

**DRC WEEKLY LEGISLATIVE UPDATE**  
**February 20, 2009**  
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**Action in the Past Week**

There was a lot of floor action this past week as the House and Senate worked overtime to act on the near record number of bills before the end of the day Thursday, which began Crossover. Crossover is the time by which bills have to be acted upon in the house of origin. Resolutions are the exception. They have later deadlines than do bills. Bills that have passed their house of origin will continue to the other house for hearings starting next week Wednesday.

- **HB 1322 Energy Policy Commission**, Would create an energy policy commission; to provide for an energy policy commission study; to provide for a water resources study; and to provide for a legislative council study, was amended by the House Natural Resources Committee to delete the study for the energy policy commission. It passed the House 92-0.
- **HB 1338 Landfill siting**, Introduced by Rep. Glassheim, was amended to read: "to provide for a legislative council study of solid waste management, with an emphasis on the siting and zoning of landfills on a statewide or regional level while allowing adequate protection for political subdivisions and property owners," passed the House 91-1.
- **HB 1426 Wind tower setbacks** A bill that would create setbacks for wind towers narrowly failed the House 45-47
- **HB 1522 Anti-comprehensive planning**, Introduced by Representative Wrangham, a bill that appeared to take away the ability of political subdivisions to develop comprehensive planning, failed the House 6-87
- **HB 1543, the amended local food procurement bill**, narrowly passed the house 49-45!
- **HB 1554 Extraterritorial Zoning**, introduced by Dwight Wrangham passed the House 52-4
- **SB 2221 Carbon capture credit**, would create a tax credit for capturing carbon, passed the Senate 45-1
- **SB 2411 Reduction in requirement for PSC siting**, was amended to reduce the requirements for PSC siting of electrical facilities from 100 MW to 25 MW, rather than the ½ MW that was proposed in the original bill, and passed the Senate 30-7.
- **SB 2417 Glass recycling plant**, Passed the Senate 42-5. The original bill would have provided for a DOT study to see if a glass recycling plant would be feasible and desirable. It was amended in committee to read "for an Act to provide for a legislative council study relating to the state facilitating the reduction of landfill waste and the potential for development of methane processing."
- **SB 2427 Geothermal tax credit and energy building codes**, Energy efficient codes for construction were dropped from this bill, but the tax credit for the short form passed the Senate 42-4.
- **HCR 3029 Oppose CO2 regs**, Would urge the EPA not to regulate greenhouse gases under the Clean Air Act. This bill and **HCR 3030 Oppose climate legislation**, which would urge Congress not to enact hasty or ill-conceived climate change legislation were both amended by the sponsor and are much more innocuous. It passed the House on the 18<sup>th</sup>.

- **HCR 3030 Oppose climate legislation**, which would urge Congress not to enact hasty or ill-conceived climate change legislation were both amended by the sponsor and are much more innocuous. It passed the House on the 16<sup>th</sup>.
- **HCR 3038 oppose CO2 standards**, The sponsor of this bill asked the committee for a “Do Not Pass on this bill due to amendments on 2 related bills. It failed the House. It would have urged Congress to oppose carbon dioxide emission standards.
- **SCR 4015 Externalities resolution**, No action has yet been taken on this bill, which directs the Legislative Council to study the potential impact on the state's utility ratepayers and to the state's renewable electricity generation potential of the law preventing the PSC from considering the costs of externalities (i.e. carbon dioxide regulations) when siting and setting rates for electrical generation. This resolution was introduced at the request of DRC.

### Action in the coming week:

- **HB 1277 Geothermal Tax credit on short form** (Representatives Porter, S. Kelsh and Weiler and Senators Cook, Triplett and Wardner), Senate Finance and Taxation Committee, Lewis and Clark Room, Wednesday February 25, 9 a.m.
- **SB 2095 CO2 Storage regulations** (Natural Resources Committee at the request of the Industrial Commission), Would set up a regulatory structure for the geologic storage of carbon dioxide. House Natural Resources Committee, Pioneer Room, Thursday, 10 a.m.
- **SB 2031, 2032 and 2033**, A trio of **wind-related taxation bills** introduced by the Legislative Council, will be heard by the House Finance and Taxation Committee, in the Fort Totten Room, Wednesday, February 25, starting at 9 a.m.
- **SB 2139 Pore Space** (Senate Natural Resources Committee, at the request of the Industrial Commission), would make pore space, which is microscopic pockets in certain layers of earth that could be used for carbon dioxide storage, the property of the surface owner, and says that it may not be severed from surface ownership. House Natural Resources Committee, Pioneer Room, Thursday, February 26, 10 a.m.
- **SB 2140 Mining revegetation** (Senate Natural Resources Committee, at the request of the Public Service Commission), 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. House Natural Resources Committee, Pioneer Room, Thursday, February 26, 9:30 a.m.
- **SB 2141 Uranium impact protections** (Senate Natural Resources Committee, at the request of the Industrial Commission), 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, a landowner or adjacent landowner. DRC objects to this amendment. House Natural Resources Committee, Pioneer Room, Thursday, February 26, 2:30 p.m.
- **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. House Natural Resources Committee, Pioneer Room, Thursday February 26, 9 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. House Natural Resources Committee, Pioneer Room, Thursday February 26, 9:30 a.m.

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