

2013 HOUSE ENERGY AND NATURAL RESOURCES

HB 1060

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee Pioneer Room, State Capitol

HB 1060
Jan 17, 2013
17354
1 testimony

Conference Committee

Jocelyn Gallagher

Relating to compensation and expenses of the Devils Lake outlet management advisory committee.

Minutes:

Rep. Porter: We will start testimony on support of HB 1060.

Bruce Engelhardt, Director, Water Development Division State Water Commission:
See testimony 1. 2:33

Rep. Keiser: Is there any purpose to be served by adding a legislator from that area since we do set the policy for the state?

Bruce Engelhardt: I guess that would be up to the legislature, its nothing certainly in the bill that prevents one of the appointees from being a legislature or more than one.

Rep. Brabandt: Basically this bill combines 2 committees into 1 as it stands?

Bruce Engelhardt: Correct

Rep. Hofstad: The title relates to compensation, is there any compensation for this board?

Bruce Engelhardt: I am not sure. I believe that was from the original title and there is nothing in the bill regarding compensation.

Rep. Hofstad: The repeal section I presume is taking that other board and combining them, is that right?

Bruce Engelhardt: Correct

Rep. Nathe: Is Minnesota or Manitoba currently represented on any one of those two committees?

Bruce Engelhardt: They are represented on the committee that was formed by the executive order.

Rep. Porter: Further questions?

Rep. Froseth: On follow-up on Rep. Hofstad's question about compensation, is there anything in the old legislation that remains that would address that?

Rep Porter: We can do a little bit of research, will have Kirby look that up and see when the boards are created it just follows normal state pay rate and normal state mileage rates available to the board. We'll have Kirby look that up unless someone else from the water commission has an answer, if they are paying any members to go to these meetings.

Rep. Keiser: If they are being paid as most of these boards appointed by the governor are, there probably should be a fiscal note on this bill.

Rep. Porter: Mr. Sando indicated that they are not being compensated and there is no compensation language that exists for this board. So I am sure there wouldn't be any legislators interested then.

Rep. Porter: Any other questions? Any other support in favor of HB 1060?

Joe Belford, Down Extreme Acceptance Coordinator for the Devils Lake Flood: (no written testimony) (6:37- 7:35) I think in answer to your question that was asked about compensation. I think each organization that they represented is picking up the mileage tab for those attending meetings. I support the concept that has been proposed here today and we need to continue to have dialogue Manitoba water people.

Rep. Porter: Further testimony in support of HB 1060? Any opposition to HB 1060? We will close the hearing on HB 1060. Committee we have HB 1060 in front of us.

Rep Keiser: I move an amendment for discussion purposes that we amend the bill on page 2 line 23 adding a new subsection P and it would read one representative and one senator from the affected area appointed by legislative management.

Rep. Nathe: I would move to second.

Rep. Porter: We have a motion from Rep. Keiser and a second. Further discussion on the amendment? We will do a voice vote. 13 Yes, motion carries; we have an amended bill in front of us.

Rep. Hofstad: I would move a do pass as amended on HB 1060.

Rep. Porter: We have motion from Rep. Hofstad, second from Rep. Schmidt for a do pass as amended to HB 1060, any discussion?

Rep. Porter: Motion carries 13, 0, bill carrier Rep. Brabandt.

Not all amendments were included so the old standing committee report was deleted and a new standing committee report was initiated with correct amendments.

January 17, 2013

ONE
1/17/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1060

Page 2, line 22, replace the second underscored period with "and

p. A representative from the Devils Lake basin appointed by the
governor."

Page 2, line 27, after "that" insert "at least"

Renumber accordingly

January 18, 2013

1/18/13
USMC

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1060

Page 2, line 22, replace the second underscored period with "; and

p. A member of the house and a member of the senate who represent the Devils Lake basin region appointed by the chairman of the legislative management."

Page 2, line 27, after "that" insert "at least"

Page 2, line 29, after "and" insert "except for the legislative members."

Renumber accordingly

Date: 1-17-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1060

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Voice vote carried

Motion Made By ^{Rep.} Keiser Seconded By Rep. Nathe

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter			Rep. Bob Hunsakor		
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) _____ No _____

Absent _____

Floor Assignment _____

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

13.8033.01001 Title 02000
page 2 line 23 adding a new subsection P
Voice Vote Carried

Date: 1-17-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1060

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number Do pass as amended

Action Taken _____

Motion Made By Rep. Hofstad Seconded By Rep. Schmidt

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter	✓		Rep. Bob Hunsakor	✓	
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) 13 No 0

Absent 0

Floor Assignment Rep Brabandt

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

Do pass as amended
Brabandt carries

REPORT OF STANDING COMMITTEE

HB 1060: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1060 was placed on the Sixth order on the calendar.

Page 2, line 22, replace the second underscored period with "; and

p. A member of the house and a member of the senate who represent the Devils Lake basin region appointed by the chairman of the legislative management."

Page 2, line 27, after "that" insert "at least"

Page 2, line 29, after "and" insert "except for the legislative members,"

Renumber accordingly

2013 SENATE NATURAL RESOURCES

HB 1060

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1060
February 22, 2013
19390

Conference Committee

Committee Clerk Signature

Veronica Spaulding

Explanation or reason for introduction of bill/resolution:

Relating to the composition and duties of the Devils Lake outlets management advisory committee; relating to compensation and expenses of the Devils Lake outlet management advisory committee.

Minutes:

attachments

Chairman Lyson opened the hearing for HB 1060.

Bruce Engelhardt, Director of the Water Development Division for the State Water Commission, presented written testimony on behalf of Todd Sando. See attachment #1. (Ends at 04:00)

Opposition: None
Neutral: None

Senator Hogue asked Mr. Engelhardt how the state of Minnesota or the province has expressed their concern previously.

Mr. Engelhardt gave the history of their relationship. (05:15 to 06:35)

Chairman Lyson closed the hearing for HB 1060.

Senator Triplett made a motion to adopt the amendments proposed in attachment #1.

Senator Murphy: Second

Senator Hogue whether there would be legislators from the Devils Lake Region willing to serve.

There was discussion about who might be willing to serve.

The amendments were adopted by voice vote.

Senator Burckhard: Do Pass as Amended

Senator Triplett: Second

Senator Triplett mentioned the time she served on the Red River Basin Commission and expressed that she felt the time was well spent to share information and solve problems in order to prevent litigation.

Roll Call Vote: 7, 0, 0

Carrier: Senator Unruh

13.8033.03001
Title.04000

Adopted by the Natural Resources Committee

February 22, 2013

2/22/13
TD

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1060

Page 2, line 23, replace "who represent" with "one representing"

Page 2, line 24, after "region" insert "and one representing the downstream region."

Page 3, line 31, replace "nine" with "ten"

Page 3, line 31, replace "fifteen" with "seventeen"

Renumber accordingly

Date: 2-22-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1060

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 Triplett Seconded By Murphy

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice vote carried

page 3 of list #1

Date: 2-22-13
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1060

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 Burckhard Seconded By Triplett

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

HB 1060, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1060 was placed on the Sixth order on the calendar.

Page 2, line 23, replace "who represent" with ", one representing"

Page 2, line 24, after "region" insert "and one representing the downstream region."

Page 3, line 31, replace "nine" with "ten"

Page 3, line 31, replace "fifteen" with "seventeen"

Renumber accordingly

2013 TESTIMONY

HB 1060



TESTIMONY ON HOUSE BILL NO. 1060

House Natural Resources Committee

**Bruce Engelhardt – Director, Water Development Division
North Dakota State Water Commission**

January 17, 2013

Mr. Chairman and members of the Natural Resources Committee, my name is Bruce Engelhardt and I am the Director of the Water Development Division for the State Water Commission. On behalf of State Engineer, Todd Sando, I am here in support of House Bill No. 1060.

This bill will combine the two Devils Lake outlet advisory committees into a single advisory committee. It also removes the task of preparing an operating plan.



The original Devils Lake outlet management advisory committee was created when there was only one outlet planned at Devils Lake (the West End Outlet) and consisted of ten members. A second advisory committee was created by executive order when the East End Outlet was under construction. The two committees had their first joint meeting in early 2012 and have essentially been operating as a single committee.

House Bill No. 1060 combines the two committees and sets the membership at 15. This committee's membership will be similar to the two existing committees. The combined committees have been providing beneficial advice on the operation of the Devils Lake outlets and a forum for understanding and compromise between the Devils Lake Basin and downstream interests, as well as providing all interests the opportunity to participate in the discussion of recommended solutions. It is very important to have Minnesota and Manitoba represented on the committee to participate in these discussions and better understand the problems and solutions being implemented.

I will gladly answer any questions.



#1

TESTIMONY ON ENGROSSED HOUSE BILL NO. 1060

Senate Natural Resources Committee

**Bruce Engelhardt – Director, Water Development Division
North Dakota State Water Commission**

February 21, 2013

Mr. Chairman and members of the Natural Resources Committee, my name is Bruce Engelhardt and I am the Director of the Water Development Division for the State Water Commission. On behalf of State Engineer, Todd Sando, I am here in support of Engrossed House Bill No. 1060.

This bill will combine the two Devils Lake outlet advisory committees into a single advisory committee. It also removes the task of preparing an operating plan.

The original Devils Lake outlet management advisory committee was created when there was only one outlet planned at Devils Lake (the West End Outlet) and consisted of ten members. A second advisory committee was created by executive order when the East End Outlet was under construction. The two committees had their first joint meeting in early 2012 and have essentially been operating as a single committee.

Engrossed House Bill No. 1060 combines the two committees and sets the membership at 17. This committee's membership will be similar to the two existing committees consisting of the Governor or his designee, 14 members appointed by the Governor with equal representation of the Devils Lake Basin and downstream interests, and "[a] member of the house and a member of the senate who represent the Devils Lake basin region appointed by the chairman of the legislative management." I request that this language (lines 23 and 24, page 2) be amended to "A member of the house and a member of the senate, one representing the Devils Lake basin region and one representing the downstream region, appointed by the chairman of the legislative management." A great deal of thought and effort went into balancing the interests represented on the outlet management committee to ensure that the advice provided by the committee would consider both the Devils Lake basin and the downstream waters, it is critical that this balance be maintained.

I also request that on page 3, line 31, the word "nine" be changed to "ten" and the word "fifteen" be changed to "seventeen" resulting in the following sentence: "Any recommendations developed by the committee must receive support from ten of the seventeen members of the committee before submission to the governor or state water commission."

The combined committees have been providing valuable advice on the operation of the Devils Lake outlets and a forum for understanding and compromise between the Devils Lake Basin and downstream interests, as well as providing all interests the opportunity to participate in the discussion of recommended solutions. It is very important to have Minnesota and Manitoba represented on the committee to participate in these discussions and better understand the problems and solutions being implemented.

I will gladly answer any questions.

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Renumber accordingly