

**2023 HOUSE AGRICULTURE**

**HB 1358**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Room JW327C, State Capitol

HB 1358  
2/9/2023

Relating to the composition of the environmental review advisory council.

Chairman Thomas call the meeting to order 8:32 AM

Members present: Chairman Thomas, Representative Beltz, Christy, Finley-DeVillie, Fisher, Headland, Henderson, Kiefert, Olson, Prichard, Schreiber-Beck, Tveit, VanWinkle.

**Discussion Topics:**

- Septic systems
- Board compilation
- Twice annually
- Recommendations

**In favor:**

Representative Jon Nelson, District 14, Rugby, ND, (no written testimony)

Sherry Adams, Registered Environmental Health Specialist and Executive Officer for Southwestern District Health Unit (SWDHU), #19620

Carl Rockman, ND Department of Environmental Quality (no written testimony)

**Additional written testimony:**

Lisa Clute, Executive Officer of First District Health Unit, #20141

Chairman Thomas adjourned the hearing 8:43 AM

*Diane Lillis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Room JW327C, State Capitol

HB 1358  
2/9/2023

Relating to the composition of the environmental review advisory council.

Chairman Thomas call the meeting to order 10:08 AM

Members present: Chairman Thomas, Representative Beltz, Christy, Finley-DeVille, Fisher, Headland, Henderson, Kiefert, Olson, Prichard, Schreiber-Beck, Tveit, VanWinkle.

### Discussion Topics:

- Committee action

Representative Tveit moved a do not pass.  
Representative VanWinkle seconded.

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Paul J. Thomas	Y
Representative Mike Beltz	N
Representative Josh Christy	Y
Representative Lisa Finley-DeVille	N
Representative Jay Fisher	Y
Representative Craig Headland	Y
Representative Donna Henderson	Y
Representative Dwight Kiefert	Y
Representative SuAnn Olson	Y
Representative Brandon Prichard	Y
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y

Motion passed 11-2-0

Representative Henderson will carry the bill.

Chairman Thomas adjourned the hearing 10:12 AM

*Diane Lillis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1358: Agriculture Committee (Rep. Thomas, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1358 was placed on the Eleventh order on the calendar.

**2023 SENATE ENERGY AND NATURAL RESOURCES**

**HB 1358**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1358  
3/9/2023

A bill relating to the composition of the environmental review advisory council.
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9:15 AM Chairman Magrum opened the meeting.

Senators Kessel, Boehm, and Magrum are present. Senators Kannianen, Patten, and Beard are absent.

### **Discussion Topics:**

- Local public health units
- Environmental impact
- Department of Environmental Quality

9:15 AM Representative Jon Nelson introduced the bill.

9:23 AM Karl Rockeman, Director of the Division of Water Quality testified in favor of the bill and provided written testimony #23159.

9:27 AM Erin Ourada, Administrator and Registered Environmental Health Specialist at Custer Health, testified in favor of the bill and provided written testimony #23031.

### **Additional written testimony:**

Lisa Clute #23193

Daphne Johnson Clark #23127

Sherry Adams #22802

9:30 AM Chairman Magrum closed the public hearing.

9:30 AM Chairman Magrum closed the meeting.

*Rick Schuchard, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1358  
3/24/2023

A bill relating to the composition of the environmental review advisory council.

9:38 AM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Boehm, Beard and Magrum are present.

### Discussion Topics:

- Committee action

9:43 AM Senator Magrum moved to Do Not Pass the bill. Motion seconded by Senator Kannianen.

9:43 AM Roll call vote was taken.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passes 6-0-0

Senator Kannianen will carry the bill.

This bill does not affect workforce development.

9:44 AM Chairman Patten closed the meeting.

*Rick Schuchard, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1358: Energy and Natural Resources Committee (Sen. Patten, Chairman)**  
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB  
1358 was placed on the Fourteenth order on the calendar. This bill does not affect  
workforce development.



**TESTIMONY**

**HB 1358**

**Testimony on  
House Bill 1358  
House Agriculture Committee  
February 9, 2023  
Sherry Adams, Southwestern District Health Unit**

Good morning, Chairman Thomas and members of the House Agriculture Committee. My name is Sherry Adams. I am a Registered Environmental Health Specialist and the Executive Officer for Southwestern District Health Unit (SWDHU). My health unit covers the eight counties of the Southwest which includes Adams, Billings, Golden Valley, Bowman, Slope, Dunn, Hettinger and Stark. I am in support of HB 1358 to designate a local public health representative on the environmental review advisory council.

Local and state governmental public health agencies are recognized nationally as having the primary responsibility for promoting and protecting the public's health. Local public health units (LPHUs) serve as the foundation to the public health system as the boots on the ground. Environmental Health Practitioners work in collaboration with the DEQ to provide environmental health services across ND. Being a part of the advisory committee will help with collaboration with the state by assuring open and transparent communication thereby benefitting all ND citizens.

Thank you for this opportunity to share my comments. I ask for a Do Pass recommendation from this Committee. I would be happy to answer any questions you may have.

Testimony  
*To the*  
**House Agriculture Committee**  
*on*  
**HB 1358**

Good morning Chairman Thomas and members of the committee. I am Lisa Clute, Executive Officer of First District Health Unit. First District provides local public health services to Bottineau, Burke, McHenry, McLean, Renville, Sheridan and Ward counties.

I am in support of the addition of a local public health representative on the DEQ Advisory Board. When Committee work on the establishment of the DEQ was done, discussion regarding the importance of maintaining a strong partnership with local public health units occurred. The thought at that time was that local public health units would be represented as a county or municipal government. That hasn't happened. I recognize the value of a county or municipal representative and do not want to replace that with a public health representative. Hence, the addition of another member on the Board is requested.

Local public health units deal with a wide range of environmental health issues. Some our activities include Septic systems, air and water testing, we tested livestock water sources during the drought, environmental health emergency response and mitigation on events such as train derailments, flooding, etc. We conduct approximately 3000 water tests each year, primarily private wells. It is important that DEQ and local public health units are coordinating their efforts in response to any environmental health concern. Membership on the DEQ advisory board assures a better communication and coordination amongst the local and state activities.

I am sorry I couldn't be there today. Please feel free to contact me at [lclute@nd.gov](mailto:lclute@nd.gov) or (701)720-6200 if you have any questions. Thank you for your consideration.

**Testimony on  
House Bill 1358  
Senate Energy and Natural Resources Committee  
March 9, 2023  
Sherry Adams, Southwestern District Health Unit**

Good morning, Chairman Patten and members of the Senate Energy and Natural Resources Committee. My name is Sherry Adams. I am a Registered Environmental Health Specialist and the Executive Officer for Southwestern District Health Unit (SWDHU). My health unit covers the eight counties of the Southwest which includes Adams, Billings, Golden Valley, Bowman, Slope, Dunn, Hettinger and Stark. I am in support of HB 1358 to designate a local public health representative on the environmental review advisory council.

Local and state governmental public health agencies are recognized nationally as having the primary responsibility for promoting and protecting the public's health. Local public health units (LPHUs) serve as the foundation to the public health system as the boots on the ground. Environmental Health Practitioners work in collaboration with the DEQ to provide environmental health services across ND. Being a part of the advisory committee will help with collaboration with the state by assuring open and transparent communication thereby benefitting all ND citizens.

Thank you for this opportunity to share my comments. I ask for a Do Pass recommendation from this Committee. I would be happy to answer any questions you may have.

## Senate Energy and Natural Resources Committee

HB 1358

March 9, 2023

Chairperson Patten and members of the Senate Energy and Natural Resources Committee:

I am, Erin Ourada, the administrator and a registered environmental health specialist at Custer Health, the local public health unit that covers Grant, Mercer, Morton, Oliver, and Sioux Counties. I am providing testimony in support of HB 1358 which would designate a local public health representative on the environmental review advisory council.

We employ environmental health practitioners that work in collaboration with the Department of Environmental Quality (DEQ) to provide a variety of environmental health services to the citizens of North Dakota. Some examples of these environmental health services are air quality issues regarding open burning, mold, and radon; noncommunity water quality inspections; abandoned auto projects through the solid waste program; drinking water concerns; and more. Citizens, cities, and counties rely on coordination of these projects between local environmental health teams and DEQ in order to receive accurate and efficient response to concerns.

Local public health representation on the environmental review advisory council would increase communication between state and local partners. This increase in communication would streamline response to environmental concerns and create a healthier state for all North Dakota citizens to enjoy.

I respectfully urge you to support HB 1358 and I thank you for your time.

Sincerely,

Erin Ourada  
403 Burlington St SE  
Mandan, ND 58554  
701-667-3370

Testimony  
*To the*  
**Senate Energy and Natural Resources**  
*on*  
**HB 1358**

Good morning Chairman Patten and members of the committee. I am Daphne JohnsonClark, Team Leader for Environmental Health Services for Upper Missouri District Health Unit provides local public health services to Divide, McKenzie, Mountrail, and Williams counties.

I am in support of the addition of a local public health representative on the DEQ Advisory Board. Discussion regarding the importance of maintaining a strong partnership with local public health units occurred during committee work on the establishment of DEQ. The thought at that time was that local public health units would be represented as a county or municipal government. That has not been how it worked out. I recognize the value of a county or municipal representative and do not want to replace that with a public health representative. Thus, the addition of another member on the Board is requested.

Local public health units deal with a wide range of environmental health issues. I have been at UMDHU since 2003 and was in my current position during the oil boom. Air quality, septic issues, water quality and a multitude of other issues were worked on in partnership with DEQ. It is important that DEQ and local public health units are coordinating their efforts in response to any environmental health concern. Membership on the DEQ advisory board assures a better communication, efficiencies and coordination amongst the local and state activities.

I am sorry I couldn't be there today. Please feel free to contact me at [dclark@umdhu.org](mailto:dclark@umdhu.org) or 701-570-0266 if you have any questions. Thank you for your consideration.



Testimony in Support of  
**House Bill No. 1358**  
Senate Energy and Natural  
Resources Committee  
March 9, 2023

TESTIMONY OF

**Karl Rockeman, Director of Water Quality**

Good morning, Chairman Patten and members of the Senate Energy and Natural Resources Committee. My name is Karl Rockeman, and I am the director of the Division of Water Quality within the North Dakota Department of Environmental Quality. The Division of Water Quality protects and monitors our water resources to ensure the quality of surface and groundwater for public use. I am here to testify in support of HB 1358.

Prior to 2019 and the creation of the DEQ and the Environmental Review Advisory Council (ERAC), the Department of Environmental Quality was a section within the Health Department and would routinely work closely with our local public health partners. This bill formalizes the continuation of that long-standing relationship.

The ERAC advises the DEQ regarding our work and its impact on their respective areas and provides information about that work back to their stakeholders. The current make-up of the ERAC includes ten representatives from various industries and three state agencies. The Council meets at least twice a year, and minutes of past meetings are available on our website. The Council is advisory only; all final decisions are made by the DEQ Director.

To provide an example where we work together, Local Public Health is contracted by the DEQ to conduct inspections and investigate complaints regarding public water and wastewater systems, odors, waste disposal and other environmental concerns. This allows for a more timely and efficient response to complaints.

Also, Local Public Health and the DEQ cross train for a response to hazardous material incidents or other environmental emergencies. They can provide important local information to us and communicate important environmental health info to the public.

In conclusion, the department supports the addition of a local public health representative to the Environmental Review Advisory Council. Mr. Chairman and committee members, this concludes my testimony. I ask for your support of HB1358, and I would be happy to answer any questions.

Testimony  
*To the*  
**Senate Energy and Natural Resources**  
*on*  
**HB 1358**

Good morning Chairman Patten and members of the committee. I am Lisa Clute, Executive Officer of First District Health Unit. First District provides local public health services to Bottineau, Burke, McHenry, McLean, Renville, Sheridan and Ward counties.

I am in support of the addition of a local public health representative on the DEQ Advisory Board. Discussion regarding the importance of maintaining a strong partnership with local public health units occurred during committee work on the establishment of DEQ. The thought at that time was that local public health units would be represented as a county or municipal government. That hasn't happened. I recognize the value of a county or municipal representative and do not want to replace that with a public health representative. Hence, the addition of another member on the Board is requested.

Local public health units deal with a wide range of environmental health issues. First District monitors water quality for drinking, irrigation, or livestock. We tested livestock water sources during the drought. We conduct approximately 3000 water tests each year. We conduct air monitoring within homes and communities. First District responds to hazardous material and environmental health emergencies such as floods and train derailments. It is important that DEQ and local public health units are coordinating their efforts in response to any environmental health concern. Membership on the DEQ advisory board assures a better communication, efficiencies and coordination amongst the local and state activities.

I am sorry I couldn't be there today. Please feel free to contact me at [lclute@nd.gov](mailto:lclute@nd.gov) or (701)720-6200 if you have any questions. Thank you for your consideration.