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Salvatore Rickford
Operator's Signature

10/16/63
Date

2003 HOUSE AGRICULTURE

HCR 3039

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10/16/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3039

House Agriculture Committee

☐ Conference Committee

Hearing Date February 14, 2003

Tape Number	Side A	Side B	Meter #
1	X		13.9
Committee Clerk Signature <i>Edward D. Upton</i>			

Minutes:

REP. POLLERT, VICE-CHAIR Called the hearing to order.

REP. MERLE BOUCHER, DIST. 9 Introduced the resolution. This involves very critical and crucial issues, not only for the northwest quadrant of the state, but also in reality, I think the entire state of North Dakota. The language in this particular resolution is putting forward, a few days ago, on the floor of the House, there was a bill, which was recommended to be defeated by the Attorney General's Office, which addressed the lawsuit which has been filed by the Province of Manitoba against the Department of Interior and some of the environmental agencies in regard to putting an injunction on the northwest area water supply, based upon their concerns about the possibility of a rupture in the pipeline between somewhere in the system up in the northwest area water supply and the Souris River. We all know that water disputes between Manitoba and North Dakota, have been ongoing. I have taken a very strong position that, I think, first of all, the Premier and the Province of Manitoba, is totally out of line on this particular issue. The

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Loreta Richford
Operator's Signature

10/6/03
Date

Page 2

House Agriculture Committee

Bill/Resolution Number HCR 3039

Hearing Date February 14, 2003

water project has been studied and met all of the environmental tests over a long period of time, and it is pretty conclusive, so consequently, it is a political action on the part of the Canadians in this particular situation and the reality is, this is a water project that definitely should go forward in the state of North Dakota. Water development is critical for the entire state of North Dakota. Thats what this is all about.

REP. POLLERT The bill on the floor, was that two and a half million dollars?

REP. BOUCHER Yes

REP. POLLERT Can the Attorney General go after this within his budget?

REP. BOUCHER The bill was put forward as a result of what has been going on. The Attorney General has been working on it. The lawsuit has been filed right now, against the federal government and federal agencies, it is the option of the state to join. This is a North Dakota issue, and North Dakota needs to come to the plate.

TODD SANDO, ASSISTANT STATE ENGINEER FOR THE NORTH DAKOTA

WATER COMMISSION Testified in support of the resolution. See attached written testimony.

With no further testimony, the hearing was closed.

COMMITTEE ACTION

REP. WRANGHAM Made a motion for a **DO PASS**

REP. BOE Second the motion. **MOTION CARRIED**

8 YES 1 NO 4 ABSENT

REP. POLLERT Was given the floor assignment.

HCR 3039

2-14-03

Date:

Roll Call Vote #:

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

House AGRICULTURE COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number 1124

Action Taken DO PASS

Motion Made By WRANGHAM

Seconded By BOE

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS					
VICE CHAIRMAN POLLERT	✓				
REPRESENTATIVE BELTER					
REPRESENTATIVE BOEHNING	✓				
REPRESENTATIVE KELSCH					
REPRESENTATIVE KINGSBURY	✓				
REPRESENTATIVE KREIDT	✓				
REPRESENTATIVE UGLEM	✓				
REPRESENTATIVE WRANGHAM	✓				
REPRESENTATIVE BOE					
REPRESENTATIVE FROELICH					
REPRESENTATIVE MUELLER		✓			
REPRESENTATIVE ONSTAD	✓				

Total (Yes) 8

No 1

Absent 4

Floor Assignment POLLERT

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Operator's Signature

Date

REPORT OF STANDING COMMITTEE (410)
February 14, 2003 1:48 p.m.

Module No: HR-29-2792
Carrier: Pollert
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HCR 3039: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(8 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HCR 3039 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-29-2792

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Richard Costa
Operator's Signature

10/6/03
Date

2003 SENATE NATURAL RESOURCES

HCR 3039

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Salvatore Riccardi
Operator's Signature

10/16/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3039

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 3-20-03

Tape Number	Side A	Side B	Meter #
1	X		17.8 - 43.0
Committee Clerk Signature <i>Jamie James</i>			

Minutes:

Senator Thomas Fischer, Chairman of the Senate Natural Resources Committee opened the hearing on HCR 3039 urging appropriate state officials to take aggressive action against individuals, organizations and entities interfering with the development and progress of state water projects, especially the Northwest Area Water Supply Project.

All members of the committee were present.

Mike Dwyer representing the North Dakota Water Users testified in support of HCR 3039 stating this resolution is directed at Canada who has no scientific basis but is only being political about this issue as they have with several other water issues.

Representative Merle Boucher of District 9 the sponsor by HCR 3039 stated this resolution has attracted a lot of attention from some groups from North Dakota and hopefully some groups out side of the state especially Canada. The wish would be that the Manitoba premier would leave the water issues in North Dakota to be determined and debated by it's people and the United

Page 2
Senate Natural Resources Committee
Bill/Resolution Number HCR 3039
Hearing Date 3-20-03

States. Canada has filed suit to take action against the NAWS project that has been proven safe.

This is critical because if a project can be stopped as safe as this one then water development in North Dakota will encounter difficult times. He admitted the language in the resolution was very strong and would not be offended if it was amended to make a little more consumer friendly.

Senator John Traynor noted the resolution only addresses state people and nothing about Canada.

Rep. Merle Boucher added he was fine if the committee wanted to amend the resolution to contain Canadian entities.

Attorney General Wayne Stenehjem testified in a neutral position on HCR 3039 stating he simply wanted to assure the committee that the direction of the executive branch and his office concerning the water projects is quite clear. They will vigorously defend the water issues for North Dakota in its management plans for the water program. He stated that maybe an amendment is needed on Line 24 to change to a "continued" not just "aggressive" action be taken. He also gave the history of the law suit filed by Canada concerning the NAWS project.

Dale Frink, State Engineer with the North Dakota Water Commission testified in support of HCR 3039 stating that the NAWS project is proceeding. He stated that although Canada has filed a permanent injunction, what they really want is a full environmental impact statement other than just an environmental assessment. This would delay the project at least 3 years and also would provide them with opportunities to further slow down the process. He stated he had no problem with the aggressive language being added to the resolution.

Rocky Thomas representing the McLean-Sheridan Rural Water System testified in a neutral position of HCR 3039 (See attached testimony).

Page 3

Senate Natural Resources Committee

Bill/Resolution Number HCR 3039

Hearing Date 3-20-03

There was no other neutral or testimony in opposition on HCR 3039.

Senator Fischer closed the hearing on HCR 3039.

Senator Traynor stated that he has had a resolution regarding the arsenic problem and asked for time to possibly incorporate it into this resolution.

Senator Fischer agreed to wait on action to HCR 3039.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3039

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 3-27-03 Discussion and Action

Tape Number	Side A	Side B	Meter #
1	X		8.0 - 17.0
Committee Clerk Signature <i>Jane James</i>			

Minutes:

Senator Thomas Fischer opened the discussion on HCR 3039

All members of the committee were present.

Senator John Traynor presented an amendment (33084.0101) containing the arsenic issue that will melt together with the original resolution.

Discussion was held if other cities and towns should be included in list of cities with arsenic problems. It was decided that listing "Devils Lake and other similar cities" might stir more enthusiasm and bring more attention to the problem.

Senator Traynor made a motion to accept amendment 33084.0101.

Senator Michael Every second the motion.

Roll call vote #1 was taken indicating 7 YEAS, 0 NAYS, 0 ABSENT OR NOT VOTING.

Senator Traynor made a motion for a Do Pass as Amended of HCR 3039.

Senator Layton Freborg second the motion.

Page 2

Senate Natural Resources Committee

Bill/Resolution Number HCR 3039

Hearing Date 3-27-03

Roll call vote #2 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Traynor will carry HCR 3039.

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La Costa Rickford
Operator's Signature

10/16/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3039

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 4-10-03 Reconsider and Action

Tape Number	Side A	Side B	Meter #
1	X		7.6 - 11.5
Committee Clerk Signature <i>Janet Janu</i>			

Minutes:

Senator Thomas Fischer, Chairman of the Senate Natural Resources Committee asked the committee to draw their attention to HCR 3039.

All members of the committee were present except **Senator Michael Every** and **Senator Layton Freborg**.

Senator Joel Heitkamp made a motion to reconsider the committee's action on HCR 3039.

Senator Stanley Lyson second the motion.

A voice vote was taken indicating approval.

Senator Fischer explained the new amendment stating it expands to water projects through out the state, it addresses arsenic problems, water systems that are having problems, flood projects, water to the eastern part of the state and the whole gambit concerning water. It encourages the governor, the state water commission, the attorney general, and state agencies to continue

Page 2

Senate Natural Resources Committee

Bill/Resolution Number HCR 3039

Hearing Date 4-10-03

aggressive action against individuals. It expands the resolution to cover the state water projects in total whether they be rural, arsenic problems or NAWS.

Senator Fischer made a motion to accept amendment #33084.0103.

Senator Heitkamp second the motion.

Roll call vote # 2 was taken indicating 5 YEAS, 0 NAYS AND 2 ABSENT OR NOT VOTING.

Senator Stanley Lyson made a motion for a Do Pass as Amended of HCR 3039.

Senator Heitkamp second the motion.

Roll call vote # 3 was taken indicating 5 YEAS, 0 NAYS AND 2 ABSENT OR NOT VOTING.

Senator Fischer further stated that because of the deadline HCR 3039 was scheduled on the calendar without a committee recommendation. The carrier needs to explain and make sure the full senate understands the committee unanimously supports a Do Pass of HCR 3039 and that it was scheduled with the WCR so that it could be on the calendar.

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Jo Costa Rickford
Operator's Signature

10/16/03
Date

33084.0101
Title.0200

Prepared by the Legislative Council staff for
Senator Traynor
March 20, 2003

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3039

Page 1, line 1, after "resolution" replace the remainder of the resolution with "strongly encouraging appropriate state officials to take aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, especially the Northwest Area Water Supply Project, and urging the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for the city of Devils Lake and other similarly situated cities in North Dakota.

WHEREAS, areas of the arid west-central region of North Dakota do not enjoy safe drinking water and do not have sufficient quantities of water to ensure a dependable, long-term supply of water that areas to the south currently enjoy; and

WHEREAS, many cities and rural areas in the Northwest Area Water Supply Project have domestic water supplies of less than desirable quality; and

WHEREAS, the Northwest Area Water Supply Project will pump Missouri River water from Lake Sakakawea as far north as Sherwood, as far east as Bottineau, and as far west as Divide County and supply water to the city of Minot; and

WHEREAS, using Missouri River water to supply the Northwest Area Water Supply Project will be advantageous in that it will supply a clean and abundant supply of water to the residents of North Dakota, including the far west, providing a more inviting home for potential businesses and industries and strengthening local economies resulting in more and better jobs for North Dakotans; and

WHEREAS, a safe dependable supply of water is critical to the economic viability of the state and to future economic development; and

WHEREAS, individuals, organizations, and entities have opposed North Dakota water projects for political rather than scientific reasons; and

WHEREAS, the Environmental Protection Agency has recently promulgated rules reducing the allowable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion; and

WHEREAS, the city of Devils Lake and other similarly situated cities in North Dakota meet the current drinking water standard for arsenic; and

WHEREAS, the city of Devils Lake and other similarly situated cities in North Dakota are being challenged to meet the stricter drinking water standard for arsenic; and

WHEREAS, the city of Devils Lake water supply is currently quadruple the new arsenic standard that is scheduled to take effect on January 23, 2006, and the degree of this concentration above the new standard may prevent the city of Devils Lake from obtaining a compliance deadline extension that is available to other cities that exceed the arsenic standard but to a lesser degree; and

WHEREAS, as many as 30 public water systems in North Dakota that currently comply with drinking water standards may find it extremely difficult to comply with the new drinking water standard for arsenic in the short timeframe before the rule takes effect;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Fifty-eighth Legislative Assembly strongly encourages appropriate state officials to take aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, especially the Northwest Area Water Supply Project, and urges the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for the city of Devils Lake and other similarly situated cities in North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, Attorney General, State Engineer, each member of the State Water Commission, the chief of the Environmental Health Section of the State Department of Health, the director of the Division of Municipal Facilities of the Environmental Health Section of the State Department of Health, the administrator of the Environmental Protection Agency, the regional administrator for Region VIII of the Environmental Protection Agency, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

4

Date: 3-27-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3039

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken accept Amend. 33084.0101

Motion Made By Traynor Seconded By Every

Senators	Yes	No	Senators	Yes	No
Senator Thomas Fischer	✓		Senator Michael A. Every	✓	
Senator Ben Tollefson	✓		Senator Joel C. Heitkamp	✓	
Senator Layton Freborg	✓				
Senator Stanley W. Lyson	✓				
Senator John T. Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

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Salvatore Riccardi 10/6/03
Operator's Signature Date

Date: 3-27-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3039

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Wagner Seconded By Freborg

Senators	Yes	No	Senators	Yes	No
Senator Thomas Fischer	✓		Senator Michael A. Every	✓	
Senator Ben Tollefson	✓		Senator Joel C. Heitkamp	✓	
Senator Layton Freborg	✓				
Senator Stanley W. Lyson	✓				
Senator John T. Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment T. Wagner

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

Date: 4-10-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3039

Senate	Senate Natural Resources	Committee
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☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken To reconsider action

Motion Made By Dutkay Seconded By Byon

[illegible]

Total	(Yes)	No
100	50	50

Absent _____

Floor Assignment

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

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La Costa Richard
Operator's Signature

10/16/03
Date

33084.0103
Title.0300

Prepared by the Legislative Council staff for
Senator Fischer
April 9, 2003

JB
4-10-03
1 of 2

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3039

Page 1, line 1, after "resolution" replace the remainder of the resolution with "strongly encouraging the Governor, Attorney General, State Water Commission, and state agencies to continue aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, including the Northwest Area Water Supply Project, the Southwest Pipeline Project, Devils Lake flooding, delivery of water to eastern North Dakota, development of water resources for irrigation purposes, and development of projects to control flooding, and urging the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for affected cities in North Dakota.

WHEREAS, areas of the arid west-central region of North Dakota do not enjoy safe drinking water and do not have sufficient quantities of water to ensure a dependable, long-term supply of water which areas to the south currently enjoy; and

WHEREAS, many cities and rural areas in the Northwest Area Water Supply Project have domestic water supplies of less than desirable quality; and

WHEREAS, the Northwest Area Water Supply Project will pump Missouri River water from Lake Sakakawea as far north as Sherwood, as far east as Bottineau, and as far west as Divide County and will supply water to the city of Minot; and

WHEREAS, using Missouri River water to supply the Northwest Area Water Supply Project will be advantageous in that the residents of North Dakota, including the far west, it will receive a clean and abundant supply of water providing a more inviting home for potential businesses and industries which will strengthen local economies and result in more and better jobs for North Dakotans; and

WHEREAS, a safe, dependable supply of water is critical to the economic viability of the state and future economic development; and

WHEREAS, individuals, organizations, and entities have opposed North Dakota water projects for political rather than scientific reasons; and

WHEREAS, the Environmental Protection Agency has recently promulgated rules reducing the allowable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion; and

WHEREAS, several cities in North Dakota are being challenged to meet the stricter drinking water standard for arsenic; and

WHEREAS, as many as 30 public water systems in North Dakota which currently comply with drinking water standards may find it extremely difficult to comply with the new drinking water standard for arsenic in the short timeframe before the rules take effect;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-ninth Legislative Assembly strongly encourages the Governor, Attorney General, State Water Commission, and state agencies to continue aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, including the Northwest Area Water Supply

Page No. 1

33084.0103

Salvatore Riccardi
Operator's Signature

10/16/03
Date

2 of 2
Project, the Southwest Pipeline Project, Devils Lake flooding, delivery of water to eastern North Dakota, development of water resources for irrigation purposes, and development of projects to control flooding, and urging the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for affected cities in North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, Attorney General, State Engineer, each member of the State Water Commission, the chief of the Environmental Health Section of the State Department of Health, the director of the Division of Municipal Facilities of the Environmental Health Section of the State Department of Health, the administrator of the Environmental Protection Agency, the regional administrator for Region VIII of the Environmental Protection Agency, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

Date: 4-10-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3039

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken To accept 330P4.0103

Motion Made By Fischer Seconded By Hutten

Senators	Yes	No	Senators	Yes	No
Senator Thomas Fischer	✓		Senator Michael A. Every		
Senator Ben Tollefson	✓		Senator Joel C. Heitkamp	✓	
Senator Layton Freborg					
Senator Stanley W. Lyson	✓				
Senator John T. Traynor	✓				

Total (Yes) 5 No 0

Absent 2

Floor Assignment _____

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

Date: 4-10-03
Roll Call Vote #: 3

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3039

Senate	Senate Natural Resources	Committee
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☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

[illegible]

Total (Yes) 5 No 0

Absent 2

Floor Assignment Sutton

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

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Operator's Signature

Date _____

REPORT OF STANDING COMMITTEE (410)
April 10, 2003 1:21 p.m.

Module No: SR-65-7345
Carrier: Heitkamp
Insert LC: 33084.0103 Title: .0300

REPORT OF STANDING COMMITTEE

HCR 3039: Natural Resources Committee (Sen. Fischer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3039 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "strongly encouraging the Governor, Attorney General, State Water Commission, and state agencies to continue aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, including the Northwest Area Water Supply Project, the Southwest Pipeline Project, Devils Lake flooding, delivery of water to eastern North Dakota, development of water resources for irrigation purposes, and development of projects to control flooding, and urging the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for affected cities in North Dakota.

WHEREAS, areas of the arid west-central region of North Dakota do not enjoy safe drinking water and do not have sufficient quantities of water to ensure a dependable, long-term supply of water which areas to the south currently enjoy; and

WHEREAS, many cities and rural areas in the Northwest Area Water Supply Project have domestic water supplies of less than desirable quality; and

WHEREAS, the Northwest Area Water Supply Project will pump Missouri River water from Lake Sakakawea as far north as Sherwood, as far east as Bottineau, and as far west as Divide County and will supply water to the city of Minot; and

WHEREAS, using Missouri River water to supply the Northwest Area Water Supply Project will be advantageous in that the residents of North Dakota, including the far west, it will receive a clean and abundant supply of water providing a more inviting home for potential businesses and industries which will strengthen local economies and result in more and better jobs for North Dakotans; and

WHEREAS, a safe, dependable supply of water is critical to the economic viability of the state and future economic development; and

WHEREAS, individuals, organizations, and entities have opposed North Dakota water projects for political rather than scientific reasons; and

WHEREAS, the Environmental Protection Agency has recently promulgated rules reducing the allowable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion; and

WHEREAS, several cities in North Dakota are being challenged to meet the stricter drinking water standard for arsenic; and

WHEREAS, as many as 30 public water systems in North Dakota which currently comply with drinking water standards may find it extremely difficult to comply with the new drinking water standard for arsenic in the short timeframe before the rules take effect;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-ninth Legislative Assembly strongly encourages the Governor, Attorney General, State Water Commission, and state agencies to continue aggressive

REPORT OF STANDING COMMITTEE (410)
April 10, 2003 1:21 p.m.

Module No: SR-65-7345
Carrier: Heltkamp
Insert LC: 33084.0103 Title: .0300

action against individuals, organizations, and entities interfering with the development and progress of state water projects, including the Northwest Area Water Supply Project, the Southwest Pipeline Project, Devils Lake flooding, delivery of water to eastern North Dakota, development of water resources for irrigation purposes, and development of projects to control flooding, and urging the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for affected cities in North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, Attorney General, State Engineer, each member of the State Water Commission, the chief of the Environmental Health Section of the State Department of Health, the director of the Division of Municipal Facilities of the Environmental Health Section of the State Department of Health, the administrator of the Environmental Protection Agency, the regional administrator for Region VIII of the Environmental Protection Agency, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

2003 TESTIMONY

HCR 3039

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Richard Costa
Operator's Signature

10/16/03
Date

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 3039

House Agriculture Committee

**Todd Sando, Assistant State Engineer
State Water Commission**

February 14, 2003

Mr. Chairman and Members of the House Agriculture Committee, I am Todd Sando, Assistant State Engineer. I am appearing on House Concurrent Resolution 3039.

House Concurrent Resolution 3039 encourages state officials to take aggressive action against individuals, organizations and entities interfering with the development and progress of water projects, especially the Northwest Area Water Supply (NAWS) project.

I am not exactly sure what aggressive action means, but I assume it means that we should vigorously defend our rights to develop projects in accordance to appropriate laws and requirements. In the case of the NAWS project, we are vigorously defending the lawsuit filed by Manitoba against the Secretary of the Interior and the Bureau of Reclamation.

The Secretary of the Interior and the Bureau of Reclamation have filed their answer to the Manitoba complaint. The North Dakota Office of Attorney General has filed a request to intervene in the case. We are cautiously optimistic, although these types of cases are difficult to predict.

The Manitoba lawsuit did not request a temporary restraining order that would immediately stop construction. If the lawsuit would be successful, construction likely would be stopped until an environmental impact statement (EIS) was completed, which could take several years.

The State Water Commission is certainly not stopping. In fact, we just advertised for bids on another ten miles of pipeline. Last year, seven miles of pipeline was completed and another two miles of pipeline was added as a change order.

Funding for the project remains a concern, especially for 2004 and beyond. However, Governor Hoeven is working with the Bureau of Reclamation, the Office of Management and Budget (OMB) in Washington, DC, and the North Dakota Congressional Delegation to obtain funding for the NAWS project and other municipal, rural and industrial (MR&I) projects.

Mr. Chairman, I thank you for the opportunity to provide comments on House Concurrent Resolution 3039.

SCR 3039
Testimony of Rocky Thomas
Natural Resources Committee Hearing
3/20/03

Mr. Chairman, members of the Natural Resources Committee, my name is Rocky Thomas; I am manager of the McLean-Sheridan Rural Water System and I serve as Secretary/Treasurer of the North Central Rural Water Consortium Board.

I would love to stand before you today and preach the ills of HCR 3039, gentlemen. Unfortunately were I to do such that could be construed as speaking out against the NAWS project itself, and as such interfering in that project, wherein under the provisions of the legislation being considered here today, "Appropriate Officials" would be required to take "Aggressive Action" against me, for exercising the rights guaranteed me under the first amendment of the constitution of the United States of America.

Instead gentlemen I shall exercise what few rights I have left in this matter by the legislation at hand, HCR 3039, by asking 3 questions of the members of the Natural Resources Committee.

In review of HCR 3039, I would ask gentlemen -

1. Is there anyone amongst you that standing alone in representation of your elective district; that cannot be considered an individual? By definition of Webster, I would assert that no you cannot.
2. Are you the elected legislators of the state of North Dakota, not collectively, an entity? Again gentlemen, by definition of Webster I would assert that you are in fact collectively, an entity.
3. Are you the State Legislature not charged with approving or rejecting the budget of the State Commission, including funding at a state level that is slated for the NAWS project? To the best of my knowledge gentlemen, I believe you are.

Having established those facts gentlemen, I would urge you to think long and hard about the vote you are about to cast on HCR 3039, at some point in time you may have to cast a vote that could be construed by others as interfering with progress of the NAWS project, and your vote today will in fact have determined whether you as an "individual," or the legislature of the state of North Dakota collectively as an "entity," may have "aggressive action" brought against you for acting in your capacity as an elected official of the state of North Dakota.

Rocky Thomas
Operator's Signature

10/16/03
Date