

DRC LEGISLATIVE UPDATE

April 17, 2009

Action on bills in the last few weeks:

- **HB 1543 Local foods bill**, Failed to pass the House after being amended in the Senate. This bill was introduced at the request of DRC and MVRC. It was amended in the House to read: “Whenever possible, each state agency, institution of higher education under the control of the state board of higher education, and political subdivision having the authority to purchase food products may purchase food products produced in this state.” The Senate added an amendment that would have required OMB to keep a record of local foods purchased by state agencies and schools and report to the 2011 legislature. Floor arguments against the bill centered around the cost (\$20,000) and time for OMB to track the food purchases. Reps. Belter, Thorson and Kasper spoke against the bill.
- **SCR 4015, the former “externalities” bill**, passed the House on April 3. It was hog-house amended in the senate by the Lignite Energy Council and instead of requiring a study of the impacts of the PSC’s inability to consider the costs of externalities on ratepayers and the state’s renewable energy industry. It now directs the legislative council to study the impacts of federal and regional carbon regulation on ND.
- **HB 1554 and SB 2027 Extraterritorial Zoning Bills**, were both “hog-housed” (language completely replaced) in the opposite Houses and are now both in conference committee. It is expected that elements from both bills will end up in one bill that will be passed. DRC members supported both bills but preferred the House bill.
- **SB 2141: Landowner protections for mineral development**, A conference committee of House and Senate members was appointed to come to agreement on the following bills after the Senate did not concur with House amendments to this bill, which would add 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, but it did not make a recommendation on this bill. The House Natural Resources Committee added stronger protections for landowners. DRC did not take a position on this bill.
- **SB 2438 “Sustainably Grown in ND”**, would require the Department of Commerce to implement a program to promote North Dakota agriculture commodities that meet certain criteria, however the criteria are broad and sound suspiciously similar to claims that Monsanto makes about its genetically modified products. The bill would also set up a committee to run the program and allow it to accept gifts of money and things, which would be passed on to the Ag Commissioner to use in running the program. The House made minor amendments on the bill and it has gone back to the Senate, but the Senate has not yet taken action. DRC has no official position on this bill but members do not like it one bit.
- **HB 1322 State Energy Policy Commission**, The House refused to concur with Senate amendments to this bill, which as originally written would have created a new energy policy commission made up largely of industry reps, which would perform a study largely focused on advancing the state’s lignite industry. The bill also directs the state water commission to study the state’s water resources in order to maximize water use for energy growth. The House cut out the study. The Senate amendments included a Public Service Commissioner on the Commission, but the House did not agree with this and the bill is now in conference committee. DRC supported the water study.
- **HB 1449 Wind Decommissioning**, Would allow the PSC to develop rules for decommissioning wind farms. The House did not concur with Senate amendments that would have required the reporting and decommissioning of underground foundations. DRC supported this bill. The bill is in conference committee.

- **HCR 3029 Greenhouse gases**, A resolution that urges EPA not to regulate greenhouse gases, failed the Senate but was reconsidered and was sent back to the House. DRC opposed this bill.
- **HB 1509 Wind code of conduct**, originally would have required the PSC to set up guidelines for wind leases. It was amended in the House to actually contain the guidelines. The House did not concur with

- Senate amendments regarding payments and construction guidelines and the bill is in conference. DRC did not take an active position on this bill.
- **HCR 3045 Severed and abandoned minerals**, Passed the Senate and has been sent to the Governor. It directs the Legislative Council to study severed and abandoned mineral rights and report its findings and recommendations to the 2011 legislature. DRC members were supportive of this resolution.