

Legislative Report

This session has seen the most bills and resolutions introduced in 10 years.

Monday is the final day for senators to introduce bills, and Thursday is the deadline for introducing resolutions except amendments to the constitution and study resolutions.

Hearing Schedule (January 21 – January 25).

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

[HB 1013](#) was heard before the House Appropriations – Government Operations Division Committee on Tuesday, January 15. This bill provides an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for distributions from permanent funds.

[SCR 4005](#) was heard before the Senate Finance and Taxation Committee on Tuesday, January 15. This bill would create a North Dakota infrastructure fund to be known as the North Dakota first fund to be administered by the North Dakota infrastructure board. The fund would serve as a grant and low-interest revolving loan fund from the principal and earnings of the legacy fund and would provide a procedure for political subdivisions to access grants and low-interest loans for permanent infrastructure projects.

[HB 1066](#) was heard before the House Finance and Taxation Committee on Tuesday, January 15. This bill is widely known as the “Prairie Dog Bill” and revises the formula for the distribution of the gross production tax on oil and gas in a way that will fund Hub Cities and other oil-impacted communities in the 2019-2021 biennium at approximately the same rate as the current biennium. It would also establish “buckets” for non-oil producing cities, counties and township to support infrastructure needs.

[HB 1014](#) was heard before the House Appropriations – Government Operations Division Committee on Wednesday January 16. This bill provides for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.

[HB 1356](#) was heard before the House Political Subdivisions Committee on Thursday, January 17. This bill requires that the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred fifty thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer.

[SB 2166](#) was heard before the Senate Political Subdivisions Committee on Thursday, January 17. This bill raises the total liability of political sub divisions from \$250K to \$1M per person and from \$1M to \$4M for any number of claims arising from any single occurrence regardless of the number of political subdivisions, or employees of such political subdivisions, which are involved in that occurrence.

[SB 2044](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 18. This bill provides penalties for tampering with critical infrastructure and defines what a critical infrastructure facility is.

[SB 2174](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 18. This bill requires elections for WRD board members and sets term limits.

[HB 1086](#) was heard before the House Agriculture Committee on Friday, January 18. This bill excludes private and fossil byproduct water from eaters of the state and includes diffused surface waters and privately owned waters in non-contributing drainage areas.

[HB 1243](#) was heard before the House Political Subdivisions Committee on Friday, January 18. This bill would require that all easements must be recorded within one hundred eighty days of creation of the easement to be valid. Easements are currently binding between the parties but not binding on parties who pay value for their interest and record that interest. Not recording easements in a certain timeframe should not determine validity of the easement. NDCC § 47-19-41 already offers protection for a buyer if an easement is not recorded. The buyer is not bound to the easement if it is recorded without their consent.

II. 2019 Water Day

Mark your calendars for Water Day on February 12! The North Dakota Water Coalition and the North Dakota Rural Water Systems Association are hosting a breakfast and a social for all North Dakota legislators **Tuesday, February 12** from **8:00 a.m. – 9:00 a.m.** in the **Brynild Haugland room** at the capitol and **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. 2019 Legislative Deadlines and Dates

January 21	Deadline for senators to introduce bills
February 12	Rural Water/North Dakota Water Coalition Legislative Social
February 22	Crossover for bills
February 25-26	Recess
March 6	Crossover for resolutions
April 23	Session is limited to 80 legislative days

IV. HEARING SCHEDULE: January 21-24, 2019

Date and Time	Bill Number	Short Title	Committee	Room
01/21/2019 9:30 AM	<u>SB 2259</u>	Relating to the valuation of property for just compensation.	Senate Finance and Taxation	Lewis and Clark
01/21/2019 10:40 AM	<u>HB 1207</u>	Relating to reasonable costs awarded to a defendant.	House Judiciary	Prairie
01/21/2019 2:30 PM	<u>HB 1377</u>	Relating to state board of water well contractors and continuing education requirements for water well pump and pitless unit installers; and to declare an emergency.	House Industry, Business and labor	Peace Garden
01/22/2019 8:00 AM	<u>HB 1136</u>	Relating to bid requirements for public improvements.	House Industry, Business and Labor	Peace Garden
01/22/2019 8:30 AM	<u>HB 1184</u>	Relating to eliminating the ability of state and local government authorities from using quick take eminent domain; and to repeal sections 11-10-26 and 24-01-22.1 of the North Dakota Century Code, relating to appeals related to acquiring a right of way through the use of quick take eminent domain.	House Judiciary	Prairie
01/22/2019 2:30 AM	<u>SB 2275</u>	Relating to the essential infrastructure revolving loan fund debt repayments; to amend and reenact section 6-09-49, subdivision c of subsection 5 of section 6-09.4-03, and sections 6-09.4-06 and 6-09.4-10	Senate Finance and Taxation	Lewis and Clark

		of the North Dakota Century Code, relating to the essential infrastructure revolving loan fund, public finance agency definitions, borrowing and lending authority, and reserve funds; to repeal section 61-02-78 of the North Dakota Century Code, relating to a revolving loan fund for water projects; to provide a transfer; to provide a continuing appropriation; to provide a bond issuance limitation; and to provide an effective date.		
01/22/2019 2:30 AM	SB 2276	Relating to the infrastructure revolving loan fund; and to provide a statement of legislative intent.	Senate Education	Sheyenne River
01/23/2019 8:30 AM	HB 1014	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.	House Appropriations – Government Operations Division	Medora
01/24/2019 8:30 AM	SB 2020	A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission.	Senate Appropriations	Harvest
01/24/2019 9:00 AM	HB 1192	Relating to defining and delineating the ordinary high water mark of a navigable body of water; and to amend and reenact section 61-33-01 and subdivision e of subsection 3 of section 61-33.1-03 of the North Dakota Century Code, relating to the definition and determination of ordinary high water mark.	House Energy and Natural Resources	Coteau A
01/24/2019 9:00 AM	HB 1428	Relating to the Missouri River council; to provide for the acquisition and management of the shoreline of the Missouri River; and to provide for a report to the legislative management.	House Energy and Natural Resources	Coteau A
01/24/2019 9:30 AM	SB 2220	Relating to permitting of subsurface water management systems by water resource district boards.	Senate Agriculture	Roosevelt Park

01/24/2019 2:00 PM	<u>HB 1440</u>	Relating to the protection of groundwater and other responsibilities of a mineral developer.	House Energy and Natural Resources	Coteau A
01/24/2019 2:15 PM	<u>SB 2213</u>	Relating to district budget tax levies.	Senate Political Subdivisions	Red River
01/24/2019 2:30 PM	<u>HB 1314</u>	Relating to compensation and reimbursement of water resource district board members.	House Political Subdivisions	Prairie
01/24/2019 3:00 PM	<u>SB 2139</u>	Relating to cost-sharing and duties of the state water commission.	Senate Political Subdivisions	Red River
01/25/2019 8:30 AM	<u>SB 2055</u>	Relating to the establishment of the budget section; to amend and reenact sections 15-03-04, 15-10-12.1, 20.1-02-05.1, 20.1-02-16.1, 25-04-02.2, 37-17.1-27, 40-23-22.1, 47-30.1-24.1, 48-01.2-25, subsection 16 of section 50-06-05.1, subsection 18 of section 50-06-05.1, and sections 54-06-37, 54-27-22, 54-27-23, 54-44.1-13.1, 54-59-05, and 65-08.1-02 of the North Dakota Century Code, relating to agency requests for budget section approval; and to repeal section 1 of chapter 67 of the 2013 Session Laws and section 10 of chapter 19 of the 2017 Session Laws, relating to the authority of the state board of agricultural research and education to sell certain real property and the authority of the state water commission to provide payment for western area water supply loans.	Senate Appropriations	Harvest
01/25/2019 9:00 AM	<u>SB 2295</u>	Relating to limitations on the creation and jurisdiction of irrigation districts; and to amend and reenact sections 61-09-01 and 61-09-03 of the North Dakota Century Code, relating to permitting an irrigation district to assess lands requiring drainage as a result of irrigation works.	Senate Energy and Natural Resources	Fort Lincoln

V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1013	Appropriation for Defraying Expenses of the Commissioner of School Lands		
HB 1014	Appropriation for Defraying the Expenses of the Industrial Commission		
HB 1020	Appropriation for NDSU		
HB 1024	Appropriation for Defraying Expenses of the Department of Environmental Quality		
HB 1026	Soil Conservation District Manager Training	PASSED	
HB 1036	Fiscal Impacts of Referred Measures		
HB 1037	Campaign Finance Disclosure Statements		
HB 1066	“Prairie Dog Bill”		
HB 1067	Municipal Bid Requirements	PASSED	
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	
HB 1086	Waters of the State		
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device		
HB 1128	PTSD Service Dog Training		
HB 1136	Bid Requirements for Public Improvements		
HB 1173	Cost for Appealing Local Government Decisions	PASSED	
HB 1184	Eliminating Quick Take Eminent Domain		
HB 1186	Oil and Gas Tax Revenue Hedging		
HB 1192	Ordinary High Water Marks		
HB 1202	Outdoor Heritage Advisory Board		
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant		
HB 1243	Recording of Easements		
HB 1299	Duration of Pipeline Easements		
HB 1302	Sale of Property Acquired by Eminent Domain		
HB 1307	Special Assessments		
HB 1314	Compensation and Reimbursement of WRD Board Members		
HB 1320	RRVWSP Contract Terms and Elimination of Voter Approval Requirements		
HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds		
HB 1362	Railroad Right of Way Utility Applications		
HB 1428	Acquisition and Management of the Missouri River Shoreline		
HB 1431	Removal of Mandan from SW Water Authority’s Mill Levy		
HB 1440	Protection of Groundwater from Mineral Developers		

HB 1514	Eliminates Tile Permitting Process		
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		
SB 2037	Disposal and Transportation of High-Level Radioactive Waste		
SB 2040	Political Subdivision Property Exclusion from Protests Against Special Improvement Districts		PASSED
SB 2044	Damaging Critical Infrastructure Penalty		
SB 2054	Outdoor Heritage Fund		
SB 2055	Budget Section		
SB 2090	Permits for the Appropriation of Water		
SB 2091	Floodplain Management Community Standards		PASSED
SB 2095	Expending Funds from the Disaster Relief Fund		
SB 2109	Duties and Responsibilities of the Department of Environmental Quality		
SB 2139	Snagging and Clearing		
SB 2148	Measure 1 Lobbyist Bill		
SB 2166	Increased Liability Limits for Political Subdivisions		
SB 2174	WRD Board Member Elections, Appointments and Terms		
SB 2213	SW Water Authority Permanent Mill Levy		
SB 2220	WRD Tile Permits		
SB 2275	Essential Infrastructure Revolving Loan Fund		
SB 2293	Aquatic Nuisance Species Program Fund		
SB 2295	Creation of Irrigation Drainage Districts		
HCR 3013	Eminent Domain Over Mineral Rights		
SCR 4001	Process of Approving Constitutional Amendments		
SCR 4005	Low-Interest Revolving Loan Fund		