














**DRC WEEKLY LEGISLATIVE UPDATE**  
**FEBRUARY 6, 2009**

**ACTION ALERT!**

**There are 2 DRC resolutions being heard on Thursday of this week. Please try to come and support the bills or contact the committee members! SCR 4015 and SCR 4019 (see below).**

**Also, our local foods bill, HB 1543 is struggling. Please contact the agriculture committee members and ask them to support food raised in North Dakota and recommend a Do Pass. Here is the info:**

House Ag Committee 2009 session

 [Dennis Johnson](#) - Chairman  [Michael D. Brandenburg](#) - Vice Chairman  [Wesley R. Belter](#)  [Tracy Boe](#)   
[Rod Froelich](#)  [Richard G. Holman](#)  [Joyce Kingsbury](#)  [Phillip Mueller](#)  [David S. Rust](#)  [Mike Schatz](#)   
[Gerald Uglen](#)  [Benjamin A. Vig](#)  [John D. Wall](#)

*Representative Dennis Johnson*

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## Spotlight on Members at the Capitol

- **Several members** wrote to staff questioning DRC support of **SB 2438**, which was heard Thursday. Upon re-reading the bill, staff agreed that it is too broad and does not fit our local foods position. We did not support the bill. Thank you to the members who gave their input. The bill received a Do Pass from the committee and now goes to Senate Appropriations. Objections to the bill were from an organic certification organization and a consumer, who claimed that the label would be meaningless and expensive to certify. There had been no appropriation on the bill, but a hearing in Senate Appropriations has been scheduled for the coming week (please see below).
- Grand Forks members testified before the House Political Subdivisions Committee Thursday in support of a bill regarding extraterritorial zoning—**HB 1554**. The bill would eliminate the ability of cities to apply zoning regulations to areas outside of city limits. The committee did not take action.
- Bismarck member **Derrick Braaten** has been working with the sponsor of **HB 1543**, a bill that would allow governmental agencies and institutions to purchase locally grown foods even if they are a bit more costly, to alleviate concerns from the state office of management and budget about reciprocity issues. It is in the House Agriculture Committee.
- Maddock member **Leo Walker** testified before the Senate Agriculture Committee on SB 2255, which would allow water districts to use a “quick take” method of eminent domain for water projects using state money.
- Bismarck member **Marie Hoff** was quoted on the floor of the House by Rep. Steve Zaiser in regard to HB 1532 (see below).

## Bill Action in the past week:

- **HB 1277 Geothermal on short form** Would allow individuals filing the short form a tax credit for geothermal energy devices, first failed to pass the House but later passed upon a reconsideration 50-43.
- **HB 1380 Surface owner damage compensation** Failed to pass in the House 41-53. This bill would have created a new section of 38-11.1 (Surface owner damage compensation) relating to compensation for loss of agricultural production and income caused by oil and gas production. It would have made annual loss payments mandatory and provided for a mediation panel for those parties who cannot come to terms on surface damages. DRC supported this bill and will be seeking ways to amend it into other legislation.
- **HB 1449 Decommissioning wind** would allow the PSC to adopt rules for decommissioning wind turbines. An amended version passed the House 94-0.
- **HB 1532 Recycling infrastructure** failed to pass the House 33-60. Representative Zaiser spoke for the bill on the floor and quoted MVRC member Marie Hoff, who had earlier testified in support of the bill, which would have required all state property and facilities to have a recycling infrastructure.
- **HB 1536 Recycling fund and program** would create a state waste reduction fund and program, funded by charges to landfills of \$1/ton, which can be passed on to landfill users. Grants would go out to political subdivisions for waste reduction programs. DRC supported this bill, which received a 12-1 Do Not Pass from the House Political Subdivisions Committee.
- **SB 2095 Pore space regulations** passed the Senate 47-0 with amendments. This bill would set up a regulatory structure for the geologic storage of carbon dioxide in underground pore spaces.
- **SB 2139 Defines pore space** This bill 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 ownership. It was amended and passed the Senate 47-0 with an emergency clause.
- **SB 2141 Mineral development 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, a landowner or adjacent landowner passed the Senate 46-0.

- **SB 2292 Landowner notification** Failed the Senate 1-45. DRC introduced this bill, which said that water permit applications must include the estimated depth and the name of the impacted aquifer. It would have expanded notice to two miles. It would have also required that an applicant who is not the surface owner would have to have written permission from the surface owner before applying for a water permit.
- **SB 2352 Building energy code elimination** Passed the Senate 45-1. DRC opposed this bill, which eliminates a requirement that state builders follow the American Building Officials Model Energy Code and directs them to follow the state code, however there is no specific state building conservation code.

### Hearings in the coming week:

- **HB 1426 Wind tower setbacks** (Representatives Mueller, S. Kelsh, Nelson and Senators Fischer, Flakoll and Horne) would create setbacks for wind towers. House Natural Resources Committee, Pioneer Room, Thursday, February 12, 9 a.m.
- **HB 1522 Anti-comprehensive planning** (Representative Wrangham) No hearing has been scheduled as yet for this bill, which would appear to take away the ability of political subdivisions to develop comprehensive planning. **DRC opposes this bill.** House Political Subdivisions, Prairie Room, Thursday, February 12, 2 p.m.
- **SB 2221 Carbon capture credit** (Senators Cook, Christmann and O'Connell and Representatives Belter, Heller and Pinkerton) would create a tax credit for capturing carbon. Senate Appropriations, Harvest Room, Tuesday February 10, 10 a.m.
- **SB 2411 Drastic reduction in requirement for PSC siting** (Senators Christmann, Klein, Warner and Representatives DeKrey, Dosch and Kempenich), would reduce the requirements for PSC siting of electrical facilities from 100 MW to ½ MW. Senate Natural Resources, Fort Lincoln Room, Thursday February 12, 3:30 p.m.
- **SB 2417 Glass recycling plant** Would provide for a DOT study to see if a glass recycling plant would be feasible and desirable. Senate Industry, Business and Labor, Roosevelt Park Room, Monday, February 9, 9:45 a.m. **DRC supports this bill.**
- **SB 2438 Sustainable agriculture promotion** Would require the Department of Commerce to implement a program to promote sustainably grown North Dakota agriculture commodities, but it would be meaningless as nearly all practices would qualify as “sustainable,” including GM crops. Senate Appropriations, Harvest Room, Thursday February 12, 4:45 p.m.
- **HB 3014 Less protection for water** (Representatives Brandenburg, Belter and Boe and Senators Heckaman, O'Connell and Wanzek), urges Congress NOT to change language in the Clean Water Act—from “navigable water” to “waters of the United States,” a change which would broaden protection for water. House Agriculture Committee, Peace Garden Room, Thursday February 12, 9:30 a.m.
- **HB 3028 Support GM** (Representative Belter and Senator Wanzek), a resolution urging Congress to support biotechnology. House Agriculture Committee, Peace Garden Room, Thursday February 12, 10 a.m.
- **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 opposes this bill.** House Natural Resources Committee, Pioneer Room, Thursday, February 12, 10 a.m.
- **HCR 3030 Oppose climate legislation** (Representative Belter and Senator Christmann) would urge Congress not to enact hasty or ill-conceived climate change legislation. **DRC opposes this bill.** House Natural Resources Committee, Pioneer Room, Thursday, February 12, 10:30 a.m.
- **HCR 3031 Study eminent domain** (Representatives J. Kelsh and Amerman), is a resolution directing the Legislative Council to study eminent domain laws as they related to pipeline siting. **DRC supports this bill.** House Government and Veterans Affairs Committee, Fort Union Room, Thursday, February 12, 11 a.m.

- **HCR 3038 oppose CO2 standards** (Representatives Belter and Brandenburg) would urge Congress to oppose carbon dioxide emission standards. **DRC opposes this bill.** House Natural Resources Committee, Pioneer Room, Thursday, February 12, 11 a.m.
- **HCR 3040 Anti North American Union** (Representative Ruby) is a resolution urging Congress to oppose any activities leading to the creation of a North American Union. House Government and Veterans Affairs Committee, Fort Union Room, Thursday, February 12, 10:15 a.m.
- **SCR 4018 Recognizing sustainable agriculture** (Senators Wanzek, Miller and Taylor and Representatives D. Johnson and Nelson), would recognize North Dakota's sustainable agricultural practices. This seems similar in scope to SB 2438 and would render the word "sustainable" meaningless. Senate Agriculture, Roosevelt Park Room, Thursday, February 12, 9 a.m.
- **SCR 4019 National animal ID** (Senators Wanzek and Taylor and Representatives Brandenburg and Froelich) A Senate Concurrent Resolution to urge Congress to examine carefully the known and potential impacts of implementing a National Animal Identification System (NAIS) **This is a resolution introduced at the request of DRC** Senate Agriculture, Roosevelt Park Room, Thursday, February 12, 10 a.m.
- **SCR 4015 Externalities resolution** (Senator Mathern and Representatives Zaiser and J. Nelson) 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.** Senate Natural Resources, Fort Lincoln Room, Thursday February 12, 2:30 p.m.
- **SCR 4020 Hydraulic fracturing exemption** (Senators O'Connell, Grindberg and Wardner and Representatives Berg, S. Meyer and Skarphol) A resolution urging 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. **DRC opposes this bill.** Senate Natural Resources, Fort Lincoln Room, Thursday February 12, 2:30 p.m.