

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2287

2001 SENATE NATURAL RESOURCES

SB 2287

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2287

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-2-01

Tape Number	Side A	Side B	Meter #
2	X		Start - end
		X	Start - 1.0
2-8-01	2	X	Start - 34.4
Committee Clerk Signature <i>Janet James</i>			

Minutes:

SENATOR TOLLEFSON opened the hearing on SB 2287, A BILL RELATING TO NATURAL WATERCOURSES AND DEBRISMENT OF BRIDGES AND LOW WATER CROSSINGS.

SENATOR THOMAS FISCHER of District 46, cosponsor of SB 2287 introduced the bill.

REP. OLE AARSVOLD of District 20 cosponsor of SB 2287 testified on the bill (See attached testimony).

GARY THOMPSON, representing the Traill County Water Resource Board, testified in support of SB 2287, (See attached testimony).

SENATOR TRAYNOR: questioned if there is a vote of the people from this special assessment.

REP. AARSVOLD: explained that there is provision in law where a federally funded project that is managed by the local water resource district does have the authority to levy for purposes of maintenance.

SENATOR FISCHER: clarified that there is also the ability to levy up to \$1.50 an acre on maintenance, but the thing about this bill is that it works well for small projects because it can cost almost as much or more to develop an assessment district for the project which is the normal process than the small project would actually cost.

TOM MOE, an attorney representing the Griggs County Water Resource District and the Traill County Water Resource District, testified in support of the bill and commented the bill was a tool that could be used by and help the boards as they are always struggling to find funds for these projects. He also presented a letter to the committee from the Griggs County Water Resource District (See attached testimony).

SENATOR CHRISTMANN: expressed his concern about the fairness of the assessment of the levies and that the farmers would be unfairly paying more of the cost for keeping bridges clear.

TOM MOE: explained that it is the landowners responsibility for the area of property he owns. That 200 acres of farmland has 200 times as much water shed as a 1 acre yard of a home owner and although some may not think it is unfair it is the formula that is used.

KEN VESTERSO, chairman of the Towner County Water Resource Board testified in support of SB 2287 (See attached testimony).

LLYOD HUBER, testified in support of SB 2287 and feels that a snagging and clearing bill is necessary, but the entire county should be accessed for flood control not just the land owner. He passed around pictures of his yard and the flooding of his milking barn caused by the snagging of the creek on his property. He feels this flooding problem was caused by the county with changes of bridges and culverts and the county should pay for the clearing.

MIKE DWYER, representing all the water resource districts of the state testified that the way the water code is set up is for improvements, is based on land area that contributes not based on evaluation of property.

DALE FRINK, Interim State Engineer of the State Water Commission testified that snagging and clearing is big problem In North Dakota and the main reason it does not get done is because of lack of funding and SB 2287 would be a step in the right direction to solving the problems.

GORDON JOHNSON from Richland County, testified in support of SB 2287 stating this bill would supply the funds necessary to do the projects.

DONOVAN MEIER, from Wells County testified in support of SB 2287. He would like to reclaim his flooded property and that the water boards need help with funding to do the clearing projects.

KEN REIS, with the Eddy Country Water Resource Board testified that he has flooding on his property and feels the state should add more funds to clearing projects.

Written testimony was given to the committee clerk from Daris D. And Mabel Bittner and was presented to the committee (See attached testimony)

ARDEN HANER, testified in a neutral position of SB 2287. He gave some history of projects of clearing and feels the formula for assessment of levies should be changed.

PAUL BECKER representing the North Dakota Farm Bureau testified in opposition to SB 2287 (See attached testimony).

JAMES FANDRICH, farmer and rancher from Wells County had many questions about the decisions and management of clearing projects. He feels there laws that are already not enforced and this same thing might happen to this bill.

VALGENE KREITER, Wells County landowner testified in opposition to SB 2287 saying that as a landowner it is not his responsibility that the water shed from his property causes the flooding down stream and feels that all that benefit should be equally assessed.

SENATOR TOLLEFSON closed the hearing on SB 2287.

FEBRUARY 8, 2001

SENATOR FISCHER reopened the discussion of SB 2287.

Discussion was held about the fairness of who should be assessed for these water clearing projects. MIKE DWYER of the water resource districts was asked to clarify some issues for the Committee.

SENATOR TRAYNOR made a motion to adopt an amendment on Line 16 ahead of the words "no action is required" that would read " if the assessment is for a project costing less than \$200,000.00".

SENATOR CHRISTMANN second the motion.

SENATOR FISCHER called for Roll Vote #1. The vote indicated 6 YAYS, 0 NAYS, 1 ABSENT.

SENATOR TRAYNOR made a motion for "DO PASS as AMENDED".

SENATOR KELSH second the motion.

SENATOR FISCHER called for roll vote # 2. The vote indicated 4 YAYS, 2 NAYS, 1 ABSENT for a "DO PASS as AMENDED".

SENATOR TRAYNOR will carry SB 2287.

Date: 2-8-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2287

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken to adopt - amendment

Motion Made By Traynor Seconded By Christmann

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every	✓	
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann	✓				
Sen. Layton Freborg					
Sen. John T. Traynor	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

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

to line 16
of the assessment is for a project costing less than \$200,000⁰⁰, no action is required.

Date: 2-8-01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2287

Senate NATURAL RESOURCES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Traynor Seconded By Kelsh

Senators	Yes	No	Senators	Yes	No
Sen. Thomas Fischer, Chairman	✓		Sen. Michael A. Every		✓
Sen. Ben Tollefson, Vice Chair.	✓		Sen. Jerome Kelsh	✓	
Sen. Randel Christmann		✓			
Sen. Layton Freborg					
Sen. John T. Traynor	✓				

Total (Yes) 4 No 2

Absent 1

Floor Assignment Traynor

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2001 2:22 p.m.

Module No: SR-24-2903
Carrier: Traynor
Insert LC: 10640.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2287: Natural Resources Committee (Sen. Fischer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2287 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "No" with "If the assessment is for a project costing less than two hundred thousand dollars, no"

Renumber accordingly

