



Western Dakota Energy Association
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The first day of Spring is just one month away, but rather than backing off, winter seems to be hitting its stride. Much of southwestern North Dakota was buried by a weekend snowstorm that dumped as much as 17 inches of snow. This “snow marshmallow” photo was taken at a home 20 miles southeast of Beach ND, and is part of a [collection](#) gathered by the National Weather Service. Despite the fact cities in the southwest were buried, the Capitol barely got a dusting and it was business as usual for the legislature Monday morning. It was a short week as legislators concluded action on all pending bills. The House and Senate adjourned on Wednesday, the 33rd legislative day, two days ahead of the scheduled crossover break – the traditional midpoint of the legislative session.

Several high priority bills saw action on the final day of the first half, none higher than [HB 1066](#), otherwise known as Operation Prairie Dog. The legislation moves Hub City funding from the 1% side to the 4% side of the Gross Production Tax distribution formula, maintains a 70-30 state-local split of the 4% revenue after oil-producing counties have received the first \$5 million of revenue, and creates new essential infrastructure buckets on the 1% side for non-oil producing cities, counties and townships. The bill received overwhelming [80-12](#) approval in the House, despite about an hour of floor debate led by a small group of House members who vote against nearly every tax and spending measure they see. The House on an 85-5 vote, approved [HB 1435](#), otherwise known as SIRM 2020, a bill that would provide the funding basis for development of a Statewide Interoperable Radio Network for first responders. As amended, the legislation would provide a \$120 million line of credit through the Bank of North Dakota to pay the state’s share of the system, with the balance coming from local governments throughout the state. The state Information Technology Department, in cooperation with the Statewide Interoperable Executive Committee, has awarded a \$207 million contract to Motorola Solutions Inc. to develop the system over a five-year period. Click [here](#) to read a fact sheet on the project.

The Senate, which had just two bills left for action on the 33rd day, approved [SB 2312](#) on a 40-5 vote. The bill modifies the current tax sharing agreement between the state and the Mandan, Hidatsa & Arikara Nation for oil produced on the Fort Berthold Reservation. Rather than the current 50-50 split, the tribe would get 80% of the tax collected on the trust lands, and the state would get 80% of the tax from oil produced on fee (private) land.

Competing House and Senate bills aimed at implementing elements of the carelessly written ethics measure approved by voters in November were approved in the two chambers this week. The ballot measure, now [Article XIV](#) in the state constitution, is riddled with undefined terms that challenge lawmakers and the public to try to make sense of it all. The most vexing language is the 78-word first sentence of Section 1.2 of the measure, which directs disclosure of “the ultimate and true source of funds” “spent in any medium” to influence an election, ballot measure or “state government action.” Both [SB 2148](#) and [HB 1521](#) have defined “ultimate and true source” as “the person who knowingly contributed over \$200 to influence a statewide election or an election for the legislative assembly.” The House version further defines influencing “state government action” as “promoting or opposing the final adoption of a rule by an administrative agency.” The Senate bill doesn’t attempt to define “state government action.” There will undoubtedly be many more committee hearings as legislators attempt to unsnarl the confusing mess the measure has created.

Several appropriations bills WDEA is tracking moved through the House or Senate the past week. [HB 1013](#), the budget of the Lands Department, contained an additional \$4 million line item for the Oil & Gas Impact Grant Fund. It’s basically a contingency bucket with grants awarded on a competitive basis to address unexpected expenses at the local level. The budget for the Department of Corrections & Rehabilitation, [HB 1015](#), passed the House 86-7. Rather than implementing Gov. Burgum’s proposal to close the women’s prison at New England, Section 7 of the bill provides for an interim study of DOCR. It specifies that the study must address “the feasibility and desirability of relocating female inmates from the Dakota women’s correctional and rehabilitation center in New England to another location and ... relocating minimum security male inmates from the Missouri River correctional center in Bismarck to New England or another location.” The budget of the Upper Great Plains Transportation Institute ([HB 1020](#)) does not contain the full \$975,000 requested to update UGPTI’s [needs assessment](#) of county, township and tribal roads and bridges. However, although it doesn’t appear as a separate line item in the legislation, the budget apparently does contain \$450,000 for the roads study as explained by a member of the Appropriations Committee on the floor prior to the House voting 79-14 to pass the bill. Legislators return for the second half next Wednesday, February 27. Click [here](#) to see a list of committee hearings on bills of interest to WDEA members. Click [here](#) for additional legislative information in WDEA’s weekly newsletter.