

— *North Dakota Water Users* — *March 1, 2019 No. 11*

# *Legislative Report*

## **Hearing Schedule (March 4 – March 8).**

There are not hearings of bills scheduled for bill being tracked by the North Dakota Water Users Association.

### **I. This Week at the Legislature**

[HB 1085](#) passed the Senate with a vote of 45-0 on Wednesday, February 27. This bill amends the drought disaster livestock water assistance program to remove the \$3,500 funding limit and raises the limit to \$4,500 to address increased costs.

[HB 1087](#) passed the Senate with a vote of 44-1 on Wednesday, February 27. This bill excludes agricultural dikes two feet in height or less from requiring a PE to submit plans and specs be reviewed by the State Engineer.

[HB 1173](#) was heard before the Senate Judiciary Committee on Wednesday, February 27. This bill reduces the cost of appeals to local government.

[HB 1320](#) was heard before the Senate Energy and Natural Resources Committee on Friday, March 1. This bill removes voter approval requirements for some RRVWS projects and allows contract terms to exceed forty years.

[SB 2090](#) was heard before the House Energy and Natural Resources Committee on Thursday, February 28. This bill exempts reuse of fossil byproduct water from requiring a water permit, clarifies that a legal interest in the point of diversion or place of use for irrigation water is required, and puts into statute the long-standing practice of having a 30-day comment period on water permit applications. It also increases the costs. All new water permit applications increased from \$200 to \$500, industrial permits are now \$1,000, and amendments are raised to \$100. The \$250 under 2,500 population break will also go away.

[SB 2091](#) passed the House with a vote of 86-0 on Friday, March 1. This bill was heard before the House Energy and Natural Resources Committee on Thursday, February 28. This bill allows permissible structures within a flood fringe to be constructed on piers or columns, or other methods allowed by FEMA.

[SB 2139](#) was heard before the House Energy and Natural Resources Committee on Friday, March 1. This bill reinstates the ability of the State Water Commission to cost-share snagging and clearing operations in natural waterways. Jack Dwyer, Gary Thompson and Dennis Reep testified in support of this bill on behalf of the NDWRDA. Other members of water resource districts and several other associations also testified in support of this bill.

## II. 2019 Legislative Deadlines and Dates

March 8                      Crossover for resolutions  
 May 2                        Session is limited to 80 legislative days

## III. HEARING SCHEDULE: March 4 - March 8, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/05/2019 9:00 AM	<a href="#">HB 1066</a>	Relating to infrastructure funds, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.	Senate Finance and Taxation	Fort Lincoln
03/05/2019 10:30 AM	<a href="#">HB 1207</a>	Relating to costs awarded to a defendant.	Senate Judiciary	Fort Lincoln
03/06/2019 9:30 AM	<a href="#">HB 1136</a>	Relating to bid requirements for public improvements.	Senate Industry, Business, and Labor	Roosevelt Park
03/07/2019 8:30 AM	<a href="#">SB 2020</a>	Relating to the authorization of a Bank of North Dakota line of credit; to provide for Red River valley water supply requirements; to provide an exemption; to provide for a report to the legislative management; and to provide a statement of legislative intent.	House Appropriations – Education and Environment Division	Roughrider
03/07/2019 9:00 AM	<a href="#">SB 2213</a>	Relating to the southwest water authority and district budget tax levies.	House Political Subdivisions	Prairie

03/07/2019 9:00 AM	<a href="#">SB 2342</a>	Relating to regulation of airboats to prevent excessive noise; and to provide a penalty.	House Energy and Natural Resources	Coteau A
03/07/2019 9:00 AM	<a href="#">SCR 4009</a>	A resolution directing 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.	House Agriculture	Peace Garden
03/07/2019 9:00 AM	<a href="#">HB 1192</a>	A bill relating to defining and delineating the ordinary high water mark of a navigable body of water; relating to the definition and determination of ordinary high water mark; and to provide for an application.	Senate Energy and Natural Resources	Fort Lincoln
03/07/2019 9:30 AM	<a href="#">SB 2295</a>	Relating to permitting an irrigation district to assess lands requiring drainage as a result of irrigation works.	House Agriculture	Peace Garden
03/07/2019 10:30 AM	<a href="#">SB 2044</a>	Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.	House Energy and Natural Resources	Coteau A
03/07/2019 2:00 PM	<a href="#">SB 2358</a>	Relating to the definition of a watercourse.	House Energy and Natural Resources	Coteau A
03/08/2019 2:00 PM	<a href="#">SB 2293</a>	Relating to the creation of the aquatic nuisance species program fund and surcharges for fishing and waterfowl licenses; to amend and reenact section 20.1-02-16.1 of the North Dakota Century Code, relating to the investment of the state game and fish fund; and to provide a continuing appropriation.	House Energy and Natural Resources	Coteau A

#### IV. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
<a href="#">HB 1066</a>	"Prairie Dog Bill"	PASSED	
<a href="#">HB 1085</a>	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
<a href="#">HB 1087</a>	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
<a href="#">HB 1136</a>	Bid Requirements for Public Improvements	PASSED	
<a href="#">HB 1173</a>	Appeals to Local Government Cost	PASSED	
<a href="#">HB 1192</a>	Ordinary High Water Marks	PASSED	
<a href="#">HB 1207</a>	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	
<a href="#">HB 1302</a>	Sale of Property Acquired by Eminent Domain	PASSED	
<a href="#">HB 1320</a>	RRVWSP Contract Terms and Elimination of Voter Approval Requirements	PASSED	
<a href="#">HB 1356</a>	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	
<a href="#">HB 1362</a>	Railroad Right of Way Utility Applications	PASSED	
<a href="#">HB 1431</a>	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	
<a href="#">HB 1521</a>	Reporting Campaign Contributions	PASSED	
<a href="#">SB 2020</a>	Appropriation for Defraying the Expenses of the State Water Commission		PASSED
<a href="#">SB 2044</a>	Damaging Critical Infrastructure Penalty		PASSED
<a href="#">SB 2090</a>	Permits for the Appropriation of Water		PASSED
<a href="#">SB 2091</a>	Floodplain Management Community Standards	PASSED	PASSED
<a href="#">SB 2139</a>	Snagging and Clearing		PASSED
<a href="#">SB 2148</a>	Measure 1 Lobbyist Bill		PASSED
<a href="#">SB 2213</a>	SW Water Authority Permanent Mill Levy		PASSED
<a href="#">SB 2275</a>	Essential Infrastructure Revolving Loan Fund		PASSED
<a href="#">SB 2293</a>	Aquatic Nuisance Species Program Fund		PASSED
<a href="#">SB 2295</a>	Limiting Creation of Irrigation Districts		PASSED
<a href="#">SB 2342</a>	Noise Restrictions on Watercraft		PASSED
<a href="#">SB 2358</a>	Definition of a Watercourse		PASSED
<a href="#">SCR 4009</a>	Joint Water Resource Board Study		PASSED