

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

4031

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Operator's Signature

Date

10/23/03

2003 JOINT CONSTITUTIONAL REVISION

SCR 4031

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10/23/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4031

Senate Joint Constitutional Revision Committee

☐ Conference Committee

Hearing Date 02-27-03

Tape Number	Side A	Side B	Meter #
1	X		1260-3645
Committee Clerk Signature <i>Thomas A. Jander</i>			

Minutes:

**SENATOR TOLLEFSON** opened the hearing on SCR 4031

**SENATOR NETHING** I am from District 12 and am in support of SCR 4031. The meat of the bill is actually found in line 22 & 23. The previous session attempts have been made to use the trust fund for administrative purposes. When the money was set aside, we allocated 45% for long term water development. Money needs to go for construction opposed to administrative needs. I am offering a proposed amendment to SCR 4031 to be added after line 23.

(Amendment attached.). Hard to plan all of the water needs of this state in a short span.

**SENATOR TOLLEFSON** How would you define long term.

**SENATOR NETHING** Longer than the short term. Interested in looking to the future as to how we are going to spend the money. Is it going to be used for flood control. We have to look beyond tomorrow. How much is this going to be in the future.

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Senate Joint Constitutional Revision Committee

Bill/Resolution Number SCR 4031

Hearing Date 02-27-03

**SENATOR TOLLEFSON** 4 years ago there were projects that could be dedicated as far as water development is concerned. Would this be practical to use in some smaller projects.

**SENATOR NETHING** If it has a long term benefit, I think it would. We do not have a history of spending money on water projects that are short term. When that plan was developed, it was a work in progress. We knew there would be changes to it. We are in a work in progress all of the time.

**REPRESENTATIVE KRETSCHMAR** At the current time, is there money in the water development trust fund.

**SENATOR NETHING** Yes, I can't give you the exact amount. We get a printout every so often. I can't give you an exact amount of the dollars.

**SENATOR KRAUTER** I am a State Senator from District 31. This issue is so very important to the future of North Dakota. This resolution will put this issue on the ballot, that 45% must be used for long term water concerns of the state of North Dakota. Water has no political boundaries. Water is not a partisan issue, but a bipartisan issue. It is an issue for the future of the state. I come from an area of the state that has the development of the SW water pipeline. People are now using the water from the SW pipeline to water their livestock, and are spending the money because the quality is there. People of North Dakota are willing to make this commitment, and putting it on the ballot.

**SENATOR KREBSBACH** What is the timeline in the plan of the development of the water use in the state.

**SENATOR KRAUTER** It depends on the funding.

**REPRESENTATIVE KRETSCHMAR** As this money comes in, is it invested by the state.

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Senate Joint Constitutional Revision Committee

Bill/Resolution Number SCR 4031

Hearing Date 02-27-03

**SENATOR KRAUTER** Yes it is. 45% goes to the trust fund. Last session it was \$300, now it is up to \$350.

**SENATOR HEITKAMP** I am a State Senator from District 26 and am a cosponsor of SCR 4031. Water is the last piece of the puzzle of infrastructure. If Wahpeton were to build another Pro Gold plant, we could not do it, because there is not enough water in the river to do it. This is the bipartisan approach to assuring that we are going to grow that economy in North Dakota. That money is long term, is committed and is the future. This needs to be in front of the people of North Dakota, and we need to make sure they understand that those funds can go towards the betterment of all.

**SENATOR TOLLEFSON** How would you make sure they understand that.

**SENATOR HEITKAMP** For us to be able to say that 45% of that money goes toward water, is bold. I think the people of North Dakota understood what we were getting at. Water is a need that we have. We can't bring in industry if we do not have water, and we can't have water if we don't have money.

**REPRESENTATIVE BELTER** I am a State Senator from District 22, and I am here in support of SCR 4031. This is about what we have done and about what the future should be. Hopefully the people of North Dakota will support the action of the legislature. Water projects are essential to the well being of North Dakota.

**DENNIS HILL** I am the Executive Vice President of the North Dakota Rural Electric Cooperatives Association and the Chairman of the North Dakota Water Coalition, and am here in support of SCR 4031. (Testimony Attached).

**Hearing on SCR 4031 closed.**

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*Dennis Hill*  
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10/23/03  
Date

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Senate Joint Constitutional Revision Committee

Bill/Resolution Number SCR 4031

Hearing Date 02-27-03

**Representative Kretschmar moved that the amendment by Senator Nothing be adopted.**

**Seconded by Senator Seymour.**

**SENATOR KREBSBACH** There was a sense that the committee does not feel comfortable with the amendment.

**SENATOR NETHING** My intention of the way we put the amendment together was to have a applied future projects. I think there is a payment due now. I guess what we need to do is check out what this language would do in accordance with our current commitment. Maybe that is something we need to have resolved. I think we should delay action on the amendment.

**Representative Kretschmar withdrew his motion to adopt the amendment. Senator Seymour also withdrew his second of the motion.**

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 4031

Joint Constitutional Revision Committee

☐ Conference Committee

Hearing Date March 5, 2003

Tape Number	Side A	Side B	Meter #
1	X		4173-4791

Committee Clerk Signature *Elizabeth R. Linn*

Minutes: Chair Tolleson: Opened discussion on SCR 4031.

Rep. Kretschmar moved DP. Second by Rep. Maragos

Rep. Hawken: Are we tying the Legislature's hands? Rep. Kretschmar said that there is statutory distribution and this would put it in the Constitution.

Vote: 4 Yes 6 No 0 Absent and not voting

Rep. Winrich moved DNP. 2nd by Sen. Mutch

Vote: 6 Yes 4 No 0 Absent and not voting

Carriers: Sen. Mutch

Rep. Winrich

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*Deanna Tolleson*  
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10/23/03  
Date

33103.0101  
Title.

Prepared by the Legislative Council staff for  
Senator Nething  
February 27, 2003

**PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4031**

Page 1, line 23, after the period insert "Not more than ten percent of the transfers from the water development trust fund may be used to issue evidences of indebtedness."

Renumber accordingly

Page No. 1

33103.0101

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10/23/03  
Date



Date: 3/5/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 4031

House Joint Constitutional Revision Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DP

Motion Made By Kretschmar Seconded By Maragos

Representatives	Yes	No	Senators	Yes	No
Rep. Kretschmar, Chair	✓		Sen. Tollefson, Co-Chair	✓	
Rep. Maragos	✓		Sen. Mutch		✓
Rep. Hawken	✓		Sen. Krebsbach		✓
Rep. Eckre		✓	Sen. Nichols		✓
Rep. Winrich		✓	Sen. Seymour		✓

Total (Yes) 4 No 6

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

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Date

**Roll Call Vote #:** 2

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 4031**

House	Joint Constitutional Revision	Committee
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☐ Check here for Conference Committee

Legislative Council Amendment Number

**Action Taken** DNP

Motion Made By Ninnich Seconded By Mutch

[illegible]

Total (Yes) 6 No 4

**Absent**

Floor Assignment Mitch Winnich

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

Deanna Hall  
Operator's Signature

10/23/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
March 6, 2003 8:33 a.m.

Module No: SR-40-4054  
Carrier: Mutch  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**SCR 4031: Joint Constitutional Revision Committee (Sen. Tollefson, Chairman)**  
recommends **DO NOT PASS** (6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).  
SCR 4031 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-40-4054

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2003 TESTIMONY

SCR 4031

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Deanna Talley  
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10/23/03  
Date

# North Dakota WATER COALITION

P.O. Box 2254  
Bismarck, ND 58502  
(701) 223-4330  
FAX (701) 223-4645

**MEMBERS**  
Associated General Contractors  
of North Dakota

BOMMM Joint Water  
Resource Board

Cass County Joint Water Board

City of Bismarck

City of Devils Lake

City of Dickinson

City of Fargo

City of Grand Forks

City of Minot

City of Williston/Upper Missouri  
Lake Sakakawea Planning Council

Devils Lake Basin Joint Board

Eastern Dakota Water Users

Economic Development  
Association of North Dakota

Garrison Diversion Conservancy  
District

North Dakota Association

North Dakota County  
Commissioners Association

North Dakota Association of  
Rural Electric Cooperatives

North Dakota Atmospheric  
Resource Board

North Dakota Education  
Association

North Dakota Farm Bureau

North Dakota Farmers Union

North Dakota Irrigation Caucus

North Dakota League of Cities

North Dakota Municipal Bond Bank

North Dakota Rural Water  
Systems Association

North Dakota State Water  
Commission

North Dakota Water Resource  
Districts Association

North Dakota Water Users  
Association

North Dakota Weather  
Modification Association

Red River Joint Water Board

Souris River Joint Water Resource  
Board

Sioux Lake Tribe Water Resource  
Board

Southwest Water Authority

Turtle Mountain Band of Chippewa

Three Affiliated Tribes

West River Joint Water Board

## Testimony of Dennis Hill, Chairman North Dakota Water Coalition SCR 4031 February 27, 2003

Mr. Chairman and members of the Joint Constitutional Revision Committee:

My name is Dennis Hill, and in addition to being the Executive Vice President of the North Dakota Rural Electric Cooperatives Association, I am the Chairman of the North Dakota Water Coalition, and I am here to testify in support of Senate Concurrent Resolution 4031.

The North Dakota Water Coalition is comprised of more than 30 statewide and regional organizations in North Dakota who have a stake in the critical water needs facing our state. The Water Coalition has joined together so that we are united in our efforts to complete North Dakota's water infrastructure for economic growth and quality of life.

These needs include rural and urban flood control, water supply for cities, farms, and industrial opportunities, irrigation, a solid commitment to Devils Lake, water management, and other critical water needs. Water supply projects continue to include large regional projects such as the Southwest Pipeline, and the Northwest Area Water Supply project, in order to get an adequate supply of quality water to the residents of our state.

The North Dakota Water Coalition strongly urges your support to continue the forty-five percent allocation of the tobacco settlement funds to the Water Development Trust Fund, and that those funds remain dedicated to long-term water development, and the critical water needs of North Dakota.

Thank you.

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*Dennis Hill*  
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10/23/03  
Date

# Meeting the

# Challenge

## *North Dakota continues to face water challenges*

for two simple reasons, too much of it where there shouldn't be, and not enough of it where it's needed.

Since the nineties and beyond, our state has battled forces with many natural disasters, and in the wake of their path the resources and funding needs are significant.

Inside is a glimpse of the water projects and needs in North Dakota, highlighting the four major water projects with largest state funding needs: Fargo, Devils Lake, Grand Forks and the Southwest Water Pipeline Project.

It is clear that if we are to "Meet the Challenge" of North Dakota's water priorities, adequate resources must be available.

Completing these critical projects will save millions in local, state and federal dollars, and will achieve economic growth and quality of life for us all.

—Dennis Hill, Chairman  
North Dakota Water Coalition

*"Water is a very good servant,  
but it is a cruel master."*

—C.G.D. Roberts,  
*Adrift in America*, 1891.

**THE NORTH DAKOTA WATER  
COALITION 2003-2005**

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*Dennis Hill*  
Operator's Signature

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## Meeting Our Biggest Challenges

### Grand Forks Flood Protection: Opportunity for Completion

The Grand Forks/East Grand Forks Corps of Engineers Flood Damage Reduction (FDR) Project was authorized by the federal government in December 1988. It is designed to protect both communities from floods of a similar magnitude to the 1997 flood disaster, which caused billions of dollars in damage and forced the evacuation of nearly 60,000 residents. Construction on the project began in 2000 and is scheduled for completion in December 2004.

Community officials continue costly flood fights every year. The 2001 flood fight and cleanup cost an estimated \$3 million for the two communities. The psychological effects on the community cannot be underestimated. Flood protection is crucial in re-establishing a sense of security for the people of Grand Forks.

Cost of the total project is estimated to cost \$397 million. The state share of that total is estimated at \$131 million, which includes the previously allocated \$52 million.

### Southwest Pipeline Project: Medora to Beach

Small communities continue to struggle with poor quality water trying to meet current state and the Environmental Protection Agency (EPA) standard requirements. Many rural customers have discolored water high in sulfates, sodium, fluorides, total dissolved solids and nitrates. Local officials at Beach are very concerned with falling wells, and the estimated cost for drilling a new well is \$130,000.

Hopes of economic development in southwest North Dakota are directly related to providing an adequate quantity of quality water. Proposed economic development by the Theodore Roosevelt Medora Foundation, including a golf course and housing development south of Medora, is contingent upon receiving pipeline water.

To complete the Medora-Beach Phase of the project it is estimated to cost \$22.5 million, including \$4.5 million to provide service to areas in Morton County.

### Fargo Flood Control: Close to a Crisis

During the 1997 record spring flood, the south side of Fargo experienced major new flood threats from two sources: overland flooding from the Wild Rice River and Red River floodwater backing through Rose Coulee. Fargo constructed emergency levees to prevent these floodwaters from flowing north through Fargo, however properties and neighborhoods south of the emergency levees sustained severe flood damage. The Southside Flood Protection Project, designed to eliminate these flood threats, is nearing completion of the planning/development phase with construction scheduled to begin in 2003.

The Red River is also a severe flood threat. Prior to 1997, the city managed this threat with emergency and permanent levees. During the 1997 flood, some of the permanent levees were raised to prevent flooding. Following the flood, Fargo re-evaluated its permanent levees. Ridgewood Levee, the first levee system nearing reconstruction in north Fargo, provides flood protection to the Veterans Administration Hospital and the surrounding area. This project is expected to receive a federal appropriation to begin construction in federal fiscal year 2003.

The total estimated cost for both projects is \$48.4 million. The state share of that total is \$16.3 million.

### Devils Lake Solutions: Federal Project

The State of North Dakota is pursuing a temporary emergency phased implementation outlet project out of West Bay to the Sheyenne River. The first phase of the project is 100 cfs, and the next phases include the capability of expanding the outlet project to 200 or 300 cfs, if necessary. The estimated cost for the State's outlet is \$20 to \$25 million.

The Corps of Engineers is designing a permanent 800 cfs outlet from Pelican Lake to the Sheyenne River. Presently, the Corps is finishing up the Environmental Impact Statement (EIS). After a disappointing delay in August, the Corps is scheduled to release a Final EIS in January 2003, at the earliest, and have a Record of Decision (ROD) completed shortly thereafter. If the ROD supports an outlet project, flooding conditions still exist, and additional funding is made available, the Corps may initiate the bid process on the Pelican Lake Outlet Project sometime in 2003.

The total cost of the Corps project is approximately \$127 million, including downstream mitigation. The state cost share would be 35 percent or approximately \$45 million.



# North Dakota Water Coalition—Ongoing Projects

## Eastern Dakota Water Supply

The Red River Valley study and environmental analysis will include a comprehensive analysis of all the reasonable alternatives for determining the best way to meet the water supply needs of the Valley. Each alternative will be studied on an in depth basis. As a minimum, three alternatives will be evaluated.

## Flood Control

In addition to the flood control projects for Fargo, Grand Forks and Devils Lake, several other Red River flood control projects are needed, including Wahpeton, Grafton, and Maple River and Baldhill Dam protection.

## General Water Management

Every North Dakota region and county has projects included in the State Water Management Plan. The State Water Commission provides support for these water management and development projects, which require cost-sharing with local entities, primarily water resource districts. Joint water boards are playing a key role in these local water management projects.

## Indian MR&I

An additional \$200 million from the Dakota Water Resources Act has been authorized for Indian MR&I projects. These funds would be applied toward the Standing Rock Sioux Tribe, Three Affiliated Tribes, Spirit Lake Nation and the Turtle Mountain Band of Chippewa Indian Reservations.

## Irrigation

North Dakota, which ranks last among the 17 western states in terms of total irrigation, has exciting potential to strengthen and expand irrigation to build and diversify North Dakota's economy. The state, along with local entities and private businesses will have to provide the needed capital and infrastructure requirements to develop significant Missouri River irrigation opportunities.

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## Missouri River Management

The Missouri River Coordinated Resource Management Program is underway to address critical Missouri River issues, including bank stabilization, fishing, recreation, water management, endangered species, land use, natural resources and water quality.

## Municipal, Rural and Industrial

The Municipal, Rural and Industrial (MR&I) water supply program helps North Dakota communities bring a clean, reliable supply of water to their residents, farms, schools, hospitals and industries. The needs continue to grow. The challenging work of encouraging and evaluating municipal, rural and industrial water supply projects is shared by the Garrison Diversion Conservancy District and the State Water Commission.



## Northwest Area Water Supply

Construction began in April 2002 for the regional water system for northwestern and north central North Dakota. The estimated cost for the project is \$165 million which will provide Missouri River water for municipal, rural and industrial (MR&I) purposes. Current design serves 15 cities, including the city of Minot, plus three existing and four proposed rural water systems, serving a total population of approximately 75,000 people.

## Weather Modification

Operational cloud seeding is presently employed annually by five North Dakota counties and portions of a sixth. Annual cost of the program is about \$590,000, two-thirds of which is raised by the participating counties through local taxes up to 7 mills. The remaining third is cost-shared by the state. Economic impacts were recently assessed and are estimated at \$24.7 million in the target areas in increased crop production alone.

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# NORTH DAKOTA WATER COALITION

## Members

Associated General Contractors  
of North Dakota

BOMMM Joint Water  
Resource Board

Cass County Joint Water Board

City of Bismarck

City of Devils Lake

City of Dickinson

City of Fargo

City of Grand Forks

City of Minot

City of Williston/Upper Missouri  
Lake Sakakawea Planning Council

Devils Lake Basin Joint Board

Eastern Dakota Water Users

Economic Development  
Association of North Dakota

Garrison Diversion Conservancy District

Greater North Dakota Association

ND County Commissioners Association

ND Association of Rural Electric  
Cooperatives

ND Atmospheric Resource Board

ND Education Association

ND Farm Bureau

ND Farmers Union

ND Irrigation Caucus

ND League of Cities

ND Municipal Bond Bank

ND Rural Water Systems Association

ND State Water Commission

ND Water Resource Districts Association

ND Water Users Association

ND Weather Modification Association

Red River Joint Water Board

Souris River Joint Water Resource Board

Spirit Lake Tribe Water Resource  
Program

Southwest Water Authority

Turtle Mountain Band of Chippewa

Three Affiliated Tribes

West River Joint Water Board

## North Dakota Water Coalition

The mission of the North Dakota Water Coalition is to complete North Dakota's water infrastructure for economic growth and quality of life.

## North Dakota Water Coalition Membership

The North Dakota Water Coalition is made up of 36 statewide organizations, regional entities, municipalities, and other groups from across North Dakota.

## North Dakota Water Coalition Goals

1. To provide an adequate water supply across North Dakota for manufacturing, industrial, energy by-product utilization, agriculture, agricultural processing, recreation, wildlife, municipalities and rural water systems which have inadequate supply or quality of water.

- Complete a workable and achievable Garrison Diversion Project through passage of the Dakota Water Resources Act to provide an affordable multiple-use water supply to central and eastern North Dakota, including the James, Sheyenne and Red Rivers.
- Complete the Southwest Pipeline and Northwest Area Water Supply Projects.
- Stabilize Devils Lake.
- Secure adequate funding for the MR&I Program.
- Develop multi-use statewide water impoundments for recreation, wildlife and fishing.
- Secure funding for irrigation development.

2. To complete projects to control and alleviate flood waters and damages, including Grand Forks, Devils Lake and Fargo flood control, bank protection, and increasing the flood control capacities of the Baldhill Dam and Reservoir, the Maple River Dam and others.

North Dakota  
**WATER**  
COALITION

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# North Dakota Critical Water Needs—Project Funding

## Revenues

	Carryover and New Revenues 2001-2003	Proposed New Revenues 2003-2005
Resources Trust Fund	25,425,000	10,500,000
Water Development Trust Fund	47,700,000	20,600,000
REVENUE SUBTOTALS	\$73,125,000	\$31,100,000
Bonding	9,263,860	60,000,000
REVENUE TOTALS	\$82,388,860	\$91,100,000

## Anticipated Revenues 2005-2007

Resources Trust Fund	10,500,000
Water Development Trust	20,600,000
REVENUE TOTAL	\$31,100,000

## Tentative Obligations 2005-2007

Bond Payments	17,970,000
SWC Operations	10,070,000
OBLIGATIONS TOTAL	\$28,040,000

2005-2007 Balance \$3,060,000

## Critical water needs in 2005-2007

### Continuing Projects

Devils Lake	25
Southwest Pipeline:	15.7 mill
(Medora/Beach/Morton)	
Fargo: Complete	5 mill
Maple River Dam: Complete	2 mill
Irrigation/General Water	5 mill
MR&I (Williams)	10 mill
TOTAL	\$62.7 million

### Other critical water needs

Red River Valley Water Supply  
So. Central Regional Water  
No. Central Water Consortium  
Devils Lake Water Supply

## Allocations

	2001-2003 Expenditures	Authorized and Proposed Expenditures 2003-2005
Devils Lake		
Outlet	1,500,000	25,000,000
Basin Development	1,000,000	2,000,000
Dike	2,200,000	2,000,000
Eastern Dakota Water Supply	150,000	150,000
Flood Control		
Grand Forks	19,500,000	18,507,000
Wahpeton	600,000	2,298,000
Grafton	250,000	500,000
Maple River Dam	500,000	7,700,000
Bald Hill Dam	1,000,000	0
Fargo	500,000	10,500,000
General Water Management	4,500,000	6,500,000
Irrigation	500,000	6,600,000
Missouri River Management	0	100,000
MR&I	5,000,000	10,000,000
Northwest Area Water Supply	400,000	2,400,000
Weather Modification	350,000	350,000
Southwest Pipeline	8,444,000	6,800,000
PROJECT TOTALS	\$46,394,000	\$101,405,000
Bond Payments	5,400,000	8,970,000
SWC Operations (WDTF transfer)	9,733,820	10,070,000
Flood Emergency Deficiency		11,000,000
SUBTOTALS	\$15,133,820	\$30,040,000
TOTALS	\$61,527,820	\$131,455,000
		-20,861,040
		-91,100,000
UNBINED BALANCE	\$20,861,040	(\$19,493,960)

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*Deanna G. H. S.*  
Operator's Signature

10/23/03  
Date