

MICROFILM DIVIDER

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SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3021

2001 HOUSE NATURAL RESOURCES

HCR 3021

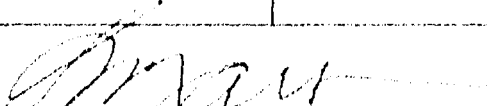
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3021

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 8, 2001

Tape Number	Side A	Side B	Meter #
1		x	1569 to 2486
Committee Clerk Signature 			

Minutes:

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

Chairman Rennerfeldt: I will open the hearing on HCR 3021.

Rep. Jim Kasper - District 46: HCR 3021 again talks about Garrison Diversion and Lake Sakakawea and the water that we have stored behind the dam, it talks more about the use of the water for projects around our state. Again one of the promises that our Federal government made the state of ND is that you would have the use of this water supply all over the state. Here again it is fifty years later and so much of those water use projects are just setting there in debate after debate and excuse after excuse from the Federal Government. What this resolution is going to do is to urge the Federal government to allow us as a state and to change their water policy from the

Corps of Engineers so that we can develop those lake water supply sources around our state.

There has been some uses you know, from the SE and the SW pipelines, but one of the big areas of my concern representing the eastern part of our state and the Fargo area, is lack of a stable water supply up and down the Red River Valley. Most of the water that is used for Fargo and Grand Forks comes from wells or the Red River itself. That river is not a real stable source of water. By allowing pipelines to be completed and water to be piped to the eastern part of the state and all the communities all the way. We can begin to assure that water we need for economic development, for plants and manufacturing units that need stable water along the years. There is an amendment recommend on page 2 by Mike Dwyer so I won't discuss that at this time.

Chairman Rennerfeldt: Does the committee have any questions? Anyone else care to speak in favor of HCR 3021?

Tom Disselhorst - Attorney with the Three Affiliated Tribes: (See written testimony).

Chairman Rennerfeldt: Are there any questions of the committee? Anyone else care to speak in favor of this resolution?

Dave Koland - Ex. Dir. Of ND Rural Water Systems Association: We certainly support this resolution and the amendments to be offered. The funding that will come from the federal government will provide additional funding for SW Pipeline, NAWS Project, Water to Eastern North Dakota and Tribal water systems have all become much more urgent. The arsenic rule recently handed down that the Federal government expects the states to comply with in the next five years will be addressed by the NAWS project. The communities in that area's only probable solution to solving this is water from the NAWS project. So we certainly support this resolution and the hasty return of the money due ND.

Chairman Rennerfeldt: Any questions of the committee?

Mike Dwyer - ND Water Users Association: We strongly support his resolution. The DWRA has been the focus of our efforts for the last several years. We are so pleased it has been approved by Congress. As I mentioned to the committee we have made progress on the SW Pipeline and NAWIS and the Eastern Dakota Water supply and the Indian MR&I is something we are pleased that will be addressed. I apologize for not having the proposed amendments in writing, we support the resolution. I talked to Rep. Kasper and I think it would be better if we stated under the whereas, under the Dakota Water Resource Act, the state will be required to provide cost share repayment and operation and maintenance and not mention the amounts. What happens is the representatives say the state is going to put that money in so maybe we will back off a bit. I think it would be better if we struck out all the references to the dollars and just said the state would be required to provide cost share repayment and operation and maintenance. I can certainly provide that in writing to you and Rep. Kasper is supportive of those proposed changes. I will have those to you this afternoon.

Chairman Rennerfeldt: Any questions from the committee?

Dale Frink - Interim State Engineer for the State Water Commission: I certainly support his resolution. DWRA is certainly something we regard as landmark federal legislation for our district. It took an incredible amount of time and it's unbelievable the amount of people involved in this. I think is a very good resolution and we certainly support it.

Chairman Rennerfeldt: Any questions of the committee? Anyone else care to speak in favor of this resolution? Any opposition? If not, I will close the hearing on HCR 3021.

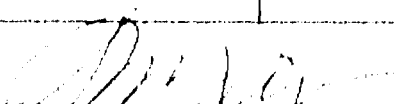
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3021

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 9, 2001

Tape Number	Side A	Side B	Meter #
1		x	3,746 to 5524
Committee Clerk Signature 			

Minutes:

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

Chairman Rennerfeldt: I think we can take action on HCR 3021. I have a Do Pass on Amendments by Rep. Drovdal.

Vice Chair Nelson: I second.

Chairman Rennerfeldt: Is there any discussion on the amendments? Do these satisfy the resolution sponsor and the Three Affiliated Tribes. They named a figure in theirs, but I don't think we need that. Rep. Kasper didn't want it. If they do want to change it, they can deal with the Senate.

Page 2

House Natural Resources Committee

Bill/Resolution Number HCR 3021

Hearing Date February 9, 2001

Rep. Galvin: Is it too late to further amend? On line 20, page 2, I would like to strike out Legislative Assembly expresses appreciation for the Dakota Water Resources Act.

(some discussion)

Rep. DeKrey: I don't understand why we are thanking them for doing their job 50 years late.
(more discussion).

Rep. Porter: I second that. (more discussion).

Rep. Winrich: Could we have a reading of what this says?
(more discussion)

Chairman Rennerfeldt: First we have to deal with the amendments handed out earlier. All in favor signify by saying Aye, opposed? Amendment carries. Okay, now we have a motion to further amend by Rep. Galvin and a second by Rep. Porter. Now we can discuss it.

Vice Chair Nelson: I am simply going to say this, my mother taught me to be polite even when things didn't happen at the proper time. I am going to resist these amendments.

Rep. Winrich: Again, I would ask for a clear reading of what this amendment does? I am not sure I understand what the wording is going to be.

Chairman Rennerfeldt: Rep. Galvin. would you read what you mean?

Rep. Galvin: On page two it would eliminate the wording on line 20, "assembly expresses appreciation for the Dakota Water Resources Act. It would read "the 57th Legislative Assembly urges the Congress of the United States to fund their federal share of water projects in that act." On page 1, line 1 you would take out "expresses appreciation" and you would put "asking" in there. So it would read, HCR asking for the passage of the Dakota Water Resources Act?
(more discussion on wording)

Rep. Winrich: I agree with Rep. Nelson thoughts and I am going to vote against this amendment.

In the event it does pass, in both places where the change occurs, the phrase "that act" should be replaced by Dakota Water Resources Act. Otherwise there is no antecedent for the phrase "that act".

Rep. Solberg: I do agree with Rep. Nelson, I don't think this is necessary and I am going to vote against it. It doesn't hurt to say thanks.

Rep. DeKrey: I am going to support this, I don't feel like groveling in front of Congress for something they got to 50 years late.

Rep. Galvin: I would agree with Rep. Winrich on the Dakota Water Resources Act being in there.

Rep. Porter: As the second I would agree to changing the end of line two, it says "in the Dakota Water Resources Act." And at the end of line 22, it also states that. So from an English standpoint it flows.

Chairman Rennerfeldt: Okay, does everyone understand what the further amendment is? Call the roll. Yes, 6 No, 9. The further amendment fails.

Vice Chair Nelson: I move a Do Pass as amended.

Rep. Keiser: I second.

Chairman Rennerfeldt: Any further discussion? If not, call the roll on HCR 3021 as amended.

MOTION FOR A DO PASS AS AMENDED

YES, 11 NO, 4

CARRIED BY REP. SOLBERG

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3021

Page 1, line 3, after "Dakota" insert "and its Indian tribes"

Page 1, line 18, after "Dakota" insert ", including on its Indian reservations,"

Page 2, line 12, after "will" insert "be required to"

Page 2, line 13, remove "approximately \$345 million in the form of" and replace "as part of the"
with "and"

Page 2, remove lines 14 and 15

Page 2, line 16, remove "of the municipal, rural, and industrial grant program, as well as"

Page 2, line 24, after the second comma insert "the chairman of the Three Affiliated Tribes, the
chairman of the Standing Rock Sioux Tribe,"

Renumber accordingly

Page 2 -

line 20 remove appropriate

page 1 -

line 1

add "D.W.R." Act

VK
2/9/01

HOUSE AMENDMENTS TO HCR 3021

HOUSE NATURAL RESOURCES

02/09/01

Page 1, line 3, after "Dakota" insert "and its Indian tribes"

Page 1, line 18, after "Dakota" insert ", including on its Indian reservations,"

Page 2, line 12, after "will" insert "be required to"

Page 2, line 13, remove "approximately \$345 million in the form of" and replace "as part of the" with "and"

Page 2, remove lines 14 and 15

Page 2, line 16, remove "of the municipal, rural, and industrial grant program, as well as"

Page 2, line 24, after the second comma insert "the chairman of the Three Affiliated Tribes, the chairman of the Standing Rock Sioux Tribe,"

Renumber accordingly

Amendment

Date:
Roll Call Vote #:

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

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Galvin Seconded By Porter

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) 6 No 9

Absent _____

Floor Assignment _____

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

Date: 02/09/01
Roll Call Vote #: /

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3021

House Natural Resources Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass as amended

Motion Made By Rep Nelson Seconded By Rep Keiser

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 Weller	✓				

Total (Yes) 11 No 4

Absent _____

Floor Assignment Rep. Solberg

If the vote is on an amendment, briefly indicate intent: "No appreciation"
include "3 Tribes language"!

REPORT OF STANDING COMMITTEE

HCR 3021: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 4 NAYS, ABSENT AND NOT VOTING). HCR 3021 was placed on the Sixth order on the calendar.

Page 1, line 3, after "Dakota" insert "and its Indian tribes"

Page 1, line 18, after "Dakota" insert ", including on its Indian reservations,"

Page 2, line 12, after "will" insert "be required to"

Page 2, line 13, remove "approximately \$345 million in the form of" and replace "as part of the" with "and"

Page 2, remove lines 14 and 15

Page 2, line 16, remove "of the municipal, rural, and industrial grant program, as well as"

Page 2, line 24, after the second comma insert "the chairman of the Three Affiliated Tribes, the chairman of the Standing Rock Sioux Tribe,"

Renumber accordingly

2001 SENATE NATURAL RESOURCES

HCR 3021

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3021

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 3-15-01

Tape Number	Side A	Side B	Meter #
I	X		12.7 - 15.6
Committee Clerk Signature <i>Jane Jones</i>			

Minutes:

SENATOR FISCHER opened the hearing on HCR 3021.

REPRESENTATIVE JAMES KASPER of District 46 cosponsor of HCR 3021 A RESOLUTION EXPRESSING APPRECIATION FOR PASSAGE OF THE DAKOTA WATER RESOURCES ACT AND URGING CONGRESS TO FULLY FUND THE FEDERAL SHARE OF THE WATER PROJECTS IN THAT ACT. This resolution deals with the Garrison Diversion Project enacted by congress in 1944 under the Federal Control Act which resulted in the Garrison Dam being built indicating alot land. Promises were made by the federal government that the state would have use of the water held by the dam. Many of those promises have never been fulfilled and this resolution urges congress will fully fund the water projects in that act that have been so long in coming. It also urges congress to make the water available behind the dam available especially in the eastern part of North Dakota.

Page 2
Senate Natural Resources Committee
Bill/Resolution Number HCR 3021
Hearing Date 3-15-01

Written testimony presented by the Three Affiliated Tribes in support of HCR 3021 was distributed to the Committee Members (See attached testimony).

There was no neutral or opposing testimony presented on HCR 3021.

SENATOR FISCHER closed the hearing on HCR 3021.

SENATOR FISCHER reopened the discussion on HCR 3021.

SENATOR CHRISTMANN made a motion for a "DO PASS on the Consent Calendar" of HCR 3021.

SENATOR TOLLEFSON second the motion.

SENATOR FISCHER called for roll vote of HCR 3021 indicating 7 YAYS, 0 NAYS, AND 0 ABSENT OR NOT VOTING.

SENATOR FISCHER will carry HCR 3021.

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

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3021

Senate NATURAL RESOURCES Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number Do Pass

Action Taken Do Pass - on Consent

Motion Made By Christmann Seconded By Tollefson

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) _____ No _____

Absent _____

Floor Assignment Fischer

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

REPORT OF STANDING COMMITTEE (410)
March 15, 2001 12:53 p.m.

Module No: SR-45-5708
Carrier: Fischer
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3021, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman)
recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS,
0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3021 was placed on the
Tenth order on the calendar.

2001 TESTIMONY

HCR 3021

.....

House Natural Resource Committee

February 7, 2001

Mr. Chairman and Members of the Committee,

The North Dakota Wildlife Federation Inc. and the United Sportsman of North Dakota support HCR 3021.

We ask for a do pass.

Thank you,

Mike Donahue
Lobbyist # 258
Telephone number: 701-222-3899



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

**Natural Resources Committee
North Dakota House
57th Legislative Assembly**

TRIBAL BUSINESS COUNCIL
701-627-4781
Fax 701-627-3805

**Testimony of Three Affiliated Tribes
Mandan, Hidatsa and Arikara Nation
Tex G. Hall
Chairman**

on HCR 3021

**Concurrent Resolution Calling on Congress to provide full funding for the
Dakota Water Resources Act**

February 8, 2001

Mr. Chairman, members of the Committee. On behalf of the Mandan, Hidatsa and Arikara Nation (the Three Affiliated Tribes of the Fort Berthold Reservation), I rise in support of HCR 3021, which seeks full funding for the Dakota Water Resources Act, with the understanding that we are seeking an amendment requesting that the interests of the four Indian Tribes mentioned in the Act also be mentioned in this resolution. My amendment is attached.

As did many other North Dakota citizens, the North Dakota Tribal Nations worked hard for the passage of the Dakota Water Resources Act. Those of you in the room who were at any of the hearings on the Act know that we were at almost all of the hearings to offer support for the rural water needs of our Reservation, where more than 300 families still have to truck in potable water.

Our amendments are intended simply to amplify the scope of this resolution. Our water projects will also benefit surrounding areas, providing key links for rural water systems in our areas that benefit Indians and non-Indians alike, all of whom are North Dakota citizens. We believe they deserve equal mention with the other goals of the Act.

We also want to note that we are ready, willing and able to work with all of the legislative leaders, and our Governor to seek full funding for the Dakota Water Resources Act. We believe we have a lot to offer as we seek full funding for the Act.

Therefore, Mr. Chairman, members of the Committee, I urge you to pass HCR 3021, seeking full funding for the Dakota Water Resources Act. Let us work together to achieve our common goals. Thank you.

Proposed Amendment to HCR 3021
Tex G. Hall, Chairman, Three Affiliated Tribes
House Natural Resources Committee
February 8, 2001

Page 1, line 3, after the words "North Dakota" insert the following:

"and its Indian tribes"

Page 1, line 18, after the words "North Dakota", insert the following:

"and on its Indian reservations"

Page 2, line 11, after the words "program", add the following:

", including \$200 million for the Indian tribes in North Dakota"

Page 2, line 24, after the word "Interior", add the following:

"to each of the Indian tribes mentioned in the Act"

and renumber accordingly.



TOTAL BUSINESS COUNCIL
701-627-4781
Fax 701-627-3805

MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HCB Box 2 • New Town, North Dakota 58763-9402

**Natural Resources Committee
North Dakota Senate
57th Legislative Assembly**

**Testimony of Three Affiliated Tribes
Mandan, Hidatsa and Arikara Nation
Tex G. Hall
Chairman**

on HCR 3021

**Concurrent Resolution Calling on Congress to provide full funding for the
Dakota Water Resources Act**

March 15, 2001

Mr. Chairman, members of the Committee. On behalf of the Mandan, Hidatsa and Arikara Nation (the Three Affiliated Tribes of the Fort Berthold Reservation), I rise in support of HCR 3021, which seeks full funding for the Dakota Water Resources Act. We want to thank the House of Representatives for accepting our friendly amendments to this bill and ensuring that our needs for funding under the Dakota Water Resources Act are mentioned as well.

As did many other North Dakota citizens, the North Dakota Tribal Nations worked hard for the passage of the Dakota Water Resources Act. Approximately one-third of the total funding authorized in the Act is for Municipal, Rural and Industrial water projects on the reservations in North Dakota, projects that in the case of the Standing Rock Sioux Tribe and the Three Affiliated Tribes were needed 50 years ago when the dams were first constructed. The Tribes eligible for funds include all four Tribes in North Dakota, and the names of the Turtle Mountain Band of Chippewa and Spirit Lake Tribes should be added to the list of Tribes to receive a copy of this Resolution.

Those of you in the room who were at any of the hearings on the Act know that we were at almost all of the hearings to offer support for the rural water needs of our Reservation, where more than 300 families still have to truck in potable water. Our needs for complete funding for our Municipal, Rural and Industrial water for us is paramount, as we have waited, as has the rest of the state, more than 50 years for the completion of the water projects promised us to replace our easy access to good water before the dam was constructed.

We also want to note that we are ready, willing and able to work with all of the legislative leaders, and our Governor to seek full funding for the Dakota Water Resources Act. We believe we have a lot to offer as we seek full funding for the Act; we invite your assistance and offer ours to this effort.

Therefore, Mr. Chairman, members of the Committee, I urge you to give a DO PASS recommendation to HCR 3021, as amended, seeking full funding for the Dakota Water Resources Act. Let us work together to achieve our common goals. Thank you.