

2017 HOUSE ENERGY AND NATURAL RESOURCES

HCR 3011

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HCR 3011
2/9/2017
28090

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

to approve the easement required for the completion of the Dakota Access Pipeline

Minutes:

Attachment #1

Chairman Porter: Called the committee to order on HCR 3011.

Vice Chairman Damschen: Presented HCR 3011 stating it's self-explanatory setting out reasons why we need a pipeline, and it's need to be continued. It encourages the President to direct the Army Corp of Engineer to approve the easement that's been done.

Rep. Keiser: It does seem maybe like a moot question but this issue conceivably go to Court. Should the state not take a position given that, yes a decision has been issue but there may or may not be actions?

Vice Chairman Damschen: Yes I do believe the state should take a position.

Chairman Porter: Further support of HCR 3011?

Julie Ellingson, ND Stockmans Association presented Attachment #1 in support.

Chairman Porter: Questions? Further testimony in support? Testimony in opposition?

6:47

Carol Two Eagle: I stand in opposition to HCR 3011. I might not have such a big problem with this if not for the fact that it's just north of Standing Rock where most of my family lives. If not for the fact, although I didn't know at the time what these people were referring to, I hear people, of official responsibility, in this building, discussing it as they walked through the halls. They were saying things like, there's nothing down there but Indians. That's disgusting to say the very least. We are full citizens of the US courtesy of the Schneider Act of 1924, and you don't make citizens of non-humans or sub-humans. My other objections to the pipeline and the bill, is the easement has been granted without going through the full review. You cannot predict where the pipeline will burst. You can run statistical probabilities and find

out that better than 90%, it's going to burst. If it bursts under the river it affects the river, livestock, wildlife, hunting is a huge industry in this state, all the people downstream, 18 million people I've heard, not just the people on Standing Rock. If, not when, the pipeline bursts under the river, how do you get to it to fix it? We all saw in 2011 just how little control the Pick-Sloan Dams have over the flow of the river. How are you going to get to it to fix it? Are you going to drill another hole and somehow, go over and, how many holes will you drill and how are you going to clean it up? Why would you want to waste the money cleaning water and soil and trying to restore species that will be destroyed, maybe instinct by such a break, when you could maintain the water quality from the beginning? Doesn't make economic sense. There's a lot of reasons to say do not pass this bill even though at it's a moot point now.

10:00

Rep. Anderson: Do you understand the process when they put the pipe underneath the river it will be well below the scour line of the river, in double walled pipe, and shutoff valves on both sides of the river? The other way of getting the oil out of here would be via the rails sending it over the river. I think putting it under the river with the safeguards in places is a much safer way than having it go by rail.

Carol Two Eagle: I disagree. We haven't had that much problem with trains derailing, or exploding or whatever.

Rep. Anderson: Another issue with the rail, when we have trains hauling all the oil, as a farmer, we just get beat up on freight rates. It costs you probably an extra 50¢ - \$1 a bushel to ship grain when you have to compete with the oil. The ag community really suffers when the oil is competing with us for freight rates.

Carol Two Eagle: You aren't going to have agriculture downstream when that pipeline breaks. Recently there was a break in a pipeline, I don't remember where, it had whatever sensors, and still didn't find it for 5 days. It was a huge amount of oil that got into the dirt and threatened the water supply of two streams or rivers. If human beings, it will, not can, break. Yes, you're going to get beat up on price and that will get passed along to someone. But if you have such a break under the river, you aren't going to have any agricultural downstream anyway. Isn't that the breadbasket of the country? We're at the top end up here.

Chairman Porter Questions? Further opposition. Closed the hearing.

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HCR 3011

2/16/2017

28483

Subcommittee

Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

to approve the easement required for the completion of the Dakota Access Pipeline

Minutes:

Attachment #1

Chairman Porter: Called the committee to order on HCR 3011. I want to mention to the committee that I had a conversation with Roz Laten, who was with the majority leader's office last session, who now works at the White House as the Midwest liaison to the President. I asked her specifically about resolutions and if she could find out what room inside of the White House they actually go to, to get shredded after we sent them to her. She responded back and said that it was an interesting point. She is now setting up a policy that any of the State's she handles, once the resolution is received, that it would be forwarded to her office so it can be reviewed. Now we have the knowledge that Resolutions are actually going somewhere! That will make Rep. Dalzer happy.

Vice Chairman Damschen: Presented Attachment #1, amendment 01002. Over \$28 million in loans to the Adjutant General and extends appreciation to the President in granting the easement.

Rep. Keiser: Would it be appropriate in that whereas the cost associated with the protests have resulted in over \$28 million, that we have on the Resolve, that we ask that the Federal government pay the costs incurred to date? We don't have it in here but that's really our request, one of many.

Chairman Porter: So that would be added on to Page 2, inside "therefore be it resolved", add that on.

Rep. Keiser: Correct. I don't know if the committee supports that. We've stated there's a cost, and I firmly believe they should have, and didn't step forward with some funding to support it.

Vice Chairman Damschen: I'd like to thank Rep. Keiser for that suggestion and ask him if he would be adding that. That's kind of like thanking the President and asking him for money.

Chairman Porter: I think Vice Chairman Damschen if you want to move your amendment and then we'll open up for further amendments.

Vice Chairman Damschen: I will move we approve the amendment 01002.

Rep. Keiser: second

Chairman Porter: We have a motion to approve amendment 01002 and a second. Any discussion?

Rep. Lefor: I'm wondering if on the amendment, is it \$33 million at this point?

Vice Chairman Damschen: kind like the (?) debt clock

Rep. Anderson: I think last night on TV they said it was \$32 million plus \$4.5 million of equipment costs, whatever they meant by that.

Chairman Porter: technically speaking, that is over \$28 million. Further discussion? All those in favor say Aye, opposed. Voice vote, motion carries. Rep. Keiser, on page 2 in the Whereas.

Rep. Keiser: something to the effect that, "be it further resolved that the federal government pay for the costs associated with, reimburse the state of ND for all costs incurred.

Rep. Mock: second

Chairman Porter: we have a motion from Rep. Keiser, second from Rep. Mock to further amend HCR 3011 to include the language, "Be it further resolved that the US reimburse the state of ND for all costs associated". Discussion? All those in favor say Aye, opposed. Voice vote, motion carries.

Rep. Mock: I would move a Do Pass as Amended on HCR 3011 and place on the Consent Calendar.

Rep. Heinert: Second

Chairman Porter: I have a motion from Rep. Mock, second from Rep. Heinert for a Do Pass as Amended on HCR 3011 and placed on the Consent Calendar. Discussion? All those in favor say Aye, opposed. Voice vote, motion carries. Vice Chairman Damschen is carrier.

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3011

Page 1, line 1, replace "urging" with "extending appreciation to"

Page 1, line 1, remove "and the United States Army"

Page 1, line 2, replace "Corps of Engineers to expeditiously approve" with "for expediting the approval of"

Page 1, line 4, after the comma insert: "the granting of the easement to complete the Dakota Access Pipeline has eased costs associated with pipeline protests; and

WHEREAS, the costs associated with the protests have resulted in over \$28 million in loans to the Adjutant General; and

WHEREAS,"

Page 1, remove lines 12 and 13

Page 1, remove line 25

Page 2, remove lines 1 and 2

Page 2, line 5, replace "urges" with "extends appreciation to"

Page 2, line 5, remove "and the"

Page 2, line 6, replace "United States Army Corps of Engineers to expeditiously approve" with "for expediting the approval of"

Renumber accordingly

2/16/17 DP

17.3023.01003
Title.03000

Adopted by the Energy and Natural Resources
Committee

February 16, 2017

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3011

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Page 1, line 1, remove "and the United States Army"

Page 1, line 2, replace "Corps of Engineers to expeditiously approve" with "for expediting the approval of"

Page 1, line 3, after "Pipeline" insert ", and requesting the federal government reimburse the state of North Dakota for all expenses incurred as a result of the Dakota Access Pipeline protests and permitting delays"

Page 1, line 4, after the first comma insert: "the granting of the easement to complete the Dakota Access Pipeline has eased costs associated with pipeline protests; and

WHEREAS, the costs associated with the protests have resulted in over \$28 million in loans to the Adjutant General; and

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Page 2, line 7, after "Pipeline" insert ", and requests the federal government reimburse the state of North Dakota for all expenses incurred as a result of the Dakota Access Pipeline protests and permitting delays"

Renumber accordingly

Date: 2-16-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR3011

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.3023, 01002

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions Reconsider _____

Motion Made By Rep. Damschen Seconded By Rep. Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

voice vote motion carries

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

01002

Date: 2-16-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 3011

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Refer to Appropriations
- Place on Consent Calendar
- Other Actions Reconsider _____

Motion Made By Rep. Keiser Seconded By Rep. Mock

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

vice vote carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: that the US reimbursed ND for all costs incurred

Date: 2-16-17

Roll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 3011

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions Reconsider _____

Motion Made By Rep Mock Seconded By Rep Heinert

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall	AB	
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby	AB	
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

voice vote carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep Damschen

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

REPORT OF STANDING COMMITTEE

HCR 3011: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3011 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "urging" with "extending appreciation to"

Page 1, line 1, remove "and the United States Army"

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Page 2, line 7, after "Pipeline" insert ", and requests the federal government reimburse the state of North Dakota for all expenses incurred as a result of the Dakota Access Pipeline protests and permitting delays"

Renumber accordingly

2017 SENATE ENERGY AND NATURAL RESOURCES

HCR 3011

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HCR 3011
3/16/2017
Job #29292

- Subcommittee
 Conference Committee

Committee Clerk Signature

Pam Dever

Explanation or reason for introduction of bill/resolution: Extending appreciation to the President for expediting the approval of the easement required for the completion of the Dakota Access Pipeline, and requesting the federal government reimburse ND for all expenses incurred as a result of the Dakota Access Pipeline protests and permitting delays.

Minutes:

Vice Chair Kreun: Called committee to order. Open HCR 3011.

Rep. Chuck Damschen, Dist. 10, Hampden, ND: This started out as a resolution to help get the pipeline done. He helped before we got to this resolution. We wanted to thank him and we put a by the way, on it. Asking for money to help with expenses. We spent serious money during this situation.

Vice Chair Kreun: Any question?

Sen. Roers: This resolution says \$28M. I thought we were over \$31M in costs. Maybe this is not enough.

Representative Damschen: That is a moving target. It was accurate at the time. You can amend it up.

Julie Ellingson, ND Stockman's Assoc.: We rise in support of this resolution. We have asked for the easement to be given many months ago. We worry about Morton County and Attendance was taken the costs associated with this situation. We are back to normalcy in cattle country, and we are very happy. Any questions? (4.33)

Vice Chair Kreun: Any more in support? Any against? Any agencies? We are closed.

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HCR 3011
3/16/2017
Job #29301

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Minutes:

Committee work

Chairwoman Unruh: Let's take up 3011 from this morning.

Sen. Cook: I first move we amend the bill. On line 7, we change \$28 to \$32.

Vice Chair Kreun: I second.

Sen. Roers: Do you think \$32 is the right number.

Sen. Cook: We can go to conference committee if we need more.

Chairwoman Unruh: Call the roll on the amendment. YES 7 NO 0 -0-ab
Amendment passed. We now have HCR as amended before us.

Sen. Roers: I move a Do Pass as amended. **Sen. Cook:** I second.

Chairwoman Unruh: Any discussion? Call the roll: YES 7 NO 0 -0-ab

Passed. **Sen. Roers** will carry HCR 3011.

17.3023.03001
Title.04000

Adopted by the Senate Energy and Natural
Resources Committee

March 16, 2017

CJ
3/16
1 of 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE CONCURRENT RESOLUTION NO.
3011

Page 1, line 7, replace "\$28" with "\$32"

Renumber accordingly

3/16/17

Date:
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3011

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: pg 1, line 7, replace #28 with #32.

- Recommendation:
- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Sen. Cook Seconded By Sen. Kreun

Senators	Yes	No	Senators	Yes	No
Chair Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

amend. passes

Date: 3/16/17
 Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HCR 3011

HCR 3011

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.3023.03001

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. Roers Seconded By Sen. Cook

Senators	Yes	No	Senators	Yes	No
Chair Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 7 No 0

Absent 0-0

Floor Assignment Sen. Roers

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

REPORT OF STANDING COMMITTEE

HCR 3011, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3011 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "\$28" with "\$32"

Renumber accordingly

2017 TESTIMONY

HCR 3011

1
HCR 3011
2-9-17
Ellingson

**North Dakota Stockmen's Association
Testimony on HCR 3011
Feb. 9, 2017**

Good morning, Chairman Porter and members of the House Energy and Natural Resources Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association. The Stockmen's Association is an 87-year-old organization representing more than 3,000 ranch families in the state.

We appear here in support of HCR 3011. Yesterday, of course, was an important day for North Dakota, with the Corps of Engineers finally granting the remaining easement necessary to complete the Dakota Access Pipeline project. While the action, of course, will require this resolution to be amended slightly, we couldn't be happier that the long-awaited day has finally come.

The Stockmen's Association had been calling for the issuance of this easement for many, many months. The issue was the hot topic of discussion at our annual convention last September for a number of reasons.

As a fellow natural resources industry, it was very troubling to those of us in agriculture to watch as the federal government set a troubling and dangerous precedent by inappropriately intervening and, other times, inappropriately not intervening in the situation when all rules and regulatory processes were followed. This time around, the pipeline was the target. Next time, it could very well be an agricultural endeavor, like a feedlot or a processing facility, or some other natural resources project following the rules only to have the federal government change them mid-stream or fail to enforce those on the books.

Yesterday was also a long-awaited day because, hopefully, it signals the beginning of the end of what has been a nightmare for many of my cattle-ranching members who live in Morton County, the largest cattle-producing county in North Dakota. As a fourth-generation cattle rancher from St. Anthony myself, my family has had a front-row seat to the chaos that has turned our normally quiet little town on its head. The last 170-or-so days have been stressful for our community, to say the least. Cattle ranchers have had to contend with closed and blocked roads; relentless trespassing, vandalism and theft; cut fences; a rash of injured, killed and missing livestock; and threats and intimidation. This has interfered with our work, our play and the sense of peace and security we once had.

No matter if you are for the pipeline or against the pipeline, the project has checked all the necessary boxes and followed the rule of law. As such, it is only appropriate that the easement has been granted, the project will be completed and this resolution be passed.

Thank you for the opportunity to comment. I would be happy to stand for any questions.

1
2-16-17
HCR3011
Damschen

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3011

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