

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2285

2001 SENATE NATURAL RESOURCES

SB 2285

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2285

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-1-01

Tape Number	Side A	Side B	Meter #
1	X		39.4 - end
		X	State - 39.6
2-8-01 2	X		20.0 - 21.1
Committee Clerk Signature <i>Janet James</i>			

Minutes:

SENATOR TOLLEFSON opened the hearing on SB 2285, A BILL RELATING TO THE EFFECTIVE DATE OF THE ASSUMPTION OF THE SECTION 404 PROGRAM OF THE CLEAN WATER ACT BY THE STATE.

SENATOR THOMAS FISCHER of District 46, cosponsor of SB 2285 introduced the Bill, which would give the appropriations needed for State of North Dakota to have the ability for administration and jurisdiction of the Section 404 program of the Clean Water Act.

STEVE MCCALLUM, representing the CCJWRD (Cass County Joint Water Resource District), presented a chronology of the Section 404 permitting process that they have experienced with regard to the Maple River Dam. (See attached testimony).

SENATOR TOLLEFSON asked if they had approached the State's representatives in Washington for help in expediting the corps decision.

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**Senate Natural Resources Committee**

**Bill/Resolution Number SB 2285**

**Hearing Date 2-1-01**

**STEVE MCCALLUM** said the had but to no avail and the cost of the project has now increased greatly along with all the legal expenses.

**SENATOR GARY NELSON** of District 22, cosponsor of SB 2285 wanted to testify that North Dakota should take charge of what we can do for ourselves and we will find the money necessary to fund these projects.

**JEFFRY J. VOLK** an engineer with Moore Engineering, Inc. testified in support of SB 2285. (See attached testimony).

**MIKE DWYER**, representing the North Dakota Water Users Association and the North Dakota Water Resource Districts, testified in support of SB 2285. Some think that North Dakota could not manage this and we would become federal regulators, but if you look at our state we have a history of taking over federal programs and doing a very fine job. We meet the federal regulation for example the clean air act, clean water act, the federal strip mine act that our state has taken over. Other states that have taken over the Section 404 Program are Michigan and New Jersey. Section 404 Program applies only to nonnavigable waters in the state.

**ROBERT THOMPSON**, a member of the North Dakota Resources Board and the North Dakota Water Commission testified in support of SB 2285. (See attached testimony).

**DEAN PETERSON**, representing the North American Coal Corporation and it's subsidiary operations the Falkirk Mining Co. and Coteau Properties Co. Testified in support of SB 2285.

**TODD SANDO**, the director of the Water Development Division of the North Dakota State Water Commission testified in a neutral position on SB 2285. (See attached testimony).

**ARDEN HANER**, testified in a neutral position expressed he felt the passage of the bill leave the state divided as not everyone would be under the same rules.

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Senate Natural Resources Committee  
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Written testimony by BILL PFEIFER of the North Dakota Chapter of the Wildlife Society was given to the committee clerk who distributed it to the Committee.

SENATOR TOLLEFSON closed the hearing on SB 2285.

FEBRUARY 8, 2001

SENATOR FISCHER reopened discussion on SB 2285.

This bill does have a slight fiscal impact.

SENATOR TRAYNOR made a motion for a "DO PASS and REREFERRED 'TO APPROPRIATIONS" of SB 2285.

SENATOR CHRISTMANN second the motion.

SENATOR FISCHER called for a role vote. The vote indicated 6 YAYS, 0 NAYS, 1 ABSENT.

SENATOR FISCHER will carry SB 2285

## FISCAL NOTE

Requested by Legislative Council  
02/21/2001

Bill/Resolution No.:

Amendment to: SB 2285

**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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$800,000		\$897,000
Appropriations				\$800,000		\$897,000

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB 2285, as amended, provides appropriation authority to the State Water Commission to assume jurisdiction over the 404 program of the Clean Water Act. This program is anticipated to be continued after the 2001-2003 biennium.

**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.*

To assume the operation of the 404 program the State Water Commission estimates we would need an additional five FTE's, one program manager, three professional staff positions, and one support staff position. When filled, these new positions will require an increase of \$500,000 in the Salaries and Wages Line Item. In addition, we estimate a required increase of \$265,000 in the Operating Line Item, for items such as; travel, training, rent, professional services, software, and miscellaneous expenditures. We also estimate a required increase of \$35,000 in the Equipment Line Item for computers and office equipment. These increases total the \$800,000 stated in the bill.

In addition to the above costs the North Dakota Attorney General's Office has estimated the the State Water

Commission will incur an additional \$97,000 of legal fees due to the 404 program. These fees could be absorbed by the Water Commission for the 2001-2003 biennium by either delaying the hiring of several of the new staff positions, or leaving one position unfilled for the first biennium. This would allow us to shift \$97,000 from the Salaries and Wages Line Item to the Operating Line Item. For the 2001-2003 biennium this would increase the Salaries and Wages Line Item by \$403,000, the Operating Line Item by \$362,000, and the Equipment Line Item by \$35,000, together totaling \$800,000.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The \$800,000 appropriation is for the State Water Commission to operate the 404 program.

<b>Name:</b>	David Laschkewitsch	<b>Agency:</b>	State Water Commission
<b>Phone Number:</b>	328-1956	<b>Date Prepared:</b>	02/22/2001

**FISCAL NOTE**  
 Requested by Legislative Council  
 02/19/2001

Bill/Resolution No.: SB 2285

Amendment to:

**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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>			\$800,000		\$897,000	
<b>Appropriations</b>			\$800,000		\$897,000	

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB 2285 provides appropriation authority to the State Water Commission to assume jurisdiction over the section 404 program of the Clean Water Act. This program will be continued after this biennium.

**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.*

To assume the operation of the 404 program the State Water Commission estimates we would need an additional five FTE's, one project manager, three professional staff positions, and one support staff position. When filled, these new positions will require an increase of \$500,000 in the Salaries and Wages Line Item. In addition we estimate a required increase of \$265,000 in the Operating Line Item, for Travel, Training, Rent, Professional Services, Software, and Miscellaneous expenditures. We also estimate a required increase of \$35,000 in the Equipment Line Item for computers and office equipment. These increases total the \$800,000 stated in the bill. The North Dakota Attorney General's Office has estimated that the State Water Commission will incur an additional \$97,000 of legal fees due to the 404 program. These fees can be absorbed by the Water Commission for the 2001-2003 biennium by leaving one of the professional staff positions unfilled and shifting \$97,000 from Salaries to Operating. For the 2001-2003 this would increase



Salaries by \$403,000, Operating by \$362,000, and Equipment by \$35,000.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The \$800,000 appropriation is for the State Water Commission to operate the 404 program.

<b>Name:</b>	Dale Frink	<b>Agency:</b>	State Water Commission
<b>Phone Number:</b>	328-4998	<b>Date Prepared:</b>	02/21/2001

