

Legislative Report

Hearing Schedule (February 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

February 6 is the deadline for policy committees to complete work on bills that include funding. These bills must then be rereferred to appropriations committees for further consideration. Three weeks remain until Crossover on February 24, the deadline by which all bills must be voted on in their house of origin.

HB 1331 was heard before the House Industry, Business and Labor Committee on Monday, January 30. Introduced by Rep. Mike Brandenburg and Rep. Jeffery J. Magrum, the bill would require the North Dakota Plumbing Board to inspect and certify all private sewage disposal systems in the state. Currently, systems are inspected at a local level. Custer Health of Mandan and the ND Plumbing Board testified in opposition. The committee requested an updated fiscal note and reported back a do not pass recommendation with a 12-1-1 vote.

HB 1345 was heard before the House Judiciary Committee on Monday, January 30. The bill would amend various sections and subsections of Century Code relating to open record and meeting laws. Staff from Attorney General Wayne Stenehjem’s office outlined the proposed changes. The ND News Paper Association, ND Association of Counties and ND League of Cities testified in support. The committee recommended a unanimous do pass.

HB 1349 was defeated on the House floor with a 14-80 vote on Monday, January 30. The bill would provide incentives for pipeline companies to install leak detection systems on existing pipelines and new pipelines.

SB 2227 was killed on the Senate floor with a 21-24 vote on Monday, January 30. The bill would entitle a nonresident, age 65 or older, to purchase up to two nonresident waterfowl hunting licenses per year, with \$100 of the fee for the second license used for Private Land Open to Sportsmen (PLOTS) program. The second license would cost \$150.

SB 2262 passed on the Senate floor with a 44-1 vote on Monday, January 30. The bill would prevent a city, county or township to enact new or enforce existing fertilizer regulations.

SB 2259 passed on the Senate floor on Tuesday, January 31 with a 33-13 vote. The bill would allow 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 of that must be used for the PLOTS program.

HB 1162 passed on the House floor on Tuesday, January 31 with an 83-8 vote. The bill would allow a study regarding competition between government and the private industry during the 2017-2018 interim.

[**SB 2168**](#) passed on the Senate floor on Wednesday, February 1 with a 46-0 vote. The bill amends sections of the North Dakota Century Code relating to public improvements.

[**SB 2269**](#) passed on the Senate floor on Wednesday, February 1 with a 46-0 vote. The bill offers several minor changes to the powers and authorities of the GDCD and the LAWA.

[**SB 2280**](#) passed on the Senate floor on Wednesday, February 1 with a 41-5 vote. The bill would allow cities to levy taxes for emergency purposes, such as snow removal, natural disasters and other emergency conditions, based on the population of the city. The bill would ensure smaller cities have an adequate emergency fund.

[**HB 1199**](#) was heard before the House Energy and Natural Resources Committee on Thursday, February 2. Introduced by Rep. George J. Keiser, the bill relates to mineral ownership of land inundated by Lake Sakakawea. There was testimony in support and opposition of the bill. The committee took no action at the time of the hearing.

[**HB 1374**](#) was heard before the House Energy and Natural Resources Committee on Thursday, February 2. Introduced by Rep. Jim Schmidt, the bill offers various amendments relating to types of financial assistance for water projects and the composition and operation of the State Water Commission. ND Rural Water Association and the ND League of Cities testified in support. The committee took no action at the time of the hearing.

[**HB 1409**](#) was heard before the House Energy and Natural Resources Committee on Thursday, February 2. 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 in a database. The Water Quality Division of the ND Department of Health made a few recommendations to the language throughout the bill while testifying in support. The committee took no action at the time of the hearing.

[**SB 2308**](#) was heard before the Senate Energy and Natural Resources Committee on Thursday, February 2. The bill would allow a fish house and a coyote snare to be identified by a registration number provided by the Game and Fish Department. The committee reported back a unanimous do pass.

[**HB 1339**](#) was heard before the House Government and Veterans Affairs Committee on Thursday, February 2. Rep. Kathy Skroch from Lidgerwood introduced the bill and testified it was about landowner rights. Two landowners from Sargent County testified that they were opposed to the Jackson Drain and did not feel they received any benefits. John Paczkowski from the State Engineer Office, Sean Fredricks, Mike Dwyer, Rob Flemming, and Monica Zigruff all testified in opposition. Sean Fredricks explained the various opportunities for appeals from assessment projects. He also clarified the Jackson Drain Project, stating there were 286 parcels in that drain, refuting the claim by sponsors that the Jackson Drain only benefited two or three people. Mike Dwyer explained the history of water resource districts, the lengthy process to establish an assessment drain, the multiple notices and hearings, and the obligation of water resource districts to balance upstream and downstream interests. Rob Flemming testified about the increase in costs that would be required by certified mail. Monica Zigruff also talked about the increase in costs if certified mail was required and explained that water resource districts operate on a mill-levy approved by the county commissions. There was no objection for those testifying against the bill for increasing the number of publications in the newspaper and the time period before hearings could be held. However, water resource districts are vigorously opposed to allowing less than 25 percent of the assessment to file an appeal to the State Engineer concerning the entire project, and the requirement for certified mail.

[HB 1416](#) was heard before the House Agriculture Committee on Friday, February 3. Rep. Sebastian Ertelt led off the testimony on this bill as the prime sponsor and the witnesses supporting the bill were landowners involved in two drainage projects in Sargent County. Surface water management is often controversial, and HB 1416 is a bill that would prohibit any drain maintenance if it changed the design or function of a drain. Numerous water managers and representatives of water boards testified against HB 1416, demonstrating how the bill would put a stop to maintenance because you could not change culvert sizes, bridge designs, side slopes, and other necessary changes to accommodate changes in hydraulics. Water managers were pressed for time on HB 1416 because HB 1393 was also being heard. The Water Resource District community testified in vigorous opposition to HB 1416. The committee recommended a unanimous do not pass.

[HB 1393](#) was heard before the House Political Subdivisions Committee on Friday, February 3. The same proponents of HB 1416 were also the proponents of HB 1393, two landowners in Sargent County who were opposed to drainage maintenance and a drain assessment project. All of the water managers and water resource district representatives also testified in strong opposition to HB 1393. The bill would make it difficult or impossible to successfully go forward with an assessment project.

[HB 1367](#) was heard before the House Energy and Natural Resources Committee on Friday, February 3. Introduced by Rep. Robin Weisz, the bill would not require an observer on a personal watercraft while towing an individual on water skis, kneeboard or inflatable craft if the watercraft is equipped with a mirror that provides the operator an obstructed field of vision to the rear. It would also allow an individual of sixteen years of age or older to windsurf or boardsail without wearing a personal flotation device. The bill would prohibit water skiing one hour after sunset to one hour before sunrise. The committee questioned the Chief Game Warden Robert Timian about current Century Code and requested statistics regarding watercraft accidents.

II. 2017 Water Day

Mark your calendars for Water Day on February 14! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a social for all North Dakota legislators **Tuesday, February 14** from **5:00 p.m. – 6:00 p.m.** at the **Ramkota Hotel** in conjunction with Water Day at the Legislature. We urge you to take this opportunity to help us host and to discuss our water needs with our legislators.

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, 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:

To a Representative:

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

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

V. 2017 Legislative Deadlines and Dates

Date	Topic
February 14	Rural Water/North Dakota Water Coalition Legislative Social
February 24	Crossover for bills
February 27-28	Recess
March 8	Crossover for resolutions
April 14	Good Friday
April 28	Session is limited to 80 legislative days

VI. HEARING SCHEDULE: February 6 -10, 2017

<u>Date and Time</u>	<u>Bill Number</u>	<u>Short Title</u>	<u>Committee</u>	<u>Room</u>
02/09/2017 09:30 AM	<u>HB 1385</u>	Relating to municipal refunding bonds.	House Political Subdivisions	Prairie
02/09/2017 10:00 AM	<u>HCR 3019</u>	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.	House Energy and Natural Resources	Coteau A
02/09/2017 10:30 AM	<u>HB 1106</u>	Relating to definitions of disasters and emergencies.	Senate Political Subdivisions	Red River
02/09/2017 10:30 AM	<u>HCR 3020</u>	A concurrent resolution urging Congress and the President of the United States to allow the continuation of the Garrison Diversion project canal system to aid in the delivery of water to the Red River Valley.	House Energy and Natural Resources	Coteau A
02/09/2017 11:00 AM	<u>HCR 3021</u>	A concurrent resolution urging Congress and the President of the United States to fulfill the federal government's promises to North Dakota, 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.	House Energy and Natural Resources	Coteau A

02/09/2017 11:00 AM	<u>HB 1322</u>	Relating to township bonding authority; and to declare an emergency.	House Political Subdivisions	Prairie
02/10/2017 09:00 AM	<u>SB 2236</u>	Relating to the pipeline restoration and reclamation oversight program and records of program participants.	Senate Energy and Natural Resources	Fort Lincoln
02/10/2017 09:00 AM	<u>HB 1390</u>	Relating to a limitation on county authority and subsurface drains on land that qualifies for prevented planting insurance coverage; to amend and reenact sections 06-09.13-03 and 61-16-08, subsection 8 of section 61-16.1-09, and section 61-32-03.1 of the North Dakota Century Code, relating to loans to farmers and subsurface drainage projects; and to provide for a legislative management study.	House Agriculture	Peace Garden
02/10/2017 09:00 AM	<u>HB 1111</u>	Relating to agreements with the metro flood diversion authority; and to declare an emergency.	Senate Transportation	Lewis and Clark
02/10/2017 09:30 AM	<u>SB 2327</u>	Relating to the creation of the department of environmental quality and the transfer of duties and responsibilities of the state department of health relating to environmental quality to the department of environmental quality	Senate Energy and Natural Resources	Fort Lincoln

VII. Legislative Bills Tracked (To Date)

<u>HB 1009</u>	Agriculture Commissioner Appropriation
<u>HB 1017</u>	Game and Fish Department Appropriation
<u>HB 1020</u>	State Water Commission Appropriation
<u>HB 1026</u>	Underground Facilities Before Excavation
<u>HB 1054</u>	Cancellation of Unexpected Appropriations
<u>HB 1055</u>	Revenue Bond Indebtedness Limit for Water Resource Districts
<u>HB 1106</u>	Definitions of Disasters and Emergencies
<u>HB 1111</u>	Metro Flood Diversion Authority
<u>HB 1114</u>	License Fees for Plumbers and Sewer and Water Installers
<u>HB 1162</u>	Competition between the Government and Private Industry
<u>HB 1165</u>	Transparency of State Grants
<u>HB 1168</u>	Reimbursement for Public Employees
<u>HB 1191</u>	Loans for Political Subdivisions
<u>HB 1199</u>	Definition of Sovereign Lands
<u>HB 1244</u>	Authority of County Commissioners to Approve Quick Take Eminent Domain
<u>HB 1298</u>	Prohibiting Counties, Cities and Townships from Contracting with Lobbyists
<u>HB 1317</u>	Transfer of Legacy Fund Earnings
<u>HB 1322</u>	Township Bonding Authority
<u>HB 1326</u>	Approval from Impacted Municipalities for Grant of Local Property Tax Incentives
<u>HB 1331</u>	Inspection of Septic Systems

<u>HB 1336</u>	Environmental or Health Safety Audits
<u>HB 1339</u>	Notice, Appeals, and Refunds of Special Assessments
<u>HB 1345</u>	Open Record and Meeting Laws
<u>HB 1367</u>	Personal Watercraft and Towing an Individual on Water Skies or Similar Devices
<u>HB 1374</u>	Contracts and Financial Assistance for Water Projects/Duties of the State Engineer
<u>HB 1385</u>	Municipal Refunding Bonds
<u>HB 1390</u>	Limitation on County Authority and Subsurface Drains
<u>HB 1393</u>	Assessments by Water Resource Districts
<u>HB 1409</u>	Well Water Testing
<u>HB1416</u>	Definition of Cleaning Out and Repairing of Drain
<u>SB 2001</u>	Legislative Branch Appropriation
<u>SB 2047</u>	Quick Take Eminent Domain
<u>SB 2134</u>	Pick-Sloan Missouri Basin Project Dams
<u>SB 2142</u>	Construction Manager At-Risk Subcontractor Bids
<u>SB 2146</u>	Public Improvement Bid and Bond Thresholds
<u>SB 2147</u>	Bond Requirements for Public Improvements
<u>SB 2168</u>	Public Improvements
<u>SB 2178</u>	Infrastructure Revolving Loan Fund
<u>SB 2229</u>	Appointments to the Red River Basin Commission
<u>SB 2236</u>	Pipeline Restoration and Reclamation Oversight Program
<u>SB 2239</u>	Annual Inspections for Watercraft for Hire
<u>SB 2245</u>	Listing Parcels Under Control of Certain State Entities Use as Wetlands Mitigation
<u>SB 2259</u>	Nonresident Waterfowl Hunting Licenses
<u>SB 2262</u>	Fertilizer Regulation by Cities, Counties, or Townships
<u>SB 2263</u>	Subsurface Drainage Permits
<u>SB 2269</u>	Powers of Lake Agassiz Water Authority & Garrison Diversion Conservancy District.
<u>SB 2270</u>	Financing Options for the Garrison Diversion Conservancy District
<u>SB 2280</u>	City Levy Authority
<u>SB 2308</u>	Identification of Fishhouses and Coyote Snares
<u>SB 2327</u>	Creation of the Department of Environmental Quality
<u>SB 2331</u>	Protection of Groundwater and Other Responsibilities of a Mineral Developer
<u>SB 2332</u>	Valuation of Property for Just Compensation
<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.
<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.
<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.

VII. Legislative Bills Failed (To Date)

<u>HB 1271</u>	Education for Water Well Contractors (Withdrawn from Further Consideration)
<u>HB 1349</u>	Deduction for Pipeline Leak Detection Equipment Depreciation Expenses
<u>SB 2227</u>	Nonresident Waterfowl Hunting Licenses (Killed)