

— *North Dakota Water Users* — February 1, 2019 No.7

Legislative Report

Hearing Schedule (February 4 – February 8).

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 1440](#) failed on the House floor on Tuesday, January 29 with a 13-80 vote. This bill would have removed the water quality test requirement from protections for groundwater against mineral developers and requires developers to collect soil samples and inventory water wells.

[HB 1299](#) failed on the House floor on Tuesday, January 29 with a 18-75 vote. This bill would have made an easement, servitude, or nonappurtenant restriction obtained for the purpose of building a pipeline considered abandoned if the pipeline is not built within twenty years of the date on which the easement, servitude, or nonappurtenant restriction was obtained.

[HB 1302](#) was heard before the House Judiciary Committee on Tuesday, January 29. This bill allows the person whose land was taken for eminent domain by the state or a political subdivision to have the opportunity to purchase the land back if it is no longer needed. Keely Torgerson attended and monitored the hearing.

[SB 2020](#) was reviewed by the Senate Appropriations subcommittee on Tuesday, January 29. The meeting consisted of a review by Legislative Council and SWC staff of the status of the current budget and anticipated carryover; a description of the funding categories in the baseline budget (current biennium funding levels), a review of carryover funds and anticipated 2019-21 revenue for grants and capital projects. The legislature's revised January 2019 revenue forecast dropped the revenue estimate from \$403 million to \$350 million.

[HB 1314](#) failed on the House floor on Wednesday, January 30 with a 12-80 vote. This bill would have adjusted the compensation of WRD board members to be consistent with the state legislature and state officers.

[HB 1243](#) failed on the House floor on Wednesday, January 30 with a 12-80 vote. This bill would have required all easements to be recorded.

[SB 2259](#) failed on the Senate floor on Wednesday, January 30 with a 20-25 vote. This bill would have set out guidelines for evaluating property when being taken for eminent domain.

[SB 2148](#) was heard before the Ethics Committee on Wednesday, January 30. This bill establishes an ethics commission and outlines the complaint process for violations. Lance Gaebe attended and monitored the hearing.

[HB 1521](#) was heard before the Ethics Committee on Wednesday, January 30. This bill lays out campaign contribution disclosure requirements and the complaint procedure for campaign contribution violations by lobbyists. Lance Gaebe attended and monitored the hearing.

[HB 1086](#) failed on the House floor on Thursday, January 31 with a 0-91 vote. This bill related to the waters of the state.

[SCR 4005](#) failed on the Senate floor on Thursday, January 31 with a 11-34 vote. This bill would have created 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 have served 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 1362](#) was heard before the House Political Subdivisions Committee on Thursday, January 31. This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

[SB 2358](#) was heard before the Senate Energy and Natural Resources Committee on Thursday, January 31. This bill adds a creek, river, or stream appearing in a plat book to the definition of a watercourse. Jack Dwyer and Keely Torgerson attended and monitored the hearing.

[SB 2342](#) was heard before the Senate Energy and Natural Resources Committee on Thursday, January 31. This bill sets noise restrictions on the operation of watercraft at night. Keely Torgerson attended and monitored the hearing.

[SB 2238](#) was heard before the Senate Agriculture Committee on Thursday, January 31. This bill requires county commissions to approve eminent domain proceedings. Jack Dwyer attended the hearing and provided testimony in opposition on behalf of ND Water Users.

[SCR 4009](#) was heard before the Senate Energy and Natural Resources Committee on Thursday, January 31. This bill would direct Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basinwide needs. Jack Dwyer attended and monitored the hearing.

[SB 2139](#) passed on the Senate floor on Friday, February 1 with a 41-5 vote. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations.

[HB 1514](#) was heard before House Agriculture Committee on Friday, February 1. This bill repeals section 61-32-03.1, which requires permits for subsurface water management systems. Chad Engles provided testimony in opposition the bill on behalf of the NDWRDA and a number of other members of the water community also provided testimony in opposition. Jack Dwyer and Keely Torgerson also attended and monitored the hearing.

[HB 1320](#) was heard before the House Energy and Natural Resource Committee on Friday, February 1. This bill removes voter approval requirements for some RRVWS projects and allows contract terms to exceed forty years. Keely Torgerson attended and monitored the hearing.

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: February 4 - February 8, 2019

Date and Time	Bill Number	Short Title	Committee	Room
02/05/2019 2:31 PM	SB 2020	<i>Subcommittee Meeting - A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission.</i>	Senate Appropriations	Senate Conference Room

<p>02/06/2019 2:30 PM</p>	<p><u>SB 2148</u></p>	<p>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.</p>	<p>Ethics</p>	<p>Pioneer</p>
<p>02/07/2019 8:30 AM</p>	<p><u>HB 1431</u></p>	<p>Relating to the parts of the state included in the southwest water authority and the membership of the board of directors of the southwest water authority; and to provide an effective date.</p>	<p>House Political Subdivisions</p>	<p>Prairie</p>
<p>02/07/2019 3:00 PM</p>	<p><u>HB 1521</u></p>	<p>Relating to reporting campaign contributions, 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 section 16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, 16.1-08.1-04.1, 28-32-01, 28-32-02, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2,</p>	<p>Ethics</p>	<p>Pioneer</p>

		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, subsections 2 and 4 of section 28-32-19, and section 28-32-27 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of hearing officers, and requirements for the North Dakota ethics commission; to provide for a penalty; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.		
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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	FAILED	
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	
HB 1136	Bid Requirements for Public Improvements	PASSED	
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	FAILED	
HB 1299	Duration of Pipeline Easements	FAILED	
HB 1302	Sale of Property Acquired by Eminent Domain		
HB 1314	Compensation and Reimbursement of WRD Board Members	FAILED	
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	FAILED	
HB 1449	Oil Extraction Tax Rate		
HB 1514	Eliminates Tile Permitting Process		
HB 1521	Reporting Campaign Contributions		
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		PASSED
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		FAILED
SB 2275	Essential Infrastructure Revolving Loan Fund		
SB 2293	Aquatic Nuisance Species Program Fund		
SB 2295	Limiting Creation of Irrigation Districts		
SB 2342	Noise Restrictions on Watercraft		
SB 2358	Definition of a Watercourse		
SCR 4005	Low-Interest Revolving Loan Fund		FAILED
SCR 4009	Joint Water Resource Board Study		