

— *North Dakota Water Users* — April 26, 2019 No. 19

Legislative Report

Conference committees have been active this week as the session is preparing to wrap up, possibly as soon as tonight. **A full Final Report will be sent out next week that will include all bills of interest to water, and summarize their actions during the 2019 Legislative Session.**

I. This Week at the Legislature

[HB 1014](#) Infrastructure Revolving Loan Fund

Conference Committee of Reps. Brandenburg, Vigesaa, Mock and Sens. Sorvaag, Holmberg, Mathern met on Monday, April 22 and Tuesday, April 23.

Passed on the House floor with a vote of 74-16 on Thursday, April 25.

Passed on the Senate floor with a vote of 47-0 on Friday, April 26.

This bill is the appropriations bill for the Industrial Commission. The bill had been modified by the conference committee to include a \$500M low-interest, long-term revolving loan fund to support infrastructure projects. However, the HB 1014 conference committee removed the authority to issues bonds to establish a \$500M infrastructure revolving loan fund.

Instead the bill now contains plans to supplement the existing BND \$150M 2% interest revolving loan fund with an additional \$40M from the SIIF contingent on the balance its balance reaching \$755M. This is in excess of approximately \$10 million more than the legislative estimate for the 2017-19 biennium to the infrastructure revolving loan fund.

The \$40M infrastructure revolving loan fund transfer "bucket" will be at the bottom of distributions of the gross production and extraction tax allocations. Under present oil prices and production forecasts, this is anticipated to occur after gross production tax distributions to counties, cities, schools and airports under "Operation Prairie Dog" are completed in late 2020 or 2021.

The bill has passed both the House and Senate and will be delivered to the Governor for his consideration.

[HB 1202](#) Navigable Water Determination

Conference Committee of Reps. Lefor, Zubke, Anderson, D. and Sens. Unruh, Schaible, Piepkorn met on Monday, April 22.

Passed the House with a vote of 79-13 on Tuesday, April 23.

Passed the Senate with a vote of 45-2 on Tuesday, April 23.

This bill lays out the public review process the Office the State Engineer must follow in order to determine the navigability of waters.

[HB 1356](#) Bids, Plans and Specifications for Public Improvements and Bond Thresholds

Signed by Governor on Wednesday, April 24.

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 \$250,000, unless the engineering plans and estimates and the construction administration are executed under a registered professional engineer.

[HB 1521](#) Reporting Campaign Contributions.

Conference Committee of Reps. Kasper, Louser, Mock and Sens. Dever, Hogue, Oban met on Monday, April 22 and Tuesday, April 23.

Passed on the House floor with a vote of 74-17 on Thursday, April 25.

Passed on the Senate floor with a vote of 36-10 on Thursday, April 25.

This bill lays out campaign contribution disclosure requirements and the complaint procedure for campaign contribution violations by lobbyists.

[SB 2020](#) Appropriation for the State Water Commission operations and funding

Signed by the Governor of Thursday, April 25.

This is the appropriations bill for the State Water Commission.

An emergency clause, which was not adopted during the vote for SB 2020, has been included into HB 1015, which if sufficient legislators approve will authorize the implementation of the provisions of SB 2020 upon passage rather than July 1.

[SB 2090](#) Permits for the Appropriation of Water

Signed by Governor on Tuesday, April 23.

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 codifies the practice of a 30-day comment period on water permit applications. 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 2148](#) Measure 1 Lobbyist Bill

Heard by the Ethics committee on Monday, April 22 and Tuesday, April 23.

Passed on the House floor with a vote of 90-2 on Thursday, April 25.

Passed on the Senate floor with a vote of 42-5 on Friday, April 26.

This bill establishes and ethics commission and outlines the complaint process for violations.

[SB 2293](#) Aquatic Nuisance Species Program Fund

Conference Committee of Reps. Howe, Anderson, D., Zubke and Sens. Cook, Oehlke, Piepkorn met on Monday, April 22.

Passed the Senate with a vote of 41-6 on Tuesday, April 23.

Passed the House with a vote of 67-22 on Tuesday, April 23.

This bill creates funding mechanisms to support ANS programs through a \$2 surcharge to resident fishing and combination licenses except for over age of 65 or disabled residents, and a \$3 surcharge for non-resident fishing and waterfowl licenses starting in 2020. There will also be a \$15 surcharge on all motorboats implemented in 2020 to coincide with the 3-year cycle on resident boats. The ANS fund will raise about \$1.5M for the Game and Fish Department to address the threat of aquatic nuisance species.

[SB 2342](#) **Noise Restrictions on Watercraft**

Signed by Governor on Tuesday, April 23.

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.

[SB 2358](#) **Definition of a Watercourse**

Signed by Governor on Tuesday, April 23.

This bill would add a creek, river, or stream appearing in a USGI topographical map to the definition of a watercourse. This bill also now includes the removal of voter approval requirements for some RRVWS projects and allows contract terms to exceed forty years (previously part of 1320).

II. 2019 Legislative Deadlines and Dates

May 2 Session is limited to 80 legislative days

III. Legislative Bills Tracked (To Date)

Bill	Short Title	House	Senate
HB 1014	Infrastructure Revolving Loan Fund	PASSED	PASSED
HB 1066	"Project Prairie Dog"	PASSED	PASSED
HB 1085	Drought Disaster Livestock Water Assistance Program	PASSED	PASSED
HB 1087	Permit to Construct or Modify a Dam, Dike, or Other Device	PASSED	PASSED
HB 1136	Bid Requirements for Public Improvements	PASSED	PASSED
HB 1173	Appeals to Local Government Cost	PASSED	FAILED
HB 1192	Ordinary High-Water Marks	PASSED	PASSED
HB 1202	Navigable Water Determination	PASSED	PASSED
HB 1207	Reasonable Costs Awarded to Eminent Domain Defendant	PASSED	FAILED
HB 1302	Sale of Property Acquired by Eminent Domain	PASSED	FAILED

HB 1356	Bids, Plans and Specifications for Public Improvements and Bond Thresholds	PASSED	PASSED
HB 1362	Railroad Right of Way Utility Applications	PASSED	PASSED
HB 1431	Removal of Mandan from SW Water Authority's Mill Levy	PASSED	FAILED
HB 1521	Reporting Campaign Contributions	PASSED	PASSED
SB 2020	Appropriation for Defraying the Expenses of the State Water Commission	PASSED	PASSED
SB 2044	Damaging Critical Infrastructure Penalty	PASSED	PASSED
SB 2090	Permits for the Appropriation of Water	PASSED	PASSED
SB 2091	Floodplain Management Community Standards	PASSED	PASSED
SB 2139	Snagging and Clearing	PASSED	PASSED
SB 2148	Measure 1 Lobbyist Bill	PASSED	PASSED
SB 2213	SW Water Authority Permanent Mill Levy	FAILED	PASSED
SB 2275	Essential Infrastructure Revolving Loan Fund	FAILED	PASSED
SB 2293	Aquatic Nuisance Species Program Fund	PASSED	PASSED
SB 2295	Limiting Creation of Irrigation Districts	PASSED	PASSED
SB 2342	Noise Restrictions on Watercraft	PASSED	PASSED
SB 2358	Definition of a Watercourse	PASSED	PASSED
SB 2362	Oil and Gas Extraction Tax Revenues	PASSED	PASSED
SCR 4009	Joint Water Resource Board Study	PASSED	PASSED