

— *North Dakota Water Users* — *March 22, 2019 No. 14*

# *Legislative Report*

The deadline for rereferral of policy bills with fiscal impact to Appropriations Committees is Tuesday, March 26. Most policy committees have finished hearing assigned bills and will spend most of next week in committee work.

Conference committees to reconcile differences between bills that have passed both chambers are beginning. Conference committees will be meeting through the remainder of the session to coordinate bill language so both the House and Senate can adopt identical language. The conference committees are generally made up of three members of each committee that heard the bill and can be arranged with as little as 15 minutes notice. These committee meetings can sometimes be another chance to influence policy outcomes.

### **Contact Legislators!**

The Water Users Association has initiated an **Action Alert** to support [SB 2275](#). This bill will create a low-interest, long-term revolving loan fund for Water infrastructure investments. The bill has already passed the Senate. In order for this important bill to pass the House, you should contact [Representatives](#) to urge support for the measure which would create a \$450 million loan program to support critical infrastructure, major flood control and regional water supply with loans at 2% interest for up to forty years.

Please call or write you legislators requesting support for this bill!

### **Hearing Schedule (March 25 – March 29).**

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 1362](#) passed the Senate floor with a vote of 46-0 on Thursday, March 21. This bill allows a utility to cross over or under the railroad right of way for the placement of facilities.

[HB 1431](#) was heard before the Senate Political Subdivisions Committee on Thursday, March 21. This bill removes Mandan from SW Water Authority's mill levy.

[SB 2213](#) failed the House with a vote of 27-65 on Tuesday, March 19. This bill would have extended the SWWA one mill levy until 2030.

[HB 1192](#) passed the Senate floor with a vote of 39-6 on Wednesday, March 20. 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.

[SB 2020](#) is the budget appropriation for the State Water Commission. The Education and Environment Division of the House Appropriations Committee spent much of its committee time on Thursday and Friday reviewing the provisions of the bill as adopted by the Senate. The subcommittee reviewed projects, programs and capital assets. Clarification on water projects was gained from the SWC staff, and representatives of the Fargo Moorhead Diversion, Mouse River Flood Protection Plan, Red River Water Supply Project, League of Cities and Rural Water. The committee is gathering information and no action was taken.

[SB 2090](#) passed the House with a vote of 78-7 on Friday, March 22. 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 2275](#) received a 15-3 Do Not Pass recommendation from the House Appropriations Committee, however water leaders are hoping to convince the full House of Representatives to adopt the bill. This bill will create a low-interest, long-term revolving loan fund for water infrastructure investments. We are encouraged that cities, counties, general contractors, and transportation advocates support the Infrastructure Revolving Loan Fund and will work together to secure passage of SB 2275 or if unsuccessful to jointly look for options to create an Infrastructure Revolving Loan Fund in another bill.

[SB 2293](#) received a 14-0 Do Pass recommendation from the House Energy and Natural Resources Committee and referred the bill to the Appropriations Committee. The bill creates a \$3 surcharge on fishing licenses and a \$15 per boat "sticker" to finance an Aquatic Nuisance Species fund for programming, facilities and two Game and Fish Department staff for ANS inspection, monitoring, and education.

[SB 2342](#) passed the House with a vote of 60-25 on Friday, March 22. This bill sets noise restrictions of 88 decibels for no more than 10 minutes on the operation of watercraft during the hours of 12am-5am.

## II. Bills Affecting Landowners

[SB 2360](#) passed the House with a vote of 74-18 on Monday, March 18. This bill changes the definition of farm income from net to gross income for purposes of qualification for the farm home property tax exemption. The bill adopts the IRS definition of a farmer, which is two-thirds or more of annual gross income from farming activities during any of the two preceding calendar years. The bill also removes the present \$40,000 cap for allowable off-farm income.

[HB 1020](#) was heard before the Senate Appropriations Committee on Wednesday, March 20. This bill is the budget for the NDSU Research and Extension. House action resulted in a 6% decrease from the 2017-19 base level funding for the main station. This is following a 13% cut in 2017-19 biennium. Extension held even with the 2017-19 funding level. Funding for SBARE priorities include one-time funding of \$1.4 million from the strategic investment and improvements fund for extraordinary repairs and \$750,000 for the Williston seed cleaning plant, including \$250,000 from the general fund and \$500,000 from other funds.

[SB 2315](#) was heard before the House Agriculture Committee on Thursday, March 21. This bill reverses the presumption that all land is considered open to trespass and requires people to seek permission to access private property, except for hunting, where designations of open or closed will be indicated on an electric database. This bill also allows traditional signs to be used if landowners prefer them. The bill establishes an advisory group of landowners and sportsmen to manage the development of the land database.

[SB 2344](#) was heard before the House Energy and Natural Resources Committee on Thursday, March 21. This bill is intended to clarify that underground injection for CO2 or natural gas storage, enhanced oil recovery, and saltwater disposal do not constitute a “damage” to pore space. The bill is considered by many landowners to be a “taking” of landowners property. The House Energy and Natural Resources Committee gave it a 10-2 do pass recommendation on March 21.

## III. 2019 Legislative Deadlines and Dates

May 2                      Session is limited to 80 legislative days

## IV. HEARING SCHEDULE: March 25 - March 29, 2019

Date and Time	Bill Number	Short Title	Committee	Room
03/26/2019 9:00 AM	<a href="#">SB 2020</a>	Committee Work – State Water Commission	House Appropriations	Roughrider

		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.	– Education and Environment Division	
03/26/2019 9:00 AM	<a href="#">HB 1290</a>	Relating to prohibiting entry onto private land without permission.	Senate Judiciary	Pioneer
03/28/2019 3:45 PM	<a href="#">HB 1521</a>	Relating to reporting campaign contributions and expenditures, 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, 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 sections 28-32-27, 28-32-47, 28-32-48, and 28-32-49 of the North Dakota Century Code, relating to rulemaking procedures, disqualification of agency heads in quasi-judicial proceedings, implementing article XIV of the Constitution of North Dakota, 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	Ethics	Pioneer

		expiration date; and to declare an emergency.		
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**V. Legislative Bills Tracked (To Date)**

<b>Bill</b>	<b>Short Title</b>	<b>House</b>	<b>Senate</b>
<a href="#">HB 1066</a>	“Project Prairie Dog”	PASSED	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	PASSED
<a href="#">HB 1173</a>	Appeals to Local Government Cost	PASSED	
<a href="#">HB 1192</a>	Ordinary High Water Marks	PASSED	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	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	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	FAILED	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	PASSED
<a href="#">SB 2342</a>	Noise Restrictions on Watercraft	PASSED	PASSED
<a href="#">SB 2358</a>	Definition of a Watercourse		PASSED
<a href="#">SCR 4009</a>	Joint Water Resource Board Study	PASSED	PASSED