

# Legislative Report

## Hearing Schedule (March 13-17)

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. Revised Revenue Forecast Presented by OMB**

On Thursday morning, Governor Burgum kicked off the presentation of the revised state revenue forecast before a joint meeting of the House and Senate Appropriations Committees. He commented on the historic budget challenges facing this legislature and commended legislators for their work to date. He acknowledged that decisions going forward would be even more difficult as the revised revenue forecast reduces general fund revenue from the January legislative forecast by \$46.4 million for the current biennium and by \$103.2 million for the 2017-2019 biennium. Burgum suggested cost-saving measures presented in his budget recommendation should be considered, including state employees contributing 5 percent to health care premiums and the transfer of more than the current \$300 million in oil revenue to the general fund.

OMB Director Pam Sharp presented the [detailed revenue forecast](#), noting that revenues forecast for the 2017-2019 biennium are similar to actual revenues in Fiscal Years 2011 and 2012. The most significant general fund adjustment from the January legislative forecast is a reduction in sales tax, including \$43.6 million less in the current biennium and \$94.3 million less in the 2017-2019 biennium. However, oil tax revenues are expected to increase, up \$12.7 million for the current biennium and \$92.5 million for the 2017-2019 biennium.

Dan White of Moody's Analytics concluded the presentation by discussing the [assumptions](#) used to develop the forecast.

Both Appropriations Committees must now determine whether to accept the revised revenue forecast or further reduce it in order to continue their work to balance the budget.

### **II. This Week at the Legislature**

[HB 1345](#) was heard by the Senate Judiciary Committee on Monday, March 6. The committee recommended a unanimous do pass and the bill passed unanimously on the Senate floor on Thursday, March 9. The bill amends various sections and subsections of Century Code relating to open record and meeting laws.

[HB 1351](#) was heard before the Senate Finance and Taxation Committee on Wednesday, March 8. Introduced by Rep. Andrew G. Maragos, the bill requires state, county, city, township, school, water and park district taxes and special assessments to be levied or voted in specific amounts of money by the majority of the elected members of the related governing body. The committee took no action at the time of the hearing.

[SB 2259](#) failed on the House floor on Wednesday, March 8 with a vote of 30-63. The bill would have allowed 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 PLOTS program. Current law allows nonresidents to purchase a license lasting fourteen consecutive days or two periods of seven consecutive days.

**SB 2269** was heard before the House Energy and Natural Resources Committee on Thursday, March 9. Introduced by Sen. Terry Wanzek, the bill offers several minor changes to the powers and authorities of the GDCD and the LAWA. Highlights of the changes are as follows:

- Allowing the GDCD to use the Public Finance Authority as a source of funding.
- Adding central N.D. to the scope of the project and adding two board of director's positions to represent central N.D. (one water district and one city from west of N.D. Highway 1).
- Further defining system eligibility for voting and being elected to the board.
- Adding the ability to use weighted voting based on nomination capacity.
- Shifting the intent of the project from a federal project to a state and local one.

Merri Mooridian representing GDCD, and Mike Dwyer representing NDWUA, testified in support. The committee amended language from "may" to "shall" on page three, line 28, to ensure entities joining the project late pay an additional fee. The committee recommended a unanimous do pass to the amended bill following the hearing.

**SB 2270** was heard before the House Energy and Natural Resources Committee on Thursday, March 9. The bill authorizes GDCD and LAWA to work with the N.D. Public Finance Authority to finance various projects. The bill also eliminates public hearings if the board receives written consent from each affected landowner to the levy assessments. Merri Mooridian, GDCD, Mike Dwyer, NDWUA, and a representative from the N.D. Public Finance Authority testified in support. The committee had numerous questions relating to financing and requested more information from the N.D. Public Finance Authority. Therefore, the committee took no action at the time of the hearing.

**SB 2178** was heard before the House Political Subdivisions Committee on Thursday, March 9. Introduced by Sen. Donald Schaible, the bill expands the infrastructure revolving loan fund program to include the replacement of existing infrastructure. Currently, Century Code only includes fund programming for new infrastructure. The committee recommended a unanimous do pass directly following the hearing.

**HCR 3019** was heard before the Senate Energy and Natural Resources Committee on Thursday, March 9. The resolution looks to return the land no longer required for the Pick-Sloan Missouri Basin Project dam at Lake Sakakawea to the original landowners. The committee took no action at the time of the hearing.

**SB 2327** was heard before the House Energy and Natural Resources Subcommittee on Friday, March 10. 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. Dave Glatt, Environmental Health Section Chief of the Department of Health, was present to answer questions from the committee.

**SB 2134** was heard before the House Energy and Natural Resources Committee on Friday, March 10. Introduced by Sen. Kelly Armstrong, the bill changes definition of sovereign minerals within Missouri River reservoirs. The bill would reduce the acres that the state claims mineral ownership to within the Missouri River based on the high water mark by returning those acres back to the original owners.

**HB 1390** was heard before the Senate Agriculture Committee on Friday, March 10. Besides Rep. Craig Headland and Sen. Terry Wanzek, Water Resource Districts, Rural Water Systems, and the

SWC testified in support of a proposal to utilize SB 2263 as the lead bill on tile drainage and make some minor amendments. The SWC would like to keep the "statewide significance" requirement, and rural water systems need a provision that allows a condition to keep tile projects outside the easements for rural water systems. The committee will work to reconcile HB 1390 and SB 2263.

**HB 1409** was heard before the Senate Energy and Natural Resources Committee on Friday, March 10. Introduced by Rep. Marvin Nelson, the bill relates to well water testing preceding subsurface mineral production and liability for damages to water supply. The bill also instructs results of all tests to be reported to the State Department of Health which would be entered into a database.

**HB 1385** was heard before the Senate Political Subdivisions Committee on Friday, March 10. Introduced by Rep. Lawrence Klemin, the bill defines the process of refunding bonds for municipalities.

### III. 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.

### IV. 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)

### V. 2017 Legislative Deadlines and Dates

<b>Date</b>	<b>Topic</b>
April 14	Good Friday
May 1	Session is limited to 80 legislative days

### VI. HEARING SCHEDULE: March 13-17, 2017

<u>Date and Time</u>	<u>Bill</u>	<u>Short Title</u>	<u>Committee</u>	<u>Room</u>
03/13/2017 09:00 AM	<u>SB 2142</u>	Relating to construction manager at-risk subcontractor bids.	House Industry, Business and Labor	Peace Garden
03/13/2017 09:00 AM	<u>SB 2168</u>	Relating to public improvements.	House Industry, Business and Labor	Peace Garden

03/13/2017 02:00 PM	<u>SB 2146</u>	Relating to public improvement bid and bond thresholds.	House Industry, Business and Labor	Peace Garden
03/14/2017 09:00 AM	<u>SB 2147</u>	Relating to bond requirements for public improvements.	House Industry, Business and Labor	Peace Garden
03/15/2017 10:00 AM	<u>HB 1162</u>	Relating to competition between the government and private industry and to require a report to the legislative management.	Senate Industry, Business and Labor	Roosevelt Park
03/16/2017 08:30 AM	<u>HB 1020</u>	Relating to industrial use of fresh water dispensed for oil and gas industry users; to amend and reenact subsection 1 of section 57-51.1-07, section 61-02-02, subsection 1 of section 61-02-78, and sections 61-02-79 and 61-40-11 of the North Dakota Century Code, relating to the allocation of moneys in the oil extraction tax development fund, definitions, the infrastructure revolving loan fund, a Bank of North Dakota line of credit, and water rates of the western area water supply authority; to provide for a legislative management study; to provide for a state engineer study; to provide for a report to the legislative management; to provide legislative intent; to designate funding; to provide an appropriation for defraying the expenses of the state water commission; and to provide exemptions.	Senate Appropriations	Harvest
03/16/2017 09:00 AM	<u>SB 2263</u>	Relating to subsurface water management system permits.	House Agriculture	Peace Garden
03/16/2017 09:00 AM	<u>SB 2280</u>	Relating to city levy authority for emergency purposes; and to provide an effective date.	House Political Subdivisions	Prairie
03/16/2017 09:30 AM	<u>SB 2236</u>	Relating to the pipeline restoration and reclamation oversight program and records of program participants.	House Energy and Natural Resources	Coteau A
03/16/2017 10:00 AM	<u>HB 1055</u>	Relating to the aggregate total outstanding revenue bond indebtedness limit for water resource districts.	Senate Political Subdivisions	Red River
03/16/2017 10:45 AM	<u>HB 1322</u>	Relating to township bonding authority.	Senate Political Subdivisions	Red River
03/16/2017 02:00 PM	<u>HB 1017</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department.	Senate Appropriations	Harvest
03/17/2017	<u>HB 1199</u>	Relating to the definition of subsurface	Senate Energy and	Fort

09:00 AM		minerals; and to amend and reenact subsection 3 of section 61-33-01 of the North Dakota Century Code, relating to the definition of sovereign lands.	Natural Resources	Lincoln
03/17/2017 09:00 AM	<a href="#"><u>HB 1339</u></a>	Relating to notice, appeals, and refunds of special assessments.	Senate Political Subdivisions	Red River
03/17/2017 09:30 AM	<a href="#"><u>SB 2245</u></a>	Relating to listing parcels under the control of certain state entities for use as wetlands mitigation.	House Agriculture	Peace Garden
03/17/2017 10:00 AM	<a href="#"><u>HB 1244</u></a>	Relating to the authority of boards of county commissioners to approve the exercise of the power of quick take eminent domain by water resource boards; and to amend and reenact subsection 2 of section 61-16.1-09 of the North Dakota Century Code, relating to the authority of water resource boards to exercise the power of quick take eminent domain.	Senate Energy and Natural Resources	Fort Lincoln

## VII. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<a href="#"><u>HB 1009</u></a>	Agriculture Commissioner Appropriation	PASSED	
<a href="#"><u>HB 1017</u></a>	Game and Fish Department Appropriation	PASSED	
<a href="#"><u>HB 1020</u></a>	State Water Commission Appropriation	PASSED	
<a href="#"><u>HB 1026</u></a>	Underground Facilities Before Excavation	PASSED	PASSED
<a href="#"><u>HB 1054</u></a>	Cancellation of Unexpected Appropriations	PASSED	
<a href="#"><u>HB 1055</u></a>	Revenue Bond Indebtedness Limit for WRD	PASSED	
<a href="#"><u>HB 1106</u></a>	Definitions of Disasters and Emergencies	PASSED	PASSED
<a href="#"><u>HB 1111</u></a>	Metro Flood Diversion Authority	PASSED	PASSED
<a href="#"><u>HB 1162</u></a>	Competition between the Government and Private Industry	PASSED	
<a href="#"><u>HB 1165</u></a>	Transparency of State Grants	PASSED	
<a href="#"><u>HB 1191</u></a>	Loans for Political Subdivisions	PASSED	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	PASSED
<a href="#"><u>HB 1351</u></a>	Approval of Special Assessments by Elected Governing Bodies	PASSED	
<a href="#"><u>HB 1367</u></a>	Personal Watercraft and Towing an Individual on Water Skies	PASSED	
<a href="#"><u>HB 1374</u></a>	Contracts & 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 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	

### **VIII. Legislative Bills Failed (To Date)**

<b>Bill</b>	<b>Short Title</b>	<b>House</b>	<b>Senate</b>
<a href="#"><u>HB 1114</u></a>	License Fees for Plumbers and Sewer and Water Installers	FAILED	
<a href="#"><u>HB 1168</u></a>	Reimbursement for Public Employees	FAILED	
<a href="#"><u>HB 1298</u></a>	Prohibiting Contracting Lobbyists	FAILED	
<a href="#"><u>HB 1326</u></a>	Local Property Tax Incentives from Impacted Municipalities	FAILED	
<a href="#"><u>HB 1331</u></a>	Inspection of Septic Systems	FAILED	
<a href="#"><u>HB 1349</u></a>	Pipeline Leak Detection Equipment Depreciation Expenses	FAILED	
<a href="#"><u>HB 1393</u></a>	Assessments by Water Resource Districts	FAILED	
<a href="#"><u>HB 1416</u></a>	Definition of Cleaning Out and Repairing of Drain	FAILED	
<a href="#"><u>SB 2227</u></a>	Nonresident Waterfowl Hunting Licenses	FAILED	
<a href="#"><u>SB 2229</u></a>	Appointments to the Red River Basin Commission	FAILED	
<a href="#"><u>SB 2259</u></a>	Nonresident Waterfowl Hunting Licenses	FAILED	PASSED
<a href="#"><u>SB 2331</u></a>	Protecting Groundwater & Mineral Developer Responsibilities		FAILED
<a href="#"><u>SB 2332</u></a>	Valuation of Property for Just Compensation		FAILED