

Action in the past week:

Several Grand Forks area members testified on two extraterritorial zoning bills on Thursday:

- **HB 1554 Extraterritorial Zoning**, which would change the extent of the extraterritorial authority of cities; and **SB 2027 Extraterritorial Zoning**, which addresses the issue of extraterritorial zoning by proposing that governing bodies in the areas of joint jurisdiction must approve changes. In cases where an agreement cannot be reached, an administrative law judge will make a decision. **SB 2027** was the preferred legislation among those testifying because of the negotiation and administrative law judge provisions.

DRC staff testified on the following bills:

- **HCR 4015 (Former) Externalities Bill** DRC Staff testified in opposition to the engrossed version of this bill, which originally would have required the Legislative Council to study the impacts of the state's externalities law in which the PSC is forbidden to consider the cost of environmental externalities when siting, permitting and regulating an electrical generation plant. In its engrossed form it would ask the legislative council to study impacts of federal and regional cap and trade systems and Minnesota's Next Generation Act. The Committee did not take action.
- **SCR 4020 Fracking resolution** DRC staff testified in opposition to this concurrent resolution to urge Congress to preserve the exemption of hydraulic fracturing from the provisions of the Safe Water Drinking Act and not to enact legislation that removes the exemption for hydraulic fracturing. The Committee passed the resolution 12-0.
- **SB 2427 Geothermal tax credit**, DRC staff testified in support of this bill, which would allow a short form tax credit for geothermal devices.

Other bills:

- **HB 1277 Short Form Tax Credit for GeoThermal** Would allow an income tax credit on the form ND-1 income tax return for installation of geothermal energy devices. The Senate Appropriations Committee recommended a 9-2 "do pass" and passed the Senate 46-1. This bill is identical to SB 2427 that was introduced in the Senate.
- **HB 1322 State Energy Policy Commission** Received a "do pass" recommendation with amendments from the Senate Natural Resources Committee and passed the Senate 47-0. It would create a new energy policy commission made up largely of industry reps. The amendment adds a representative from the state PSC. The bill also directs the state water commission to study the state's water resources in order to maximize water use for energy growth.
- **HB 1338 Landfill study** Received a "do pass" recommendation from the Senate Political Subdivisions Committee. Originally, it would have created a state landfill siting board and given it power to site landfills that supersedes the powers of the local political subdivision, unless the political subdivision owns the landfill and it is located within its zoning jurisdiction. However, it was amended in the House to a study of the siting of landfills.
- **SB 2095 Pore Space Regs** Passed the House 92-1 as amended in the Senate. It sets up a regulatory structure for the geologic storage of carbon dioxide.
- **SB 2139 Pore Space ownership** Would make pore space, which is microscopic pockets in certain layers of earth, the property of the surface owner, and says that it may not be severed from surface. It passed the House 93-0 with amendments and was returned to the Senate for concurrence.
- **SB 2140 Remining** This bill would allow coal mining companies to use a 5 year revegetation period for lands that were mined prior to 1970 then re-mined, versus the 10 year period required for other mined lands. It has passed the Senate and now passed the House 90-0.
- **SB 2141 Uranium protections**, This bill adds language to the century code to provide for surface owner protections, inspections, fines and water protections for mineral development, such as uranium mining. The Senate Natural Resources Committee adopted amendments from the North Dakota State Health Department that would restrict the ability to request a site visit to investigate a concern to another state agency. The

House Natural Resources Committee also amended the bill and gave it a 12-0 “do pass.” It has been laid over 3 days in the House.

- **SB 2245 Wind easement** This bill would void wind easements after 5 years if there is no mover toward transmission interconnection or if no permit has been issued. It passed the House 93-0 and was returned to the Senate.

Action in the coming week:

Both of the following bills were amended and greatly toned down from their original versions but are still troubling:

- **HCR 3029 Oppose CO2 regs** (Representative Belter and Senator Christmann) would urge the EPA not to regulate greenhouse gases under the Clean Air Act. DRC Senate Natural Resources Committee, Fort Lincoln Room, Thursday, March 19, 9:30 a.m.
- **HCR 3030 Climate legislation** (Representative Belter and Senator Christmann) would urge Congress to use common sense when enacting climate change legislation. Senate Natural Resources Committee, Fort Lincoln Room, Thursday, March 19, 9:00 a.m.

Other bills:

- **HCR 3044 Wind Rights Study** (Representatives Mueller, DeKrey and Kaldor and Senators Horne, Triplett and Wardner), Would direct the Legislative Council to study turbine spacing, surface estate noise and visual issues related to wind turbines. Senate Natural Resources Committee, Fort Lincoln Room, Friday March 20, 9:30 a.m.
- **HCR 3045 Abandoned and severed mineral rights study** (Representatives Drovdal, Kempenich, Nottestad and Pinkerton), would direct the Legislative Council to study how landowners are impacted by oil and gas development in cases of severed interests and to determine if abuses are occurring. DRC supports this bill. Senate Natural Resources Committee, Fort Lincoln Room, Friday March 20, 9:00 a.m.
- **SCR 4019 Animal ID** (Senators Wanzek and Taylor and Representatives Brandenburg and Froelich) A Senate Concurrent Resolution urging Congress to examine carefully the known and potential impacts of implementing a National Animal Identification System (NAIS) **DRC supports this bill--this resolution was introduced at the request of DRC.** House Agriculture Committee, Peace Garden Room, Thursday March 19, 9:30 a.m.