

2011 SENATE NATURAL RESOURCES

SB 2068

2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

SB 2068
1/7/11
12653

Conference Committee

Committee Clerk Signature *Veronica Spurling*

Explanation or reason for introduction of bill/resolution:

State Engineer's authority to execute contracts on behalf of the State Water Commission

Minutes:

Testimony attached

Chairman Lyson: Opened the hearing on SB 2068.

Dave Laschkewitsch, Director of Administrative Services for the State Water Commission: See Attachment #1. He clarified that the State Engineer has been signing contracts for the State Water Commission for the past 40 years, but there is not a specific statute that makes him the designated authority. Consequently the Corps would not accept the State Engineer's signature. By enacting this proposed statute we can avoid this in the future. The State Engineer has already been signing those contracts for years. Right now the Corps needs it in statute. That is why we are asking for this bill.

There was discussion about the length of the delays that were caused.

No other testimony was given on this bill.

Chairman Lyson: Closed hearing on SB 2068

Senator Freborg: Made a Do Pass motion.

Senator Schneider: Seconded the motion

Roll Call Vote: 6-1-0

Carrier is **Senator Hogue.**

Date: 1-7-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2068

Senate Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Freborg Seconded By Schneider

Senators	Yes	No	Senators	Yes	No
Chairman Lyson	✓		Senator Schneider	✓	
Vice-Chair Hogue	✓		Senator Triplett		✓
Senator Burckhard	✓				
Senator Freborg	✓				
Senator Uglem	✓				

Total (Yes) 6 No 1

Absent 0

Floor Assignment Hogue

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

REPORT OF STANDING COMMITTEE

SB 2068: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS
(6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2068 was placed on the
Eleventh order on the calendar.

2011 HOUSE ENERGY AND NATURAL RESOURCES

SB 2068

2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee
Pioneer Room, State Capitol

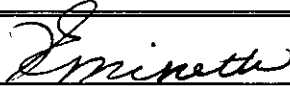
SB 2068

14877

03/03/2011

Conference Committee

Committee Clerk Signature



Minutes:

Rep. Porter: We will open the hearing on SB 2068.

Todd Sando: State Engineer and Natural Resources Committee. (See attachment) This created a major time delay for the Corp.

Rep. Keiser: Is there any advantage to adding any language or your designee in a case where you might go on a trip and the contract needs to be signed so someone could be designated to sign on your behalf?

Todd Sando: It is valuable to have an assistant to be able to sign off on contracts so that it wouldn't have to be the State Engineer.

Rep. Poter: Is there any opposition to SB 2068. We will close the hearing.

Rep. DeKrey: I move to add the amendment to SB 2068 on line 8 after the word engineer add the words "or designee".

Rep. Kreun: Second.

Rep. Porter: Voice vote taken, motion carries.

Rep. Keiser: I move Do Pass as amended.

Rep. DeKrey: Second.

Yes 15 NO 0 ABSENT 0 Carrier: Rep. Keiser.

Date: 3-10-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2068

House House Energy and Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. DeKrey Seconded By Rep. Kreun

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Hanson		
Vice Chairman Damschen			Rep. Hunsakor		
Rep. Brabandt			Rep. Kelsh		
Rep. Clark			Rep. Nelson		
Rep. DeKrey					
Rep. Hofstad					
Rep. Kasper					
Rep. Keiser					
Rep. Kreun					
Rep. Nathe					
Rep. Anderson					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*page 1 line 8 to add state engineers or
no vote taken*

March 3, 2011

VF
3/3/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2068

Page 1, line 8, replace "As the secretary of the commission, the" with "The"

Page 1, line 8, after "engineer" insert ", or the state engineer's authorized designee."

Renumber accordingly

Date: 3-3-11
 Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2068

House House Energy and Natural Resources Committee

Legislative Council Amendment Number 11.8035.01001.02000

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Keiser Seconded By Rep. DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Hanson	✓	
Vice Chairman Damschen	✓		Rep. Hunsakor	✓	
Rep. Brabandt	✓		Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Nelson	✓	
Rep. DeKrey	✓				
Rep. Hofstad	✓				
Rep. Kasper	✓				
Rep. Keiser	✓				
Rep. Kreun	✓				
Rep. Nathe	✓				
Rep. Anderson	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Keiser

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

REPORT OF STANDING COMMITTEE

SB 2068: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2068 was placed
on the Sixth order on the calendar.

Page 1, line 8, replace "As the secretary of the commission, the" with "The"

Page 1, line 8, after "engineer" insert ", or the state engineer's authorized designee."

Renumber accordingly

2011 TESTIMONY

SB 2068

#1

TESTIMONY ON SENATE BILL 2068

Senate Natural Resources Committee

**Todd Sando
North Dakota State Engineer
North Dakota State Water Commission**

January 7, 2011

Mr. Chairman and members of the Senate Natural Resources Committee, I am Todd Sando, State Engineer and Secretary to the North Dakota State Water Commission.

Senate Bill 2068 gives the State Engineer explicit statutory authority to enter into contracts on behalf of the Water Commission. In recent past, the Commission entered into a contract with the Army Corps of Engineers. Significant delays resulted in finalizing the contract because the Corps required the signatory on the contract to have statutory authority and would not accept the State Engineer's signature. This resulted in the contract having to be signed by the Governor in his capacity as the Chairman of the Commission. By enacting the proposed statute, this problem can be avoided in the future.

TESTIMONY ON SENATE BILL 2068

House Energy and Natural Resources Committee

**Todd Sando
North Dakota State Engineer
North Dakota State Water Commission**

March 3, 2011

Mr. Chairman and members of the House Energy and Natural Resources Committee, I am Todd Sando, State Engineer and Secretary to the North Dakota State Water Commission.

Senate Bill 2068 gives the State Engineer explicit statutory authority to enter into contracts on behalf of the Water Commission. In recent past, the Commission entered into a contract with the Army Corps of Engineers. Significant delays resulted in finalizing the contract because the Corps required the signatory on the contract to have statutory authority and would not accept the State Engineer's signature. This resulted in the contract having to be signed by the Governor in his capacity as the Chairman of the Commission. By enacting the proposed statute, this problem can be avoided in the future.