I think one of the main questions to ask the Adjutant General is the about the 200% number. Because if we did have concerns and questions that came is that percentage right or wrong, if we're in a 75/25 declaration or a 90/10 it makes a difference. Last time we picked up half of the match on things that the local subdivisions had to do. It's the mechanics of the bill to get the money out that is more important than the numbers itself. Because we can write whatever we want but if we don't get this out to the people that need it then there is no reason to do this. If I were you, Mr. Chairman, I would center your information on the Adjutant General on what is the right number and how do we get this money out to the people that most need it and to create a process that moves that money fairly quickly as you can see this has an emergency clause on it because the problems are now, the problems will be in the next 30 to 45 days to deal with almost all the money in this bill.

Chairman Holmberg: My goal would be to pass this bill in whatever form we do on Monday.

Al Carlson: On our side of the chambers, as soon as we get it we'll do the same thing. We'll have a hearing and try to move this out so this can get to the governor's desk and get signed but it should be worked on in terms of the distribution. I think that is the key ingredient to get out of this is how this is distributed properly and getting into the right hands of the right people at the right time.

Chairman Holmberg: Another one of the sponsors is here, Representative Johnson to say a few brief words about the bill.

Representative Dennis Johnson, District 15 which includes Ramsey County and southern Towner County so it does include Devil Lake and that's why I am on this bill and here today not necessarily to talk about the snow, which is once again a problem up in our area, but more addressing the \$22 million that was put into this bill as far as the inundated roads. We've got close to 200,000 acres of inundated land with the lake up there in the Devils lake Basin. It also includes 40,000 acres of islands on that lake that have homes that are above the elevation that qualify for flood insurance but yet access has been cut off to get to these farmsteads. They've got 747 structures in the lake. This is very important legislation to address in our part of the state even though this bill does address the entire state this is what we like about this bill. The reason when the bill was put together that we couldn't find as sponsors, we have an amendment to offer. Testimony attached # 3. When there's a presidential disaster it's a 75/25 mix on how the money is distributed; 25/% being 15/% from the locals and 10% from the state and what this amendment does if you go to the back of the bill the new section 4 and new section 5, the emergency clause, but this would be the new section 4 and it addresses how this money could be granted out as far as splitting that 15% local match to be 7 ½ - 7 ½ and the state not to exceed the 7 ½.% and I am hoping this would help stretch the monies to go towards needed. I come from an area that our counties have already borrowed \$1 million just to try and address the roads that aren't inundated and backing off the roads that are inundated now they don't have the money to do it and the townships are caught in the same position, they are flat broke and in debt to the county so it's a stressful situation right now and I will close my testimony.

Chairman Holmberg: How many are going to testify against the bill or for the bill? Let's have the Adjutant General speak to us.

Maj. Gen. Sprynczynatyk, Director of Emergency Services for the state of ND testified in favor of SB 2369 and the reason for it very simply is that as I look back at 2009 and as the legislature made the policy decision it did to support the cities, the counties, the townships in the extraordinary costs they incurred for snow removal it helped a lot. It helped a lot especially given the fact that in just a few months after the snow removal program was put into place we were fighting a flood and I know for a fact that counties and cities and townships were stressed in 2009, and I don't see the situation this year as being much different. I would add at this point and time we have 29 counties that have declared disaster declarations for snow across the state and those 29 counties for the most part go from the northwest part of the state to the extreme southeast and exclude the extreme northeast. Southwest, they got that 17 inches the other day and I don't know what their situation is now, as you can see the majority of the counties have had a tremendous amount of snow and have declared disasters. In 2009 we spent approximately \$7.8 million for the program that was put into place and the difference what was done in 2009 versus 2011 and proposed here, is that first off the percentage of cost share is proposed to be raised to 60% versus 50 again in recognition of the high cost being incurred as the result of snow disaster and flood fighting in the political subdivisions in the state. The other thing that is slightly different is the 5 year average was shifted two years to the right, 6 through 10. What that will do is double the average just because of the tremendous amount of snow that occurred In 2009, 2008 and 2010. That's something we hadn't really looked at as info was being provided into this bill draft. In 2009 we did provide funding to 123 cities, 40 counties and 2 tribal regions. Although tribes are not specifically mentioned in the bill we recognize the tribal roads within their respective counties in the state and we provided for cost share to the tribes or reservations and those two included 3 affiliated

tribes in the northwest part of the state and the Spirit Lake Nation in the Devils Lake area. The total funding provided to the tribes amounted to about \$132,000. I provided this to the budget section and I can provide this to this committee as well. This the complete list by county, city, and tribal regions of the amount of expense incurred at the local level and the amount provided in terms of relief from the state. The other part of the bill relates to the disaster relief fund. That was created in 2009 by the legislature. It was a very wise move to allow us to address the state costs during the 2009 event plus it allowed us to address state costs in 2010 for disasters that were declared by the federal government, those being the January snowstorm, the preparation for the flood, the flood fight itself and then the Good Friday April ice storm. By having this fund, we don't have to borrow money from the bank of ND then come back to the legislature for a deficiency appropriation, pay the money back with interest. The \$43 million that was appropriated to the disaster relief fund there will be approximately \$12.5 million left, unobligated at the end of the biennium and so if you add the \$22 million additional dollars provided here to the 12 ½ that will bring the unencumbered balance to approximately \$34.5 million. Also in the appropriations section 3 of the bill, a couple things of note, as before and as we would expect in the future, as disasters are declared and there is a state expense being incurred We will always come to the emergency commission to be sure we have the proper authority to move forward. We did that during the 2009-2010 period and that's clearly stated on lines 5 and 6 on page 2. The subsection 2 on page 2, line 7, what that does is that provides the authority to support the movement of the communities that are being inundated by permanent wake and there aren't necessarily mitigation programs in place to address moving an infrastructure or even homes as well and what this subsection 2 will do is allow us in those cases where the flooding there isn't adequate flood protection measure in place because it can't be put in place and we know that the water is going to be there a year longer to then provide funds through hazard mitigation for that particular community. In all instances we would come to the emergency commission as funds are being proposed to be allocated to specific projects from the disaster relief fund. (Meter 18.58)

Senator Robinson: I appreciate your comments. 2 questions: one concerning the 200% and will we need more money in the disaster relief fund prior to the end of the season. We have Minnewaukan this year and we did not have that issue two years ago.

Maj. Gen. Sprynczynatyk: Addressing the latter question first, I honestly don't know. We look back at the total state costs for the 2009 flood event, everything from what was done in preparing for the flood, carrying out the flood fight and then cost sharing with the political subdivisions in rebuilding the infrastructure, the total expenses to the state was about \$20 million, just under \$20 M so right now as we look to 2011, there certainly is the potential for an event greater than 2009 in some areas but it is not quite as wide spread at this point, I cannot stand here and say the \$34.5 million will not be adequate. Maybe by the end of the session I may have a better feel for that as the snow melt begins and runoff and flooding begins but at this point I feel comfortable that this should be able to allow us to address the emergency snow removal grant process up to \$9 million plus whatever else might occur this spring. Concerning Minnewaukan, it is one community that would qualify under those conditions starting on line 7 of page 2 that I addressed a minute ago. The other part of your question is my comments on the 200% issue. I believe the 200% threshold is appropriate. If you begin to lower the threshold like 200%, then it becomes a routine year in year out program. we are dealing with the norm and in 2009 the recognition was that the political subdivisions had to incur twice their normal costs and my feeling is if you begin to lower that 200% then it's 1 ½ or 150% or 1 ¼ ,

125%, then it almost becomes an expectation in a program that we'd probably find ourselves executing every year.

V. Chair Grindberg: If we did run short, the \$34.5 million, and you were in a situation a year from legislative session, you would have the borrowing authority.

Maj. Gen. Sprynczynatyk: Yes we still have that authority. We have the ability to come to the emergency commission, get the approval to borrow from the Bank of ND and then come back to the 2013 session with the deficiency appropriation. That's how we operated for years and quite frankly, what we are doing now is much better for everyone. It saves us money.

V. Chair Bowman: you commented we didn't have a lot of snow in the Southwest. I will bring a picture of the snow in my yard and compare it to anyplace I have been in the state and you will see we've had a lot of snow.

Maj. Gen. Sprynczynatyk: I stand corrected. I did say up until last week when you got that 17 inches of snow so I am assuming what I will see is a 17 inch snow drift. He was told yes.

Senator Wanzek: As a sponsor of the bill as well, I guess I have some thoughts on the 200%. I got some emails from some folks and I know my own brother and our hired men on the farm and the townships there is a lot of individuals that do a lot of work, we use our own equipment to plow out our roads, not that I m looking for reimbursement of any kind but I guess when you calculate in the 200% for townships. I know of nonfarm folks in our area that need to go to town to get to their jobs. My brother pushed their road out to get to work, he pushed it out for them to get home, every day for about 3 weeks. I understand the reasoning staying with the 200%. What about using the base years of 06 to 010? In my mind sometimes I think with those base years that might be 300% of a normal year. Do you have any objections to expanding the base years?

Maj. Gen. Sprynczynatyk: In 2009 what we told townships if you can document the costs incurred by individuals to support the township's ability to keep the roads open that becomes an eligible part of the cost for the program. In 2009 we tried very hard to recognize every situation and to be very lenient in terms of providing funds to help in the snow removal process at the local level. As I said in hindsight a norm was established two years ago, the 5 year period from 2004 to 2008, and I think it is appropriate to maintain that as a norm. What happens if you begin to shift it, 2009 was really a nominally in comparison to the vast majority of years when you add in 2009, you at least double that norm and now all of a sudden you've really raised the threshold. I think it is appropriate to use the same normal that we did two years ago for what needs to be done this year.

Connie Sprynczynatyk ND League of Cities: We respect your time and you are all welcome to join us on the Hall for firehouse chili. We have city leaders here today from virtually every nook and cranny of the state, I am joined with people from Bismarck, Bowman, Beach and Beulah, Watford City, Williston, Garrison, Grand Forks and all points in between and we're here say two things. Thank you for the assistance in 2009. That was invaluable. You remember that there was the 400 % of normal snow fall and then you have had to spend 200% of your average and it was a little complicated but the League worked with everybody else to try to make that program work. 123 cities took advantage of that grant funding. And I can't tell

you how important that was. A city not too far from here, a smaller community but way bigger than the average of 189, this was a city about 300, they were having to go to each bank account balance to see where there was literally a balance month by month in order to pay the contractors that they had to pay for snow removal. I'd like to support something that was just mentioned and that is using the 04-08 average as our 5 year norm, because back in 1990, when I was first elected to the Bismarck city commission, I was told by the public works director that we budget for snow removal, about 3 major snow events a year. 2009,10 and 11 we've blown completely by that. This is a small case study, Minot and Casselton, Testimony attached # 4, just to show you what their snow removal costs have been. I would just offer that as a possibility to support that snow removal average of 04-08 as being the norm, because in 09,10 and 11 we are so far beyond normal we are off the charts.

Terry Traynor, ND Association of Counties: Testified in favor of SB 2369 and provided Testimony attached # 5 (Officially declared Snow emergency – the 37 shaded counties declared prior to 3/1/11). We now have 37 counties that have declared snow removal emergencies. Other counties in the valley have declared flood emergencies already in anticipation but these are the ones that have specifics known emergencies. I did include on the back of that a quick analysis of the 09 funding summarized by county and on the bottom you see the average cost from 04 to 08 for the jurisdictions that qualified, cities, counties, townships and tribes. What the cost was in 09, what the cost was over the 200% and what the state contributed to a lot of jurisdictions. It was very helpful and we are very appreciative of that. The next three columns, just look at what would happen if we would just bring in 09 costs and how much that bumps it up. That would basically cut the state's support in half with using those 09 figures. We are very much supportive of using the existing base year for the 09 money to have a better, more realistic average. We hope the average is going to return to somewhat normal. We have one person here from Wells County who did some work in looking at their costs and I would hope we would time for him to distribute that and explain what they are dealing with in the center of the state.

Senator Christmann: These numbers, like in Burleigh County, that would include what went to the city as well as to the county, is that right?

Terry Traynor: No it does not. On the county by county, that is county and township only. The cities are all bundled up, the 123 cities are totaled on the bottom.

Mel Southard, Wells County: testified in favor of SB 2369 and Testimony attached # 6 showing the expenses Wells County incurred from 2003 – 2010.

V. Chair Grindberg: If you look at your handout in the 09 column and you look at midway down to Butler, the \$36,000 of the \$44,000 total, would one assume that's a purchase of a piece of equipment. My point being if we are going to look at 2004 or 2008, or the 5 year period, buying equipment distorts the number in this illustration. (Meter 33.37)

Mel Southard: That is materials, cutting edges, and we have to break down, and the auditor didn't have time to get that separated out, but if you look at the 09-10, they are excluding the \$35,000 there. On the average there we are spending somewhere in the \$2000.00 or better a month to keep our machinery going there and that was from a couple of years ago that was from a semi load of cutting edges for our blades. We have 8 blades that we run.

Trish McQuoid, Mayor of Minnewaukan testified in favor of SB 2369 and provided Testimony attached # 7 - asking for help in the flooding. I am not sure if you were up to date yesterday, as the forecast came out, but it's 80% chance of 14.54.1, which is over a 2 foot rise for us. She continued reading her testimony which shares about the need for the city to relocate and a new school to be constructed in the new town.

Larry Syverson, President of ND Township Offices Association testified in favor of this bill with some concerns. I noted the Major General did not give the number of townships that qualified for the aid in 2009. We feel there was a problem there, even then in areas of the state the 200% was already a very high number because of the couple of years before that. There is a problem with the January through March timeframe. It became a real burden trying to figure out from the contractors bills just when they were out on the roads and it became a real problem to comply with what that number was but we support the idea of changing the months or the years involved and to use the entire snow season, not just January through March. We would like to see the threshold lowered from 200%.

V. Chair Grindberg: What would be your reaction on a December through February, 3 months versus January through March?

Larry Syverson: There were a lot of townships that had to put a lot of money out in November this year and we may be pushing snow into April.

V. Chair Grindberg: The reason my question, obviously, November, more so December, January and February, the snow months, March we get snow but it's not too long in March and it's gone or starts to melt. You'd rather see it go into November? If we are going to stick with 3 months, what 3 months would be the best?

Larry Syverson: We have 6 months of winter in this state, which half is the worst?

Senator Wanzek stated he had gotten emails saying people have used their own equipment to move snow and in many cases it's not to be reimbursed but dit's part of being the member of the community, but what I heard from the Major General is if you can get your farmers together, they can calculate the value of what they contributed that could count in your, is the way I heard the answer, so I would assume you would be supportive of that.

Larry Syverson: Yes I would support that but it is difficult to document after the fact. We should be keeping records of that.

Senator Wanzek: Looking at my operation, we can see hours on the tractor and I am thinking we could document some of that, not to get paid but to utilize the numbers to reach that 200%. He was told by Larry that he would be in favor of that.

V. Chair Grindberg closed the hearing on the SB 2369.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee
Harvest Room, State Capitol

SB 2369
March 7, 2011
Job # 14983

Conference Committee

Committee Clerk Signature

Rose Tanning

Explanation or reason for introduction of bill/resolution:

A DELAYED BILL to provide appropriations to the Department of Emergency Services for emergency snow removal grants, flood mitigation, and for state disasters; to provide for a transfer; and to declare an EMERGENCY.

Minutes:

You may make reference to "attached testimony."

Chairman Holmberg informed the committee that there were suggestions and comments and he planned to bring the bill before the committee again to do some action this afternoon. There have been a number of suggestions that the five year thing is kind of rough. 2009 was so bad snow wise that they felt it skewed everything. Last time the money went out on a 50-50 basis. This bill has it 60-40 – the state would pick up 60% of that that exceeds 200%. He visited with the sponsors of the bill and one suggestion to pursue would be that we will use the same average we used last session. If you change the number of years to seven, and then allow them to throw out the highest year and the lowest year, you would get some numbers that the people who want this bill would be more inclined to support. At the same time, we don't want to pretend that 2009-2010 didn't exist. Anyway that is a suggestion that he wanted to throw before the committee and if the committee feels it is something they want to pursue, then they'd ask Legislative Council to prepare amendments to change that to a seven year and throw away the top and bottom years. The counties and townships should have the data now because last time, one of the problems was that they didn't have all the data they needed.

Senator Robinson: As one of the sponsors, the effort will be well received across the state. It's movement, but it's not giving away the farm. It's a much better package than the five year that's on the table. I will be supporting that effort.

Senator Grindberg said he can go either way but I think some of the testimony was to just go back to 2004-2008 for this next biennium and use 04-08 numbers. One could presume that if we get into the seven and drop the high and low, we could get into all kinds of variables county by county with the administrative process. Are we setting up a expectation that every session we're going to appropriate snow removal business or snow removal relief. That's the part he struggles with is that counties and townships should be preparing in the years that there aren't significant snowfalls so they don't have to come to the legislature. He fears it will become institutionalized and then there will be so many formulas involved over the next period of years.

Senator Robinson: The issue has been one that has accumulated because of back to back to back winters and its depleted resources and then some. He told of a township that went to the bank for a loan and the bank wouldn't loan the township money. If we continue to have these kinds of winters, we've tough situation on our hands.

Senator Fischer: Townships are capped, but the mill levy, the road fund is over and above that. It's pretty tough for a township build a fund or savings based on the way they do their budget. I support this bill.

Chairman Holmberg asked **Roxanne Woeste** to have the right person draw up the amendment or we could pass it out now.

Roxanne Woeste said she'd prefer they wait.

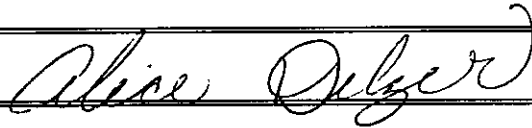
2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2369
03-07-2011
Job # 15049

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A ROLL CALL VOTE ON A DELAYED BILL EMERGENCY SNOW REMOVAL GRANTS, FLOOD MITIGATION AND FOR STATE DISASTERS

Minutes:

You may make reference to "attached testimony."

Chairman Holmberg called the committee back to order on Monday, March 7, 2011 in reference to SB 2369. Tad H. Torgerson, OMB and Sheila M. Sandness, Legislative Council were also present. He presented Amendment #11.0796.04001. What the amendment does is change it so that the language is still in there that they are dealing with the period January 2011 through March 2011, so it's narrow focused. It's the 60% from the state and this would allow the entity to disregard the year with the highest snow removal cost, which would be 2009 in most cases and also the lowest one. I am throwing this out there for your consideration.

Senator Christmann moved the Amendment. Seconded by Senator Robinson.

Chairman Holmberg: Is there discussion on Amendment #11.0796.04001?

Senator Warner: This is by entities, different townships and counties, depending on their snowfall totals in different years by using a different base line.

Chairman Holmberg: They could be, essentially they are using 5 out of the 7 but they get to pick whichever one is more advantageous to them. Most of them, I am guessing would have 2009 that they would throw out.

Senator Wanzek: There was some discussion about months too. We're comfortable with leaving them January through March?

V. Chair Grindberg: I asked the gentleman with the Township Association if he would prefer December, January and February versus January, February, March, thinking that in December there's more snow and he really didn't have a very clear answer, he even went into November.

Senator Robinson: It is kind of a hit and miss and it was an interesting discussion the other day. Last year we didn't have much in March but over the long haul, the month of March is a pretty wet month.

Chairman Holmberg asked for a motion on the Bill as amended.

Senator Robinson moved a **DO PASS AS AMENDED**. **Seconded** by **Senator Wanzek**.

A ROLL CALL VOTE WAS TAKEN ON A DO PASS AS AMENDED ON SB 2369. YEA: 11; NAY: 0; ABSENT: 2. V. Chair Grindberg will carry the Bill.

The hearing was closed on SB 2369.

11.0796.04001
Title.

Prepared by the Legislative Council staff for
Senator Holmberg
March 7, 2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2369

Page 1, line 13, replace "2006" with "2004"

Page 1, line 13, after "2010" insert "disregarding the year with the highest snow removal cost
for these months and the year with the lowest snow removal cost for these months"

Renumber accordingly

Date: 2-7
 Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2369

Senate _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number 11.0796.04001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Christmann Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Warner	✓	
Senator Bowman	✓		Senator O'Connell	✓	
Senator Grindberg	✓		Senator Robinson	✓	
Senator Christmann	✓				
Senator Wardner	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Krebsbach	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 3-7-11
 Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2369

Senate App Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Robenson Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Warner	✓	
Senator Bowman			Senator O'Connell	✓	
Senator Grindberg	✓		Senator Robinson	✓	
Senator Christmann	✓				
Senator Wardner	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Krebsbach					
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) _____ No _____

Absent _____

Floor Assignment Grindberg

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

REPORT OF STANDING COMMITTEE

SB 2369: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2369 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "2006" with "2004"

Page 1, line 13, after "2010" insert "disregarding the year with the highest snow removal cost for these months and the year with the lowest snow removal cost for these months"

Renumber accordingly

2011 HOUSE APPROPRIATIONS

SB 2369

2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

SB 2369
3/17/11
15602

Conference Committee

Committee Clerk Signature

Meredith Traubolt

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide appropriations to the department of emergency services for emergency snow removal grants, flood mitigation, and for state disasters; to provide for a transfer; and to declare an emergency.

Minutes:

You may make reference to "attached testimony."

Chairman Delzer: Opened the hearing on SB 2369 and the title was read.

Representative Al Carlson, District 41, House Majority Leader: There are two sections to the bill; the first deals with snow removal, the second with inundated roads and communities being negatively impacted by water. The governor came to us as the winter got progressively harder, and the costs were rising beyond the ability of these townships and counties to pay for those roads to be cleared. Last time we dealt with this, we had a disaster relief fund. The \$9 million in this bill is a continuation of that money, but the formula is changing. You will hear testimony from the counties that the new formula doesn't work as well for them. In the end, the state of ND does not want to own statewide snow removal, we want to assist when necessary in emergencies. That's the first part of the bill. The second part is where money was added, \$22 million of new money. On the second page of the bill, you can see what this money can be used for. We are hoping for a freeze-thaw melt this year, as that will save us from a lot of problems, unlike last year's continuous melt in the month of March. I think we should keep a balance in this fund, because the disasters seem to be on a recurring basis for us. We used to allow a line of credit at the Bank of North Dakota, and then deficiency appropriate for those after the fact, but this puts money in the pool. Page 2 line 9 is the meat of the bill, and we all know that means Minnewaukan. Those are the issues we need to deal with, the proper disbursement of the money. We have the made the commitment, which I hope you will uphold even though this is not in the governor's budget, but times come when you must address those emergency issues, and this money is on top of that budget. It is with the governor's blessing that we spend more.

Chairman Delzer: My understanding of what we did two years ago in setting up the disaster relief fund was that it be used for the state or local share of FEMA-related issues when there is a presidential declaration; is that how this works, too?

Representative Carlson: Absolutely, right now you have to hit \$100 million for it to be a 90/10 match. Right now, we are not at that level, so when we're talking a share, it is 75/25, which is 15% local and 10% state. If we get to 90/10, obviously the numbers go a lot farther.

Chairman Delzer: It's statutory law that sets the 15-10 split, so any change we'd want to make, we'd need to make an exception to that existing law.

Representative Carlson: Yes. Last time we covered half their match in some instances and we had to make a change to do that.

Chairman Delzer: And the difference on the snow side from two years ago, and again that we don't want to take over paying for that every other year when we're in session, is that last time we had 200% of the last five years' cost for those three months, and this year it is seven years' cost with the high and the low thrown out, and it is 60% instead of 50%?

Representative Carlson: Yes, that's the way I understand it. The question is, what is the right number for that? That's the policy you have to establish here. I don't think there's any question we're willing to commit \$9 million; the question is how the money goes out, and that we don't take permanent ownership of the snow removal issue.

Representative Dennis Johnson, District 15: I live right in the middle of the Devils Lake Basin. I'm going to address the \$22 million, the second part for inundated roads. Reading the bill right now, it's wide open, and I hope the committee would look at the local match, which will be an issue for the local political subdivision which have been fighting this flood for 18 years. I also hope we can address the inundated roads to the primary access to farmyards. We have 40,000 acres of islands, many with homes on them. They're expecting a three foot rise on the lake, so we desperately need help and I hope this is a vehicle that can get us there. I appreciate your favorable consideration of this.

Chairman Delzer: Questions? Thank you. Committee members, we will be working on this bill some, it is a work in progress.

Senator Ryan Taylor, District 7, Senate Minority Leader: I supported this in the Senate. The difference on some of these bills, knowing we need to do something on snow removal here and I'm supportive of it, I think there are some things we need to look at. When we had the snow removal bill two years ago, it was easier to hit the 200% bar. If you look at the history of how that money was utilized over this biennium, it was still a bar that many did not reach, and a lot of the money didn't get used. We want to make sure that bar isn't too high. I think the share, when we look at 60/40, they don't have the 40 cents to get the 60 in a lot of cases. January to March, of course, are primary snowfall months, but if we look at some of the recent Decembers, it may be good to consider those also. I ask for the committee's support on this bill, but also the details that make this useable for our cities and townships.

Chairman Delzer: Regarding the 60/40, my understanding is this is supposed to be on costs already incurred so they've already spent the money, whether it was borrowed or from their budget.

Senator Taylor: That is correct. I suppose there are some townships out there that maybe weren't confident enough that something was coming down the road that they would have borrowed the money. It's a tough issue. On the flood mitigation portion of the bill, it certainly has some help for those in incorporated cities; I ask you to look at the language closely to see if it also can help those not in incorporated cities but have the local needs in townships or rural areas, those who have a home or farm that is high and dry but will no longer have a road to get to it.

Representative Jerry Kelsh, District 26: I'm here to testify on the snow emergency part of the bill. I've done some research in my home county of Dickey, and the emergency manager said we've had 108 inches of snow there since Christmas this winter. One of the reasons I think we need to at least put December in the bill, along with January, February, and March, is that there was \$3200 of overtime in December alone in Dickey County. They've had \$19,104 of overtime in January and February. They've rented a track dozer that costs \$6500 per month; including the truck and operator, that will go over \$10,000. Fuel for January and February alone was \$60,000. The thing that needs to be talked about, is that the bar for 200% keeps rising, and becomes much more difficult to reach. With these kinds of costs, I think we need to set the bar lower, I would suggest 120%. The majority leader doesn't want to get into the business of snow removal, and I agree with that. But these are emergencies we've had for several years, and this is a burden on the local taxpayers. This is not property tax relief, this is disaster relief. We've made the commitment the last couple of sessions that we would help with disaster relief. I would hope you would add at least December into the formula, and lower the bar. Let's make it workable.

Chairman Delzer: We'll have to work at gathering some numbers so we have valid data on how we proceed with that. Were you a county commissioner?

Representative Kelsh: Yes, from 2002 to 2010.

Senator Joan Heckaman, District 23: Looking at the needs across the state, I'm not sure this is enough assistance. You will hear testimony from those whose lives have been affected by the rise of Devils Lake. While this bill does not identify funds specifically for that area, and any area of the state that meets the qualifications could access these funds, I was assured that when my bill, SB 2230, for the partial moving of Minnewaukan, was killed, that the funds would be in this bill. I would hope that Minnewaukan can access these funds, and at a level to allow them to do what they need to do. They have done a lot of work, they are out of funds and at bare bones right now, and they have spent many days meeting with the governor and his staff here at the capitol. I would support looking at the matching funds. Our townships, our counties, our towns, our families, don't have the funds anymore. The disaster in Devils Lake has not only covered valuable agricultural land with water, it has inundated farm buildings, homes, roads, bridges, sewers, and crushed the souls of those in that area. Their resources and energies are depleted from this fight. Please carefully consider if this is enough money for the needs you will hear about today.

Representative Bill Devlin, District 23: My district is very familiar with the issues addressed in this bill; and I am fully in support of this bill. To put it in perspective, just visit

with somebody from Minnewaukan that was eight or nine miles from the lake when this started going up, and now it is lapping at their doorstep. Nothing these people did caused this. None of this is their fault. If you have continuous high water, heavy snow, whatever you want to say, it's going to flood these farms and towns, and we need to step in as the state of ND to help.

Ryan Bernstein, Deputy Chief of Staff and Legal Counsel for Governor Dalrymple:
See attachment 1.

Chairman Delzer: Your understanding of the \$3.5 million you're hoping for for Minnewaukan, how much of that matches FEMA money?

Bernstein: I believe it's \$240,000 that would be used for the FEMA match specifically.

Major General David Sprynczynatyk, Adjutant General and Director of Emergency Services: I am here in support of SB 2369. The 2009 snow removal grant program that the first part of this bill is modeled after did work very well. 40 counties participated in the program, and 123 cities qualified for funds. This year we have over 30 counties that have declared snow emergencies. When we look at the second portion of the bill, that was established in the last legislative session, and it worked very well and very efficiently. It's a very sound concept. It allowed us to address disasters in the state without having to go to the Bank of North Dakota and borrow money, pay interest, and come to the legislature for a deficiency appropriation. The disaster relief fund started with \$43 million. Our unencumbered balance that we expect on June 30, 2011, will be approximately \$12.5 million. We will have spent just over \$30 million from the fund. I should clarify that the 75/15/10 is not statutory for cost sharing. The only piece that is statutory is the federal government's share, that they provide 75% in a declared disaster. The 25% is non-federal share. For years the policy has been that the state would pick up 10% of the total, leaving a 15% balance for the local communities. In 2009, since the magnitude of the event exceeded \$100 million, the federal government raised their participation to 90%; in the end, after legislative changes, the state picked up 7% and there was 3% local contribution. The division of the non-federal share is not statutory, it is policy.

Chairman Delzer: Policy established in the department of emergency services?

D. Sprynczynatyk: There are no administrative rules, it is simply policy. Also, when we reference the second section of the bill, those criteria that you see would apply to any city in the state, but the only incorporated city we're aware of that meets these criteria at this time is Minnewaukan. The estimated cost of addressing the situation at Minnewaukan is about \$8 million. One portion is to flood-proof as much of the community as possible, and the second portion is to create a new subdivision of the city and allow for the removal of those flood-prone homes and businesses that cannot be protected. As we look at all of the various programs available to us, they come up approximately \$3.5 million short. As we looked at a total solution for Minnewaukan, the assumption has been that the state would assist anyway they can. The portion that is FEMA is just a small part of the total federal money available; FEMA does not have a major program that allows you to relocate a community, which has been one of the challenges throughout all of this. Going back to the snow removal program, there was a lot of discussion on the Senate side about the 200% of

norm. In my opinion, my recommendation is to stay with the 200%. I do not believe the state wants to get into this year in and year out, so 200% of norm is really an appropriate threshold, and then for the 60% above that is appropriate as well. I do think the norm was established in the five years leading up to 2009. We're way outside of the norm for 2009 and 2010. Just being able to use a five year period is much much simpler. We were able to extract the numbers and work through it two years ago; as we look at what's in the language of the bill today, it's going to be more challenging to look at each of those months and throw out the high and the low. I do know it will raise the norm considerably from what was used in 2009. For your consideration, the norm that was established in 2009 would be an appropriate norm to continue to use for this program if the legislature so chooses.

Chairman Delzer: My understanding from working on the disaster relief in 2009 is that we appropriated up to the \$18 or \$19 million, that's what we figured would be the utmost high number. We did not mean that to be strictly snow removal money, any excess of that would go into the disaster relief fund, to be there to help cover the state share of presidentially-declared disasters. Is that your understanding?

D. Sprynczynatyk: Yes, as we looked at the bill, the language was written in such a way that the amounts were 'up to,' I believe \$20 million, and it talked about the balance, what remained, stayed in the disaster relief fund and was utilized for projects in the state. The other thing Legislative Council interpreted in the law to mean is that it is a little broader than just presidentially-declared disasters.

Representative Kaldor: Relating to Minnewaukan, you said there was an \$8 million total estimated cost to create a new subdivision and make some infrastructure moves; what about moving the school, is that included, or would that be in addition?

D. Sprynczynatyk: The \$6 million for relocation of the school is outside of that \$8 million for the rest of the community. It's basically to build a new school, but you need infrastructure, too, such as roads, sewer, power, and those needs are part of the \$8 million figure.

Representative Kaldor: Relating to snow removal and the new formula, do you think that by leaving December out, we're not fairly assessing winter snow emergencies that exist?

D. Sprynczynatyk: I think you could draw that conclusion. We all know winter typically starts in November, so the state and political subdivisions begin incurring expenses prior to January. Part of the reason for using January, February, and March is to simplify accounting by keeping things in one fiscal year. That was decided last session, and SB 2369 was patterned after what was done two years ago.

Representative Kaldor: My concern is that when they incur excessive expenditures prior to the first of the year, it doesn't seem that there is any acknowledgement of that. Going from the five to the seven and taking out the high and the low, you said the norm established in 2009 is a better norm to use. Are you saying that would be our norm for a high winter disaster in all cases? It still would adjust on a five year basis, wouldn't it?

D. Sprynczynatyk: When you're using a short period to begin with, it's very easy to skew the norm one way or another. Typically the variance is not great from one year to the next, so it seems to represent a fairly normal pattern. If you start to look at 2009 and 2010, instead of 2004-2008, they both jumped way up, and now you have a significant influence of one or two years on a short period of time. If we had 50 years of record, we'd want to use them all, and then we would have a much more accurate normal pattern or number. Statistically when you're dealing with so few years, one or two outliers really skew the average or the norm for that period. That's why I think 2004-2008 is a more appropriate norm than adding in 2009-2010.

Representative Kaldor: If we use a five year basis, we end up having 09-10 included in that basis. Wouldn't they skew the norm even further?

D. Sprynczynatyk: That's correct, but my recommendation would be to use the same five year period that we used two years ago, because I think that is more reflective of normal costs. If you shift it right it skews it, if you throw out a high and low it still skews it.

Chairman Delzer: On the snow, costs are always relative. In the past years we've had a lot of snow. I can remember in high school that we'd be snowed in for four or five days. How was it handled back then? Was there ever any place where the state would step forward? What made it so the counties were more able to handle it back then?

D. Sprynczynatyk: To my knowledge, I don't believe the state has ever assisted prior to 2009 with a program like this. They may have gone out and helped out with snow removal, but not passed the cost on to the locals. Today, we're a much more mobile society. If you go back in time, a lot of farmers didn't have a second job in town and were able to stay on the farm for a week or two without having to get to town. From my experience with the DOT, what we saw happening with the late 1990s and early 2000s was people travelling 24 hours a day and more and more people had to get to the nearby community, which began driving up costs. The requirements and expectations today are much much different than 30 years ago. People just didn't have to get out and travel back then like they do now.

Chairman Delzer: On the Department of Emergency Services side, what happened with Churchs Ferry? That was all federal buyout; what triggered that compared to what is not being triggered in Minnewaukan?

D. Sprynczynatyk: Back in 1997-1999, FEMA had funds available and provided funds to the state. Today those programs are not in place, so for various reasons, they are not able to step up to the plate. We have approached FEMA, asking them what has changed since then. We have a very serious situation today, and FEMA is saying they are very limited in their ability to assist the state and the community.

Chairman Delzer: There is a possibility of a pretty high lake rise again in the spring. Will that change anything with FEMA?

D. Sprynczynatyk: I'd like to think the answer to that question is yes. The community has been very proactive; they've already begun to work with the state, the counties, others, and FEMA to make sure these things can move along. Right now there is a 50% chance the

lake will rise three feet. If nothing is done, that will inundate the school. The Corps of Engineers has already begun to look at what needs to be done to provide protection now to get us through another year, because the school can't be ready until 2012. FEMA will come in, but not all the homes that will be flooded are eligible for flood insurance. The governor is asking FEMA what they can do now to help us in that whole region, if there are any rules that can be bent. I'd like to think they might come in; I would never bet on it.

Representative Nelson: As I read the bill, there are two very distinctive parts. The snow removal appropriation is for this year; the flood disaster mitigation is for the whole biennium. I don't see the flexibility in this bill if the snow removal grants aren't utilized. Do you see that money being flexible to be brought over to flood mitigation if not used for snow?

D. Sprynczynatyk: Yes. Section 1 says the funds can be used for a snow removal grant program. Section 2 appropriates additional monies to the disaster relief fund. Section 4 of SB 2016, our appropriation bill, does reappropriate whatever funds are in the disaster relief fund for purposes outlined in the authority given to us last session.

Representative Nelson: That's important to know. It's hard to minimize one disaster over another, but I would make the point that in the snow grants there is a tax base the counties have that isn't being affected by the snow, and there is more local ability to raise local funds. The people we're going to hear from next don't have that ability anymore because of the loss of land to Devils Lake. That distinction needs to be recognized by this committee and the legislature.

D. Sprynczynatyk: That is an accurate description of what we're also seeing at the local level. There have been instances where township funds were not available to fix the township roads, even though FEMA provided funds, and individuals along the road contributed the funds to have those roads raised. Because of all that has occurred since 1993 in the Devils Lake Basin, they literally are tapped out in their ability to provide funds.

Chairman Delzer: We'll take citizen input and testimony at this time. We understand the situation out there. I know you want to share some of those situations, keep those as minimal as you can, we're dealing with the money here; I think there's a lot of support for both sections of this bill, and we need to know how make it work the best we can. We'll start with testimony in favor of SB 2369.

Eric Aasmundstad, Farmer and President, ND Farm Bureau: The ND Farm Bureau supports the flood mitigation disaster part of this bill. We think it is very important for our rural residents and the business of agriculture that these inundated roads are repaired. As a resident of ND who lives 11 miles west of Devils Lake, I would like to comment that the emergency of the snow removal is a matter of perspective. In the area I come from, if we don't put the effort towards fixing our roads, snow removal will not be an issue. While I understand the strain snow removal may put on county and township budgets, I think in the present, the focus of this body should be on maintaining the infrastructure we so desperately need. We'll take our chances with the snow.

Ken Teubner, Towner County Commissioner: I just talked to my road superintendent two days ago; in the last two months, just January and February, we've expended \$90,000 just in fuel to keep the blades and trucks on the road. We've had two or three weekends since the first of December that our road crew hasn't been out working, and that's all overtime hours that cost us, big time. I can get the specific numbers to you if you like, and it's not a problem to get numbers for December, either, if you were concerned about that being burdensome. Contrary to the prior testimony, I think the snow is really a big issue right now. The snow banks are eight–nine feet high along the edge of our graveled roads, and when we get 40-50 degree weather, half of that moisture from those snow banks will go into those roads. Let me tell you, they will destroy the roads, just with normal vehicle traffic, it doesn't have to be trucks, and we are entering the time of year when trucks need to be on those roads. We have an issue out there that is devastating to our county and township roads. On the other side of this thing, our townships have called our road superintendent and called them off because they don't have any money to pay us to spend any more money to plow the roads out. The same problem will affect paving roads.

Chairman Delzer: Have you figured out what 200% would be, as it's currently written?

Teubner: At 200% we would maybe qualify, but it would be very small, what we would get from this disaster fund. 150% would work a lot better. They have those numbers.

Representative Nelson: You live in an area that sees the problems from both sections of the bill. You, like we, have to prioritize spending. The ability to pay gets to be an issue. What's the status of your emergency fund in Towner County?

Teubner: We have half of our road budget spent already. A year ago we tried to levy more taxes to bring more money into our road fund, and we found we went over and above what the law would let us do, so we ended up refunding some money to the taxpayers.

Representative Nelson: There have been some attempts to allow flexibility in the emergency fund. You're going to lose some roads to Devils Lake this year, in all likelihood. You can protect your roads from snow and traffic damage to some degree by the road restrictions you choose to put in place and for how long, even if you catch some grief for that. You can't do that with the rise of the lake, you have no control over that. If you had to choose one of the two, what would you take?

Teubner: Both. You're right, we're going to see not only roads, but we're going to lose about three or four thousand acres of prime farmland. We've already had taxpayers approach us about what we're going to do about taxes on that property that is now inundated land. So far, we're working on that, but we haven't felt the impact from that yet because they've been paying their taxes to this point. In another year or two, our tax base will be very eroded with the rise of the lake.

Representative Pollert: Foster County pays half to push snow back, townships pay half. Eddy County, the townships pay all; in Wells County, the county pays everything. Everybody is different. How does your county do it?

Teubner: We bill the townships by the hour to push snow back. The townships pay the entire amount on township roads, and we charge \$60 per hour. It comes out of the roads budget for county roads.

Representative Pollert: I'm hearing for the payloaders, \$120-\$150 an hour. What is it for you in Towner County?

Teubner: I'm not exactly sure, our road superintendent sets that. We're charging \$60 an hour on the blade, which isn't high enough, but that's just the way it is.

Representative Pollert: I'm hearing \$60-\$75 for the blades, and the payloaders \$120-\$150.

Teubner: I'm guessing that's reasonable.

Steve Swiontek, Superintendent, Devils Lake Public Schools: See attachment 2.

Tammy Tollefson: See attachment 3. We feel very trapped. We will not stand in water, but we will lose our accessibility. We don't have a lot of options. There are 112 of us in this situation on that map. Counties and townships do not have a local match, and we are being asked to come up with the money, that 15%, out of our own pockets. We're having a hard time understanding why, in this country, in this state, that is something we have to come up with ourselves. We rural residents are a resilient bunch. We're self-sufficient, and we help each other. Now we are all in the same problem together, and we no longer know how to help each other, so we are asking you for help on that local match. Our local governments don't have the ability to do a 15% match. We're not sure they have the ability to do a 1% match, so we're asking you to please look at this bill and make some adjustments so we can remain in our homes and keep working.

Julie Shemionek: See attachment 4.

Joe Belford, Ramsey County Commissioner: We as a county reduced the tax base on the land that's been inundated in Ramsey County, so that they maintain ownership. So what's happening is our tax base is dropping. We're getting more inundated acres, reducing more taxes, and consequently we are strapped for funds to work these roads. FEMA raised their request from 3% to 15% match to fix the roads, and there's no way that a township can do that. They do not have the funds. The county does not have the funds to help them. That's why we are having a real scramble trying to maintain traffic within the Devils Lake area. I know that I could come up with 40,000-50,000 acres of land that are underwater with the people here in this room today. They are receiving nothing, but they are expected to make their land payment and other things that are required to make this operation work. We are looking at losses of \$57.6 million to the crop sector, \$50 million to the household sector, and \$42.9 million to the retail/trade sector, and several other sectors of the economy have also been impacted. This loss of business activity ultimately reflects in the lost jobs, estimated at 1150 jobs for the region. This is just one thing we're going through. We're going to have so much equipment working at the Devils Lake Basin this year, that it's going to totally affect the economy of our city and the people that you're hearing from today are going to have trouble getting to Devils Lake because there will be

so much construction equipment on the roads. Our whole community, our whole county, is in chaos. For us to continue on, we've got to have all the help we can get from you legislators. These people are in dire need or they wouldn't be here, because farmers help themselves before they ask for help. We have to get behind them and help them. Thanks for what you have done, but we're not done yet.

Chairman Delzer: Do you have the history of the lake levels for the last 100 or 125 years?

Belford: I can get that. We'll do that from 1900 on.

Jeff Frith, Manager, Devils Lake Basin Joint Water Resource Board: In 1870, the lake level was at 1437 feet. From that point until 1941, it went down, as low as 1400 feet. It's been going up ever since. Today we cover about 180,000 acres of land underneath the water. We will increase that by just about 39,000 acres this spring with a three foot rise. An additional 17,000 acres is estimated to be inaccessible because of lost roads. They say that roads are the lifeblood of a community, and our major arteries are being repaired and being raised. We need your help with the township and county roads. Those are the ones being heavily impacted. They don't have the money and it's affecting hundreds of people. I know a man that lives 14 miles from Devils Lake. He will have a 70 mile trip to town this spring. A 0% match would be very beneficial. We call this a road or infrastructure and emergency disaster bill, but it's really a people bill. This is where we call home. We love where we live, we love what do, we just want to have the ability to be able to continue to do that. By allowing some roads to be built up, we'll have the accessibility to continue, and provide the people behind me access to and from their farmsteads that will never see a drop of water on them. We appreciate your help and support.

Chairman Delzer: We're looking at trying to pursue an east end outlet, some of that will be heard this afternoon with the water commission. If we should set a lake level we should try to get to by that outlet, what level would that be?

Frith: That is a loaded question, if you have two people in the room from Devils Lake Basin and you'll get disagreement on the answer. There are people that have lost acreage beginning with the 1423 level in 1993, all the way up. If you calculate every foot of rise in Devils Lake at about 10,000 acres, it's really easy to figure out the impact.

Chairman Delzer: What was the level in 1991, my first session, when they were looking for an inlet?

Frith: 1422.9 is where we started at. I have the report that was mentioned earlier, see attachment 5. That doesn't include the 17,000 acres we estimate will be inaccessible. That's just by the roads. A lot of that land is also landlocked, and access to your field may depend on your relationship with your neighbor.

Rodney Brown, Township Treasurer, Ramsey County: We had our township meeting the other night, and when we got through paying our snow removal and road blade work, we had about \$1500 left.

Terry Traynor, Assistant Director, ND Association of Counties: See attachment 6.

Chairman Delzer: Is that with the high and low thrown out?

Traynor: Yes.

Chairman Delzer: Can you get us this information for basing it off of the same norm we used in 2009?

Traynor: I can for the counties I have the information for already. Testimony resumed.

Connie Sprynczynatyk, ND League of Cities: See attachment 7. I want to make a point about averages. We're grateful that the legislature is helping out. I don't think you're creating an expectation that you'll always help with snow removal, but you are creating gratitude out there because these are extraordinary years. I asked a few cities to take SB 2369 and see what that meant based on their numbers, which is the information in the handout. Based on the 2010 census, we know that 75% of North Dakotans live in a city, so whatever aid you decide to provide is going to impact a lot of people positively. While this bill is a change from the way monies were distributed for the 2009 winter, I do think this bill provides a decent threshold at 200%. If we can use the five years used previously, we already have the documentation needed for 123 cities. Thank you for your consideration of this bill.

Representative Nelson: In these two examples you gave us, Casselton and Minot, I would appreciate a graph showing the taxable valuation of these cities over the same period of time. It will come down to prioritizing where we go to maximize the effort from the state. There is that ability to pay question hovering over us.

C. Sprynczynatyk: We have something already prepared that you may find useful, that shows what money comes into the general fund and the expenditures out. You'll see property tax as a component of that. Typically what people use for the streets and roads budget is the money from the highway distribution fund, and if that's not sufficient, they have to find another source.

Chairman Delzer: And the distribution is all on population, it's not on tax base at all.

Representative Nelson: Sales tax income is another area that cities have that rural residents don't, so that might be helpful. But I think in most areas of the state taxable valuation has increased, some places more dramatically than others, except in areas of inundated land. I would like to see how the revenue or valuation has increased in the years you've referenced, 2004-2011.

Chairman Delzer: The two of you may want to get together after the hearing to see what information is available and what you want. Further testimony?

Dan Erickstad, Farmer, Ramsey County: I want to give you an example of the matching funds debacle we're in. In order to get a road to my house raised after this spring, it will cost \$700,000 by FEMA's estimate. Our township is broke, so I would have to pick up the 15%, which is \$105,000, just to get a road to my house. That road would be a two mile

road with water on both sides. Probably not a real wise choice. But if I want to live at home, where my infrastructure is, which by the way I can't use right now because of the poor shape the roads are in; two out of the three going to my yard are underwater. We need some help on the bottom end of this, and we would appreciate it.

Chairman Delzer: Is there any opposition to SB 2369? We'll do some questions.

Representative Skarphol: We had the Parks and Rec budget last week, and there is a four mile road to Graham's Island. There's a \$2.8 million appropriation in the budget to match a federal commitment, and it puts the cost of the four miles in excess of \$14 million. Help me understand how four miles can cost \$14 million?

D. Sprynczynatyk: I've not looked at the cost estimate, but I would assume they're probably raising it 8-10 feet or so, over four miles. When you add freeboard on top of it, you easily have a 10-12 foot road raise.

Representative Skarphol: Is that typical of what we're facing in the basin? How many miles of road are we looking at?

D. Sprynczynatyk: That's typical for the state highways, they are designed and raised to a higher standard because of the usage. As you work your way down to the county secondary roads and township roads, they just want to be above water, they don't worry as much about higher raises to prevent washout. We could take a look at that, but there are some differences based on the type of road we're talking about.

Representative Skarphol: Do we have a spreadsheet that tells us how many miles of state highway, county highway, township road, that we're looking at having to do work on?

Chairman Delzer: I don't think we have that yet, I think it is available and we will get that and look at it.

Representative Kaldor: I've heard it is very difficult to get contractors to do the work right now. Can you explain how the funding source and your limitations in the township impact that?

Larry Syverson, President, ND Township Officers Association: Let me give you an example: a \$100,000 home with an 18 mill levy would pay \$81 to the township. The bill for snow plowing is \$75 an hour. Our new bid for that service is \$90. On top of that levy, we can do a snow removal levy of three mills. That does have to be reauthorized every year, there has to be a special election every year to keep that authorized. On a \$100,000 home that would raise \$13.50.

Chairman Delzer: That's a vote by all the members of the township, or just the board?

Syverson: It's a vote by the entire membership. We have to run the ads, and even if it's done at the annual meeting we're already advertising, we have to run a bigger ad and go through the specifics of the finances.

Representative Nelson: There are a number of legislators from districts 7, 23, and 15, with Benson and Ramsey Counties, working on that Graham's Island road. That \$14.4 million, to raise that road to 1458, the spill point of Devils Lake, that road raise has to be extended almost out to Highway 19, and it isn't raised there. Half of the cost is for freeboard or riprap. The estimate is available, I've looked at it, and it's a legitimate number.

Chairman Delzer: Committee, we'll have a fair amount of work on this bill, and plenty of opportunity for discussions on that.

Syverson: I have heard that some contractors will no longer do this kind of work because it is just taking too long to get paid. For both snow removal and floods, they have so much money out in fuel, the smaller ones can't afford to do it anymore.

Chairman Delzer: Is there any further testimony?

Lee Gessner, Chief, Devils Lake Rural Fire Department: Submitted written testimony, see attachment 8.

Belford: Raise the township roads we know will go under water before they do. We can save so much money that way, by common sense. The other issue is finding the right kind of clay. We've hauled hundreds of thousands of yards. When all the projects that are bid are completed, the federal and state dollars that have been spent will exceed \$1 billion, and we aren't done yet.

Chairman Delzer: Thank you. I appreciate the citizens coming down. One of the difficulties we have as a legislative body is that we deal with the whole state, we have to set priorities for the whole state and answer to the whole state. I understand your situations and we have to take everything into consideration. With that, we'll close the hearing on SB 2369 and stand adjourned.

2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

SB 2369

4/4/11

16312

Conference Committee

Committee Clerk Signature

Julia Geigle

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide appropriations to the department of emergency services for emergency snow removal grants, flood mitigation, and for state disasters; to provide for a transfer; and to declare an emergency

Minutes:

Chairman Delzer: Called the committee to order. We'll start with SB 2369, the disaster snow money and \$22M going into state disaster relief fund. There are proposed amendments for 2369 handed out. The bill came to us from the Senate with up to \$9M for snow removal and it listed 60% for the last 7 years, throwing out the high and low. Part of the \$22M appropriated is for the city of Minnewaukan. It's listed separate there under section 3. We've had some discussions with a number of members on the floor. I'll go through the amendments so we can have discussion. Section 1 changes the language on 37-17.127. Two years ago when we set up the state disaster relief fund, it was meant to be used instead of borrowing for presidentially declared disasters and the related costs. We believe this language does that. It requires both emergency commission and budget section approval to expend out of it. It's for the required state share of funding to match federal funds for expenses associated with presidentially declared disasters in the state and interest, earnings, and other fund earnings must be deposited in the fund. Pg 1, line 13 would remove the language which sets up the seven year (throwing out the high and low), thus we'll keep it at 200% of the five year average from 2004-2008 for the months January, February and March. Under the statement of purposes, it goes with the second bullet point. The years are changed from 2002-2004 and 2004- 2008, rather than 2004-2010 with the highest and lowest being disregarded. We think this will give the opportunity for those that have costs higher than 200% for those months to receive 60%. Last time when we did this, the cost was somewhere around \$6.5-7M. We think with the higher numbers that our bill will be more likely to use the \$9M. We have a line in there that says any amounts of this \$9M that is not expended is considered onetime funding and are not available for future snow removal (pg 1, line 18). It puts it into that fund if it isn't used. Every entity that is eligible will have to send in an application. The money will not be sent out until June because they'll have to make sure they have all the applications. If the \$9M is not enough, it'll be prorated. If there's any money left over, it'll simply stay in the fund to be used for presidentially declared disasters. On the next one, we are limiting the funding available for the flood disaster mitigation projects at Minnewaukan to \$3.2M and that does fund everything that was on the list. I would guess if the lake levels get as high as some people

are talking about, FEMA may become involved and it might cost less than that. One of the issues that were brought up in our hearing was the inundated roads and how hard it is for the local townships and counties to raise the money for these roads. For the next two years, in this amendment, we would pay for roads that went under because of a rise in Devils Lakes. It is listed as a natural body of water with a natural outlet that's risen 25 ft since 1993. That's because we can't say Devils Lake. For the next two years, we would pay half of the local match. If by township, they have lost more than a third (between a third and a half) of their taxable land, we would pay 75% of the local share. If they've lost half or more of their taxable land since 1993, we would pay 90% of the local share. Questions or discussion by the committee?

Representative Kaldor: On page 1 of your amendments (about halfway down the pg), the one that relates to the one-time funding; do we have a presidential disaster declared for snow snow emergencies that exist in ND?

Chairman Delzer: No, that is something the legislature would do, but the money would simply go into that fund, along with the \$22M and sit in that fund and be appropriated at the legislative will. If there is another time, the legislature wants to do a snow removal, they would have to come in and do that in a session again.

Representative Skarphol: I move amendment .05007 to SB 2369

Representative Monson: Second.

Chairman Delzer: We have a motion and a second on the amendment; discussion?

Representative Glassheim: If we say what we want done, it has to have emergency commission and budget section approval – why wouldn't we just set the parameters up and let an agency administer it? We are we getting in the middle of it? What is that designed to do?

Chairman Delzer: It is designed so we understand what's being done with the fund as it's being done with it.

Representative Glassheim: Isn't that supposed to be done, in the legislation? Under what circumstances would you say yes or no? It requires not a report to us which you could find out what was going on, but it requires us to approve it. Under what circumstances would we say no if it's legitimate already and described in the legislation?

Chairman Delzer: I think part of the question is we want that opportunity to decide what is legitimate. It is suppose to be presidentially declared and part of what happened last time is there was some funding that was done that FEMA had disallowed. What we want to do is I don't have a problem with that being done, but the whole legislature should make a decision like that; not the Dept of Emergency Services. Nor should the emergency commission ever do anything without it also coming through the budget section. Further discussion?

Vice Chairman Kempenich: How does this fit in with the \$14M carrying over from this biennium?

Chairman Delzer: This is added on top of the carryover money, and we'll have to look at the appropriation in SB 2016, so it's available to be used under this system. Further discussion?

Voice vote carried amendment .05007 to be adopted to SB 2369.

Representative Skarphol: I move a Do Pass as Amended on SB 2369

Vice Chairman Kempenich: Second

Roll call vote taken on **Do Pass as Amended on SB 2369**, resulting in 19 yes, 1 no, 1 absent, thus **motion carried**. **Chairman Delzer** was assigned as the carrier of the bill. Hearing closed.

VR
4/5/11
1083

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2369

Page 1, line 1, after "Act" insert "to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund;"

Page 1, line 1, replace "department of emergency services" with "adjutant general"

Page 1, line 3, after the semicolon insert "to provide for a budget section report;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-27. State disaster relief fund - Creation - Uses.

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations and emergency commission and budget section approval for providing the required state share of funding for ~~defraying the expenses of state disasters, including providing funds required to match~~ federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund."

Page 1, line 5, replace "There" with "Notwithstanding the provisions of section 37-17.1-27, there"

Page 1, line 13, remove "2010 disregarding the year with the highest snow"

Page 1, remove line 14

Page 1, line 15, replace "months" with "2008"

Page 1, line 18, after the period insert "The funding provided in this section is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state."

Page 2, line 3, replace "department of emergency services" with "adjutant general"

Page 2, line 4, after "expenses" insert "only"

Page 2, line 4, remove "for"

Page 2, line 4, after "efforts" insert "as authorized in subsections 1 through 4"

Page 2, line 6, after "may" insert "only"

Page 2, line 6, replace "department of emergency services" with "adjutant general, subject to emergency commission and budget section approval,"

Page 2, line 7, after "State" insert "share of funding required to match federal funds for"

Page 2, line 7, remove ", subject to"

2063

Page 2, line 8, replace "emergency commission approval" with "associated with presidential-declared disasters in the state"

Page 2, line 9, replace "Flood" with "Notwithstanding the provisions of section 37-17.1-27, flood"

Page 2, line 10, replace "a." with "(1)"

Page 2, line 11, replace "b." with "(2)"

Page 2, line 11, after the semicolon insert "and"

Page 2, line 12, replace "c." with "(3)"

Page 2, line 12, replace "; and" with a period

Page 2, replace lines 13 and 14 with:

- "b. The adjutant general may spend funds for purposes as provided for in this subsection only to the extent that federal funds are not available for this flood disaster relief or these disaster mitigation projects as certified by the adjutant general to the office of management and budget.
- c. Total expenses paid from the state disaster relief fund under this subsection may not exceed \$3,200,000.
- 3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects located on any natural body of water without a natural outlet that comprises more than one hundred fifty thousand acres at current water levels and has risen more than twenty-five feet since 1993, subject to the road:
 - (1) Qualifying for federal emergency management agency grade raise matching funds;
 - (2) Being expected to become inundated for six months or more after April 1, 2011;
 - (3) Being the only access road to a residence; and
 - (4) Being identified as a primary road in the county strategic road plan.
- b. The state will pay the state share required to match federal funds on eligible road grade raising projects and:
 - (1) Fifty percent of the local share on eligible county or township roads for a county or township that has lost up to thirty-three percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (2) Seventy-five percent of the local share on eligible county or township roads for a county or township that has lost more than thirty-three percent but less than fifty percent of its taxable land within the township where the road is located due to inundated lands since 1993.

- (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or more of its taxable land within the township where the road is located due to inundated lands since 1993."

Page 2, line 15, replace "3." with "4."

Page 2, line 15, remove "disasters pursuant to section 37-17.1-27, subject to emergency commission"

Page 2, line 16, replace "approval, not related to flooding that occurs during the spring of 2011" with "share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2369 - Adjutant General - House Action

The amendment:

- Changes Section 37-17.1-27, relating to the state disaster relief fund, to limit use of money in the fund for only the required state share of funding to match federal funds for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state. The years used to determine average snow removal costs are changed to 2004 through 2008, rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded.
- Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million.
- Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent to 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more.
- Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants.

Date: 4/4
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2369

House Appropriations Committee

Legislative Council Amendment Number .05007

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Skarphol Seconded By Rep. Monson

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Nelson		
Vice Chairman Kempenich			Representative Wieland		
Representative Pollert					
Representative Skarphol					
Representative Thoreson			Representative Glassheim		
Representative Bellew			Representative Kaldor		
Representative Brandenburg			Representative Kroeber		
Representative Dahl			Representative Metcalf		
Representative Dosch			Representative Williams		
Representative Hawken					
Representative Klein					
Representative Kreidt					
Representative Martinson					
Representative Monson					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice vote carries

Date: 4/4
 Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2369

House Appropriations Committee

Legislative Council Amendment Number 05007

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Skarphol Seconded By Rep. Kempenich

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Representative Nelson	X	
Vice Chairman Kempenich	X		Representative Wieland	X	
Representative Pollert	X				
Representative Skarphol	X				
Representative Thoreson	X		Representative Glassheim		X
Representative Bellew	X		Representative Kaldor	X	
Representative Brandenburg	X		Representative Kroeber	X	
Representative Dahl	X		Representative Metcalf	X	
Representative Dosch	X		Representative Williams	X	
Representative Hawken	X				
Representative Klein					
Representative Kreidt	X				
Representative Martinson	X				
Representative Monson	X				

Total (Yes) 19 No 1

Absent 1

Floor Assignment Rep. Delzer

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

REPORT OF STANDING COMMITTEE

SB 2369, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2369 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund;"

Page 1, line 1, replace "department of emergency services" with "adjutant general"

Page 1, line 3, after the semicolon insert "to provide for a budget section report;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-27. State disaster relief fund - Creation - Uses.

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations and emergency commission and budget section approval for providing the required state share of funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund."

Page 1, line 5, replace "There" with "Notwithstanding the provisions of section 37-17.1-27, there"

Page 1, line 13, remove "2010 disregarding the year with the highest snow"

Page 1, remove line 14

Page 1, line 15, replace "months" with "2008"

Page 1, line 18, after the period insert "The funding provided in this section is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state."

Page 2, line 3, replace "department of emergency services" with "adjutant general"

Page 2, line 4, after "expenses" insert "only"

Page 2, line 4, remove "for"

Page 2, line 4, after "efforts" insert "as authorized in subsections 1 through 4"

Page 2, line 6, after "may" insert "only"

Page 2, line 6, replace "department of emergency services" with "adjutant general, subject to emergency commission and budget section approval,"

Page 2, line 7, after "State" insert "share of funding required to match federal funds for"

Page 2, line 7, remove ", subject to"

Page 2, line 8, replace "emergency commission approval" with "associated with presidential-declared disasters in the state"

Page 2, line 9, replace "Flood" with "Notwithstanding the provisions of section 37-17.1-27, flood"

Page 2, line 10, replace "a." with "(1)"

Page 2, line 11, replace "b." with "(2)"

Page 2, line 11, after the semicolon insert "and"

Page 2, line 12, replace "c." with "(3)"

Page 2, line 12, replace "; and" with a period

Page 2, replace lines 13 and 14 with:

- b. The adjutant general may spend funds for purposes as provided for in this subsection only to the extent that federal funds are not available for this flood disaster relief or these disaster mitigation projects as certified by the adjutant general to the office of management and budget.
- c. Total expenses paid from the state disaster relief fund under this subsection may not exceed \$3,200,000.
- 3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects located on any natural body of water without a natural outlet that comprises more than one hundred fifty thousand acres at current water levels and has risen more than twenty-five feet since 1993, subject to the road:
 - (1) Qualifying for federal emergency management agency grade raise matching funds;
 - (2) Being expected to become inundated for six months or more after April 1, 2011;
 - (3) Being the only access road to a residence; and
 - (4) Being identified as a primary road in the county strategic road plan.
- b. The state will pay the state share required to match federal funds on eligible road grade raising projects and:
 - (1) Fifty percent of the local share on eligible county or township roads for a county or township that has lost up to thirty-three percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (2) Seventy-five percent of the local share on eligible county or township roads for a county or township that has lost more than thirty-three percent but less than fifty percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or

more of its taxable land within the township where the road is located due to inundated lands since 1993."

Page 2, line 15, replace "3." with "4."

Page 2, line 15, remove "disasters pursuant to section 37-17.1-27, subject to emergency commission"

Page 2, line 16, replace "approval, not related to flooding that occurs during the spring of 2011" with "share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2369 - Adjutant General - House Action

The amendment:

- Changes Section 37-17.1-27, relating to the state disaster relief fund, to limit use of money in the fund for only the required state share of funding to match federal funds for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state. The years used to determine average snow removal costs are changed to 2004 through 2008, rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded.
- Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million.
- Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent to 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more.
- Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants.

2011 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2369

2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee
Harvest Room, State Capitol

SB 2369
04-15-2011
Job # 16632

Conference Committee

Committee Clerk Signature *Alvin Delzer*

Explanation or reason for introduction of bill/resolution:

A CONFERENCE COMMITTEE HEARING ON EMERGENCY SNOW REMOVAL & FLOODING FUNDS (delayed bill)

Minutes:

One Attachment

MEMBERS OF THE CONFERENCE COMMITTEE ARE AS FOLLOWS:

SENATE: Senator Grindberg, (Chair); Senator Holmberg, Senator Robinson
HOUSE: Representative Delzer, Representative Thoreson, Representative Kroeber
OMB: Tammy R. Dolan; **LEGISLATIVE COUNCIL:** Sara Chamberlin

Chairman Grindberg called the conference committee to order at 9:30 a.m. in the Harvest Room. The clerk will call the roll. All conferees are present.

Chairman Grindberg asked the House to explain the changes working from the reengrossed bill.

Representative Delzer: In Section 1 we changed the language to make sure it goes through the emergency commission and the budget section and that it is used for our share of cost related to presidential declared disasters. The reason the House wanted to do this is last time there was some discussion in the budget section about what kind of authority people had to pay for things that were not approved by FEMA. The House really doesn't have a problem with paying for things not approved by FEMA but we think the whole legislature should make that decision during a legislative session instead of being done just in the budget section or just at the will of the Dept. of Emergency Services. We understand also that SB 2016 appropriates money out of this same fund and through this fund. There is about \$11M appropriated. A good share of it for operating. That is some of the existing money left over from last session. In Section 2 of the bill is \$9M for snow removal. The House left it at the 200% for January, February and March of this year. We went back to 2004-2008 to allow opportunity for some of the counties. 2009 and 2010 were high snow years. That would make it harder for them to qualify. Plus the information is already out there both for the department and for all the counties when we use 2004-2008. Section 3 is the same as it came over, the appropriation of the \$22M to the fund. Section 4 is appropriated out of that fund basically matching the language to match what we have in 37-17.1-27 Section 1 of the bill. Then we go on to talk

about the situation of the town by Devils Lake. We didn't change much except we eliminated the 3.2. We came up with the 3.2 list of the department of emergency services of what items would be spent there. We put language in there that federal funds are not available for the flood disaster relief on these mitigation projects. Part of the reason for that is if we end up with a high rise this time it may be a case where FEMA becomes much more involved in that community. That would change the need for some of this money. If they would have further need they would have to come back and get approval for it. In the testimony there was a lot of talk about the inundated roads around Devils Lake and we put language in there to say for any roads that have FEMA qualifications for inundated roads for the next 2 years we would pay half of the local share for everybody. It has to be due to the rise in Devils Lake. You can't say a lake so I think we used the language "any natural body of water without a natural outlet that comprises more than 150,000 acres at current water levels and has risen more than 25 ft since 1993. Then we wanted to set it up comparing how much land they have lost to the lake township by township and both the counties and the townships are eligible for this money but it will match everybody up to half of the local share. If they lost more than 1/3 of their taxable land since 1993 but less than 1/2 we will share 75% of the local costs. If they have lost more than half of their land, we would share 90% of the cost. We did it that way because it is hard to compare valuations from 1993 to valuations today. Doing the 1/3 share will put most of the townships into the 75% rate. The 1/2 will put the really needy ones at the 90% local share.

Chairman Grindberg: Regarding the last point, did you calculate what the financial impact of that would be? Also what would the potential cost of Highway 2 be?

Representative Delzer: There was no mention of Highway 2; the local roads came up, anywhere from \$25M to \$40M total. That would be the state and local share with a 75/25 split. This is over a number of years. \$10M should be the very high side of that. We did it this way so there would be some local buy in. It's pretty limited to when you get to the townships and counties that are really inundated. We talked to the bank about a loan program; it would be hard to do because it would be hard to show payability. We had discussion about whether to try to offer some incentive for them to leave rather than fix the road up if it is less expensive for the state on the state's share. That's hard to set up. Who makes the decisions about what the value is? What if there are 6 individuals and 5 are willing to move but 1 isn't. This is what we came up with.

Senator Holmberg: The mechanics of the budget section which meets only 4 times a year, are we adding any risk to solving problems by having the budget section meet and have to approve using these funds? Is there a concern on behalf of the emergency management people?

Representative Delzer: It was part of our discussion. Before we set up this disaster relief fund all they did was go to the bank and borrow the money, and they can still do that. I don't see where quarterly is a problem. They can say this is going to cost us this in the next quarter, the budget section can do that. If they have to they can borrow from the Bank of ND and they did it last time. And again, the essence of this fund when we set it up, was not to leave it wide open, but to have it so we did not look at deficiency appropriations every 2 years. This is one of the few places that I think the budget section really belongs.

Senator Holmberg: I know you have always been a strong proponent of the budget section not getting into many of the areas that the budget section gets into but I would agree with you that this is an area that certainly there can be agreement that this is well within their purview.

Senator Grindberg: Of the \$10M potential, is that the state share?

Representative Delzer: That was total local, and that was considered to be the high side.

Senator Grindberg: So the state's share would be 50% of that or \$5M?

Representative Delzer: Yes, on this it would be \$5M up to probably 7 ½ or 8.

Senator Grindberg: Was it discussed that potentially that could all be used in the next biennium?

Representative Delzer: I don't know that it would all happen that quickly.

Senator Grindberg: The nature of my question is, without borrowing authority... who knows what next winter will be like? And trying to figure out where do we plug in here?

Representative Delzer: We are not taking the borrowing authority away at all.

Senator Grindberg: General Sprynczynatyk would you give us an overview of what has currently gone on and what you would anticipate for proposed costs including the Highway 2 issue?

Major General David Sprynczynatyk, North Dakota National Guard Adjutant General of Emergency Services: On the Highway 2 project I am not familiar with the issues there at all. That is a US highway and DOT has separate funding and separate programs through the federal highway administration. We don't get involved in those. Our involvement in transportation is with the roads that are not on the federal aid system at all. The federal aid system includes the interstates, the US highways, the state highways and the county roads.

Senator Grindberg: Sara, before our next meeting would you research the DOT budget? If I recall it was going to be \$70M to raise Highway 2 of which \$12M or \$13M would be general fund. Maybe that's in the DOT bill somewhere.

Representative Delzer: In the DOT budget there is a \$120M borrowing authority for ER work.

General Sprynczynatyk: What I would like to do is address all the questions you've asked. I thought I would talk through a couple of sections where we see potential challenges. (See Attachment #1) Section 1: Prior to 2009, whenever we had a disaster, we would go to the emergency commission to seek the authority and funding to borrow money and to accept federal money if it was a presidential declared disaster and then we would go to the Bank of ND, borrow that money and then we would come back to the legislature and request a deficiency appropriation. In 2009 when the disaster relief fund was created it changed the process in a way that worked very well. Since July 1, 2009 when we have had disasters we have been able to go to the emergency commission, get the same authorities as I described a

minute ago, go to the Bank of ND, borrow money in the interim, then at the next budget section meeting go to the budget section and secure the approval of the budget section, pay back the Bank of ND and then not have to go to the legislature and seek a deficiency appropriation. In essence the appropriated funds in the disaster relief fund allowed us to borrow on a short term basis and then use money that was appropriated to repay the project costs. Section 1 now would create 2 processes. We will always have disasters. The March 11 blizzard is a good example. We did incur state costs that will not be not be reimbursed by the federal government. What we were able to do this biennium is actually use funds appropriated out of the disaster relief fund to cover those costs. Right now as we speak, the state is incurring expenses and we are using the disaster relief fund to pay for those people. In the future with Section 1 what we would have to do to cover those costs that I just described is go to the emergency commission, get the necessary approval to borrow, make that payroll, pay those costs and then come back for a deficiency appropriation. Section 1 would also allow us to use the disaster relief fund for that portion of the disaster response and recovery that involved federal money. So what we would do is go to the emergency commission, borrow money again and go to the budget section, and then pay back the loan from the disaster relief fund and not have to seek a deficiency appropriation. So Section 1 creates 2 processes we would have to follow. If that is the intent of the legislature we will do that, but it will be a bit of a challenge just from an accounting standpoint because we will have to separate the expenses that will be eligible for federal reimbursement and those that are not. Those that are eligible will use the disaster relief fund, those that are not we will end up with a deficiency appropriation. We see that as a bit of a challenge. In my opinion, if we would just remove the "to match federal funds" language, that would allow us to have a situation similar to what we have now. We would go to the emergency commission, go to the budget section, we would not have to have a deficiency appropriation but we would be able to respond and provide for recovery to disasters within the limits of the appropriations to the agency from the state legislature. We have thought through this pretty thoroughly to make sure we understand what the outcome of Section 1 would be in its present form.

Section 2 is very good. It makes our job easier. The threshold is still at that 200% level which I think is appropriate. They have increased the grant to 60% from the 50% used two years ago.

Section 3 is fine. Concerning the appropriations provided for in SB 2369 and in SB 2016 at the start of the biennium we are estimating that we will have approximately \$34.5M in the disaster relief fund. That is based on an estimate of what our current costs are and what our expenditures will be between now and then. It is from the \$34.5M that the \$9M would come from for the snow removal grant program, the \$3.2M for Minnewaukan, the fund provided for the volunteer assistant agencies, and for the inundated roads. The \$34.5M is an appropriate number.

Section 4 does cover several different areas. Subsection 1, on line 20 of page 2 when it talks about the state share of funding to match the federal funding for the 2011 event, what that says is we can only use the disaster relief fund to match the federal funds. Those other costs that are not eligible for federal reimbursement will have to be dealt with through an emergency commission action and subsequent loan and deficiency appropriation. Subsection 2 of Section 4 is the Minnewaukan project. The \$3.2M is an appropriate number. Subsection 3 is the Devils Lake inundated roads program. There are some issues that need to be addressed if the intent is to limit the program to the Devils Lake area. The issues on Line 5 for example there is

reference to a body of water without a natural outlet. Devils Lake does have a natural outlet. We are just not to it yet, but we will be soon. That becomes a problem because it does have a natural outlet. Also the language that starts on line 11 of page 3 "being expected to become inundated for 6 months...". I think the intent was to include those roads that are inundated right now from last year that haven't been fixed as well as those that have been or are expected to be inundated for 6 months or more. In lines 13 and 14 the language there really creates a situation where every single access road that is going to be addressed through this program has to be called a primary road in the county strategic road plan. There the simple solution would be on line 13 to change the word "and" to the word "or".

Then in Subsection 3B of Section 4 starting on line 15 Subsection 4 of section 4 at the bottom of page 3 has the same problem as before, the federal funds. What I would offer for thought is there are a lot of counties, cities, and townships that are struggling with the flooding. In our discussions the governor and I have talked about what if we used a similar policy to what was used in 2009, providing a grant for 50% of the non-federal, non-state share? In other words knock that 7½% down to 3¾%. We think a loan program could be put into place, even through the agency. It would be a low interest loan, 2% over a period of 15 years. They could borrow for the remaining non-federal share and then pay it back.

Senator Robinson: For our next meeting, there are several subdivisions that are still struggling with 2009 issues. Then we have the Devils Lake and the Minnewaukan situation and this winter with flooding all over. We have no idea what will happen in 2012. As you assess the big picture, can you assure us that everything we have here will position your agency to do the work you have to do?

Senator Grindberg: For our next meeting I would like to see on Section 1 a diagram of current and House proposed in Section 1 so I can follow it. And secondly a one page summary of where we are at in the disasters for this spring, your best estimate of costs at this point.

General Sprynczynatyk: \$30M

Senator Grindberg: We are adjourned.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee
Harvest Room, State Capitol

SB 2369
04-16-2011
Job # 16688

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

A CONFERENCE COMMITTEE HEARING ON EMERGENCY SNOW REMOVAL BILL

Minutes:

Attachments, Amendments and Vote

MEMBERS PRESENT ARE AS FOLLOWS:

SENATE: Senator Grindberg, (Chair) Senator Holmberg, Senator Robinson
HOUSE: Rep. Delzer, Rep. Thoreson, Rep. Kroeber

OMB – Tammy R. Dolan; LEGISLATIVE COUNCIL – Sara Chamberlin

Chairman Grindberg: Called the conference committee to order. We will have the clerk call the roll. All conferee members are present. Others present were: Governor Dalrymple, Major General David Sprynczynatyk, Greg Wells, and Pam Sharp. Presented Testimony attached # 1. Transportation Emergency Relief funding for the Devils Lake Area and stated we can review that individually. I am distributing two amendments, .05008 and .05009 and will have Sara Chamberlin explain them to us.

Sara Chamberlin: Page to page 3 of amendment 05008. She read off the amendment and talked about the changes. The only difference on 05009, what was added was for the authorization to provide grants to political subdivisions for up to fifty percent of the local share required to match federal disaster relief funds for disasters from January 2011 to June 2011. That provision is not in amendment 05009.

Senator Holmberg: That is the provision the 5th bullet on the 08.

Chairman Grindberg: My notes, we had some discussion on the engrossed bill, where access road to resident and we discussed and/or and both sets of amendments, just delete and put in or?

Sara Chamberlin: There was a change from and to or, of the eligibility criteria the bill reads that the project only needs to meet one of the four criteria.

Chairman Grindberg: Section 1, we corrected on page 3 the natural body of water, we've addressed and to or language of the bill. I had a note on borrowing authority, and we still have the grant size.

Rep. Delzer: As far as I know it does, and taking out for the match for fed funds.

Senator Robinson: The bullet point, on page three will reduce the local share by 50%, we had some discussion about the possibility of including a provision here to those local political subdivisions who are completely out of funds, to borrow from the disaster emergency fund, to cover their share. I'd like to have some discussion, the situation is broad based and I would like to consider that and it would be paid back but it would be a tool they could use if they are in a desperate situation.

Rep. Delzer: I don't believe DES is the place to set that up. The bank said they had hard times qualifying for something like that. The problem you have in setting this up in DES is what happens if you have entities that can't repay it, you're sitting there 10 to 15 years from now and looking at how to adjust some of these things, how to do it. I would think they would wonder why on earth this legislature would set up this program. I wouldn't be comfortable with that at this time.

Senator Robinson: The problem exists now, whether we set up through DES or the bank, they need help now I would suggest it is prudent on our part to help them when they are on their knees. I know that a couple of them went into talk to local banks to get some dollars to get through this and the bank is suggesting that the individuals elected officials would have to guarantee the notes and we can't go down that road.

Rep. Delzer: There has also been some discussion in the tax bills about the possibility of changing emergency language and limits that are put on there. If the Bank can't do it you wouldn't want to add DES it is not the place. I think we should move the bill forward.

Senator Robinson: I would follow up, we can hope something comes together in OMB or tax bill, it would be a mistake in our part to delay or postpone this. The chances of that coming back in another bill are remote at best. The people need help, they haven't recovered from 2009, we have 2011 in front of us and have no idea what is coming in 2012.

Senator Holmberg: We are not going to solve all the problems in 2369. I am in agreement with Rep. Delzer, we have come a long way with this bill, let's get this bill passed and onto the governor's desk.

Rep. Delzer: If you are ready for a motion.

Chairman Grindberg: I had asked for a flow chart yesterday and I would like to have that.

Major General David Sprynczynatyk: The flow chart, Testimony attached # 2 – Disaster/Emergency Funding Processes and Testimony attached # 3 – Estimated Disaster Costs and DRF Impacts. I think it will show you very clearly the process and where we are right now and what we anticipate what we will be

Rep. Delzer: Is the proposed process on the flow chart in the existing language in 2369?

Major General David Sprynczynatyk: The top line is the process we went through prior to 2009. Testimony attached # 1, Disaster/ Emergency Funding Processes. He went over the handout.

Chairman Grindberg: If we adopted the amendment.

Major General David Sprynczynatyk: It would take out the language making the disaster relief fund exclusive to the federal match and the process would be quite similar to what we show is the current process.

Chairman Grindberg: By using the same process and then inserting the budget section in with the emergency commission seems to be the amiable approach.

Rep. Delzer: I am not sure that's totally true. It opens it up considerably, but per non presidential declared disasters, we still need to go the budget section for approval before they get the money.

Major General David Sprynczynatyk: That is correct. Yes we have when we've had when we had disasters the budget section had to approve the action of the emergency commission allowing the expenditure.

Senator Holmberg: There are a number of items that we get on the agenda, that is just a report, and if you recall we put a star by them if they need a vote. I

Rep. Delzer: We may take a vote, but I don't think the language required it.

Senator Holmberg: Do you recall the last time you were before the budget section?

Major General David Sprynczynatyk: I don't but I know since the start of the biennium there has been 3 or 4 times where we have reported and in a couple of instances we sought action by the budget section, we need to clarify that.

Senator Holmberg: This language does no damage to that, it might clarify it.

Rep. Delzer: I think with the testimony we have I think we did what the general asked yesterday. If you prefer a motion, I **move the House recede from House amendments and amend as follows: 11.0796.05009.**

Rep. Thoreson: Seconded the motion.

A ROLL CALL VOTE WAS TAKEN ON SB 2369: YEA: 6; NAY: 0; ABSENT: 0. MOTION CARRIED. Chairman Grindberg will sign the bill on the Senate Side; Rep. Delzer will sign the report on the House side. Chairman Grindberg will carry the bill on the floor.

The Conference Committee Hearing on SB 2369 was closed.

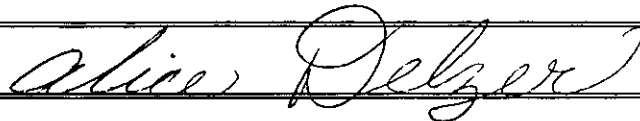
2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee
Harvest Room, State Capitol

SB 2369
04-19-2011
Job # 16783

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A CONFERENCE COMMITTEE HEARING ON EMERGENCY SNOW REMOVALBILL (DO PASS AS AMENDED)

Minutes:

You may make reference to "attached testimony."

MEMBERS PRESENT ARE AS FOLLOWS:

SENATE: Senator Grindberg, Chair); Senator Holmberg, Senator Robinson
HOUSE: Rep. Delzer, Rep Thoreson, Rep. Kroeber
OMB: Tammy R. Dolan; LEGISLATIVE COUNCIL: Sara Chamberlin

Chairman Grindberg called the conference committee to order at 4:30 pm on Tuesday, April 19th, 2011 in the Harvest Room in reference to SB 2369. We will have the clerk call the roll. All conferee members are present. Rep Delzer has a copy of the engrossed bill and had a question. Sara will clarify for the record here what you just mentioned.

Sara Chamberlin: One of the amendments that has changed on this version is on page 3, section 4, under subdivision 3, #2, prior this read "Being expected to become inundated for 6 months or more after April 1st of 2011", and the amendment changes that language to read "Having been inundated for 6 months or more or being expected to become inundated for 6 months or more after April 1st of 2011".

Chairman Grindberg: So that is in .01011. OK. Just so everyone understands that was additional information that came after this morning. So we have captured the concerns from Saturday, made section 1 consistent with the remainder of the bill. We captured the "oops" this morning and the double "oops" this afternoon all in here. And now if you could you explain. I want to make sure I am tracking this here and everyone understands.

Rep. Delzer: My understanding of it is that we are taking out anyplace where it says "To match federal dollars" and leaving in "Presidential declared disasters" and then the change on #4 that Sara just mentioned. That's the changes?

Sara Chamberlin: That's correct, Mr. Chairman. And I have copies of the version of the bill that was passed on Saturday and I can go through those changes with everyone, would you like me to do that?

Rep. Delzer: No, I went through them. Mr. Chairman, the question is, how do we proceed?

Chairman Grindberg: Would we have to reconsider our action where we adopted the amendments first? And then attach the new motion .05011.

Rep. Delzer: I move where we would reconsider our actions where we attached .05008.
Seconded by Rep. Thoreson.

Chairman Grindberg: Discussion? If none, we'll have Alice take the roll on the Motion to Reconsider.

**A roll call vote was taken on the Motion to Reconsider action taken regarding .05008.
Yea:6. Motion carried.**

Rep. Delzer: I would move that the House recede from it's amendments and further amend which is .05011. **Second by Rep. Thoreson.**

Rep. Kroeber: By doing this have we solved our problem that the General had where on the cost share our intent is they can take and use the dollars from this without the federal disaster and that for example for our people that are working now and have to be paid, is that all fixed up now in this version?

Chairman Grindberg: My understanding it would be.

Rep. Kroeber: That's obviously this idea of cost share is plain to us as legislative intent that that's how we mean this to be. I would ask Sara if that s how you feel with Legislative Council that we have taken and solved that problem.

Sara Chamberlin: I believe the problem that was raised by the Adjutant General has been corrected. They've reviewed this bill draft.

Rep. Delzer: I think everything the General talked about has been taken care. His concern, as far as I was concerned was that you had to have federal dollars match, and we've taken care of that, but I don't know that it gives him free reign for any non-presidential disasters, that's still in there.

Chairman Grindberg: Further comments or questions? Take the roll.

A ROLL CALL VOTE WAS TAKEN THAT THE HOUSE RECEDE FROM IT'S AMENDMENTS AND FURTHER AMEND WHICH IS .05011 ON SB 2369. YEA: 6; NAY: 0; ABSENT: 0. MOTION CARRIES. Senator Grindberg will carry the bill on the floor.

Chairman Grindberg: Thank-you every one for your patience. This concludes our work on this bill never to come back to this committee again. The hearing was closed on SB 2369.

2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Senate Appropriations

Bill/Resolution No. SB 2369 as (re) engrossed

Date: 4-15-11

Roll Call Vote #: 1-05008 + 05009

- Action Taken**
- SENATE accede to House amendments
 - SENATE accede to House amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) _____

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

Engrossed) SB 2369 was placed on the Seventh order of business on the calendar

Motion Made by: Delzer Seconded by: Thoreson

Senators	4/15/11	Yes	No		Representatives	4/15/11	Yes	No
Senator Grindberg	✓	✓			Rep. Delzer	✓	✓	
Senator Holmberg	✓	✓			Rep. Thoreson	✓	✓	
Senator Robinson	✓	✓			Rep. Kroeber	✓	✓	

Vote Count: Yes 6 No 0 Absent 0

Senate Carrier Grindberg House Carrier Delzer

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2369

That the House recede from its amendments as printed on pages 1222-1225 of the Senate Journal and pages 1398-1401 of the House Journal and that Engrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund;"

Page 1, line 1, replace "department of emergency services" with "adjutant general"

Page 1, line 3, after the semicolon insert "to provide for a budget section report;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-27. State disaster relief fund - Creation - Uses.

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations and emergency commission and budget section approval for providing the required state share of funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund."

Page 1, line 5, replace "There" with "Notwithstanding the provisions of section 37-17.1-27, there"

Page 1, line 13, remove "2010 disregarding the year with the highest snow"

Page 1, remove line 14

Page 1, line 15, replace "months" with "2008"

Page 1, line 18, after the period insert "The funding provided in this section is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state."

Page 2, line 3, replace "department of emergency services" with "adjutant general"

Page 2, line 4, after "expenses" insert "only"

Page 2, line 4, remove "for"

Page 2, line 4, after "efforts" insert "as authorized in subsections 1 through 4"

Page 2, line 6, after "may" insert "only"

Page 2, line 6, replace "department of emergency services" with "adjutant general, subject to emergency commission and budget section approval,"

Page 2, line 7, after "State" insert "share of funding required to match federal funds for"

within the township where the road is located due to inundated lands since 1993.

- (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or more of its taxable land within the township where the road is located due to inundated lands since 1993.
4. Grants to political subdivisions for a portion of the local share required to match federal emergency relief funding relating to disasters occurring from January 2011 through June 2011. A political subdivision may apply to the adjutant general for an emergency relief grant under this subsection for up to fifty percent of the local match required to receive the federal emergency relief funding."

Page 2, line 15, replace "3." with "5."

Page 2, line 15, remove "disasters pursuant to section 37-17.1-27, subject to emergency commission"

Page 2, line 16, replace "approval, not related to flooding that occurs during the spring of 2011" with "share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2369 - Adjutant General - Conference Committee Action

This amendment:

- Changes Section 37-17.1-27, relating to the state disaster relief fund, to limit use of money in the fund for only the required state share of funding for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund. The provision included in the House version limiting the use of funds to only match federal funds is removed.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state. The years used to determine average snow removal costs are changed to 2004 through 2008 rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded. This is the same as the House version.
- Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million. This is the same as the House version.
- Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent but less than 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more. The eligibility requirements are changed from the House version in the definition of a body of water and the requirement for a project to meet all eligibility criteria is changed to permit projects to meet only one of the four eligibility criteria.
- Adds authorization to provide grants to political subdivisions for up to 50 percent of the local share required to match federal disaster relief funds for disasters occurring from January 2011 through June 2011.
- Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants. This is the same as the House version.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2369

That the House recede from its amendments as printed on pages 1222-1225 of the Senate Journal and pages 1398-1401 of the House Journal and that Engrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund;"

Page 1, line 1, replace "department of emergency services" with "adjutant general"

Page 1, line 3, after the semicolon insert "to provide for a budget section report;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-27. State disaster relief fund - Creation - Uses.

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations and emergency commission and budget section approval for providing the required state share of funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund."

Page 1, line 5, replace "There" with "Notwithstanding the provisions of section 37-17.1-27, there"

Page 1, line 13, remove "2010 disregarding the year with the highest snow"

Page 1, remove line 14

Page 1, line 15, replace "months" with "2008"

Page 1, line 18, after the period insert "The funding provided in this section is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state."

Page 2, line 3, replace "department of emergency services" with "adjutant general"

Page 2, line 4, after "expenses" insert "only"

Page 2, line 4, remove "for"

Page 2, line 4, after "efforts" insert "as authorized in subsections 1 through 4"

Page 2, line 6, after "may" insert "only"

Page 2, line 6, replace "department of emergency services" with "adjutant general, subject to emergency commission and budget section approval,"

Page 2, line 7, after "State" insert "share of funding required to match federal funds for"

Page 2, line 7, remove ", subject to"

Page 2, line 8, replace "emergency commission approval" with "associated with presidential-declared disasters in the state"

Page 2, line 9, replace "Flood" with "Notwithstanding the provisions of section 37-17.1-27, flood"

Page 2, line 10, replace "a." with "(1)"

Page 2, line 11, replace "b." with "(2)"

Page 2, line 11, after the semicolon insert "and"

Page 2, line 12, replace "c." with "(3)"

Page 2, line 12, replace "; and" with a period

Page 2, replace lines 13 and 14 with:

- "b. The adjutant general may spend funds for purposes as provided for in this subsection only to the extent that federal funds are not available for this flood disaster relief or these disaster mitigation projects as certified by the adjutant general to the office of management and budget.
- c. Total expenses paid from the state disaster relief fund under this subsection may not exceed \$3,200,000.
- 3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects located on any natural body of water that comprises more than one hundred fifty thousand acres at current water levels and has risen more than twenty-five feet since 1993, subject to the road:
 - (1) Qualifying for federal emergency management agency grade raise matching funds;
 - (2) Being expected to become inundated for six months or more after April 1, 2011;
 - (3) Being the only access road to a residence; or
 - (4) Being identified as a primary road in the county strategic road plan.
- b. The state will pay the state share required to match federal funds on eligible road grade raising projects and:
 - (1) Fifty percent of the local share on eligible county or township roads for a county or township that has lost up to thirty-three percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (2) Seventy-five percent of the local share on eligible county or township roads for a county or township that has lost more than thirty-three percent but less than fifty percent of its taxable land

within the township where the road is located due to inundated lands since 1993.

- (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or more of its taxable land within the township where the road is located due to inundated lands since 1993."

Page 2, line 15, replace "3." with "4."

Page 2, line 15, remove "disasters pursuant to section 37-17.1-27, subject to emergency commission"

Page 2, line 16, replace "approval, not related to flooding that occurs during the spring of 2011" with "share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2369 - Adjutant General - Conference Committee Action

This amendment:

- Changes Section 37-17.1-27, relating to the state disaster relief fund, to limit use of money in the fund for only the required state share of funding for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund. The provision included in the House version limiting the use of funds to only match federal funds is removed.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state. The years used to determine average snow removal costs are changed to 2004 through 2008 rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded. This is the same as the House Version.
- Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million. This is the same as the House Version.
- Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent but less than 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more. The eligibility requirements are changed from the House version relating to the definition of a body of water and the requirement for a project to meet all eligibility criteria is changed to permit projects to meet only one of the four eligibility criteria.
- Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants. This is the same as the House Version.

2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Senate Appropriations

Bill/Resolution No. SB 2369 as (re) engrossed

Date: 4-19-11

Roll Call Vote #: 1 *Reconsider 1st action*

- Action Taken**
- SENATE accede to House amendments
 - SENATE accede to House amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) _____

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by Rep. Delzer Seconded by: Rep. Thoreson

Senators				Representatives			
	<u>4/19</u>	Yes	No		<u>4/19</u>	Yes	No
Senator Grindberg	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Delzer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Holmberg	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Thoreson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Robinson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Kroeber	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Vote Count: Yes 6 No 0 Absent 0

Senate Carrier _____ House Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2369

That the House recede from its amendments as printed on pages 1222-1225 of the Senate Journal and pages 1398-1401 of the House Journal and that Engrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund;"

Page 1, line 1, replace "department of emergency services" with "adjutant general"

Page 1, line 3, after the semicolon insert "to provide for a budget section report;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-27. State disaster relief fund - Creation - Uses.

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations and emergency commission and budget section approval for providing the required state share of funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund."

Page 1, line 5, replace "There" with "Notwithstanding the provisions of section 37-17.1-27, there"

Page 1, line 13, remove "2010 disregarding the year with the highest snow"

Page 1, remove line 14

Page 1, line 15, replace "months" with "2008"

Page 1, line 18, after the period insert "The funding provided in this section is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used for purposes as provided for in section 4 of this Act."

Page 2, line 3, replace "department of emergency services" with "adjutant general"

Page 2, line 4, after "expenses" insert "only"

Page 2, line 4, remove "for"

Page 2, line 4, after "efforts" insert "as authorized in subsections 1 through 5"

Page 2, line 6, after "may" insert "only"

Page 2, line 6, replace "department of emergency services" with "adjutant general, subject to emergency commission and budget section approval,"

Page 2, line 7, remove ", subject to"

Page 2, line 8, replace "emergency commission approval" with " associated with presidential declared disasters in the state"

Page 2, line 9, after "2." insert "a."

Page 2, line 9, replace "Flood" with "Notwithstanding the provisions of section 37-17.1-27, flood"

Page 2, line 10, replace "a." with "(1)"

Page 2, line 11, replace "b." with "(2)"

Page 2, line 11, after the semicolon insert "and"

Page 2, line 12, replace "c." with "(3)"

Page 2, line 12, replace "; and" with a period

Page 2, replace lines 13 and 14 with:

- "b. The adjutant general may spend funds for purposes as provided for in this subsection only to the extent that federal funds are not available for this flood disaster relief or these disaster mitigation projects as certified by the adjutant general to the office of management and budget.
- c. Total expenses paid from the state disaster relief fund under this subsection may not exceed \$3,200,000.
- 3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects located on any natural body of water that comprises more than one hundred fifty thousand acres at current water levels and has risen more than twenty-five feet since 1993, subject to the road:
 - (1) Qualifying for federal emergency management agency grade raise matching funds;
 - (2) Having been inundated for six months or more or being expected to become inundated for six months or more after April 1, 2011;
 - (3) Being the only access road to a residence; or
 - (4) Being identified as a primary road in the county strategic road plan.
- b. The state will pay the state share required to match federal funds on eligible road grade raising projects and:
 - (1) Fifty percent of the local share on eligible county or township roads for a county or township that has lost up to thirty-three percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (2) Seventy-five percent of the local share on eligible county or township roads for a county or township that has lost more than thirty-three percent but less than fifty percent of its taxable land

within the township where the road is located due to inundated lands since 1993.

- (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or more of its taxable land within the township where the road is located due to inundated lands since 1993.
4. Grants to political subdivisions for a portion of the local share required to match federal emergency relief funding relating to disasters occurring from January 2011 through June 2011. A political subdivision may apply to the adjutant general for an emergency relief grant under this subsection for up to fifty percent of the local match required to receive the federal emergency relief funding."

Page 2, line 15, replace "3." with "5."

Page 2, line 15, remove "disasters pursuant to section 37-17.1-27, subject to emergency commission"

Page 2, line 16, replace "approval, not related to flooding that occurs during the spring of 2011" with "expenses associated with presidential-declared disasters in the state"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2369 - Adjutant General - Conference Committee Action

This amendment:

- Changes Section 37-17.1-27 relating to the state disaster relief fund to limit use of money in the fund for only the required state share of funding for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund. The provision included in the House version limiting the use of funds to only match federal funds is removed.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used as provided in Section 4 of the bill. The years used to determine average snow removal costs are changed to 2004 through 2008 rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded. The conference committee provides that any remaining funds may be used as provided in Section 4 of the bill. The House provided that any remaining funds only be used for the state share of funding to match federal funds for expenses associated with presidential-declared disasters in the state.
- Changes the provisions of funding available for spring 2011 flooding. The amendment states that funding is available for state costs relating to flooding occurring during the spring of 2011 associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for costs relating to spring 2011 flooding associated with presidential-declared disasters in the state.
- Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million. This is the same as the House version.
- Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent but less than 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more. The eligibility requirements are changed from the House version in the definition of a body of water, the requirement for a project to meet all eligibility criteria is changed to permit projects to meet only one of the four eligibility criteria, and the criteria that the road become inundated for six months or more after April 1, 2011, is changed to having been

inundated for six months or more or is expected to become inundated for six months or more after April 1, 2011.

- Adds authorization to provide grants to political subdivisions for up to 50 percent of the local share required to match federal disaster relief funds for disasters occurring from January 2011 through June 2011.
- Changes the provisions of funding available for presidential-declared disasters in the state. The conference committee provides that funding is available for expenses associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state.
- Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants. This is the same as the House version.

2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Senate Appropriations

Bill/Resolution No. SB 2369 as (re) engrossed

Date: 4-19-11

Roll Call Vote #: 2

- Action Taken**
- SENATE accede to House amendments
 - SENATE accede to House amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) 1222 .. 1225

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) SB 2369 was placed on the Seventh order of business on the calendar

Motion Made by Rep. Delzer Seconded by Rep. Thoreson

Senators	Yes	No		Representatives	Yes	No
Senator Grindberg	✓			Rep. Delzer	✓	
Senator Holmberg	✓			Rep. Thoreson	✓	
Senator Robinson	✓			Rep. Kroeber	✓	

Vote Count: Yes 6 No 0 Absent 0

Senate Carrier Grindberg House Carrier Delzer

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2369, as engrossed: Your conference committee (Sens. Grindberg, Holmberg, Robinson and Reps. Delzer, Thoreson, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1222-1225, adopt amendments as follows, and place SB 2369 on the Seventh order:

That the House recede from its amendments as printed on pages 1222-1225 of the Senate Journal and pages 1398-1401 of the House Journal and that Engrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund;"

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Page 2, line 3, replace "department of emergency services" with "adjutant general"

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- c. Total expenses paid from the state disaster relief fund under this subsection may not exceed \$3,200,000.
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 - (3) Being the only access road to a residence; or
 - (4) Being identified as a primary road in the county strategic road plan.
- b. The state will pay the state share required to match federal funds on eligible road grade raising projects and:
 - (1) Fifty percent of the local share on eligible county or township roads for a county or township that has lost up to thirty-three percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (2) Seventy-five percent of the local share on eligible county or township roads for a county or township that has lost more than thirty-three percent but less than fifty percent of its taxable land within the township where the road is located due to inundated lands since 1993.

- (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or more of its taxable land within the township where the road is located due to inundated lands since 1993.
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Page 2, line 16, replace "approval, not related to flooding that occurs during the spring of 2011" with "expenses associated with presidential-declared disasters in the state"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2369 - Adjutant General - Conference Committee Action

This amendment:

- Changes Section 37-17.1-27 relating to the state disaster relief fund to limit use of money in the fund for only the required state share of funding for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund. The provision included in the House version limiting the use of funds to only match federal funds is removed.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used as provided in Section 4 of the bill. The years used to determine average snow removal costs are changed to 2004 through 2008 rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded. The conference committee provides that any remaining funds may be used as provided in Section 4 of the bill. The House provided that any remaining funds only be used for the state share of funding to match federal funds for expenses associated with presidential-declared disasters in the state.
- Changes the provisions of funding available for spring 2011 flooding. The amendment states that funding is available for state costs relating to flooding occurring during the spring of 2011 associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for costs relating to spring 2011 flooding associated with presidential-declared disasters in the state.
- Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million. This is the same as the House version.
- Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent but less than 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more. The eligibility requirements are changed from the House version in the definition of a body of water, the requirement for a project to meet all eligibility criteria is changed

to permit projects to meet only one of the four eligibility criteria, and the criteria that the road become inundated for six months or more after April 1, 2011, is changed to having been inundated for six months or more or is expected to become inundated for six months or more after April 1, 2011.

- Adds authorization to provide grants to political subdivisions for up to 50 percent of the local share required to match federal disaster relief funds for disasters occurring from January 2011 through June 2011.
- Changes the provisions of funding available for presidential-declared disasters in the state. The conference committee provides that funding is available for expenses associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state.
- Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants. This is the same as the House version.

Engrossed SB 2369 was placed on the Seventh order of business on the calendar.

2011 TESTIMONY


SB 2369

NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Majority Leader



Senator Bob Stenehjem
District 30
7475 41st Street SE
Bismarck, ND 58504-3200
bstenehj@state.nd.us

TESTIMONY OF SEN. STENEHJEM FOR SB 2369

March 4, 2011

Good morning Mr. Chairman and members of the Committee. For the record, I am Senator Bob Stenehjem from District 30 in Bismarck. I come before you today to present Senate Bill 2369. SB 2369 provides up to \$31 million for statewide snow removal assistance and flood-fighting efforts, much like a similar bill that was passed during the last legislative session. As the threat of increased snowfall and the potential for associated flooding heightens, our state must be prepared and willing to assist our local communities in any way it can. SB 2369 will provide the financial means for our local governments to effectively deal with the burdens of North Dakota's severe weather conditions. It will provide a safety net for our communities in several ways.

First, the bill appropriates up to \$9 million for emergency snow removal grants. These grants will be made available to our counties, cities, and townships that experience significant strain on their snow removal budgets. These grants will be administered by the department of emergency services and will alleviate a burden that many local governments may be unable to successfully handle by themselves. Providing the necessary resources to our most susceptible communities is a responsibility that should not and cannot be taken lightly.

With increased snowfall, the potential for spring flooding in our state rises. SB 2369 provides for this eventuality by appropriating \$22 million from the state disaster relief fund for flood mitigation efforts and other state disasters. This money will help fund flood relief efforts that may occur as a result of our spring thaw as well as the ongoing flood mitigation measures taking place in Minnewaukan, ND. Additionally, any amount left over after the spring of 2011 will be available to assist North Dakota communities and local governments experiencing other types of natural disasters, such as the tornado that devastated the community of Northwood in 2007.

Mr. Chairman and members of the Committee, I urge your consideration of support for SB 2369. As legislators in our state's government, one of the most important responsibilities we hold is providing for the wellbeing of our fellow citizens. This bill will assist in that mission by directing essential resources to our communities when they are in the most need.

SB 2369

Good morning. Members of the Committee, I am Ryan Bernstein Deputy Chief of Staff and I am here on behalf of Governor Dalrymple to ask you to support this piece of legislation which provides emergency snow relief grants to cities, counties and townships and funding to help fight the spring floods.

When Governor Dalrymple presented the Executive Budget to the Legislature on December 8, 2010, the State had not received the significant snowfall that is currently creating hardships for our State and local political subdivisions. The excessive snow accumulation is not only placing burdens on our communities, but it is creating the strong likelihood of flooding this spring.

The current conditions across North Dakota warrant the Legislature appropriating additional money to address the snow emergency and potential flooding. We must do all we can to help our political subdivisions avert and minimize the effects of spring flooding. We must also act quickly to help alleviate the strain the snow is placing on our political subdivisions.

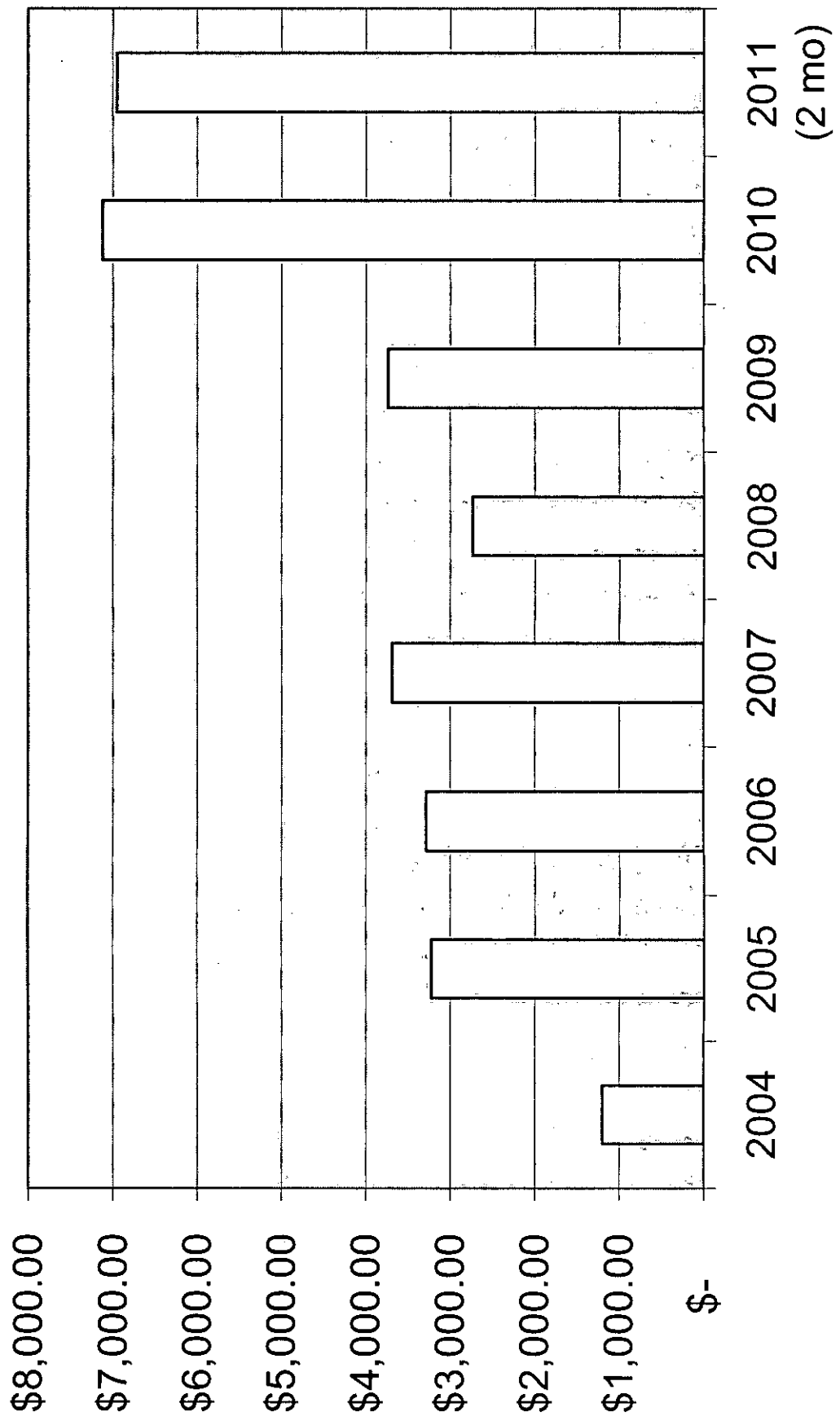
Senate Bill 2369 provides \$22 million in matching funds to help local governments cover the costs of spring flood protection efforts and to assist the city of Minnewaukan in its on-going Devils Lake flood mitigation measures. The bill also includes \$9 million to aide local governments that are burdened by excessive snowfall and have exhausted their budgets for snow removal.

We need to make sure emergency matching funds are available when our communities need it most. It's vital we act now to assist local communities that don't have the resources to adequately address these severe weather conditions by themselves.

We urge the committee and Legislature to support this important bill.

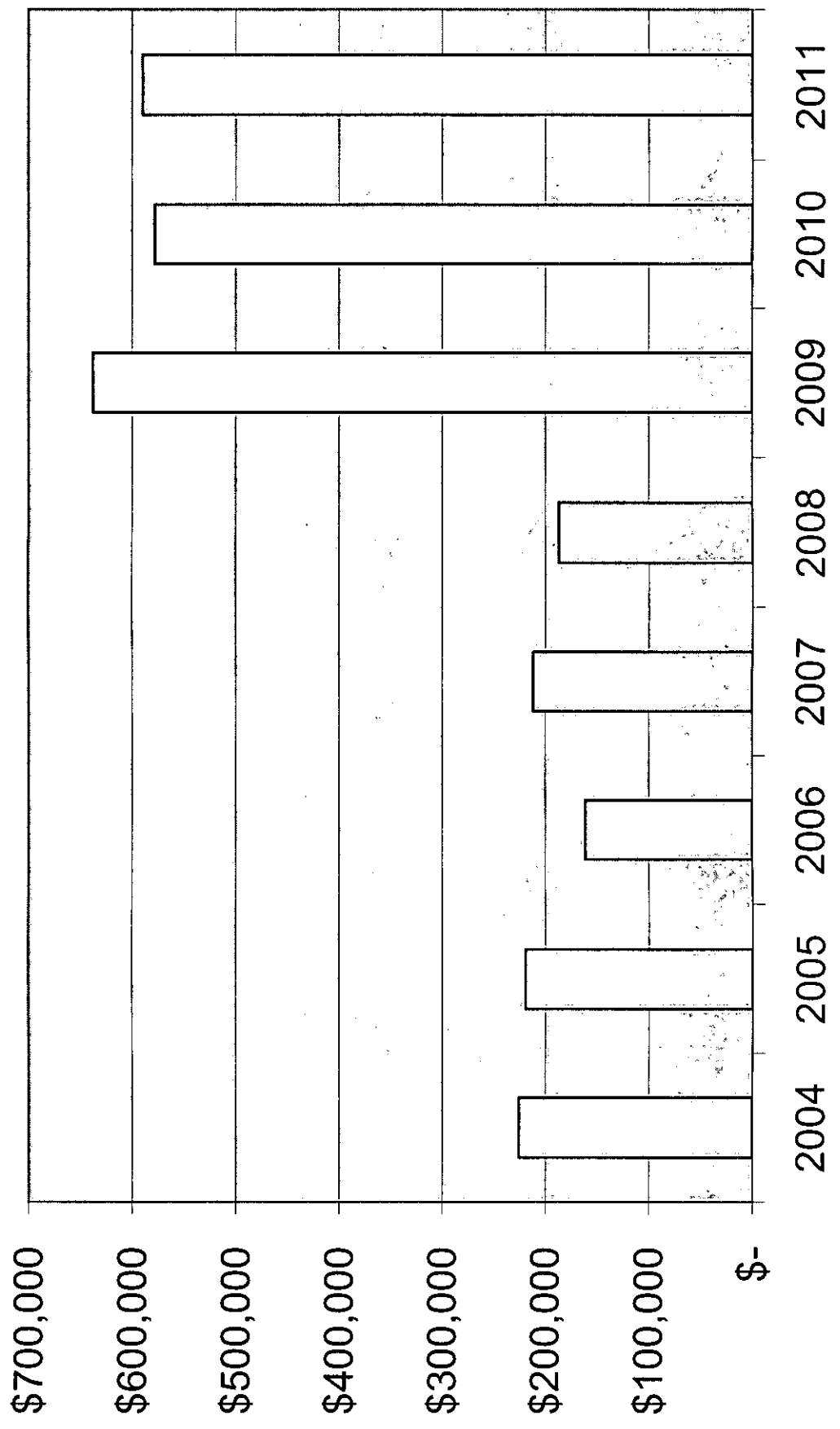
4. To provide grants to political subdivisions that qualify for FEMA road grade raises based on continuous inundation. The grant will not exceed fifty percent of the local cost share and be provide for only those roads that will be raised.

Casselton - Snow Removal

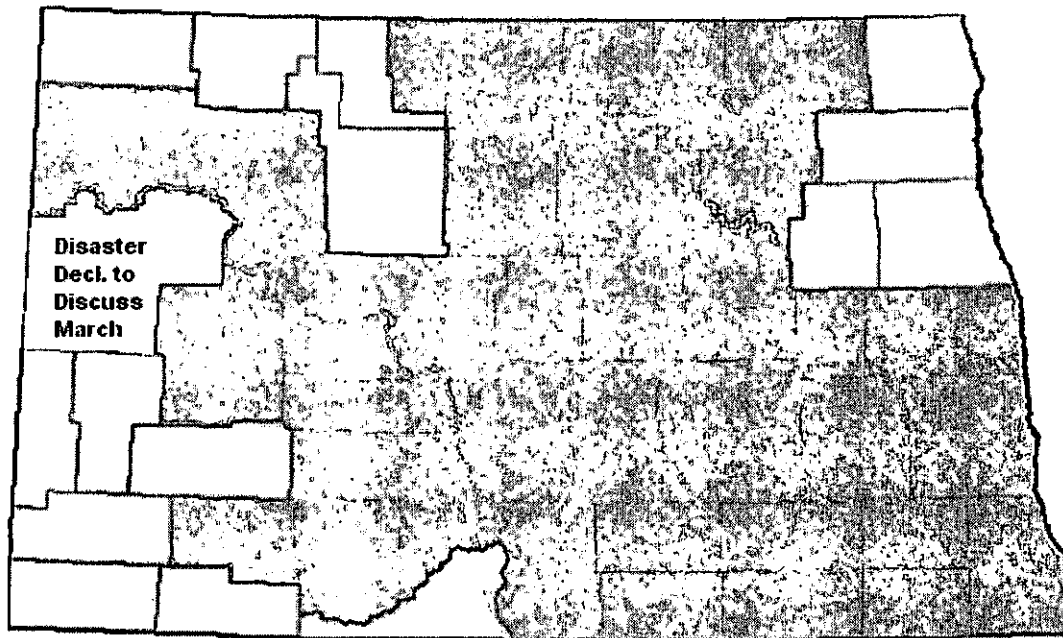


2

Minot - Snow Removal - Jan.-Feb.



Officially Declared Snow Emergency The 37 Shaded Counties Declared prior to 3/1/11



Selected Comments Collected in Survey of Snow Disaster Data

Barnes County – Declared Emergency. I will be asking commissioners on Tuesday to allow me to hire outside help. Most of our townships are in desperate need of pushing back but do not have the funds to hire contractors. I have already expended the entire overtime budget for the year as well as the entire snow removal budget. The situation we are in is equally as bad as 2009 and we are one snowstorm away from being overwhelmed. Our emergency fund is still depleted from 2009 and 2010.

Cass County – Declared Emergency. When we reach the point that have to hire contractors like we've done this year to push banks back, it's all unbudgeted expense. Our only option for funding it is to cut other planned maintenance and construction. We've had to tap our emergency fund the past 2 years so it is near \$0.

Griggs County – Declared Emergency. The emergency fund was at \$90,000 in 2010 but because of a mold problem in the courthouse was reduced to \$30,000. Now there have been tax collections of approximately \$22,000. At this time it looks as if the emergency fund will not be sufficient.

Ramsey County – Declared Emergency. The snow this year in Ramsey County is much worse than 2009. December and January billings for Township work are the highest ever. They average \$1,500.00 per month. Some Townships are more some are less. The emergency fund has been exhausted.

Snow Emergency Funding - 2009

Distributed by Dept. of Emergency Services pursuant to SB2012

09/15/2009

	CY04-CY08 Avg. Costs	Jan-Mar. 2009 Costs	Amount >200% of Average	State Pay @ 50% over 200%
Adams	\$1,280	\$58,330	\$55,770	\$27,885
Barnes	\$91,709	\$255,106	\$71,687	\$35,843
Benson	\$13,025	\$316,005	\$289,955	\$144,977
Billings	Did Not Qualify for Assistance			
Bottineau	Did Not Qualify for Assistance			
Bowman	\$8,449	\$114,861	\$97,964	\$48,982
Burke	\$40,833	\$193,994	\$112,327	\$56,163
Burleigh	\$103,530	\$1,295,750	\$1,088,691	\$544,345
Cass (Twp. Only)	\$3,166	\$24,122	\$17,791	\$8,895
Cavaler	Did Not Qualify for Assistance			
Dickey	\$32,172	\$187,064	\$122,720	\$61,360
Divide	\$62,632	\$297,663	\$172,400	\$86,200
Dunn	\$13,208	\$489,145	\$462,729	\$231,364
Eddy	\$16,234	\$65,763	\$33,294	\$16,647
Emmons	\$39,169	\$207,130	\$128,792	\$64,396
Foster	\$51,192	\$155,620	\$53,236	\$26,618
Golden Valley	Did Not Qualify for Assistance			
Grand Forks	Did Not Qualify for Assistance			
Grant	\$3,176	\$238,725	\$232,374	\$116,187
Griggs	\$34,465	\$82,964	\$14,034	\$7,017
Hettinger	\$12,941	\$169,537	\$143,655	\$71,827
Kidder	\$30,354	\$382,542	\$321,835	\$160,917
Lamoure	\$29,882	\$178,150	\$118,385	\$59,193
Logan	\$86,329	\$223,384	\$50,726	\$25,363
Henry	\$91,988	\$669,362	\$485,387	\$242,693
Wash	Did Not Qualify for Assistance			
McKenzie	\$47,771	\$346,681	\$251,140	\$125,570
McLean	\$205,865	\$2,072,865	\$1,661,135	\$830,567
Mercer	\$42,859	\$1,065,022	\$979,303	\$489,651
Morton	\$79,781	\$1,244,466	\$1,084,905	\$542,453
Mountrail	\$156,382	\$1,140,251	\$827,488	\$413,744
Nelson	Did Not Qualify for Assistance			
Oliver	\$13,396	\$119,478	\$92,686	\$46,343
Pembina	Did Not Qualify for Assistance			
Pierce	\$27,289	\$267,459	\$212,881	\$106,440
Ramsey (Twp. Only)	\$18,858	\$45,359	\$7,642	\$3,821
Ransom	\$68,140	\$157,430	\$21,149	\$10,575
Renville	\$36,770	\$166,737	\$93,197	\$46,599
Richland	\$56,872	\$208,245	\$94,501	\$47,250
Rolette	\$56,977	\$168,994	\$55,040	\$27,520
Sargent	\$1,709	\$8,466	\$5,049	\$2,525
Sheridan	\$32,126	\$377,443	\$313,190	\$156,595
Sioux	Did Not Qualify for Assistance			
Slope	Did Not Qualify for Assistance			
Stark	\$22,162	\$426,172	\$381,848	\$190,924
Steele	\$16,831	\$51,519	\$17,856	\$8,928
Stutsman	\$46,787	\$595,543	\$501,969	\$250,985
Towner	Did Not Qualify for Assistance			
Trail	Did Not Qualify for Assistance			
Walsh	Did Not Qualify for Assistance			
Ward	\$155,540	\$1,456,157	\$1,145,077	\$572,539
Wells	\$27,729	\$196,830	\$141,373	\$70,687
Williams	\$92,141	\$600,125	\$415,842	\$207,921
County Total (39 Co.)	\$1,971,717	\$16,320,456	\$12,377,022	\$6,188,511
County Total (123 Cities)	\$1,178,504	\$5,337,130	\$2,980,123	\$1,490,061
County Total (2 Tribes)	\$125,034	\$512,474	\$262,406	\$131,203
Grand Total	\$3,275,254	\$22,170,060	\$15,619,551	\$7,809,776

Snow Removal Cost Projection

Adding in CY09 Costs for New Average

Using CY09 Costs as Projected Expenditures

CY05-CY09 Average	State Pay @ 60% over 200%	State Pay @ 60% over 150%
\$12,690	\$19,770	\$23,577
\$124,389	\$3,797	\$41,114
\$73,621	\$101,258	\$123,344
\$29,731	\$33,239	\$42,159
\$71,465	\$30,638	\$52,077
\$341,974	\$367,082	\$469,674
\$7,357	\$5,645	\$7,852
\$63,150	\$36,458	\$55,403
\$109,638	\$47,032	\$79,924
\$108,396	\$163,412	\$195,931
\$26,140	\$8,090	\$15,932
\$72,761	\$36,965	\$58,793
\$72,078	\$6,879	\$28,502
\$50,286	\$82,892	\$97,978
\$44,164	Fails Threshold	\$10,030
\$44,260	\$48,610	\$61,888
\$100,791	\$108,576	\$138,813
\$59,536	\$35,447	\$53,308
\$113,740	Fails Threshold	\$31,665
\$207,462	\$152,662	\$214,901
\$107,553	\$78,945	\$111,211
\$579,265	\$548,601	\$722,380
\$247,292	\$342,263	\$416,450
\$312,718	\$371,419	\$465,234
\$353,155	\$260,364	\$366,311
\$34,612	\$30,152	\$40,536
\$75,323	\$70,088	\$92,685
\$24,158	Fails Threshold	\$5,472
\$85,998	Fails Threshold	\$17,060
\$62,763	\$24,726	\$43,555
\$87,147	\$20,371	\$46,515
\$79,380	\$6,140	\$29,954
\$3,060	\$1,408	\$2,326
\$101,190	\$105,038	\$135,395
\$102,964	\$132,146	\$163,036
\$23,769	\$2,389	\$9,519
\$156,538	\$169,480	\$216,442
\$415,663	\$374,898	\$499,597
\$61,549	\$44,240	\$62,704
\$193,738	\$127,589	\$185,711
\$4,841,465	\$3,998,707	\$5,434,955
\$2,010,229	\$790,003	\$1,393,072
\$202,522	\$64,458	\$125,215
\$7,054,215	\$4,853,169	\$6,953,242

For illustration only - the projections use Jan-Mar, 2009 Figures to illustrate the impact of adding the CY09 Costs into the county's average

Wells County, ND

Incurred November	2003	2004	2005	2006	2007	2008	2009	2010
Total Payroll (Not Totaled)	\$25,858.58	\$27,430.56	\$29,244.91	\$29,307.76	\$25,775.14			
Overtime Only						\$2,391.92	\$29.25	\$0.00
Arrowwood (Fuel)				\$1,741.87	\$1,826.40			\$6,355.50
Barlow (Fuel)					\$1,675.07			
Bremen Elevator (Fuel)	\$439.61	\$1,702.48	\$1,084.31	\$1,309.80				
Buechler (Fuel)	\$606.80	\$944.16	\$15.00			\$2,753.76	\$55.15	\$4,616.12
Butler (Equipment)	\$15,393.45	\$598.80	\$1,444.25	\$257.95	\$150.17	\$1,948.01	\$36,525.82	\$1,935.72
Dale's Radiator (Repairs)								
Farmers Union (Fuel)	\$79.96	\$1,279.73	\$2,345.85	\$4,698.59	\$4,128.49	\$4,547.50	\$4,506.18	\$2,551.47
Farmers Union (Fuel)	\$380.34	\$88.20	\$2,140.19			\$117.50		
Harvey Oil (Fuel)	\$571.16		\$3,708.05	\$2,834.36	\$3,550.31		\$1,072.60	\$2,972.80
Vining Oil (Fuel)	\$3,535.53	\$1,715.74	\$2,247.15		\$2,340.86		\$2,190.32	\$4,929.79
Totals	\$21,006.95	\$6,329.11	\$12,984.80	\$10,842.59	\$13,671.30	\$11,758.69	\$44,379.32	\$23,361.40

Incurred December	2003	2004	2005	2006	2007	2008	2009	2010
Total Payroll (Not Totaled)	\$28,596.36	\$28,824.57	\$28,378.53	\$28,358.48				
Overtime Only					\$79.92	\$1,647.16	\$0.00	\$6,197.94
Arrowwood (Fuel)						\$8,387.97	\$4,439.92	\$7,932.18
Barlow (Fuel)					\$1,754.99	\$9.90	\$72.15	
Bremen Elevator (Fuel)	\$552.29							
Buechler (Fuel)						\$2,804.61	\$3,106.10	\$6,757.05
Butler (Equipment)	\$260.90	\$145.48	\$244.77		\$3,301.01	\$4,445.02	\$1,523.61	\$4,885.82
Dale's Radiator (Repairs)							\$1,252.76	\$181.90
Farmers Union (Fuel)	\$1,032.13	\$1,137.63	\$6,150.10		\$3,053.25	\$3,326.47	\$4,223.26	\$18,818.51
Farmers Union (Fuel)	\$579.94						\$2,172.60	
Harvey Oil (Fuel)		\$884.36			\$1,409.04	\$6,641.39	\$2,363.76	\$2,384.64
Vining Oil (Fuel)	\$63.75	\$2,814.94		\$1,964.24		\$1,429.49		\$1,743.80
Totals	\$2,489.01	\$4,982.41	\$6,394.87	\$1,964.24	\$9,598.21	\$28,692.01	\$19,154.16	\$48,681.84

Incurred January	2004	2005	2006	2007	2008	2009	2010	2011
Overtime Only	\$258.00	\$585.68	\$0.00	\$0.00	\$0.00	\$26,663.86	\$3,272.67	\$2,718.25
Arrowwood (Fuel)			\$915.55	\$1,732.25	\$1,969.70	\$8,316.48		\$3,193.70
Barlow (Fuel)					\$556.13			
Bremen Elevator (Fuel)	\$483.85	\$761.72						
Buechler (Fuel)		\$1,256.64				\$6,620.79	\$4,429.20	\$3,324.07
Butler (Equipment)	\$1,499.18	\$2,260.48	\$1,376.94	\$3,543.96	\$1,002.07	\$13,698.96	\$11,096.28	\$3,329.21
Dale's Radiator (Repairs)						\$1,140.00		
Farmers Union (Fuel)	\$1,293.36	\$668.50	\$1,913.42		\$248.14	\$8,212.93	\$1,497.72	\$9,934.13
Farmers Union (Fuel)	\$457.78	\$1,363.54					\$2,203.57	
Flick Farms (Snow Removal)						\$2,480.40		
Harvey Oil (Fuel)	\$693.87					\$4,589.38	\$2,074.80	\$11,619.29
Dustin Kost (Snow Removal)						\$3,770.00		
P&F Repair (Repair IH)						\$344.33		
Vining Oil (Fuel)	\$40.80	\$957.56		\$1,844.28	\$1,654.26	\$4,670.96	\$2,393.03	\$8,670.13
Totals	\$4,706.64	\$7,834.12	\$4,205.91	\$7,120.49	\$5,430.30	\$80,508.09	\$26,967.27	\$42,788.78

Incurred February	2004	2005	2006	2007	2008	2009	2010	2011
Overtime Only	\$954.00	\$0.00	\$0.00	\$0.00	\$521.25	\$9,301.12	\$3,038.07	\$8,230.05
Arrowwood (Fuel)			\$882.40		\$4,561.92	\$4,669.18	\$4,868.25	
Barlow (Fuel)					\$1,375.60			
Bremen Elevator (Fuel)	\$607.12		\$854.35	\$956.35				
Buechler (Fuel)	\$971.04					\$6,198.64	\$5,143.27	\$3,205.16
Butler (Equipment)	\$3,775.88	\$60.86	\$16.45			\$15,247.23	\$4,112.99	\$13,371.51
Dakota Truck Service (Repairs)						\$112.42		\$450.76
Dales Radiator (Repairs)						\$1,044.66		
Farmers Union (Fuel)	\$692.91	\$1,271.37	\$1,516.91	\$378.30	\$1,789.43	\$9,405.11	\$8,818.00	\$8,007.86
Farmers Union (Fuel)	\$4,189.08	\$903.15			\$1,342.74	\$92.60	\$28.00	
Flick Farms (Snow Removal)						\$12,935.00		\$9,751.50
Harvey Oil (Fuel)	\$937.07	\$714.91	\$956.15	\$3,245.90		\$1,100.26	\$5,208.12	
Dustin Kost (Snow Removal)						\$10,790.00		
Meehan Machine (Repairs)						\$276.15	\$374.21	\$186.14
P&F Repair (Repairs)						\$1,470.99		
Schulz Engine (Repairs)							\$229.60	
Vining Oil (Fuel)	\$2,584.76	\$3,254.10	\$553.58	\$721.29			\$744.22	\$10,496.57
Totals	\$14,711.86	\$6,204.39	\$4,779.84	\$5,301.84	\$9,590.94	\$72,643.36	\$32,564.73	\$53,699.55

Incurred March	2004	2005	2006	2007	2008	2009	2010	2011
Overtime Only	\$84.50	\$0.00	\$0.00	\$3,016.98	\$52.13	\$5,673.55	\$3,350.31	
Arrowwood (Fuel)			\$926.16	\$3,351.78			\$2,403.50	
Barlow (Fuel)					\$1,767.32	\$22.00	\$124.50	
Bremen Elevator (Fuel)	\$580.83	\$480.84	\$550.55					
Brock White (Materials)						\$7,741.55		
Buechler (Fuel)					\$6,177.31	\$3,715.67	\$1,516.28	
Butler (Equipment)	\$224.16	\$143.86	\$1,626.97	\$1,041.34	\$12,194.74	\$5,496.68	\$3,131.23	
Farmers Union (Fuel)	\$2,261.67	\$1,026.63	\$3,044.06	\$4,266.20	\$14,079.81	\$5,957.94	\$1,882.68	
Farmers Union (Fuel)	\$97.99	\$737.51				\$589.38		
Farmers Union (Fuel)	\$1,813.06							
Harvey Oil (Fuel)	\$689.10		\$2,482.39		\$1,629.80	\$1,799.15		
Johnston Fargo (Culverts)						\$7,881.58		
Newman Traffic Signs (Signs)						\$7,684.10		
PowerPlan (Parts)						\$5,412.60		
Vining Oil (Fuel)		\$906.07		\$676.08	\$2,826.36	\$1,306.32	\$1,618.85	
Totals	\$5,751.31	\$3,294.91	\$8,630.13	\$12,352.38	\$38,727.47	\$53,280.52	\$14,027.35	

6

Senate Bill 2369

Testimony: Trish McQuoid, Mayor of Minnewaukan

Good morning Chairman Holmberg and members of the Senate Appropriations Committee. For the record my name is Trish McQuoid and I am the Mayor of Minnewaukan. I am here today to testify in favor of Senate Bill 2369.

Since the beginning of this legislative session the city of Minnewaukan has been in communication with the legislators from our surrounding districts to communicate the extraordinary disaster circumstances we will be facing this spring. The measures laid out in Senate Bill 2369 Sections 2 and 3 and the amount allocated will adequately address the concerns of Minnewaukan and several other communities facing disastrous flooding around the state in 2011 and 2012.

As you are aware, the city of Minnewaukan is threatened by the Devils Lake disaster in a way that we have dreaded for years. Over the past two years the lake has risen four feet, with over two feet predicted for this year. With the spring 2011 thaw upon us in just a few short weeks, it is already becoming all too real that when the spring 2011 and 2012 forecasts come to fruition if adequate action is not taken now, Minnewaukan will cease to exist.

In an effort to move its citizens out of harm's way, the city of Minnewaukan has decided to establish a new community which will be located 1 ½ miles north west of the existing town. We have been working diligently with all funding sources available to secure funding for the relocation of our community and our residents. To date, the school has secured funding to construct a new building and will begin construction at the new town site this spring. The city has been working closely with the ND interagency team led by Department of Emergency Services to initiate the relocation process and mitigate the hazard for the remaining high parts of town. The current relocation plan is to relocate all properties below 1,460 feet. Minnewaukan was recently placed as the top priority project for the Drinking Water SRF loan program with 60% loan forgiveness. This funding will be used to assist in expanding infrastructure to the new city site. We are in the process of applying for funding through FEMA's HMGP program, EDA and various other sources. Due to the tight restrictions with many of these programs, it is uncertain as to whether or not Minnewaukan will qualify or be selected for funding under these programs. For this reason, Senate Bill 2369 is extremely important to our community.

If action is not taken by the legislature now to set up an alternative flood disaster funding program, and Minnewaukan's funding efforts to date don't come through, the flood will come, the session will be out and the city will face the high probability of losing its 300+ citizens and city once a lake elevation of 1,458 is reached.

Action is needed now to protect the communities across the state from the extraordinary flooding that will occur this spring.

Thank you for your time and concern over the flooding in our state. I would be happy to answer any questions you may have.

SB 2369

Good morning. Members of the Committee, I am Ryan Bernstein, Deputy Chief of Staff and Legal Counsel for Governor Dalrymple, and I am here to ask you to support this important piece of legislation.

When the Governor presented the Executive Budget to the Legislature on December 8, 2010, the State had not received the significant snowfall that is currently creating hardships for our State and local political subdivisions. The excessive snow accumulation is not only placing burdens on our communities, but it is creating the likelihood of flooding this spring.

Senate Bill 2369 provides \$22 million in matching funds to help local governments cover the costs of spring flood protection efforts and to assist the city of Minnewaukan in its on-going Devils Lake flood mitigation measures. We anticipate it will take roughly \$3.5 million to protect Minnewaukan and help fill the gaps from other emergency relief programs.

The bill also includes \$9 million to aide local governments that are burdened by excessive snowfall and have exhausted their budgets for snow removal. In 2009, the legislature approved a bill to cover 50% of the costs incurred by a political subdivision. The bill before you today authorizes the department of emergency services to pay 60% of the snow removal costs for the period of January through March if the cost of the snow removal exceeded 200% of the political subdivision's average cost between 2004 and 2010, excepting out the highest and lowest years.

The bill also includes an emergency clause.

The Governor supports this delayed bill and urges the committee to vote due pass.

SB 2369
March 17, 2011
Attachment 2

TESTIMONY ON SB 2369
HOUSE APPROPRIATIONS COMMITTEE
Thursday, March 17, 2011

By: Steve Swiontek, Superintendent, Ed. D., Devils Lake Public Schools
701-662-7640
steve.swiontek@sendit.nodak.edu

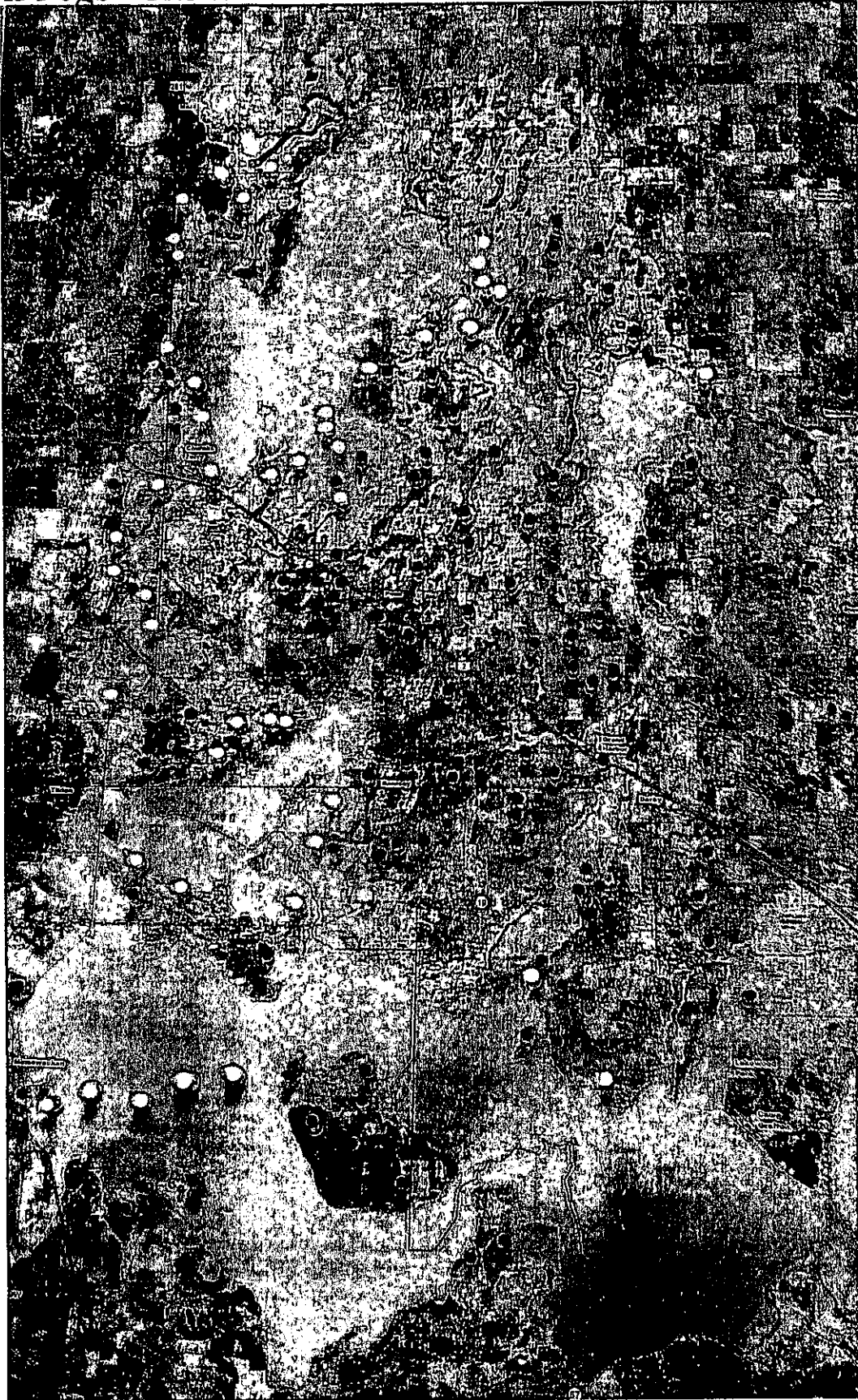
Chairperson Delzer and members of the House Appropriations Committee:

For the record my name is Steve Swiontek, superintendent of Devils Lake Public Schools. I am here asking that you give SB 2369 a do pass. As I stated in previous testimony this spring the rural roads in the Lake Region and around Devils Lake will see further damage because of the rising water. This will produce some very unsafe conditions for our rural students as they need to travel to school. Within a few weeks as the snow begins to melt we will have parents who will need to drive through water to get their children to school. Some students will need to drive themselves through water to get to school. We will have school buses on roads that will be very soft and will be unable to get to the homes of some our students due to the road conditions. And because of the rising water it may be necessary for some parents to transport their children by boat from their home to be picked up by our school buses. For the safety of our children, these roads needed to be raised and repaired immediately. This bill, if passed, will provide the much needed funds for these repairs to take place. The roads around Devils Lake and the Lake Region need to be repaired and raised now and therefore I urge

you to give SB 2369 a do pass. I now stand to answer any questions, to the best of my ability that you might have for me.

Devils Lake Basin West Side at Elevation of 1456
Black Pegs - Rural Residents above 1460 but Land Locked

SB 2369
March 17, 2011
Attachment 3



White Pegs - Rural Residents who have already lost the water battle
Blue Pegs - Country Cemeteries Under Water or Land Locked

"A Road Home"

- The "Black Pegs" on this map represent rural residents who all live above the Devils Lake Natural Drain Elevation of 1458".
- The "White Pegs" on this map represent rural residents who have already lost the battle to the rising waters of Devils Lake.
- The "Blue Pegs" are country cemeteries that hold our loved ones. Some will be under water while others we will not be able to get to because the roads will be under water.
- These "Black Peg" rural residents will not stand in water.
- These residents do not meet the criteria to qualify for flood insurance because their high elevations will allow their homes and buildings to remain dry.
- And yet not one of these "Black Peg" residents will have a "A Road Home"
- Dozens of rural residents will be forced to navigate through water every day to commute back and forth.
- Please remember this is not spring river flooding, this water rises and does not recede.
- These residents desperately need road raises to their homes and businesses however -----
- The townships these rural residents reside in have all lost so much of their Tax Base because of the rising waters of Devils Lake have consumed the farm land.
- These townships do not have the funding to pay any percent of the local match required to have road raises completed.
- "A Road Home" Such a precious luxury for the rural residents on this map.
- We are asking the Great State of North Dakota to please step in and provide funding for the local match in the townships that have been so economically and physically devastated by the rising waters of Devils Lake.

Help these Rural Families have "A Road Home"

Personal Story of Devils Lake Flooding

My name is Tammy Tollefson and I am writing to you in hopes that you will please take the time to hear my story and my personal battle with the Devils Lake Flooding. This is a 17 year old war and with every new year it brings on new battles and people having to relive the same battle over and over.

I would like to please tell you my personal story.

I have lived here on my property since 1982. In 1993 Devils Lake was 15 miles from my home and business location. It is now 75 feet from the back of my building but my elevation is 1476 so currently 25 feet above the lake level. Since 1997 I have lost roads into my property from every direction. Last year in 2010 we were down to one way in "The Benson Ramsey County Line Road" south of Churches Ferry. I am the last property at the south end of the road. I drove through water all last summer to get in and out. That road did finally receive a road raise in spots of 2 feet last November and now it appears that raise will be under 3 feet of water this spring.

My elevations are 1472 to 1476 on my property. The basement elevation of my home is 1468. My home is here and my business at well. I am a single women who has been here for 28 years and making my living from a building I put up on my property in 1989.. I had a horse broading and training operation here since 1989. In 2007 when we lost old 281 I stopped boarding horses for the public because our roads were just to dangerous and it just became to much of a worry with people trying to get in and out. I used to run horse events in my building but again I stopped because it was just to dangerous to ask people to come here.

I also buy prospect horses, finish them and resell. Last year the flooding made is just impossible for me to do my work and campaign these horses like I normally do. I could not get prospective buyers into the property . without watching the weather for rain and high winds. The horses I sell go all over the US and they are competitive show horses, it's an income I desperately count on. Many of my buyers are from out of state and will spend days or even weeks with me getting to know the horse they are buy from me before they take them home. In the past 2 years I have sold horses that moved to Oregon, Colorado, Indiana, South Dakota and Kansas. These people came to my property to spend time with me before they took their horses home.

I started an on location horse equipment business here in 1998 out of my building. I now have lost all my walk in customers because of the roads so I have struggled to keep my online sales going. With that my Postal, UPS and Fed Ex are vital. Last year I lost my Postal Service in April, I had to drive 28 miles around to Minnewaukan to get my mail and haul all my shipments through the water to get them to Devils Lake. I finally got on the Churches Ferry postal route the same week last fall that the Churches Ferry post office closed. However I do have my postal service pickup currently and I ship out orders 5 to 6 days a week via postal plus my shipments of product go in and out of here 5 days a week via UPS. Now I will certainly loose these services again this spring, plus my fire and ambulance. Do you realize that when I loose my accessibly I loose my ability to earn a living and pay my bills, what bills to I stop paying first? I loose my farm insurance because I am not fire accessible and when I loose that I loose the ability to have a mortgage on my business which is vital for me to keep going.

How do I leave with nothing and try to relocate and get a mortgage to start over when I may be force to leave not only my home but my business and all the equity I have built in it. And try to explain to a bank or lending agency that no I am not receiving a flood insurance payment because I am not nor ever will stand in water, the flood insurance program written for the Devils Lake basin does not apply to my situation, my elevation is high I will not flood. Nothing in this entire flooding saga applies to my situation but I may loose my home and my ability to earn a living only because my elevation is to high and no programs apply to my situation. The responses I get when I explain my situation to someone is "That is Criminal". Things I have continually been told by local leaders are "We have to keep you accessibility" "If you are not going to flood or stand in water we have to keep you accessible" Now I am hearing: "Well it may not at this point be economically possible for Fema to provide funding for my road" "The county may not be able to cover the matching funds" "You may not get a road" "You are in a unique situation and there are no answers" "Your situation has never been addressed before" "We have empathy for you" "We don't know what to tell you" or this one "You are not alone" Well I feel pretty darn alone right now.

As I watch the news and read the paper, it is so disheartening to hear and read only about the concerns for

the city of Devils Lake which parts are at an elevation of 1437 all protected by the multi million dollar dike, and now all the concern about the down stream interests and we hear nothing about the people who have and are really the ones paying the price for all this flooding. Please don't misunderstand me, I get the concern and the seriousness but I feel like I am one of the "Forgotten Ones" that in this whole big picture the agencies have forgotten to put a plan in place for those like myself and other people who are in this same situation. Back in 1999 our Fema Emergency Manager convinced me that I needed to buy flood insurance before the deadline because I was in the area of "Special Consideration" and even though he and I knew I would not flood but if I lost my roads and Fema felt it was not possible to keep accessibility for me that I would be given a fair buyout on my home and building a run my business from, not the insulting 60% of my house I was offered by local officials last year. That is insulting and yes I feel it is Criminal.

I am asking for myself and others like me where their elevations are higher then the natural drain of 1458 and who are losing their accessibility because of this flooding be given that "Special Consideration" we were told about back in 1999. I live 1 mile east of old 281, I lost accessibility to that in 2010, now I have to go 8 miles north to Highway 2. This spring my only road out will be under water in several spots and the main spot will be over a distance of 1 mile. I no longer will have a hill top to even try to cross to get out. The only hill top left in the one I am living on.

I have no options and I will be staying and trying to commute by water, 4 wheeler and on foot. When this happens I would like the agencies who have forgotten about those of us in these situations to meet me at the closest point they can drive and then come back home with me through the routes I will have to take through and over the water. Maybe then they will realize it is not just about the City of Devils Lake and the downstream interests which up to this point really have not had to sacrifice to much.

I hope you do not take my letter as rude, please know that is certainly not my intent at all. I am just desperately trying to be heard and I mean really heard, not pacified for a few minutes and then forgotten. I am trying desperately to drive my point home that people in my situation have been sacrificing and suffering from season to season, most of us know the elevation of every building we own and every low point in the roads we need to travel to get out. How many people in Devils Lake need to know that? I can tell you that the road I need to get out on the elevations range from as high at 1474 and down to as low as 1450.

Now many of us in the same situation worry about looters coming in by boat, Last year I had Boaters come within feet of where I work and then they sit in their boats with binoculars and watch me. If they did that on a street in town, it would be considered an invasion of privacy or even stocking. It is unnerving and those of us who have had to go through it feel like we are having our dignity taken from us.

I have been in contact with my legislators. Dennis Johnson and Curt Hofstad, they know my story and I believe they are trying to help on their end. I have been in contact with Paul Messner, a Fema rep and he knows my story well and has been in my yard last year, he is well aware of my plight and I know Paul did everything he could for me here last year and I know he will try hard again this year, and I am truly grateful for that. I know he understands how dire my situation is. I have also been in contact with Greg Wills of Homeland Security and Scott Stofferahn with Senator Conrad's Office.

I am asking for those of us at these elevations please be included in all the flood discussions. We only hear about the City of Devils Lake and the downstream interests. Please include the rural families and business owners like myself whom are suffering and at elevations above the natural drain of 1458. We all feel like the "Forgotten Ones" in this big picture.

I sincerely appreciate you taking the time to hear my story. I am just trying desperately to be a voice for myself and others that are dealing with the same situation.

Here is my street address:

Tammy Tollefson

[REDACTED]

Churches Ferry, ND 58325

I ask that you please take the time to even do a "Google Earth" of my location and then realize that those images are from 2009 so roads that appear passable are well under water.

If you can give me a opportunity to address my concerns and issues to the appropriate agencies I would be so grateful.

Please call me at my home number at [REDACTED] or my cell at [REDACTED]

I thank you again for taking your time to read this and listen to my story. There are many others out there with their own stories; I am asking you to please make a point to push our situations forward into the Flood Discussions.

Thank You

Sincerely

Tammy Tollefson

The Equine Arena

Good morning, Mr. Chairman and committee members, my name is Julie Schemionek. I come to you in the capacity as a citizen of the area and as a neighbor to the people behind me that need your help. You've heard the facts and the figures. Here is the story you haven't heard.

It is a sunny day in September. Harvest is in full swing. My husband Randy is helping the neighbor combine. I am at home when I receive the call that my husband has had an accident with the combine. I don't know what is coming out of my neighbor's mouth next. A million things run through your mind. They were moving to another field when the shoulder of the road gave way. My husband's combine hit the ditch and is totally out of control. It bounces back over the road to the other side, comes back up and throws him into the other ditch again, nose-diving the header into a ravine.

Fortunately for me and our children he is here today sitting behind me. His steering wheel held him in. We have lost over 1700 acres of farmland; we will more than likely lose the rest this year.

If any of you have ever driven through water, you know that at night your headlights are absorbed by the water and you can't see the edges of the road.

How many of you have taught your children to unbuckle their seatbelts and roll down their windows when they are crossing water? One year for Christmas, we gave our children special hammers to keep in their vehicles so they could break the windshield if they needed to. Who has to do that?

This great state of ND has a lot of good things going on, and we are excited for you. It is a job well done. However, we are the black hole that nobody wants to talk about. It is not a feel good conversation when we talk about the Devils Lake Basin. We get it. All we are trying to accomplish here today is to get help on our roads.

When I was a small girl, my dad died in a horrific semi truck accident. What I remember about that spring, summer, and into the harvest, is all the neighbors that were willing to help my mom finish putting the crop in and help her take the crop off.

That is what we do in ND – help our neighbors. We are asking for all of you to be our neighbor and help us get our roads with a 0% match. We need a road home. Thank you.

Agricultural Economic Impact in the Devils Lake Area Flooding in 2011

This analysis quantifies the extent of lost agricultural production in the Devils Lake Basin due to rising water levels in Devils Lake and Stump Lake and the surrounding area. The potential production that will not be produced in 2011 represents lost income to area producers as well as the region's economy. The total impact of this loss to the region is further increased in the form of indirect losses as this money is not available to be spent in other economic sectors of the economy.

Production data for the most recent five-year period, as reported by North Dakota Agricultural Statistics Service, were used in this analysis. Lost income due to increased water levels in the Devils Lake basin was assumed to be the value of the crop production that could have been produced on this acreage if it had been available to plant in 2011. Therefore, this acreage will not contribute to the economic activity in the region in 2011.

Acreage and yield data for 14 major crops grown in Benson and Ramsey counties for the years 2005 through 2009 were summarized. Average yields for the region are shown in Table 1. These yields were weighted based on the production from each county. The average percentage of acreage devoted to each crop is shown in Table 2. This crop mix is based on the sum of all acres produced over this 5-year period.

Table 1. Weighted Average Yields for Benson and Ramsey Counties, 2005-2009.

Crop	Average Yield/Acre
Barley	59.4
Corn Grain	97.9
Alfalfa Hay	1.9
Other Hay	1.7
Winter Wheat	49.2
Durum	35.4
Spring Wheat	38.2
Canola	1408.5
Flaxseed	18.2
Soybeans	27.7
Oil Sunflowers	1403.9
Conf Sunflowers	1234.5
Edible Beans	14.1
Dry Edible Peas	18.0

Table 2. Major Crops Grown in Benson and Ramsey Counties, 2005-2009.

Crop	Percent of Total Acre
Barley	13.0%
Corn Grain	9.5%
Alfalfa Hay	2.1%
Other Hay	3.5%
Winter Wheat	3.3%
Durum	1.0%
Spring Wheat	28.1%
Canola	6.9%
Flaxseed	1.7%
Soybeans	17.2%
Oil Sunflowers	2.5%
Conf Sunflowers	1.8%
Edible Beans	8.5%
Dry Edible Peas	1.0%

The current estimate of inundated area is 163,450 acres for 2011. This acreage data is from The Devils Lake Basin Joint Water Resources Board's website. The 163,450 acres represents the acreage inundated as the lake level has risen from 1422.9 feet in 1993 to a forecasted level of 1455.0 feet above sea level in 2011. Potential lost production per year is summarized in Table 3. This table includes the average acreage of each crop, the estimated market price, and the total value for each crop. The estimated value of production that could have been produced on this acreage for 2011 is \$52,757,993. This is an estimate of the direct loss that will incur in 2011.

Table 3. Potential Lost Production per Year in the Devils Lake Basin with 163,450 Acres of Cropland Inundated.

Crop	Average Yield	Average Acreage	Estimated Price	Value Per Year
Barley	59.4	21,321	4.50	5,696,335
Corn Grain	97.9	15,487	5.00	7,584,470
Alfalfa Hay	1.9	3,427	65.00	425,201
Other Hay	1.7	5,786	45.00	431,803
Winter Wheat	49.2	5,449	7.50	2,009,731
Durum	35.4	1,622	8.50	487,364
Spring Wheat	38.2	45,917	8.50	14,914,236
Canola	1408.5	11,235	0.220	3,481,445
Flaxseed	18.2	2,760	13.00	653,204
Soybeans	27.7	28,053	12.00	9,319,860
Oil Sunflowers	1403.9	4,041	0.240	1,361,571
Conf				
Sunflowers	1234.5	2,954	0.330	1,203,384
Edible Beans	14.1	13,823	25.00	4,877,513
Dry Edible Peas	18.0	1,575	11.00	311,875
Market Value of Lost Production				\$52,757,993

Total Economic Loss

The market value of the potential production that will not be produced represents the direct loss to the region's economy. Additional losses accrue in the form of indirect loss throughout the economy. The indirect impact is the economic activity created by the spending and re-spending of the direct impacts.

Total impact on business activity in the region from both direct and indirect losses is estimated at \$194,419,000. The major losses are \$57.6 million to the crop sector, \$50.9 million to the households sector (personal income), and \$42.9 million to the retail-trade sector. The remainder of the \$194.4 million loss is distributed among several other sectors of the economy.

This loss of business activity ultimately is reflected in lost jobs in the region. Employment loss is estimated at 1,150 jobs for the region.

These estimates were prepared by Dwight Aakre and Randal Coon, Department of Agribusiness and Applied Economics, and Bill Hodous Ramsey County Extension Agent, North Dakota State University, February 2011.

SB 2369
March 17, 2011
Attachment 6

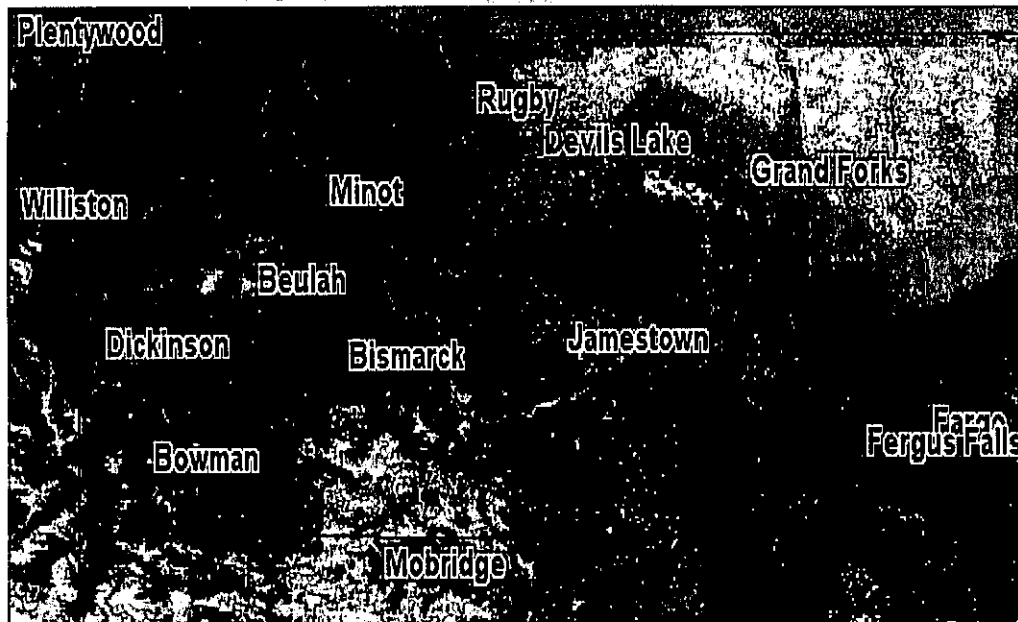
**Testimony To The
HOUSE APPROPRIATIONS COMMITTEE
Prepared March 17, 2011 by
Terry Traynor, Assistant Director
North Dakota Association of Counties**

REGARDING ENGROSSED SENATE BILL No. 2369

Chairman Delzer and members of the Committee, counties are obviously very strongly supportive of the emergency funding provided in Engrossed Senate Bill 2369. As the February 1st, snow pack map on this page illustrates, we have experienced a very widespread, and significant, winter snow impact. Unfortunately, this may also result in widespread and significant flood damage.

In 2009, the assistance the Legislature provided to counties, cities and townships in responding to the tremendous costs of snow removal and flooding was critical – as many of these local governments had stretched their operating budgets and exhausted their emergency funds. We are in a much similar situation in many counties, and some have indicated that they may be in an even worse position than in 2009 – due to their inability to restore their emergency funds.

North Dakota Snow Depth Analysis
www.weatherstreet.com as of February 1, 2011



Inches of depth

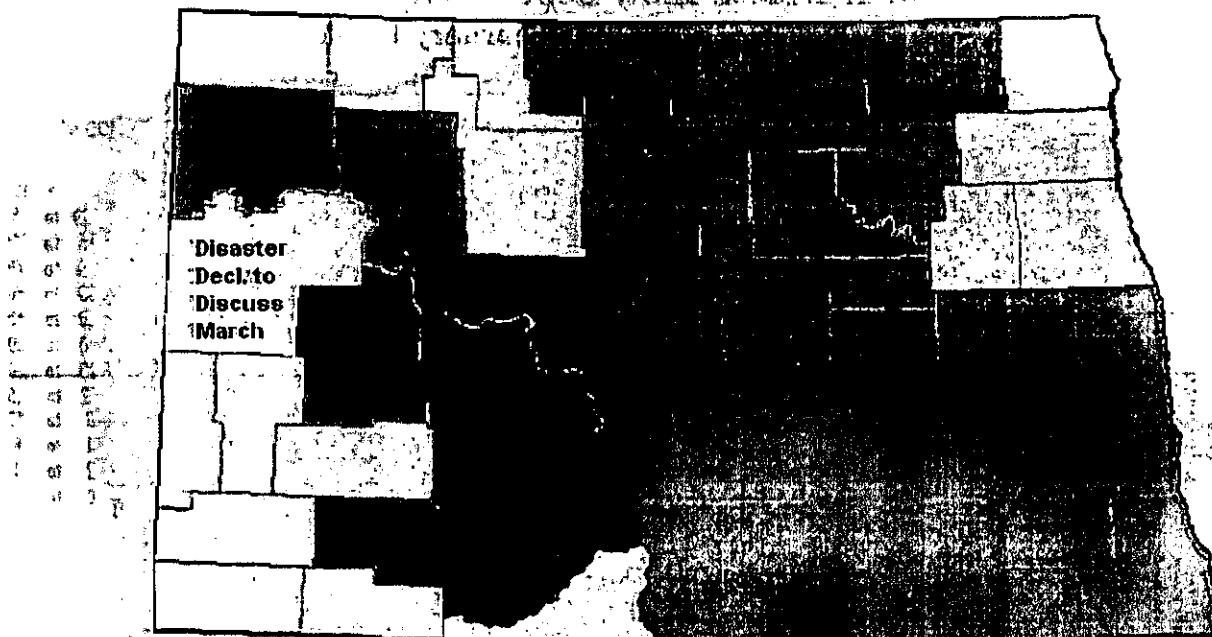
>	150
100 to	150
75 to	100
50 to	75
40 to	50
30 to	40
20 to	30
16 to	20
12 to	16
8 to	12
4 to	8
2 to	4
0 to	2

A survey was conducted in late February and early March to assess the impact that this winter's snow was already having on counties across the State. As the second map indicates, 37 counties had formally declared snow emergencies to access their emergency funds. I have also included just a several sample comments received with that information. From the many photos submitted, I have included just a few typical ones from two counties.

The final page contains an analysis of what SB2369, as it currently is written, would mean for two counties. The auditors from these counties have compiled their costs for the past seven years and made some estimates for the remainder of March. We believe that these charts argue strongly for a lower threshold. As you can see, by including 2009 and 2010 in the "base" calculation, these counties must expend significantly more local funds to reach the threshold.

Moving the threshold to 150% of the base, would increase the Foster County reimbursement from \$34,042 to \$50,899, and it would move Steele County from \$23,286 to \$31,105. Counties strongly urge you to consider making this funding a bit more accessible and ask for the Committee's "do pass" recommendation.

Officially Declared Snow Emergency The 37 Shaded Counties Declared prior to 3/1/11



Selected Comments Collected in Survey of Snow Disaster Data

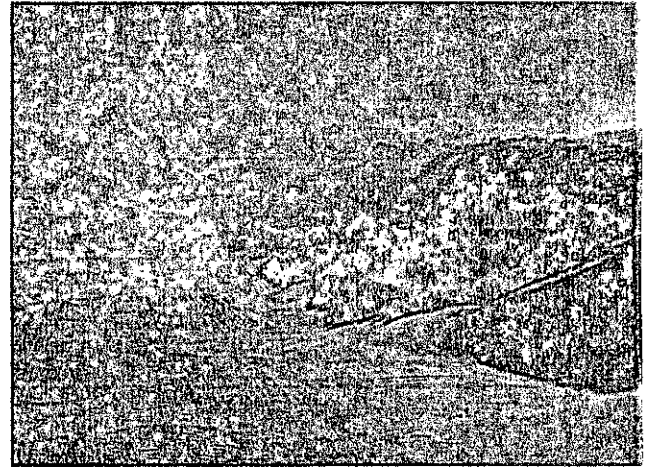
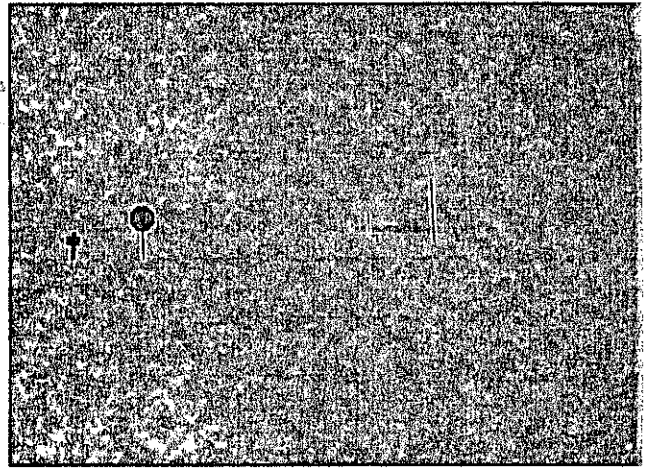
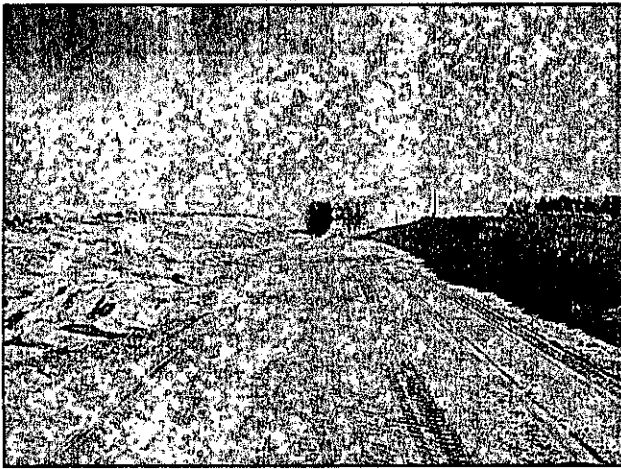
Barnes County – Declared Emergency. I will be asking commissioners on Tuesday to allow me to hire outside help. Most of our townships are in desperate need of pushing back but do not have the funds to hire contractors. I have already expended the entire overtime budget for the year as well as the entire snow removal budget. The situation we are in is equally as bad as 2009 and we are one snowstorm away from being overwhelmed. Our emergency fund is still depleted from 2009 and 2010.

Cass County – Declared Emergency. When we reach the point that have to hire contractors like we've done this year to push banks back, it's all unbudgeted expense. Our only option for funding it is to cut other planned maintenance and construction. We've had to tap our emergency fund the past 2 years so it is near \$0.

Griggs County – Declared Emergency. The emergency fund was at \$90,000 in 2010 but because of a mold problem in the courthouse was reduced to \$30,000. Now there have been tax collections of about \$22,000. At this time it looks as if the emergency fund will not be sufficient.

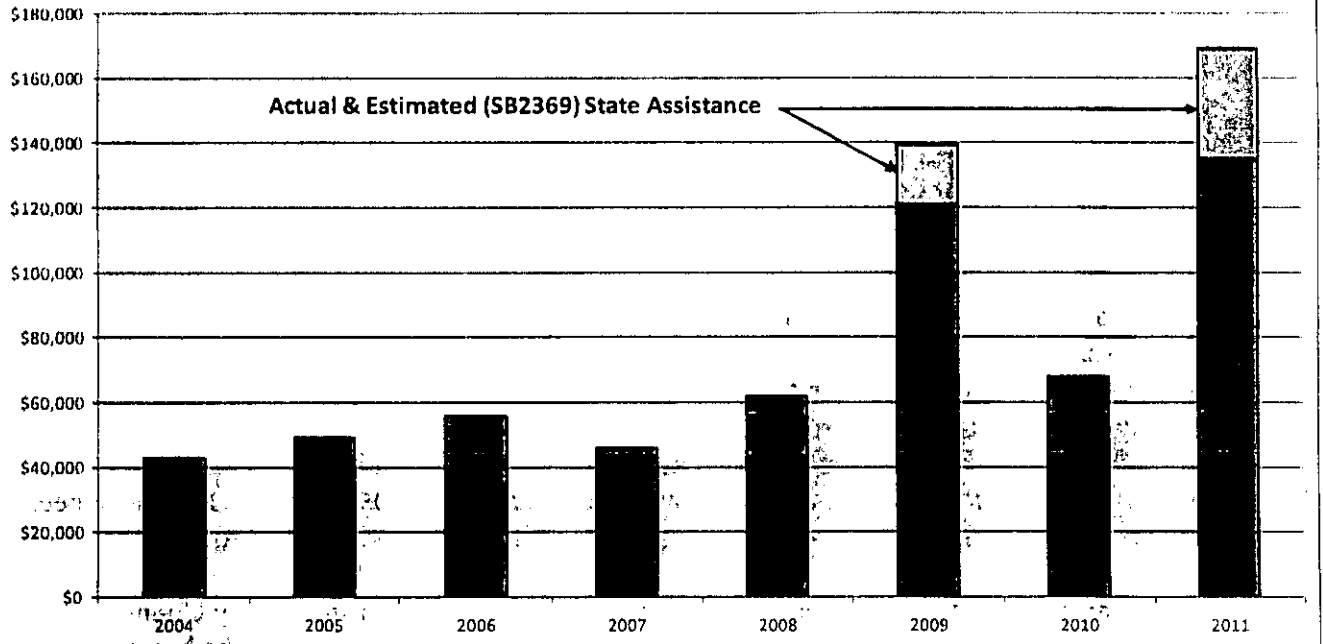
Ramsey County – Declared Emergency. The snow this year in Ramsey County is much worse than 2009. December and January billings for Township work are the highest ever. They average \$1,500 per month. Some Townships are more some are less. The emergency fund is exhausted.

Photos Provided by Mountrail and Richland Counties



Foster County Snow Removal Costs

January - March Only

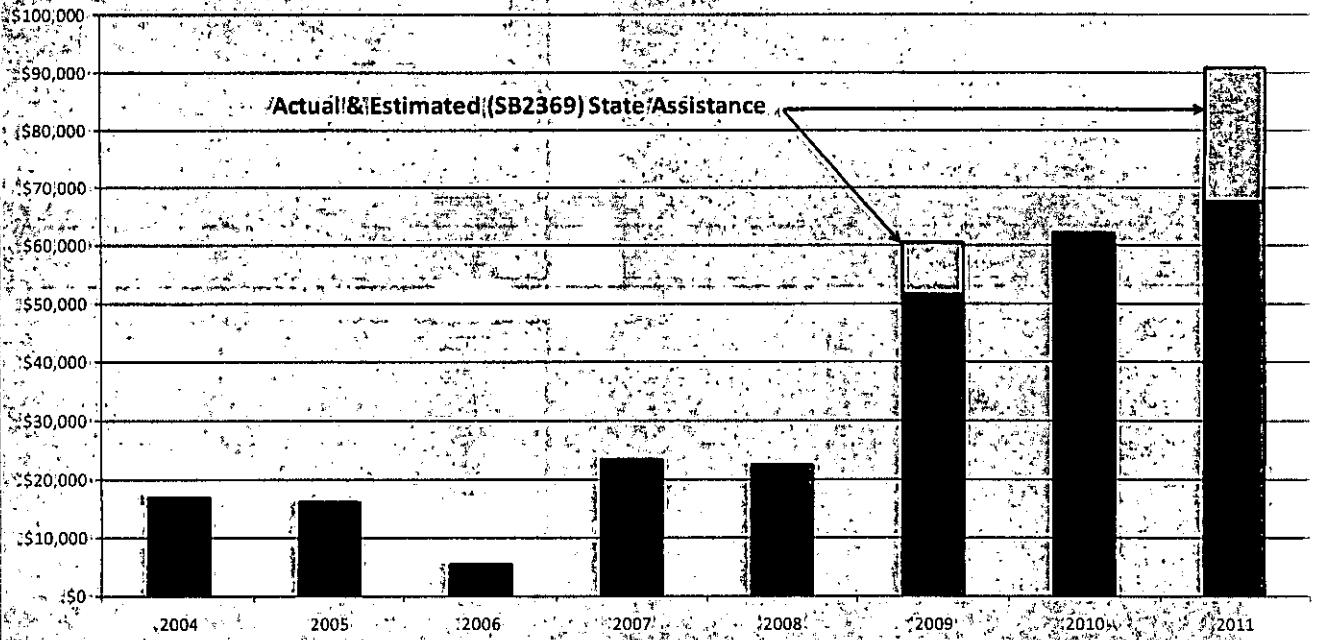


FOSTER COUNTY ROAD DEPARTMENT EXPENDITURES FOR 2004 THRU 2011 - For The Months of Jan-March Only

	2004 Expense	2005 Expense	2006 Expense	2007 Expense	2008 Expense	2009 Expense	2010 Expense	7-Year Total	Average: High & Low Excluded	2011 Expense (Estimated)	60 Percent of 2011 Expense Over 200% of 5-year Avg
FUEL	7,496	17,733	20,713	9,326	24,588	33,610	23,111	136,577		25,554	
WAGES	33,347	29,320	32,492	34,420	34,336	34,420	43,029	241,385		50,413	
SNOW PUSH BACK	-	-	-	-	-	68,663	-	68,663		90,000	
MATERIALS/EDGES	2,042	2,363	2,660	2,187	2,946	2,981	1,737	16,906		3,161	
GRAND TOTALS	42,885	49,406	55,866	45,933	61,870	139,674	67,877	463,511	56,190	169,118	34,042

Steele County Snow Removal Costs

January - March Only

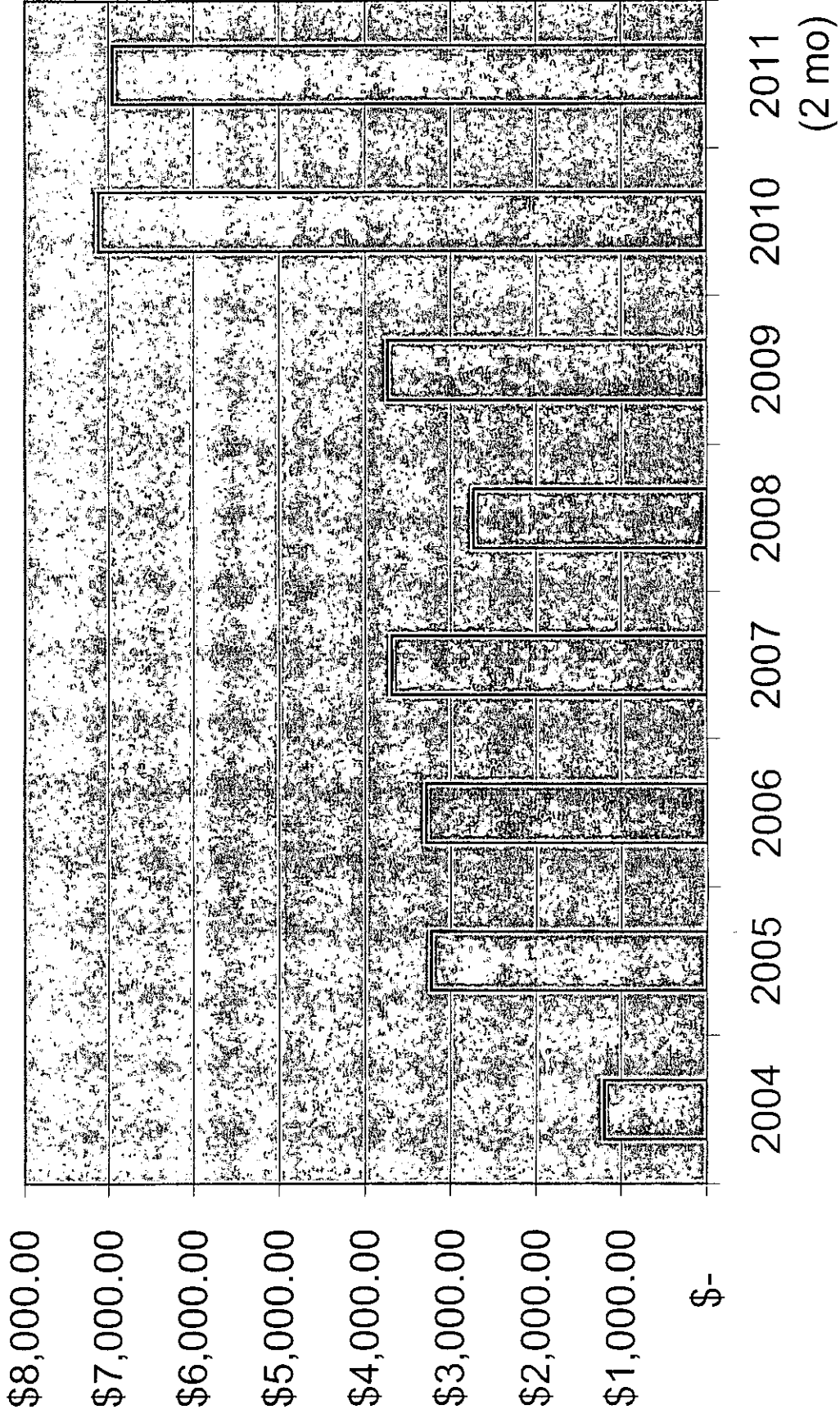


STEELE COUNTY ROAD DEPARTMENT EXPENDITURES FOR 2004 THRU 2011 - For The Months of Jan-March Only

	2004 Expense	2005 Expense	2006 Expense	2007 Expense	2008 Expense	2009 Expense	2010 Expense	7-Year Total	Average: High & Low Excluded	2011 Expense (Estimated)	60 Percent of 2011 Expense Over 200% of 5-year Avg
GRAND TOTALS	16,955	16,118	5,360	23,352	22,373	51,519	62,115	197,792	26,063	90,936	23,286

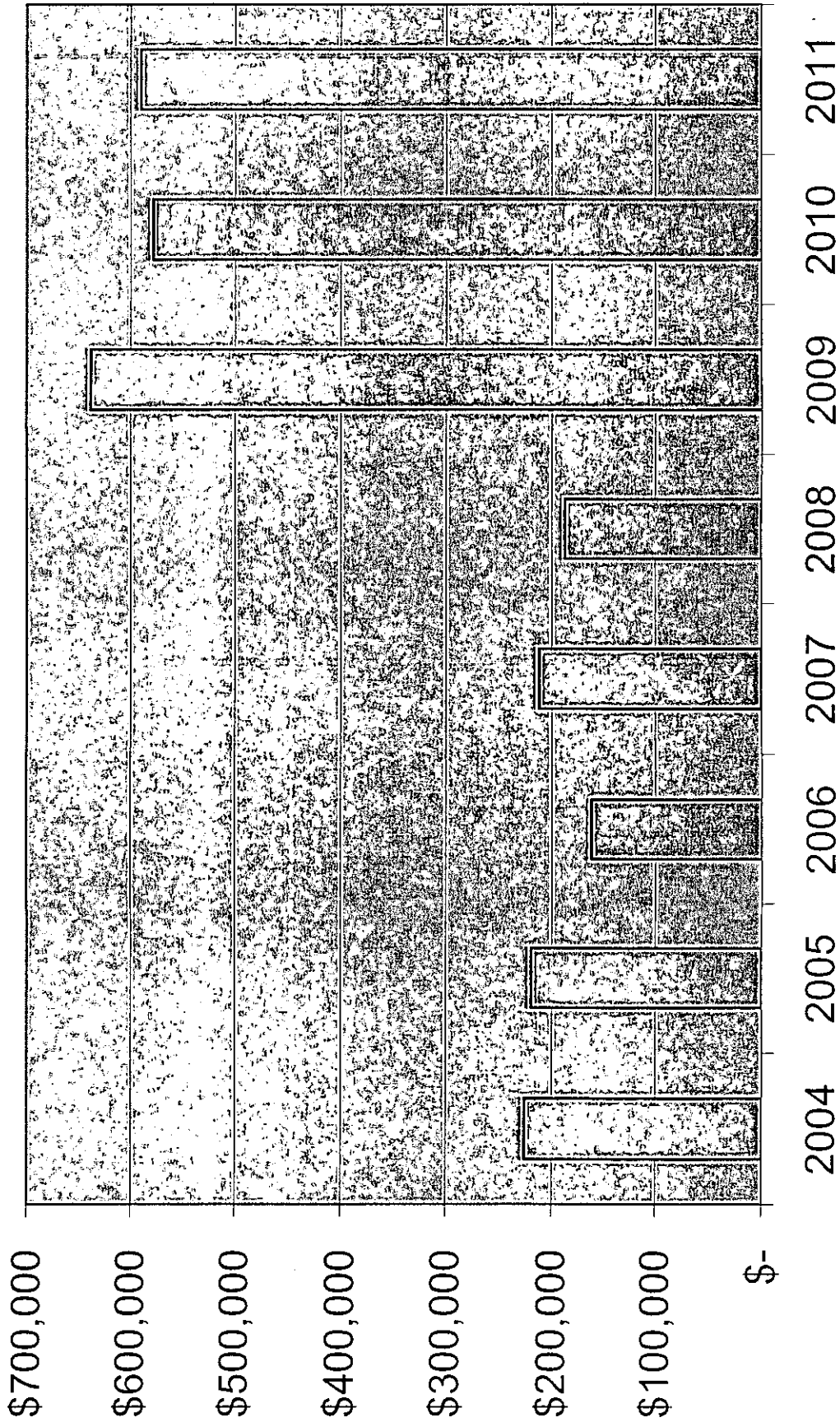
SB 2369

Casselton - Snow Removal



(2 mo)

Minot - Snow Removal - Jan.-Feb.



City of Minot's Snow Expenditure Comparison

Winter Season	Nov	Dec	Jan	Feb	March
2004			\$ 93,253	\$ 132,477	\$ 96,222
2005			125,403	93,755	76,171
2006			80,475	80,666	76,618
2007			106,528	105,283	125,850
2008			93,138	93,890	74,478
2009			280,279	357,522	169,123
2010			244,120	334,242	136,938
2011			281,358	308,423	
Six year average Jan 2004 - 2010 excluding highest and lowest year			132,488	151,929	
200% of Average			264,977	303,859	
2011 Expenditure			281,358	308,423	
Dollar change			16,381	4,564	
60% reimbursement			9,829	2,739	

City of Bismarck Snow Expenditure Comparison

Winter Season	Nov	Dec	Jan	Feb	March
2003-2004			\$ 231,588.00		
2004-2005			\$ 54,779.00		
2005-2006			\$ 112,732.00		
2006-2007			\$ 204,840.00		
2007-2008			\$ 35,475.00		
2008-2009	\$ 166,755.00	506,444.00	\$ 712,524.00	\$ 375,662.00	\$ 303,955.00
2009-2010	\$ -	100,150.00	\$ 504,701.00	\$ 336,182.00	\$ 83,114.00
2010-2011	\$ 145,072.00	502,587.00	\$ 476,028.00		
Six year average Jan 2004 - 2010 excluding highest and lowest year			\$ 221,728.00		
200% of Average			\$ 443,456.00		
January 2011 Expenditure			\$ 476,028.00		
Dollar change			\$ 32,572.00		
60% reimbursement			\$ 19,543.20		

HEARING TESTIMONY

My name is Lee Gessner; I am Chief of the Devils Lake Rural Fire Department. Our department protects 522 square miles, in Ramsey County and parts of 2 townships in Benson County and is completely manned by volunteers. Like all volunteer departments we have concerns about funding and having enough manpower, however our greatest problems at this time are all safety related. Not the safety concerns one might think of when talking about the fire service, are we training enough or are we training on the correct topics. Our concerns also include what else-flooding.

Questions we have been asking ourselves include:

- 1) How are personnel going to get to the incident in personal vehicles?
- 2) How are personnel going to get to the hall to get apparatus?
- 3) How are we going to be able to get the proper equipment to the scene or are we going to have to fight the dragon on its terms?
- 4) Where do we draw the line on road conditions regarding the safety of hard to replace apparatus? (Hard to replace from a time and money aspect.)

We have come up with plans to fight structure fires in hard to reach rural residences. These plans rely on getting four wheel drive brush units into the yards and supplying water by pushing water from pumpers positioned as close as possible. This is a defensive mode of action and requires putting firefighters in an unsafe environment by asking them to battle a structure fire with wild land equipment. The plan is also restricted by the fact, there is a finite amount of distance one pumper can push water effectively. But this is about the only option we have if we want to provide fire protection for our tax base.

We have already had one firefighter lose his personal vehicle trying to get to fire. He took a wrong turn and ended up on a road that was inundated and when he tried to back up and get turned around. The road turned out to be softer than it looked, it gave way and his pickup ended up in over 8 feet of water.

All I have talked about thus far is fire department problems. But, if you really want something to think about we need to look at the problems facing EMS. In the business of helping human beings who are injured you have to get your job in what is referred to as the "GOLDEN HOUR". This is the sixty minute window a person has from the time an injury takes place to the time that person arrives at a facility that can properly remedy the problem.

In the past, with sound infrastructure, most calls in our district would require a 20 minute response time. Using the "GOLDEN HOUR" as your standard this would leave 20 minutes for on scene work and another 20 minutes for transport of the patient. However, with the infrastructure of the Lake Region at this time, it may take more than 45 minutes to travel the same distance it use to take 20 minutes to travel. This is not acceptable. There are people living in the Lake Region who DO NOT have access to

proper Emergency Services. These people are slipping through the cracks. I don't believe that American citizens should go without basic services because they live in an area with a "unique" flood problem. The public safety in the Lake Region is at stake. I believe this bill being discussed here today, will go a long way toward showing the people of the Lake Region that the rest of North Dakota is paying attention and wants to help. Passage of this bill will be a positive step forward, maybe the people of the Lake Region might start believing the rest of the state is paying attention and is concerned for the fate of fellow citizens. It is time to stop complaining about how difficult the problem is and start making decisions that really make a difference in the Lake Region.

April 2011

TRANSPORTATION EMERGENCY RELIEF FUNDING FOR THE DEVILS LAKE AREA

House Bill No. 1012, as approved by the 2011 Legislative Assembly, authorizes the Department of Transportation to borrow \$120 million from the Bank of North Dakota for emergency relief projects. The funds will be used for emergency relief projects as needed during the 2011-13 biennium. Any federal funding received for emergency relief projects is to be used to repay funding borrowed from the Bank of North Dakota. Any remaining loan balance will be repaid through legislative appropriations during the 2013-15 biennium.

The Department of Transportation estimates that \$67.3 million of the \$120 million of emergency relief funding will be used for United States Highway 2 in the Devils Lake area. The schedule below details

estimated emergency relief funding required for United States Highway 2 in the Devils Lake area.

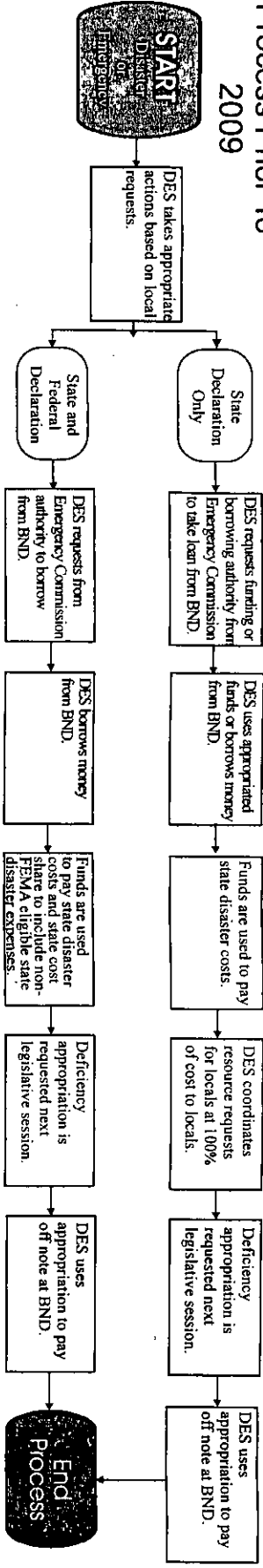
Federal share	\$53,840,000
State share	13,460,000
Total	\$67,300,000

The remaining emergency relief funding is estimated to be used on other roadways around Devils Lake (\$8.3 million), roadways in the west James River Basin (\$24.1 million), and other various roadways in the state (\$19 million).

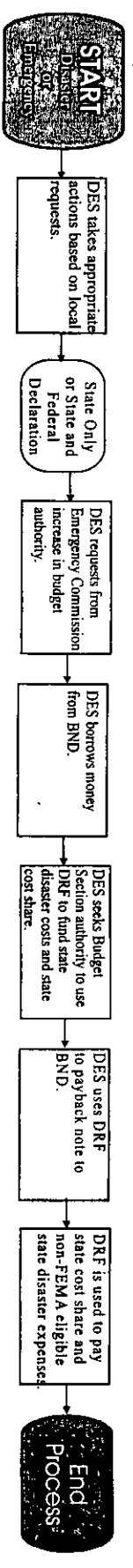
In addition to emergency relief funding, House Bill No. 1012 also includes \$5.85 million from the general fund for roadways acting as dams around Devils Lake.

Disaster/ Emergency Funding Processes

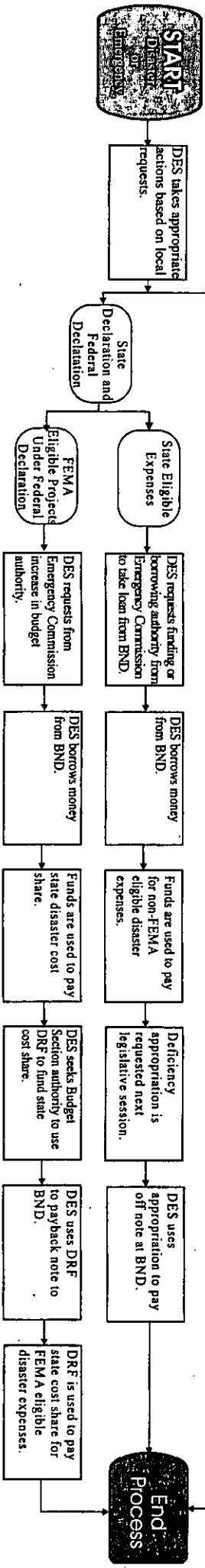
Process Prior To 2009



Current Process



Proposed Process in SB 2369



BND - Bank of North Dakota
 DES - Department of Emergency Services
 DRF - Disaster Relief Fund
 FEMA - Federal Emergency Management Agency

Note: When no state or federal declaration is in effect DES coordinates resource requests for locals at 100% cost to them.

ESTIMATED DISASTER COSTS AND DRF IMPACTS

CATEGORY	2011 Flood Disaster Cost Estimate	
A - Debris Removal	740,000.00	
B - Emergency Protective Measures	9,500,000	
C - Road and Bridges	21,000,000.00	
D - Water Control Facilities	780,000.00	
E - Buildings and Equipment	36,000	
F - Utilities	100,000.00	
G - Parks and Rec	120,000.00	
	Total	\$32,276,000.00
	Fed Share	\$24,207,000.00
	State Share	\$3,227,600.00
	Local Share	\$4,841,400.00

Estimated 30 June DRF Balance		12,500,000.00
Reappropriated in SB 2016		3,500,000.00
Appropriated in SB 2369 Sec 2		9,000,000.00
Appropriated in SB 2369 Sec 3		<u>22,000,000.00</u>
Programed DRF Total		\$34,500,000.00
Estimated Snow Costs	\$9,000,000.00	
Estimated Minnewauken Costs	\$3,200,000.00	
Estimated Volunteer Management Costs	\$400,000.00	
Estimated Devils Lake Inundated Roads (SB2369)	\$5,000,000.00	
State Disaster Costs (2011)	<u>\$3,500,000.00</u>	
Estimated 2011DRF Exposure	\$21,100,000.00	
Estimated DRF Remaining		<u><u>\$13,400,000.00</u></u>

3.