

Legislative Report

It's Day 15, and bill introductions are complete, except for amendments to the constitution and study resolutions. Committees are busy with hearings and committee work to pass out nearly a thousand bills and resolutions, a 10-year high number of bills by the Crossover deadline.

Measure 1

Both the Senate and the House appointed special committees to consider implementing legislation for Measure 1/Ethics Commission as follows:

- House Ethics Committee: Rep. Kasper, Rep. Louser, Rep. D. Anderson, Rep. Headland, Rep. Heinert, Rep. K. Koppelman, Rep. Lefor, Rep. Rohr, Rep. D. Ruby, Rep. Steiner, Rep. Boschee, Rep. Mitskog, Rep. Mock
- Senate Special Committee on Ethics: Sen. Hogue, Sen. Unruh, Sen. Anderson, Sen. Dever, Sen. Poolman, Sen. Oban, Sen. Mathern

Two bills have been introduced to date: [HB 1521](#) and [SB 2148](#).

Hearing Schedule (January 28 – February 1)

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 1207](#) was heard before the House Judiciary Committee on Monday, January 21. This bill awards reasonable costs awarded to defendants in eminent domain cases. Jack Dwyer provided testimony in support of this measure.

[HB 1136](#) was heard before the House Industry, Business and Labor Committee on Tuesday, January 22. This bill allows a governing body to award a contract for each portion of the project the received bids and readvise for bids on the portion of the project that did not receive bids if a bid for general, electrical, or mechanical portions of a project are not received.

[HB 1184](#) was heard before the House Judiciary Committee on Tuesday, January 22. This bill eliminates the ability of state and local government authorities to from using quick take eminent domain or acquiring an easement for a right of way through the use of quick take eminent domain. Jack Dwyer provided testimony in opposition to this measure.

[HB 2275](#) was heard before the Senate Finance and Taxation Committee on Tuesday, January 22. This bill would create an infrastructure revolving loan fund at the Bank of North Dakota with the moneys in the legacy fund. Lance Gaebe provided testimony in support of this measure.

[HB 1449](#) was heard before the House Finance and Taxation Committee on Wednesday, January 23. This bill raises the oil extraction tax rate to 6.5%.

[SB 2020](#) was heard before the Senate Appropriations Committee on Thursday, January 24. This is the appropriations bill for the State Water Commission. This hearing was focused on the F-M Diversion and its funding request.

[HB 1192](#) was heard before the House Energy and Natural Resources Committee on Thursday, January 24. This bill defines adds a definition of ordinary high water mark to N.D.C.C. ch. 61-33.1 and adds a section requiring the State Engineer maintain ordinary high water mark delineation guidelines as provided.

[HB 1428](#) was heard before the House Energy and Natural Resources Committee on Thursday, January 24. This bill forms a Missouri River council to conduct acquisitions and manage the Missouri River shoreline.

[SB 2220](#) was heard before the Senate Agriculture Committee on Thursday, January 24. This bill allows WRD to charge actual costs associated with permits and allows a WRD board to review completed applications up to 45 after receipt. Jack Dwyer provided testimony in support of this measure.

[HB 1440](#) was heard before the House Energy and Natural Resources Committee on Thursday, January 24. This bill removes the water quality test requirement from protections for groundwater against mineral developers and requires developers to collect soil samples and inventory water wells.

[SB 2213](#) was heard before the Senate Political Subdivisions Committee on Thursday, January 24. This bill removes the sunset clause for the Southwest Water Authority mill levy. Jack Dwyer provided testimony in support of this measure.

[HB 1314](#) was heard before the House Political Subdivisions Committee on Thursday, January 24. This bill adjusts the compensation of WRD board members to be consistent with the state legislature and state officers.

[SB 2139](#) was heard before the Senate Political Subdivisions Committee on Thursday, January 24. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations. Jack Dwyer provided testimony in support of this measure.

[SB 2293](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 25. This bill creates funding mechanisms to support ANS programs. Lance Gaebe coordinated testimony and Mary Massad spoke in support of this measure on behalf of Water Users.

[SB 2295](#) was heard before the Senate Energy and Natural Resources Committee on Friday, January 25. This bill limits the creation of irrigation districts, adds permit requirements for drainage projects and ensures drainage benefits provided by an irrigation district do not impact the authority of a water resource board.

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 **Brynhild 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

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 28 - February 1, 2019

Date and Time	Bill Number	Short Title	Committee	Room
01/29/2019 3:30 PM	HB 1302	Relating to the sale of property acquired by eminent domain or acquired when the property was eligible for taking by eminent domain, but no longer needed for a	House Judiciary	Prairie

		public purpose; and to amend and reenact section 24-01-28 of the North Dakota Century Code, relating to vacating property acquired through eminent domain for highways.		
01/30/2019 2:00 PM	SB 2148	Relating to restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact sections 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, and 28-32-08, subsection 5 of section 28-32-08.1, sections 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, and 28-32-18.1, and subsections 2 and 4 of section 28-32-19 of the North Dakota Century Code, relating to rulemaking procedures and requirements for the North Dakota ethics commission; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.	Ethics	Pioneer
01/31/2019 8:30 AM	HB 1362	Relating to the right of utilities to cross over or under a railroad right of way; and to provide for application.	House Political Subdivisions	Prairie
01/31/2019 10:00 AM	SB 2238	Relating to powers of the board of county commissioners; and to amend and reenact section 32-15-01 of the North Dakota Century Code, relating to limitations on eminent domain authority.	Senate Agriculture	Roosevelt Park
02/01/2019 9:00 AM	HB 1320	Relating to Red River valley water supply project contract terms and elimination of voter approval requirements.	House Energy and Natural Resources	Coteau A

02/01/2019 9:00 AM	HB 1514	Relating to an exemption from permitting requirements for subsurface water management systems; and to repeal section 61-32-03.1 of the North Dakota Century Code, relating to permitting subsurface water management systems.	House Agriculture	Peace Garden
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V. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1066	"Prairie Dog Bill"		
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	PASSED	
HB 1136	Bid Requirements for Public Improvements		
HB 1173	Appeals to Local Government Cost	PASSED	
HB 1184	Eliminating Quick Take Eminent Domain		
HB 1192	Ordinary High Water Marks		
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 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		

HB 1449	Oil Extraction Tax Rate		
HB 1514	Eliminates Tile Permitting Process		
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission		
SB 2044	Damaging Critical Infrastructure Penalty		
SB 2090	Permits for the Appropriation of Water		
SB 2091	Floodplain Management Community Standards		PASSED
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 2238	Eminent Domain Power of County Commissioners		
SB 2259	Valuation of Property		
SB 2275	Essential Infrastructure Revolving Loan Fund		
SB 2293	Aquatic Nuisance Species Program Fund		
SB 2295	Limiting Creation of Irrigation Districts		
SCR 4005	Low-Interest Revolving Loan Fund		