

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1442

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Lo Costa Richard
Operator's Signature

10/16/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

HB 1442

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Colista Rickford
Operator's Signature

10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1442

House Political Subdivisions Committee

Conference Committee

Hearing Date: February 6, 2003

Tape Number	Side A	Side B	Meter #
3	X		34.1-53.9
3		X	0.0-14.4
Committee Clerk Signature <i>Micki Schmidt</i>			3:00 pm 2-20-03

Minutes:

(34.1) CHAIRMAN GLEN FROSE, H: We will open the hearing on HB 1442.

(34.8) REP. MERLE BOUCHER: (Testimony in support) Explained the environmental study. This issue has surfaced in northwestern ND and has been an on going issue. The Nauz project is a community water project. The water would be drawn out of Lake Sakakawea. It's been studied over 20 years and underwent many environmental studies and has reached the point where they have secured the funding and now have met the environmental issues and are in the process of moving forward with the first phases of construction. The Premier of Manitoba filed a law suit with various environmental agencies and the federal government. By all indications, this has started a process that may stop this very, very critical project.

(50.1) WAYNE STENEHJEM; ATTORNEY GENERAL: (Testimony in opposition) I am urging you to not enact this legislation for a number of reasons. The state of ND is not a party to the lawsuit from October 22. It was brought against Gail Norton, the Secretary of the Interior and

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Val Costa Richardson
Operator's Signature

10/6/03
Date

Page 2
House Political Subdivisions Committee
Bill/Resolution Number HB 1442
Hearing Date: February 6, 2003

others. After we became aware of the lawsuit, the Water Commission, the Governor and myself met. Explained the lawsuit. February 5th, we filed a motion to intervene in this lawsuit on behalf of the State of ND. (53.9)

TAPE 3: SIDE B:

(3.8) WAYNE STENEHJEM: (Continued testimony) The first problem is the money. This is not a 2.5 million dollar case. This is a case that involves the filing of a brief and a trip to the court room. If you appropriate \$2,500,000, that ties that sum of money up. Second problem is constitutional. That is the lines of 8, 9, and 10 that provides that the money appropriate to the Attorney General for the purpose of participating in the Manitoba versus Bureau of Reclamation lawsuit, relative to the northwest area water project as determined appropriate by the State Engineer. We do not have a system in ND that permits the State Engineer to decide what legal cases are brought up in court. That is the constitutional responsibility of the Attorney General.

(6.8) REP. ALON WIELAND: Is the 2.5 million dollars in the Governors budget?

(6.9) WAYNE STENEHJEM: No. When we do work for the water commission, we bill the Water Commission for the work that we do. So they're already paying all of our fees and as we complete this work we will continue to send them the bill and they will pay it.

(11.0) Testimony on HB 1442, from Dale Frink; ND State Engineer for State Water

Commission: First of all, when I looked at HB 1442, and I looked at the list of the sponsors, I see all of our supporters. It does bother me to testify against this particular Bill. I do appreciate all of the support we can get for that project. I thank the Legislators for that. The Bill does in part allocate \$2.5 million dollars in the Water Development Trust Fund. Also the \$2.5 million has been explained. We don't really know what the amount is for certain, hoping that it is much

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Richardson
Operator's Signature

10/16/03
Date

Page 3

House Political Subdivisions Committee

Bill/Resolution Number HB 1442

Hearing Date: February 6, 2003

smaller than \$2.5 million. The Water Commission in our **Appropriation Bill #2022**, we have money embarked for water development and the first part is in there. Then we have the ability to defend this lawsuit. The Naz project is a special project which means that we will have to pay the Attorney General for his fees. Possibly we could use federal funds for it. Also, the City of Minot has indicated that Naz is paid 65% federal and 35% state. The City has indicated that they're certainly willing to pay the 35%. So it wouldn't necessarily all have to come out of state funds and in fact we would have to use federal dollars for it. If it is capped the way it is, it would tie up \$2.5 million dollars. And certainly we would like to use that \$2.5 million for construction. Also in regards to the specifics of this Bill, I do think it's appropriate for the Legislatures to pass some legislation in support of the Naz project. It is a very important project. I think it sets precedence for not only water in the north in Minot, but it sets precedence for water in eastern ND; Fargo, Grand Forks and those area's. One thing that is very important is to recognize that and pass the legislation to support our project. **(13.0) HCR 3015** is one of those examples that provides general support to the project. **HCR 3039** deals more specifically with the lawsuit. A resolution may be more appropriate to provide some support for the Naz project. Thank you for the opportunity to testify.

(15.6) CHAIRMAN GLEN FROSETH: Support? Opposition? Seeing none, we will close the hearing on HB 1442. What are the committees wishes?

(15.8) REP. GIL HERBEL: I WOULD MOVE A DO NOT PASS.

(15.8) REP. MIKE GROSZ: I SECOND IT.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Richard
Operator's Signature

10/16/03
Date

Page 4

House Political Subdivisions Committee

Bill/Resolution Number HB 1442

Hearing Date: February 6, 2003

(15.9) CHAIRMAN GLEN FROSETH: Any discussion? Hearing none, I will have the clerk call the Roll Call Vote: 14-y; 0-n; 0-absent; Carrier: Rep. Herbel (16.0) We will close the hearing on HB 1442.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Ja Costa Rickford
Operator's Signature

10/16/03
Date

Date: 2-6-03 3:00 pm

Roll Call Vote #: 7

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1442

House _____ "POLITICAL SUBDIVISION" _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep. Herbel Seconded By Rep. Grosz

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz	✓				
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	✓				
Alon Wieland	✓				
Bruce Eckre	✓				
Mary Ekstrom	✓				
Carol A. Niemeier	✓				
Sally M. Sandvig	✓				
Vonnie Pietsch	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Herbel

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/16/03
Date

REPORT OF STANDING COMMITTEE (410)
February 6, 2003 6:20 p.m.

Module No: HR-23-1926
Carrier: Herbel
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1442: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1442 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-23-1926

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Richardson
Operator's Signature

10/6/03
Date