

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2256

2001 SENATE NATURAL RESOURCES

SB 2256

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2256

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-1-01

Tape Number	Side A	Side B	Meter #
1	X		10.7 - 39.0
Committee Clerk Signature <i>Janet Johnson</i>			

Minutes.

SENATOR FISCHER opened on the hearing on SB 2256, RELATING TO THE ISSUANCE OF BONDS FOR CONSTRUCTION OF AN OUTLET FROM DEVIL'S LAKE.

SENATOR TRAYNOR, of District 13 the prime sponsor of SB 2256 presented the bill, stated the bill was necessary because in the 1999 session SB 2188 was passed that provided flood relief and protection for several cities. The bill provided that the outlet be constructed only after the United States authorized the project. This has not been done and SB 2256 extends the authority of the state to issue bonds for the state's contribution of \$20,000,000.00 for the outlet cost.

REPRESENTATIVE DENNIS JOHNSON, of District 12, cosponsor of SB 2256 testified in support of the bill.

JOE BELFORD, County Commissioner and Chairman of the Lake Emergency Management Committee testified that \$400 Million has been spend on the battle of the flooding of Devil's Lake. He showed on a map the levels of the lake in 1940, 1993, 1999 and the area that will be

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Senate Natural Resources Committee
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flooded if the lake rises to 1460. He is sure water will flow into Stump Lake this year, that is 13 feet below running into the Sheyenne River. He gave several updates on proposed projects and plans to keep up with continuing flooding.

DALE FRINK, interim State Engineer of the North Dakota State Water Commission, testified in support of the SB 2256. (See attached testimony).

ARDEN HANER, former water manager, testified in a neutral position of SB 2256.

There was no testimony presented in opposition to SB 2256.

The hearing was closed on SB 2256.

SENATOR TRAYNOR made a motion for a "Do Pass - rereferred to Appropriations" of SB 2256.

SENATOR EVERY second the motion.

SENATOR FISCHER called for roll vote of SB 2256. The vote indicated 7 YAYS, 0 NAYS, 0 ABSENT OR NOT VOTING.

SENATOR TRAYNOR will carry SB 2256.

FISCAL NOTE

Requested by Legislative Council

02/01/2001

Bill/Resolution No.: SB 2256

Amendment to:

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

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$20,000,000		
Expenditures				\$20,000,000		
Appropriations				\$20,000,000		

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

SB 2256 extends the effective date to issue bonds for only the Devils Lake flood control project through June 30, 2003. North Dakota State Water Commission's appropriation bill, HB 1023, also contains the bonding authority for the Devils Lake project.

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

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

The Devils Lake flood control project was approved for \$20 million. At this time none of these funds have been expended. SB 2256 provides the authority to bond for \$20 million.

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

Although extending the effective date would allow the State Water Commission to issue \$20 million of bonds, the State Water Commission has only included \$10 million in our 2001 - 2003 budget with the balance needed in future bienniums.

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

appropriations.

By extending the effective date of Chapter 61-02.1 appropriation authority is also provided.

Name:	Dale Frink	Agency:	State Water Commission
Phone Number:	328-4998	Date Prepared:	02/01/2001

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

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2256

Senate NATURAL RESOURCES Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Referred to Appropriations

Motion Made By Traynor Seconded By Every

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) 7 No 0

Absent 0

Floor Assignment Traynor

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

REPORT OF STANDING COMMITTEE (410)
February 2, 2001 1:07 p.m.

Module No: SR-19-2243
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2256: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was rereferred to the Appropriations Committee.

2001 SENATE APPROPRIATIONS

SB 2256

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2256

Senate Appropriations Committee

Conference Committee

Hearing Date February 12, 2001

Tape Number	Side A	Side B	Meter #
Tape #1		x	0.0-11.8
Committee Clerk Signature <i>Debbie Petch</i>			

Minutes:

Senator Nething, Chair of the Senate Appropriations Committee, opened the hearing on SB2256.

Senator Traynor, District 15, Devils Lake, testified in support of the bill.

Current authority ends June 30, 2001; and this will extend it two more years. There is a pressing need to address this now.

Senator Solberg: The flood control measures?

Senator Traynor: 20 million bond went to federal projects

Senator Solberg: Approve outlet to east?

Senator Traynor: We asked Senator Conrad that, he indicated make it a contingency appropriation -- assure more next 2 years.

Senator Solberg: Take federal authority away? Decouple ?

Senator Traynor: This would expedite the project.

Senator Thane: If outlet is construction -- control on release?

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Senate Appropriations Committee

Bill/Resolution Number SB2256

Hearing Date February 12, 2001

Senator Traynor: Yes, control outlet under this; if water comes naturally---no.

Representative Schmidt, District 12, Maddoek, testified in support -- like to see the extended authority.

Michael Dwyer (Lobbyist #082), North Dakota Water Users Association, testified on their behalf in support of SB2256 and SB2264.

Senator Bowman: Using federal dollars to bond? If not, why fed involved?

Dale Prince, Interim Director of Water Commission: The law requires federal project -- west end. HB1151 if passed will give either/or; gives flexibility.

Senator Robinson: Impact if the federal government is out --- is there litigation --- see federal responsibility?

Dale Prince: Not sure it makes a different. Impact statement either way (Corp of Engineers).

Senator Heitkamp: If we get permit --- litigation; do the feds not defend permit?

Dale Prince: Probably true --- not sure when it would be to that point.

No additional testimony. Hearing on SB2256 closed.

February 15, 2001 Full Committee Action (Tape 3, Side A; Meter No. 45.3-54.6)

Senator Nething reopened the hearing on SB2256.

Discussion: authority only; no cost to state.

Senator Andrist moved a DO PASS; Senator Holmberg seconded. Roll Call Votes: 14 yes; 0 no; 0 absent and not voting.

Floor assignment back to the original carrier: Senator Traynor.

Date: 2-15-01

Roll Call Vote #: _____

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2254

Senate Appropriations Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Andrist Seconded By Sen. Holmberg

Senators	Yes	No	Senators	Yes	No
Dave Nething, Chairman	✓				
Ken Solberg, Vice-Chairman	✓				
Randy A. Schobinger	✓				
Elroy N. Lindaas	✓				
Harvey Tallackson					
Larry J. Robinson					
Steven W. Tomac	✓				
Joel C. Heitkamp	✓				
Tony Grindberg	✓				
Russell T. Thane	✓				
Ed Kringstad	✓				
Ray Holmberg	✓				
Bill Bowman	✓				
John M. Andrist	✓				

Total Yes 14 No 0

Absent 0

Floor Assignment Senator Trapp

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

REPORT OF STANDING COMMITTEE (410)
February 15, 2001 5:24 p.m.

Module No: SR-28-3594
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2256: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was placed on the
Eleventh order on the calendar.

2001 HOUSE NATURAL RESOURCES

SB 2256

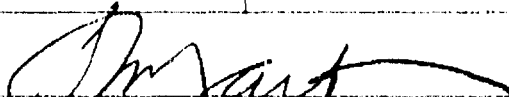
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2256

House Natural Resources Committee

Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
1	x		1 to 775
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will call the House Natural Resources Committee to order. Call the roll.

I will open the hearing on SB 2256. We have Sen. Traynor here to introduce the bill.

Sen. Traynor - District 15: I am here to encourage your support of SB 2256. We passed a bill 2 years ago that offered water programs for several communities in ND, it was really a statewide program and provided the funds to do it for 10 years and beyond. The item for Devils Lake was the authority to issue bonds up to 20 million dollars for an outlet from Devils Lake in cooperation with a Federal program. This bill merely extends the authority to issue the bonds until June 30, 2003. That authority will expire this coming June. So that is the only purpose of

this bill. We are hoping the Federal government will move forward in the next couple of years on this program. The only item I want to mention is the law passed two years ago addressed downstream interests. It says, "The State Water Commission may only issue bonds for the construction of an outlet from Devils Lake when the US authorizes construction of an outlet, and neither the State Water Commission or a Federal Agency has developed a plan addressing damage to basic infrastructure, such as roads, culverts, and bridges, riverbank erosion, downstream flooding and increased water treatment costs caused by or resulting from the construction of an outlet." That remains in the law. This does not change that. So the program would protect the downstream interests. With the recent forecast, I am sure you have all heard that the lake will likely rise another 3 feet to almost 1450 feet. The urgency of the outlet is even more than it was two years ago. So I would encourage the committee to give a Do Pass to this bill.

Chairman Rennerfeldt: Does the committee have any questions for the Senator?

Joe Belford - Ransom County Commissioner: I stand before you in support of SB 2256, the bonding bill for Devils Lake. The Environmental Impact statement is on the way. We are going to have our scoping meeting on the 6th of April, there will be 6 of them. The schedule for the Environmental Impact Statement is to be completed by November 2002. The design will be ongoing. So we could very possibly be needing to tap into the funding bill before the session meets again. As you know we are going to spend another 30-40 million dollars on roads in Devils Lake this year. Some more dikes and things of that nature. It is time to move forward and get some kind of relief.

Chairman Rennerfeldt: Any questions of the committee?

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House Natural Resources Committee
Bill/Resolution Number SB 2256
Hearing Date March 15, 2001

Dennis Miller - LAND: We support this resolution. The LAND supports a controlled outlet out of Devils Lake. Any questions.

Dale Frink - Interim Engineer for the Water Commission: I appear here today in support of SB 2256. (See written testimony).

Chairman Rennerfeldt: Any questions of the committee?

Vice Chair Nelson: Dale, in HB 1151, there is authority for the Water Commission to begin construction on an outlet. This bonding authority could be used in the event that the state did take control of this. Would you agree?

Dale Frink: Yes, we could use either money in our appropriations bill or we could bond.

Chairman Rennerfeldt: Any further questions. Anyone else to speak in favor of SB 2256. Any opposition to SB 2256. If not, I will close the hearing on SB 2256.

Vice Chair Nelson: I move a Do Pass on SB 2256.

Rep. Nottestad: I second.

Chairman Rennerfeldt: I have a motion for a Do Pass on this bill, is there any further discussion?

Call the roll.

MOTION FOR A DO PASS

YES, 13 NO, 0

2 ABSENT AND NOT VOTING

CARRIED BY REP. BREKKE

Date: 3/15/01
 Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2256

House Natural Resources Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass

Motion Made By Rep. Nelson Seconded By Rep. Nottestad

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke	✓		Lonnie B. Winrich	✓	
Duane DeKrey	✓		Dorvan Solberg	✓	
David Drovdal	✓				
Pat Galvin					
George Keiser					
Frank Klein	✓				
Darrell D. Nottestad	✓				
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Brekke

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

REPORT OF STANDING COMMITTEE (410)
March 15, 2001 1:16 p.m.

Module No: HR-45-5717
Carrier: Brekke
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

**SB 2256: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends DO
PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2256 was placed on
the Fourteenth order on the calendar.**

2001 TESTIMONY

SB 2256

TESTIMONY ON SENATE BILL 2256

Senate Natural Resources Committee

**Dale Frink, Interim State Engineer
North Dakota State Water Commission**

Mr. Chairman and Members of the Senate Natural Resources Committee, I am Dale Frink, Interim State Engineer for the State Water Commission and I appear today in support of funding for a Devils Lake outlet.

The flooding crisis around Devils lake continues to be one of the most difficult issues facing the state. Devils lake is at elevation 1446.1 msl and is expected to start to flow into Stump Lake later this year. An outlet from Devils Lake is a priority of the Water Commission. We continue to work with the U.S. Army Corps of Engineers on a permanent outlet from the west end of the lake. We are also considering an emergency state outlet for the lake.

Last biennium the legislature authorized up to \$20 million of state funds for a Devils Lake outlet. The Water Commission's appropriation bill, HB 1023, includes \$10 million for the outlet during the 2001-003 biennium, including bonding authority for the outlet and other statewide water projects.

Mr. Chairman and Members of the Committee, I urge your continued support for a Devils Lake outlet.

Devils Lake

