

**2013 SENATE NATURAL RESOURCES**

**SB 2052**

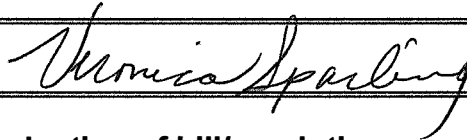
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee  
Fort Lincoln Room, State Capitol

SB 2052  
January 10, 2013  
17080

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to a permit to construct or modify a dam, dike, or other device.

## Minutes:

attached testimony

All committee members were present.

Chairman Lyson opened the hearing on SB 2052.

John Paczkowski from the Chief Regulatory Section of the ND State Water Commission introduced the bill. See Attachment #1.

Chairman Lyson questioned whether the board had a track record of not responding.

John said they respond about 50% of the time and that they meet maybe once a month and are allowed 45 days to respond. He theorized why there may be response delays.

Chairman Lyson questioned if a procedure has been started and then they get a response, can the procedure be interrupted?

John said that could be done.

Senator Burckhard asked for an example of who would have to apply for this and why would they apply for it?

John responded if an entity is going to build a dam for example they would be required to file a construction permit and by code they must notify their local water resource board of their intention. That gives the water board a chance to weigh in on the project and give input to the State Engineer's office before processing the permit. There are water resource boards roughly for each county. There are additional boards within basin boundaries.

Senator Triplett asked what happens when there are overlapping jurisdictions of water boards in a region.

John responded that there are joint boards formed when multiple counties are involved and there is a primary county put in charge.

Senator Triplett asked whether he has heard from the water boards that the 45 days is too short a time.

John said he hasn't heard that it is.

Senator Murphy questioned how jurisdiction works when there are multiple boards that overlap.

John attempted to clarify how it works.

Opposition: None

Neutral: None

Chairman Lyson closed the hearing on SB 2052.

Senator Triplett suggested they table the bill until the senators have a chance to get feedback from the water boards in their districts.

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee  
Fort Lincoln Room, State Capitol

SB 2052  
January 25, 2013  
17735

Conference Committee

Committee Clerk Signature

*Veronica Spaleny*

## Explanation or reason for introduction of bill/resolution:

Relating to a permit to construct or modify a dam, dike, or other device.

## Minutes:

No testimony attached

Chairman Lyson called the committee's attention to consider SB 2052.

Senator Triplett had contacted her local water board and they were fine with the bill.

Senator Unruh made a Do Pass motion.

Senator Burckhard seconded it.

Roll Call Vote: 7, 0, 0

Carrier: Senator Unruh

Date: 1-25-13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2052

Senate Natural Resources 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 Unruh Seconded By Burckhard

Senators	Yes	No	Senators	Yes	No
Senator Lyson	✓		Senator Triplett	✓	
Senator Burckhard	✓		Senator Murphy	✓	
Senator Hogue	✓				
Senator Laffen	✓				
Senator Unruh	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Unruh

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

**REPORT OF STANDING COMMITTEE**

**SB 2052: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Eleventh order on the calendar.

**2013 HOUSE ENERGY AND NATURAL RESOURCES**

**SB 2052**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

SB 2052

March 7, 2013

19589

Conference Committee

*Minutes*

Relating to a permit to construct or modify a dam, dike, or other device.

**Minutes:**

"attached testimony."

Rep. Porter: We will open the hearing on SB 2052

John Paczkowski: Chief of the regulatory for the State Water Commission. I am here to support SB 2052 which will clarify the procedures when the Water Resource fails to provide a response regarding the response regarding construction permit applications.

Rep. Nathe: Why wouldn't they respond?

John Paczkowski: I don't know the answer.

Rep. Silbernagel: Would a response be a letter of acknowledgment that they received the request?

John Poczowski: Correct.

Rep. Porter: We will close the hearing on 2052.



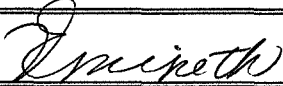
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

SB 2052  
March 8, 2013  
19595

Conference Committee



Relating to a permit to construct a dam, dike, or other device

**Minutes:**

"attached testimony."

Rep. Porter: We have a motion from Rep. Silbernagel and a second from Rep. Anderson on SB 2052. Yes 12 No 0 Absent 1 Carrier Rep. Silbernagel

Date: 3-8-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB2052

House Natural Resources Committee

Check here for Conference Committee

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

Action Taken Do pass

Motion Made By Silbernagel Seconded By Rep Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter	✓		Rep. Bob Hunskor		
Vice Chairman Chuck Damschen	✓		Rep. Scot Kelsh	✓	
Rep. Jim Schmidt	✓		Rep. Corey Mock	✓	
Rep. Glen Froseth	✓				
Rep. Curt Hofstad	✓				
Rep. Dick Anderson	✓				
Rep. Peter Silbernagel	✓				
Rep. Mike Nathe	✓				
Rep. Roger Brabandt	✓				
Rep. George Keiser	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Silbernagel

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

**REPORT OF STANDING COMMITTEE**

**SB 2052: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).  
SB 2052 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**SB 2052**

**TESTIMONY ON SENATE BILL NO. 2052****Senate Natural Resources Committee****John Paczkowski, Chief - Regulatory Section  
North Dakota State Water Commission****January 10, 2013**

Mr. Chairman and members of the Natural Resources Committee, my name is John Paczkowski and I am the Chief of the Regulatory Section for the State Water Commission. On behalf of State Engineer, Todd Sando, I am here in support of Senate Bill No. 2052 which will clarify procedures when a water resource board fails to provide a response regarding a construction permit application.

As part of the permitting process for the construction or modification of a dike, dam, or other device used "for water conservation, flood control regulation, watershed improvement, or storage of water" that meets the permitting threshold, N.D.C.C. § 61-16.1-38 requires the state engineer to forward the application "to the water resource board of the district within which the contemplated project is located." This process makes the board aware of the project and allows the board the opportunity to suggest any changes, conditions, or modifications to the state engineer.

As it provides now, there is no direction given regarding how to deal with the lack of a response from the water resource board. The additional language being proposed today will simply codify the process staff has been using to deal with just such situations in the past.

Thank you for the opportunity to comment on this matter and I will be happy to answer any questions you might have.