

Legislative Report

Hearing Schedule (April 3-7)

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

Today is the 59th legislative day. Few bills remain in policy committees, and Appropriations Committees have made progress this week in advancing several agency bills to the floor for chamber votes. Next Thursday, April 6, is the current deadline by which all bills must be reported out of committee. Both the House and the Senate have begun appointing conference committees to resolve differences in bills passed by each chamber. Conference committees consist of three senators and three representatives.

HB 1017, the N.D. Game and Fish Department Appropriation passed on the Senate floor on Monday, March 27 with a 44-1 vote. The bill appropriates \$83,277,498 to the department which is consistent with the House version of HB 1017.

HCR 3019 passed on the Senate floor on Tuesday, March 28 with a vote of 25-20. The resolution urges the Army Corps of Engineers exercise nondiscrimination in public land by returning the land no longer required for the Pick-Sloan Missouri Basin Project dam at Lake Sakakawea to the original landowners. On Friday, March 31 the House refused to concur with Senate amendments to HCR 3019.

SB 2245 passed on the House floor on Tuesday, March 28 with an 84-8 vote. Introduced by Rep. Jim Dotzenrod, the bill requests State Government and other organizations that are responsible for state land to provide a list of parcels to the Agriculture Commissioner that would be suitable for wetlands mitigation by July 1, 2018.

SB 2047 passed on the House floor on Tuesday, March 28 with a vote of 90-2. The bill was sent forward by the Water Topics Interim Committee to set forth requirements and procedures for the use of quick-take eminent domain by water resource districts. The bill removes the threat of quick-take in early proceedings and reserves it as last resort option. The district must try to work out an agreement, informally over no less than 60 days. If an agreement isn't reached at the time, formal negotiations will proceed with the district sending the landowners a formal written offer which includes specifics of what is considered the right-of-way. This must be sent by certified mail. If there is no response within 15 days of the delivery, the district must send a notice request for a meeting to negotiate. If there is still no response within 30 days of that notice, the district may send a final notice to the landowner of intent to acquire the right of way and then request approval from the board of county commission to utilize quick-take.

HB 1244 failed on the Senate floor on Friday, March 31. The Senate Energy and Natural Resources Committee stated SB 2047 is a better vehicle to address quick-take eminent domain.

[HB 1054](#) failed on the Senate floor on Tuesday, March 28. The bill dealt with unexpended appropriations and carryover fund authority.

[SB 2327](#) passed on the House floor on Tuesday, March 28 with a 69-23 vote. 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 will take place over the next two years.

[HB 1374](#) passed on the Senate floor on Wednesday, March 29 with a 25-22 vote. The bill offers various amendments relating to types of financial assistance for water projects and the composition and operation of the State Water Commission.

[HB 1339](#): On Thursday, March 30, the House refused to concur with Senate amendments to HB 1339, specifically having to do with the percentage requirement for appeals of assessment projects.

[SB 2239](#): On Thursday, March 30, the Senate refused to concur with House amendments to SB 2239, which relates to inspections of watercraft owned and operated by a guide.

[HB 1390](#) was reconsidered and sent back to the Senate Agriculture Committee. The amendment included the following sentence concerning conditions: “A water resource district may attach reasonable conditions to an approved permit for a subsurface water management system that outlets directly into a legal assessment drain or public highway right-of-way”. WRDs districts requested the underlined statement be removed to provide protection for downstream landowners. The proposal failed 3-3. The amended bill passed out of committee with a 6-0 vote.

[HB 1020](#): The Senate Appropriations Subcommittee has continued its work on the State Water Commission appropriation bill. They hope to complete their work early next week. To date, they have discussed taking action on the following:

- Removing section three, which provides a grant of \$135,000 from the resources trust fund to the Game and Fish Department for law enforcement activities on sovereign lands in the state.
- Removing section five, 16 and 19, which relates to an oil and gas industry fresh water royalty tax.
- Combining the seven funding buckets in section seven to the three buckets below:
 - Water Supply: \$132,125,000
 - Flood Control: \$151,000,000
 - General Water: \$16,750,000
 - Removing \$1 million from the General Water bucket to obtain a \$900,000 loan for the city of Lisbon.
 - Transferring \$15 million from the Flood Control bucket to the Water Supply bucket.
- Removing section eight, which requires any funding provided for NAWS to be made available through a line of credit.
- Increasing the legislative intent limit for the Mouse River flood control projects from \$110 million to \$193 million for the next four bienniums in section ten.
- Removing sections 13 and 14, which would require the State Engineer to conduct a flood hazard risk management study.
- Amending section 15 to reduce the maximum funding allocated to the energy conservation grant fund from \$1 million to \$200,000 for the upcoming biennium and restoring the fund to \$1 million on July 1, 2019.
- Increasing the cap on the Infrastructure Revolving Loan fund from \$25 million to \$26 million

which would alter section 17 and section 21.

- Modifying section 20 by allowing WAWS to determine a competitive market rate. The change also requires WAWS to report to the Industrial Commission and gives the Commission the authority to adjust the rate as they see fit.
- Inserting a new section to ensure the SWC appropriates \$30 million to the Red River Valley Water Supply Project.
- Refinancing WAWS loans.
- Inserting a new section appropriating \$150,000 from the Resources Trust Fund to the Industrial Commission to conduct an independent study on the sale or lease of industrial assets of WAWS. The Industrial Commission would be required to conduct the study during the 2017-2019 interim and report their findings to the Water Topics Interim Committee. The Industrial Commission would determine if it is feasible or desirable to lease or sell assets of the authority.
- Giving authority to the Industrial Commission to issue revenue bonds.
- Establishing a 3 percent interest rate cap on the State Water Commission line of credit through the Bank of N.D.

SB 2270: On Friday, March 31 the Senate refused to concur with House amendments to SB 2270. The bill relates to financing options for GDCD.

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, 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
April 14	Good Friday
May 1	Session is limited to 80 legislative days

V. HEARING SCHEDULE: April 3 -7, 2017

The Senate Appropriations Subcommittee plans to meet again on Monday, April 3 at 11 a.m. in the Harvest room to continue work on HB 1020, the State Water Commission appropriation bill.

VI. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<u>HB 1009</u>	Agriculture Commissioner Appropriation	PASSED	PASSED
<u>HB 1017</u>	Game and Fish Department Appropriation		PASSED
<u>HB 1020</u>	State Water Commission Appropriation	PASSED	
<u>HB 1026</u>	Underground Facilities Before Excavation	PASSED	PASSED
<u>HB 1055</u>	Revenue Bond Indebtedness Limit for WRD	PASSED	PASSED
<u>HB 1106</u>	Definitions of Disasters and Emergencies	PASSED	PASSED
<u>HB 1111</u>	Metro Flood Diversion Authority	PASSED	PASSED
<u>HB 1191</u>	Loans for Political Subdivisions	PASSED	PASSED
<u>HB 1199</u>	Definition of Sovereign Lands	PASSED	
<u>HB 1322</u>	Township Bonding Authority	PASSED	PASSED
<u>HB 1336</u>	Environmental or Health Safety Audits	PASSED	PASSED
<u>HB 1339</u>	Notice, Appeals, and Refunds of Special Assessments	<i>Conf. Comm.</i>	<i>Conf. Comm.</i>
<u>HB 1345</u>	Open Record and Meeting Laws		PASSED
<u>HB 1361</u>	Limitations of Property Tax Levies	PASSED	
<u>HB 1367</u>	Personal Watercraft and Towing an Individual on Water Skies		PASSED
<u>HB 1374</u>	Contracts & Financial Assistance for Water Projects/Duties of the State Engineer		PASSED
<u>HB 1385</u>	Municipal Refunding Bonds	PASSED	PASSED
<u>HB 1390</u>	Limitation on County Authority and Subsurface Drains	PASSED	
<u>HB 1409</u>	Well Water Testing	PASSED	PASSED
<u>SB 2047</u>	Quick Take Eminent Domain	PASSED	
<u>SB 2134</u>	Pick-Sloan Missouri Basin Project Dams		PASSED
<u>SB 2142</u>	Construction Manager At-Risk Subcontractor Bids	PASSED	PASSED
<u>SB 2146</u>	Public Improvement Bid and Bond Thresholds	PASSED	PASSED
<u>SB 2147</u>	Bond Requirements for Public Improvements	PASSED	PASSED
<u>SB 2168</u>	Public Improvements	PASSED	PASSED
<u>SB 2178</u>	Infrastructure Revolving Loan Fund	PASSED	PASSED
<u>SB 2236</u>	Pipeline Restoration and Reclamation Oversight Program	PASSED	PASSED
<u>SB 2239</u>	Annual Inspections for Watercraft for Hire	<i>Conf. Comm.</i>	<i>Conf. Comm.</i>
<u>SB 2245</u>	Listing Parcels Under Control of Certain State Entities Use as Wetlands Mitigation	PASSED	PASSED
<u>SB 2262</u>	Fertilizer Regulation by Cities, Counties, or Townships	PASSED	
<u>SB 2263</u>	Subsurface Drainage Permits		PASSED
<u>SB 2269</u>	Powers of LAWA & GDCD	PASSED	PASSED
<u>SB 2270</u>	Financing Options for the GDCD	<i>Conf. Comm.</i>	<i>Conf. Comm.</i>
<u>SB 2308</u>	Identification of Ice Fish houses and Coyote Snares	PASSED	PASSED
<u>SB 2327</u>	Creation of the Department of Environmental Quality	PASSED	
<u>HCR 3019</u>	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.	<i>Conf. Comm.</i>	<i>Conf. Comm.</i>
<u>HCR 3021</u>	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

	and to allow the Continuation of the Garrison Diversion project canal system to aid in the delivery of water to the Red River Valley.		
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VIII. Legislative Bills Failed (To Date)

Bill	Short Title	House	Senate
<u>HB 1054</u>	Cancellation of Unexpected Appropriations	PASSED	FAILED
<u>HB 1114</u>	License Fees for Plumbers and Sewer and Water Installers	FAILED	
<u>HB 1162</u>	Competition between the Government and Private Industry	PASSED	FAILED
<u>HB 1165</u>	Transparency of State Grants	PASSED	FAILED
<u>HB 1168</u>	Reimbursement for Public Employees	FAILED	
<u>HB 1244</u>	Authority of County Commissioners to Approve Quick Take Eminent Domain	PASSED	FAILED
<u>HB 1298</u>	Prohibiting Contracting Lobbyists	FAILED	
<u>HB 1326</u>	Local Property Tax Incentives from Impacted Municipalities	FAILED	
<u>HB 1331</u>	Inspection of Septic Systems	FAILED	
<u>HB 1349</u>	Pipeline Leak Detection Equipment Depreciation Expenses	FAILED	
<u>HB 1351</u>	Approval of Special Assessments by Elected Governing Bodies	PASSED	FAILED
<u>HB 1393</u>	Assessments by Water Resource Districts	FAILED	
<u>HB 1416</u>	Definition of Cleaning Out and Repairing of Drain	FAILED	
<u>SB 2227</u>	Nonresident Waterfowl Hunting Licenses	FAILED	
<u>SB 2229</u>	Appointments to the Red River Basin Commission	FAILED	
<u>SB 2259</u>	Nonresident Waterfowl Hunting Licenses	FAILED	PASSED
<u>SB 2280</u>	City Levy Authority for Emergency Purposes	FAILED	PASSED
<u>SB 2331</u>	Protecting Groundwater & Mineral Developer Responsibilities		FAILED
<u>SB 2332</u>	Valuation of Property for Just Compensation		FAILED
<u>HCR 3020</u>	Allow the Continuation of the Garrison Diversion project canal system to aid in the delivery of water to the Red River Valley.	PASSED	FAILED