

# Legislative Report

## Hearing Schedule (March 6 - 10)

Hearings of bills being tracked by the North Dakota Water Users Association for the next week are included in this report. We are tracking these bills because they have a direct or indirect impact on water issues.

### I. This Week at the Legislature

Legislators returned to the Capitol on Wednesday for the second half of session. Expenditures approved in appropriation bills prior to Crossover were \$512 million more than the estimated revenue for the 2017-2019 biennium. However, this is not unusual at this point in session.

The big news for next week is the new 2017-2019 revenue forecast, which will be presented to a joint meeting of the Senate and House Appropriations Committees Thursday morning.

[HB 1026](#) was heard before the Senate Industry, Business and Labor Committee on Wednesday, March 1. The bill was introduced by Legislative Management at the request of the Economic Impact Interim Committee. The bill offers several changes to the One-Call Excavation Notice System (49-23). Interested parties worked over the interim to update the One-Call laws. A change that affects some Rural Water Systems relates to positive response. Positive response has now been defined as notification by the operator to the notification center that underground facilities within the area covered by a location request have been marked or cleared. Several groups provided testimony in support of the bill. There was no testimony in opposition and the Committee recommended a unanimous do pass as presented. The bill passed unanimously on the Senate floor on Friday, March 3.

[HB 1106](#) passed unanimously on the Senate floor on Wednesday, March 1. The bill clarifies the definitions of disasters and emergencies.

[HB 1111](#) passed unanimously on the Senate floor on Wednesday, March 1. The bill ensures that the NDDOT director has the authority to enter into agreement with the Fargo-Moorhead metropolitan area flood risk management project impacting the state interstate system. The agreement must address the construction and maintenance of the parts of the project which need to be constructed and maintained on the interstate system.

[SB 2262](#) was heard before the House Agriculture Committee on Thursday, March 2. Introduced by Sen. Terry Wanzek, the bill prevents a city, county or township to enact new or enforce existing fertilizer regulations.

[SB 2047](#) was heard before the House Energy and Natural Resources Committee on Thursday, March 2. While HB 1244 would not allow WRDs to use quick take, SB 2047 is the bill that was recommended by the Water Topics Interim Committee, which set forth procedures that WRDs would follow if they did exercise the quick take authority. WRDs supported those procedures, and also supported the Senate amendments which would require county commission approval before quick take could be used, after a public meeting with landowners. At the hearing on Thursday, March 2,

there was no opposition. However, WRDs that testified in support, including Burleigh, Richland, and Mike Dwyer, representing all of NDWRDs, asked the committee not to add the amendments which were added to HB 1244 that essentially prevented the use of quick take. The SWC again asked for clarification of the word "appropriation", and Rep. George Keiser asked if the words "made available" would be workable to clarify any uncertainty. It appeared that both the SWC and WRDs supported the proposed wording change. As stated, there was no opposition, so we hope SB 2047 can be approved with just the minor wording change relating to appropriation, and sent back to the Senate for concurrence.

[\*\*SB 2239\*\*](#) was heard before the House Transportation Committee on Thursday, March 2. The bill creates an exception for watercraft owned and operated by a guide to forgo annual boat inspections by the N.D. Game and Fish Department. The committee unanimously recommended a do pass.

[\*\*SB 2259\*\*](#) was heard before the House Energy and Natural Resources Committee on Thursday, March 2. The bill allows a nonresident to buy a waterfowl license that is valid for three periods of four consecutive days. The fee for this license would be \$200 and \$50 must be used for the Private Land Open to Sportsmen (PLOTS) program. There was no testimony in support and a representative from the Cass County Wildlife Federation testified in opposition. The committee took no action at the time of the hearing.

[\*\*HB 1191\*\*](#) was heard before the Senate Political Subdivisions Committee on Thursday, March 2. Introduced by Rep. Lawrence R. Klemin, the bill clarifies who can sign loan agreements on behalf of political subdivisions. The loan agreement must be signed by two different officers, the president, chairman or equivalent officer and by the political subdivision's auditor, business manager, secretary or equivalent officer. The committee recommended a unanimous do pass.

[\*\*SB 2308\*\*](#) was heard before the House Energy and Natural Resources Committee on Thursday, March 2. The bill allows an ice fish house and a coyote snare to be identified by a registration number provided by the Game and Fish Department. No action was taken by the committee.

[\*\*SB 2327\*\*](#) was heard before the House Energy and Natural Resources Committee on Friday, March 3. Introduced by Sen. Jessica Unruh, the bill transfers the duties and responsibilities of the State Department of Health relating to environmental quality to a newly established Department of Environmental Quality. The transition would take place over the next two years.

[\*\*HB 1374\*\*](#) was heard before the Senate Energy and Natural Resources Committee on Friday, March 3. Rep. Jim Schmidt provided the supporting testimony for HB 1374, which would require economic and life cycle analysis of projects cost shared by the SWC, would prohibit cost sharing by the SWC for improvement of conveyance projects (defined as surface and subsurface drainage, snagging and clearing, and related items), and require the SWC to meet every other month, and would require that the Governor appoint SWC members by river basin. WRDs testified in opposition to the provisions relating to prohibiting cost sharing on drainage improvements. The SWC expressed concern about the meetings and appointments. Others also testified in opposition.

[\*\*HCR 3020\*\*](#) was heard before the Senate Energy and Natural Resources Committee on Friday, March 3. The resolution urges Congress and the President to allow the continuation of the Garrison Diversion project canal system to aid in the delivery of water to the Red River Valley.

[\*\*HCR 3021\*\*](#) was heard before the Senate Energy and Natural Resources Committee on Friday, March 3. The resolution urges Congress and the President to allow the utilization of Garrison Diversion Unit facilities, including the McClusky Canal and the Snake Creek pumping plant, to assist in supplying water to eastern and central North Dakota. The resolution also asks to not deauthorize or

repurpose any part of GDCD.

**HB 1367** was heard before the Senate Energy and Natural Resources Committee on Friday, March 3. The bill would not require an observer on a personal watercraft while towing an individual on water skis, a kneeboard or an inflatable craft if the personal watercraft is equipped with a mirror on each side that provides the operator an unobstructed field of vision to the rear. It would allow an individual who is 16 years of age or older to windsurf or board sail without wearing a personal floatation device and prohibits water skiing or surfboarding between one hour after sunset to one hour before sunrise. The committee recommended a unanimous do pass immediately following the hearing.

## II. E-mail Version of Weekly Legislative Reports

If you receive this by mail or fax, but have e-mail, please send your email to Julie at [ndwaterusers@btinet.net](mailto:ndwaterusers@btinet.net), and you can receive it by e-mail.

## III. How to Contact Your Legislators

During a legislative session, a legislator can be reached at the State Capitol through e-mail or by leaving a message with the legislative telephone message center at (888) NDLEGIS (635-3447). That number can also be used to obtain information on bills under consideration. A legislator can also be reached by mail or e-mail and address rosters are posted at <http://www.legis.nd.gov/contact-information>.

### Addressing Mail Correspondence

*To a Senator:*

Honorable (full name)  
State Senator  
600 E Boulevard Ave  
Bismarck, ND 58505  
Dear Senator (last name)

*To a Representative:*

Honorable (full name)  
State Representative  
600 E Boulevard Ave  
Bismarck, ND 58505  
Dear Representative (last name)

## IV. 2017 Legislative Deadlines and Dates

Date	Topic
March 8	Crossover for resolutions
April 14	Good Friday
May 1	Session is limited to 80 legislative days

## V. HEARING SCHEDULE: March 6-10, 2017

<u>Date and Time</u>	<u>Bill</u>	<u>Short Title</u>	<u>Committee</u>	<u>Room</u>
03/06/2017 09:30 AM	<u>HB 1345</u>	Relating to open record and meeting laws.	Senate Judiciary	Fort Lincoln
03/08/2017 10:00 AM	<u>HB 1351</u>	Relating to approval of special assessment projects by elected governing bodies; and to provide an effective date.	Senate Finance and Taxation	Lewis and Clark
03/09/2017 09:00 AM	<u>SB 2269</u>	Relating to authorization of a state Red River valley water supply project; and to amend and reenact sections 61-24-27, 61-24.7-05, 61-39-01, 61-39-02, 61-39-03, 61-39-04, 61-39-05, 61-39-11, and 61-	House Energy and Natural Resources	Coteau A

		39-16 of the North Dakota Century Code, relating to the powers of the Lake Agassiz water authority and funding for the Red River valley water supply project.		
03/09/2017 09:30 AM	<a href="#">HB 1336</a>	Relating to environmental or health safety audits; and to provide a penalty.	Senate Energy and Natural Resources	Fort Lincoln
03/09/2017 10:00 AM	<a href="#">SB 2270</a>	Relating to financing options for the Garrison Diversion Conservancy District and notice of assessments.	House Energy and Natural Resources	Coteau A
03/09/2017 10:30 AM	<a href="#">SB 2178</a>	Relating to the infrastructure revolving loan fund; and to declare an emergency.	House Political Subdivisions	Prairie
03/09/2017 02:30 PM	<a href="#">HCR 3019</a>	A concurrent resolution directing the United States Department of the Interior to exercise nondiscrimination in public land management and return the land no longer required for the Pick-Sloan Missouri Basin Project dam at Lake Sakakawea to the citizens of the United States.	Senate Energy and Natural Resources	Fort Lincoln
03/10/2017 08:30 AM	<a href="#">HB 1009</a>	Agriculture Commissioner Appropriation	Senate Appropriations	Harvest
03/10/2017 09:00 AM	<a href="#">SB 2134</a>	Relating to the ownership of minerals inundated by Pick-Sloan Missouri basin project dams.	House Energy and Natural Resources	Coteau A
03/10/2017 09:00 AM	<a href="#">HB 1390</a>	Relating to a limitation on county authority and subsurface water management on land that qualifies for prevented planting insurance coverage; to amend and reenact sections 61-16-07, 61-16-08, and 61-16-09 and subsection 8 of section 61-16.1-09 of the North Dakota Century Code, relating to water resource district board members and subsurface water management projects; and to provide for a legislative management study.	Senate Agriculture	Roosevelt Park
03/10/2017 09:30 AM	<a href="#">HB 1409</a>	Relating to well water testing preceding subsurface mineral production and liability for damages to water supplies.	Senate Energy and Natural Resources	Fort Lincoln
03/10/2017 10:15 AM	<a href="#">HB 1385</a>	Relating to municipal refunding bonds.	Senate Political Subdivisions	Red River

## VI. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<a href="#">HB 1009</a>	Agriculture Commissioner Appropriation	PASSED	
<a href="#">HB 1017</a>	Game and Fish Department Appropriation	PASSED	
<a href="#">HB 1020</a>	State Water Commission Appropriation	PASSED	
<a href="#">HB 1026</a>	Underground Facilities Before Excavation	PASSED	PASSED
<a href="#">HB 1054</a>	Cancellation of Unexpected Appropriations	PASSED	
<a href="#">HB 1055</a>	Revenue Bond Indebtedness Limit for WRD	PASSED	
<a href="#">HB 1106</a>	Definitions of Disasters and Emergencies	PASSED	PASSED
<a href="#">HB 1111</a>	Metro Flood Diversion Authority	PASSED	PASSED
<a href="#">HB 1162</a>	Competition between the Government and Private Industry	PASSED	
<a href="#">HB 1165</a>	Transparency of State Grants	PASSED	
<a href="#">HB 1191</a>	Loans for Political Subdivisions	PASSED	

<a href="#"><u>HB 1199</u></a>	Definition of Sovereign Lands	PASSED	
<a href="#"><u>HB 1244</u></a>	Authority of County Commissioners to Approve Quick Take Eminent Domain	PASSED	
<a href="#"><u>HB 1322</u></a>	Township Bonding Authority	PASSED	
<a href="#"><u>HB 1336</u></a>	Environmental or Health Safety Audits	PASSED	
<a href="#"><u>HB 1339</u></a>	Notice, Appeals, and Refunds of Special Assessments	PASSED	
<a href="#"><u>HB 1345</u></a>	Open Record and Meeting Laws	PASSED	
<a href="#"><u>HB 1351</u></a>	Approval of Special Assessment Projects by Elected Governing Bodies	PASSED	
<a href="#"><u>HB 1367</u></a>	Personal Watercraft and Towing an Individual on Water Skies or Similar Devices	PASSED	
<a href="#"><u>HB 1374</u></a>	Contracts and Financial Assistance for Water Projects/Duties of the State Engineer	PASSED	
<a href="#"><u>HB 1385</u></a>	Municipal Refunding Bonds	PASSED	
<a href="#"><u>HB 1390</u></a>	Limitation on County Authority and Subsurface Drains	PASSED	
<a href="#"><u>HB 1409</u></a>	Well Water Testing	PASSED	
<a href="#"><u>SB 2047</u></a>	Quick Take Eminent Domain		PASSED
<a href="#"><u>SB 2134</u></a>	Pick-Sloan Missouri Basin Project Dams		PASSED
<a href="#"><u>SB 2142</u></a>	Construction Manager At-Risk Subcontractor Bids		PASSED
<a href="#"><u>SB 2146</u></a>	Public Improvement Bid and Bond Thresholds		PASSED
<a href="#"><u>SB 2147</u></a>	Bond Requirements for Public Improvements		PASSED
<a href="#"><u>SB 2168</u></a>	Public Improvements		PASSED
<a href="#"><u>SB 2178</u></a>	Infrastructure Revolving Loan Fund		PASSED
<a href="#"><u>SB 2236</u></a>	Pipeline Restoration and Reclamation Oversight Program		PASSED
<a href="#"><u>SB 2239</u></a>	Annual Inspections for Watercraft for Hire		PASSED
<a href="#"><u>SB 2245</u></a>	Listing Parcels Under Control of Certain State Entities Use as Wetlands Mitigation		PASSED
<a href="#"><u>SB 2259</u></a>	Nonresident Waterfowl Hunting Licenses		PASSED
<a href="#"><u>SB 2262</u></a>	Fertilizer Regulation by Cities, Counties, or Townships		PASSED
<a href="#"><u>SB 2263</u></a>	Subsurface Drainage Permits		PASSED
<a href="#"><u>SB 2269</u></a>	Powers of LAWA & GDCD		PASSED
<a href="#"><u>SB 2270</u></a>	Financing Options for the GDCD		PASSED
<a href="#"><u>SB 2280</u></a>	City Levy Authority		PASSED
<a href="#"><u>SB 2308</u></a>	Identification of Ice Fish houses and Coyote Snares		PASSED
<a href="#"><u>SB 2327</u></a>	Creation of the Department of Environmental Quality		PASSED
<a href="#"><u>HCR 3019</u></a>	Exercise nondiscrimination in public land management and return the land no longer required for the Pick-Sloan Missouri Basin Project dam at Lake Sakakawea to the citizens of the United States.	PASSED	
<a href="#"><u>HCR 3020</u></a>	Allow the Continuation of the Garrison Diversion project canal system to aid in the delivery of water to the Red River Valley.	PASSED	
<a href="#"><u>HCR 3021</u></a>	Allow the utilization of the Garrison Diversion Unit facilities, including the McClusky Canal and the Snake Creek pumping plant, as a water supply for eastern and central North Dakota, irrigation, and for all other authorized project purposes, and not deauthorize or repurpose any part of the Garrison Diversion Unit.	PASSED	