

Legislative Report

Hearing Schedule (February 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. This Week at the Legislature

With two weeks until Crossover, most policy committees have completed their work on bills originating in their chamber and some have begun hearing bills approved by the opposite chamber. Much work remains in appropriations committees as they work to reconcile multiple budget recommendations for agency and other appropriation bills. OMB's Advisory Committee on Revenue Forecasting is expected to meet in late February or early March before the final revenue forecast of the session is delivered, likely on Thursday, March 9.

HB 1331 was defeated on the House floor on Tuesday, February 7 with a 10-79 vote. The bill would require the ND Plumbing Board to inspect and certify all private sewage disposal systems in the state which is currently done at the local level.

HB 1351 passed on the House floor on Tuesday, February 7 with a 51-38 vote. The bill would require 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.

SB 2239 passed on the Senate floor on Tuesday, February 7 with a 44-0 vote. The bill would create an exception for watercraft owned and operated by a guide to forgo annual boat inspections by the ND Game and Fish Department.

HB 1114 was defeated on the House floor on Wednesday, February 8 with a 1-90 vote. The bill would change license fees for plumbers and sewer and water installers.

SB 2134 passed on the Senate floor on Wednesday, February 8 with a 37-9 vote. The bill changes the definition of sovereign minerals within the Missouri River reservoirs.

HB 1106 was heard before the Senate Political Subdivisions Committee on Thursday, February 9. Introduced by the Political Subdivisions Committee at the request of the Adjutant General, the bill clearly defines disasters and emergencies. The bill was passed on the House Floor with an 86-5 vote on January 12.

HCR 3019 was heard before the House Energy and Natural Resources Committee on Thursday, February 9. Introduced by Rep. Terry B. Jones, 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 ND Stockmen's Association testified in support. The committee took no action at the time of the hearing.

HCR 3020 was heard before the House Energy and Natural Resources Committee on Thursday,

February 9. Introduced by Rep. Jeff Delzer, 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. Jon Olson testified in support on behalf of GDCD. The committee recommended a do pass with a 12-0-2 vote.

[HCR 3021](#) was heard before the House Energy and Natural Resources Committee on Thursday, February 9. 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. Jon Olson testified in support on behalf of GDCD. The committee recommended a do pass with a 13-0-1 vote.

[HB 1322](#) was heard before the House Political Subdivisions Committee on Thursday, February 9. Introduced by Rep. Dick Anderson, the bill relates to financing special improvements and township bonding authority.

[HB 1317](#) failed on the House floor on Thursday, February 9 with a 4-87 vote. The bill would transfer any legacy fund earnings to the general fund immediately by the state treasurer to the tax relief fund. The balance for tax relief would not exceed the amount given in the most recent legislative session. The intent of this bill would be to utilize earnings of the legacy fund for tax relief programs.

[SB 2236](#) was heard before the Senate Energy and Natural Resources Committee on Friday, February 9. Introduced by Sen. Jessica Unruh, the bill would mandate the agriculture commissioner to establish a program to provide technical assistance and support to surface owners and surface tenants on pipeline restoration and reclamation.

[HB 1390](#) was heard before the House Agriculture Committee on Friday, February 9. Testimony in support was presented by ND Farm Bureau and Ellingson Tile Company. They were very critical of the Sheridan County Water Resource District, and fortunately, two members of the Sheridan Water Resource District were there to defend themselves and present their side of the water story. Opponents to the bill were ND Water Resource Districts and ND Rural Water Systems. The Committee took no action.

[HB 1111](#) was heard before the Senate Transportation Committee on Friday, February 9. Bill Fode, Director of Project Development for the ND Department of Transportation (NDDOT) introduced the bill. The bill is to ensure the NDDOT director has the authority to enter agreement for 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. The committee questioned the language of the bill and suggested widening the bill to apply to other areas, not just the Fargo Moorhead metropolitan area. Chad Peterson, Cass County Commissioner District 1, testified in support of the bill. Previously, the bill passed on the House floor with an 83-9 vote.

[SB 2327](#) was heard before the Senate Energy and Natural Resources Committee on Friday, February 9. Introduced by Sen. Jessica Unruh the bill would transfer 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. Claire Ness from Legislative Council walked the committee through the near 150 page bill. The bulk of the bill is relocating sections of ND Century Code. Acting Co-Director of the ND Department of Health, Dave Glatt testified in favor of the bill. Justin Dever, representing the ND EmPower Commission and Ed Murphy, representing the ND Geological Survey – Department of Mineral Resources also testified in support. Pete Hanebutt, representing the ND Farm Bureau, testified in opposition.

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:

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

| 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 13 - 17, 2017

| <u>Date and Time</u> | <u>Bill Number</u> | <u>Short Title</u> | <u>Committee</u> | <u>Room</u> |
|------------------------|--------------------------------|--|-------------------------------------|--------------|
| 02/16/2017 09:00 AM | <u>SB 2270</u> | Relating to financing options for the Garrison Diversion Conservancy District and notice of assessments. | Senate Energy and Natural Resources | Fort Lincoln |

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|------------------------|-------------------------|--|------------------------------------|----------|
| 02/16/2017 03:00 PM | HB 1336 | Relating to environmental or health safety audits; and to provide a penalty. | House Energy and Natural Resources | Coteau A |
| 02/16/2017 03:00 PM | HB 1244 | 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. | House Energy and Natural Resources | Coteau A |

VII. Legislative Bills Tracked (To Date)

| Bill | Short Title | House | Senate |
|-------------------------|--|--------|--------|
| HB 1009 | Agriculture Commissioner Appropriation | | |
| HB 1017 | Game and Fish Department Appropriation | | |
| HB 1020 | State Water Commission Appropriation | | |
| HB 1026 | Underground Facilities Before Excavation | PASSED | |
| HB 1054 | Cancellation of Unexpected Appropriations | PASSED | |
| HB 1055 | Revenue Bond Indebtedness Limit for WRD | | |
| HB 1106 | Definitions of Disasters and Emergencies | PASSED | |
| HB 1111 | Metro Flood Diversion Authority | PASSED | |
| HB 1162 | Competition between the Government and Private Industry | PASSED | |
| HB 1165 | Transparency of State Grants | | |
| HB 1168 | Reimbursement for Public Employees | | |
| HB 1191 | Loans for Political Subdivisions | PASSED | |
| HB 1199 | Definition of Sovereign Lands | | |
| HB 1244 | Authority of County Commissioners to Approve Quick Take Eminent Domain | | |
| HB 1298 | Prohibiting Counties, Cities and Townships from Contracting with Lobbyists | | |
| HB 1322 | Township Bonding Authority | | |
| HB 1326 | Approval from Impacted Municipalities for Grant of Local Property Tax Incentives | | |
| HB 1336 | Environmental or Health Safety Audits | | |
| HB 1339 | Notice, Appeals, and Refunds of Special Assessments | | |
| HB 1345 | Open Record and Meeting Laws | | |
| HB 1351 | Approval of Special Assessment Projects by Elected Governing Bodies | PASSED | |
| HB 1367 | Personal Watercraft and Towing an Individual on Water Skies or Similar Devices | | |
| HB 1374 | Contracts and Financial Assistance for Water Projects/Duties of the State Engineer | | |
| HB 1385 | Municipal Refunding Bonds | | |
| HB 1390 | Limitation on County Authority and Subsurface Drains | | |
| HB 1393 | Assessments by Water Resource Districts | | |
| HB 1409 | Well Water Testing | | |
| HB 1416 | Definition of Cleaning Out and Repairing of Drain | | |

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| <u>SB 2001</u> | Legislative Branch Appropriation | |
| <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 |
| <u>SB 2146</u> | Public Improvement Bid and Bond Thresholds | PASSED |
| <u>SB 2147</u> | Bond Requirements for Public Improvements | PASSED |
| <u>SB 2168</u> | Public Improvements | PASSED |
| <u>SB 2178</u> | Infrastructure Revolving Loan Fund | PASSED |
| <u>SB 2236</u> | Pipeline Restoration and Reclamation Oversight Program | |
| <u>SB 2239</u> | Annual Inspections for Watercraft for Hire | PASSED |
| <u>SB 2245</u> | Listing Parcels Under Control of Certain State Entities Use as Wetlands Mitigation | |
| <u>SB 2259</u> | Nonresident Waterfowl Hunting Licenses | PASSED |
| <u>SB 2262</u> | Fertilizer Regulation by Cities, Counties, or Townships | PASSED |
| <u>SB 2263</u> | Subsurface Drainage Permits | |
| <u>SB 2269</u> | Powers of LAWA & GDCD | PASSED |
| <u>SB 2270</u> | Financing Options for the GDCD | |
| <u>SB 2280</u> | City Levy Authority | PASSED |
| <u>SB 2308</u> | Identification of Fishhouses and Coyote Snares | PASSED |
| <u>SB 2327</u> | Creation of the Department of Environmental Quality | |
| <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)

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| <u>HB 1114</u> | License Fees for Plumbers and Sewer and Water Installers |
| <u>HB 1271</u> | Education for Water Well Contractors |
| <u>HB 1317</u> | Transfer of Legacy Fund Earnings |
| <u>HB 1331</u> | Inspection of Septic Systems |
| <u>HB 1349</u> | Deduction for Pipeline Leak Detection Equipment Depreciation Expenses |
| <u>SB 2227</u> | Nonresident Waterfowl Hunting Licenses |
| <u>SB 2229</u> | Appointments to the Red River Basin Commission |
| <u>SB 2331</u> | Protection of Groundwater and Other Responsibilities of a Mineral Developer |