

2011 SENATE NATURAL RESOURCES

SB 2282

2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

SB 2282
February 4, 2011
14053

Conference Committee

Committee Clerk Signature	<i>Veronica Spedding</i>
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Explanation or reason for introduction of bill/resolution:

Relating to compensation of members of the state water commission

Minutes:

Testimony Attached

Chairman Lyson opened the hearing on SB 2282.

Senator Tom Fischer: Introduced the bill. The bill would raise the compensation of the members of the water commission which hasn't been done in several years. He proposed an amendment to the bill. See **Attachment #1**.

Mike Dwyer, representing the ND Water Users Association, urged support of the bill. The Commission allocates the budget, sets water policy, and furthers water development and water management in ND. A few years ago we secured legislation to tie most of the regional boards to legislative compensation but the Water Commission and the Atmospheric Resource Board were left out of that. This is an effort to bring them into line with the other regional water boards that we have.

Senator Burckhart: What is the amount provided for members of legislative management currently? You are going from \$62.50 to...?

Mike Dwyer: I think it is \$148.00 right now.

Todd Sando, ND State Engineer and Chief Engineer and Secretary of the State Water Commission, presented a written statement in support of the bill and the amendment. See **Attachment #2**.

Senator Burckhart: Is there a reason they have not been kept up to date?

Todd Sando: It has just been hard to get pay raises over the years.

Darin Langerud, Director of ND Atmospheric Resource Board, presented written testimony in favor of the bill and the amendment. See **Attachment #3**.

Senator Uglem: Made a motion to adopt the amendment.

Senator Burckhart: Second

The amendment was adopted by a voice vote.

Senator Schneider: Made a motion Do Pass as Amended and Re-refer to Appropriations.

Senator Burckhart: Second

Roll Call Vote: 7-0-0

Carrier: Senator Uglem

FISCAL NOTE
 Requested by Legislative Council
 02/08/2011

Amendment to: SB 2282

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$13,340		\$13,340	
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Senate Bill 2282, as amended, ties the compensation amount for members of the State Water Commission and members of the Atmospheric Resource Board to the amount provided for members of the legislative management under section 54-35-10.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Both Water Commission and Atmospheric Resource Board members are currently compensated \$62.50 per day. This bill would change that amount to \$148.00 per day.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

There are 7 compensated Water Commissioners who meet approximately 16 days per biennium for a total of 112 days. There are 7 compensated Atmospheric Resource Board members who meet approximately 5 days per biennium for a total of 35 days. The proposed increase from \$62.50 to \$148.00 is \$85.50 per day. 147 days multiplied by \$82.50 is \$12,127.50. \$12,127.50 plus a 10% payroll additive totals \$13,340 per biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	David Laschkewitsch	Agency:	ND State Water Commission
Phone Number:	328-2750	Date Prepared:	02/09/2011

FISCAL NOTE

Requested by Legislative Council
01/26/2011

REVISION

Bill/Resolution No.: SB 2282

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$10,534		\$10,534	
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Senate Bill 2282 ties the compensation amount for members of the State Water Commission to the amount provided for members of the legislative management under section 54-35-10.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Water Commission members are currently compensated \$62.50 per day. This bill would change that amount to \$148.00 per day.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

There are 7 compensated Commissioners who meet approximately 16 days per biennium for a total of 112 days. The proposed increase from \$62.50 to \$148.00 is \$85.50 per day. 112 days multiplied by \$82.50 is \$9,576. \$9,576 plus a 10% payroll additive totals \$10,534 per biennium.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	David Laschkewitsch	Agency:	ND State Water Commission
Phone Number:	328-2750	Date Prepared:	01/26/2011

FISCAL NOTE

Requested by Legislative Council
01/21/2011

Bill/Resolution No.: SB 2282

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures	\$10,534		\$10,534		\$10,534	
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Senate Bill 2282 ties the compensation amount for members of the State Water Commission to the amount provided for members of the legislative management under section 54-35-10.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Water Commission members are currently compensated \$62.50 per day. This bill would change that amount to \$148.00 per day.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

There are 7 compensated Commissioners who meet approximately 16 days per biennium for a total of 112 days. The proposed increase from \$62.50 to \$148.00 is \$85.50 per day. 112 days multiplied by \$82.50 is \$9,576. \$9,576 plus a 10% payroll additive totals \$10,534 per biennium.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name: David Laschkewitsch	Agency: ND State Water Commission
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Phone Number: 328-2750

Date Prepared: 01/25/2011

Proposed Amendment to SB 2282

Section 2. Amendment. Section 61-04.1-07 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-07. Board officers - Compensation. All members of the board, with the exception of the chairman, are voting members. The board shall elect annually from its membership a chairman, vice chairman, and secretary. A majority of the members constitute a quorum for the purpose of conducting the business of the board. Board members who are not full-time salaried employees of this state are entitled to receive compensation ~~of sixty-two dollars and fifty cents per day~~ in the amount provided for members of the legislative management under section 54-35-10 and must be reimbursed for their mileage and expenses in the amounts provided by sections 44-08-04 and 54-06-09. All other members of the board must be reimbursed for necessary travel and other expenses incurred in the performance of the business of the board in the amounts provided in sections 44-08-04 and 54-06-09.

Date: 24
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2282

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 Uglen Seconded By Burckhard

Carried Voice Vote

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

attachment #1

Date: 2-4
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2282

Senate Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

as amended & rerefer
 Rerefer to Appropriations Reconsider

Motion Made By Schneider Seconded By Burckhardt

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment Uglem

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

1/2 re refer to Approp

REPORT OF STANDING COMMITTEE

SB 2282: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2282 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "61-02-12" insert "and 61-04.1-07"

Page 1, line 2, after "commission" insert "and members of the North Dakota atmospheric resource board"

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Section 61-04.1-07 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-07. Board officers - Compensation.

All members of the board, with the exception of the chairman, are voting members. The board shall elect annually from its membership a chairman, vice chairman, and secretary. A majority of the members constitute a quorum for the purpose of conducting the business of the board. Board members who are not full-time salaried employees of this state are entitled to receive compensation of ~~sixty two dollars and fifty cents~~ per day in the amount provided for members of the legislative management under section 54-35-10 and must be reimbursed for their mileage and expenses in the amounts provided by sections 44-08-04 and 54-06-09. All other members of the board must be reimbursed for necessary travel and other expenses incurred in the performance of the business of the board in the amounts provided in sections 44-08-04 and 54-06-09."

Re-number accordingly

2011 HOUSE ENERGY AND NATURAL RESOURCES

SB 2282

2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee
Pioneer Room, State Capitol

SB 2282

14881

03/03/2011

Conference Committee

Committee Clerk Signature



Minutes:

Rep. Porter: We will open the hearing on SB 2282.

Mike Dwyer: I represent the North Dakota Waters Users Association. This bill is a bill to bring the State Water Commission and the Atmospheric Resource Board in line with a number of other boards in which their compensation is set by the legislative interim. The Water Commission meets about 7 times a year, they are high level meetings. The governor serves on it as well as the Commissioner of Agriculture and 7 citizens that are appointed across the state. The Atmospheric Resource Board meet 2-3 times a year, but they run the weather modification program of the state. We urge a Do Pass.

Rep. Nathe: When was the last time this was increased?

Mike Dwyer: We increased the water board in 1999. I would say this was 20 to 30 years.

Todd Sando: I represent the State Engineer and Secretary to the North Dakota State Water Commission. (See attachment 1). The fiscal note was about \$13,000. We meet in person 6-7 times a year, we also have conference calls and have 7 members appointed through the state.

Rep. Nelson: Are the conference calls meetings?

Todd Sando: yes the conference calls are meetings.

Rep. Nathe: How long are these meetings?

Todd Sando: The Water Commission meetings are usually ½ days.

Rep. Keiser: For the next session remind somebody to turn in an ominous bill that does this for every board.

Darin Langerud: Director of the North Dakota Atmospheric Resource Board, we are in support of HB 2282. (See attachment 2)

Rep. Porter: Is there any opposition? We will close the hearing.

Rep. Hofstad: I move a Do Pass on SB 2282.

Rep. Keiser: Second.

YES 14 NO 1 ABSENT 0 Carrier: Rep. Hofstad Motion Carries.

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

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2282

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. Hofstad Seconded By Rep. Keiser

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

Total (Yes) 14 No 1

Absent _____

Floor Assignment Rep. Hofstad

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

REPORT OF STANDING COMMITTEE

SB 2282, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends DO PASS (14 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2282 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2282

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TESTIMONY ON SENATE BILL NO. 2282

Senate Natural Resources Committee

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

February 4, 2011

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

It is my pleasure to appear before you today in support of Senate Bill 2282. The compensation rate for our Commission members has remained at \$62.50 per day since 1997. This bill ties their compensation rate to the amount provided to members of the legislative management under N.D.C.C. § 54-35-10. That rate is currently \$148.00 per day.

I would be happy to answer any questions you may have.

TESTIMONY ON SENATE BILL NO. 2282

Senate Natural Resources Committee

**Darin Langerud, Director
North Dakota Atmospheric Resource Board**

February 4, 2011

Good Morning Mr. Chairman and members of the Senate Natural Resources Committee, my name is Darin Langerud, Director of the North Dakota Atmospheric Resource Board. I am pleased to testify before you today in support of Senate Bill 2282 and the amendment offered regarding N.D.C.C. § 61-04.1-07.

The Atmospheric Resource Board is a seven-member, Governor-appointed board that oversees work of the Atmospheric Resource Division of the State Water Commission. Members are selected from seven geographical regions in the state and serve four-year terms. Ex-officio members of the Board include the State Engineer, Director of the Aeronautics Commission, and a representative of the environmental section of the Health Department.

The daily compensation rate has been \$62.50 per day since 1997. While consistent with many other boards and commissions at that time, the current rate now significantly lags that of most other state boards and commissions.

I appreciate the Committee's consideration and would try to answer any questions you may have.

Testimony 1

TESTIMONY ON ENGROSSED SENATE BILL NO. 2282

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.

It is my pleasure to appear before you today in support of Engrossed Senate Bill 2282. The compensation rate for the Water Commission and the Atmospheric Resource board members has remained at \$62.50 per day since 1997. This bill ties their compensation rate to the amount provided to members of the legislative management under N.D.C.C. § 54-35-10. That rate is currently \$148.00 per day.

I would be happy to answer any questions you may have.

Testimony 2

TESTIMONY ON ENGROSSED SENATE BILL NO. 2282

House Energy and Natural Resources Committee

**Darin Langerud, Director
North Dakota Atmospheric Resource Board**

March 3, 2011

Good Morning Mr. Chairman and members of the House Energy and Natural Resources Committee, my name is Darin Langerud, Director of the North Dakota Atmospheric Resource Board. I am pleased to testify before you today in support of Engrossed Senate Bill 2282.

The Atmospheric Resource Board is a seven-member, Governor-appointed board that oversees work of the Atmospheric Resource Division of the State Water Commission. Members are selected from seven geographical regions in the state and serve four-year terms. Ex-officio members of the Board include the State Engineer, Director of the Aeronautics Commission, and a representative of the environmental section of the Health Department.

The daily compensation rate has been \$62.50 per day since 1997. While consistent with many other boards and commissions at that time, the current rate now significantly lags that of most other state boards and commissions.

I appreciate the Committee's consideration and would try to answer any questions you may have.