



Western Dakota Energy Association  
Legislative Report #16, April 20, 2019  
[Geoff Simon](#), Executive Director



Regular listeners of KFYP Radio probably already know that your WDEA executive director began his career as a radio news reporter. Thanks to Scott Hennen, the folks at Flag Family media and KFYP, I had an opportunity on Tuesday to re-live my early radio days as guest host of the talk radio program, *Energy Matters*. And because we're in the midst of a legislative session, it only made sense that my on-air guests were all legislators. We covered some of the bigger issues of the 2019 session during the broadcast, starting with Rep. George Keiser to describe details of [SB 2344](#), the pore space bill that was signed into law by Gov. Burgum this week.

I also interviewed Sen. Brad Bekkedahl to get his thoughts on the Williston school dilemma; Rep. Glen Bosch who shared details of the SIRM 2020 radio network for first responders; Sen. Don Schaible came on to describe a few of the finer points of education funding bills; and the program wrapped up with Sen. Rich Wardner who provided the latest on efforts to build the Theodore Roosevelt Presidential Library and Museum and the many budget issues remaining to be resolved. You can listen to the two-hour April 16 broadcast at [this link](#).

We devote most of our time in this report covering the major issues affecting our members which makes sense, but here are a few of the more behind-the-scenes topics that we've observed this session:

- 1) Land Commissioner Jodi Smith is seeking a full-time attorney in the department's budget bill ([HB 1013](#)). The office currently works with a lawyer in the Attorney General's office, but wants a full-timer because of the Land Department's enormous legal workload. The individual would still be assigned to the AG office, but would be devoted to Land's issues.
- 2) The Land budget contains a \$4 million appropriation for energy impact contingency grants. It's another bucket that can be tapped by affected cities and counties for unexpected and unbudgeted expenses. One of the grants issued in the last go-round provided about \$500,000 to help upgrade a heavily-traveled township road in Mountrail County. There is an opportunity to apply for the next round of grants open now. Click [here](#) for more details. The deadline is April 30.
- 3) The Public Service Commission has been granted the authority in [SB 2100](#) to develop rules for decommissioning solar energy installations. The PSC already has authority to write rules that cover decommissioning of wind farms.
- 4) Thanks to passage of [HB 1268](#), counties with rural ambulance boards will have the authority to impose a higher mill levy to cover their costs of operation. The allowed levy was raised from 10 mills to 15 mills.
- 5) Non-oil townships will receive \$5,000 each based on Section 4 of [SB 2016](#), the budget bill of the office of the adjutant general. The \$8.1 million will come out of the state disaster relief fund to cover costs related to "extraordinary snowfall in 2019 in the eastern part of the state," and "due to the excessive cost of road maintenance in the western part of the state." The definition of non-oil counties includes those receiving less than \$5 million from oil taxes.

The biggest news of the past week was the effort to fund the TR Library. The Senate debate on the funding provision inserted into [HB 1320](#) was extraordinary. It's not unusual to see a half dozen or so senators offer their opinion during floor debate on a bill, but incredibly 21 different Senate members chimed in on the legislation. The bill passed 34-13, but hit a roadblock in the House when Speaker Larry Klemin suggested it could be unconstitutional because the "hoghouse" amendment was not germane to the original bill. The hoghouse procedure, which refers to the process of gutting the original bill and replacing it with different provisions, traditionally requires that there be at least some connection between the amendment and the original topic. In this case, that topic was a water supply project, which really doesn't have much to do with Presidential libraries. So the \$50 million funding plan is now in the Gov's budget bill, [SB 2001](#).

As noted above, one of the more controversial issues of the 2019 session was put to rest this week when Governor Burgum signed into law [SB 2344](#), the pore space legislation that has divided the oil industry and landowner interests. The governor put his signature on the bill despite a [request](#) from the Northwest Landowners Association that he veto the legislation. NWLA maintains that the bill amounts to a taking of private property rights without compensation. Legislators who opposed the bill suggested there will likely be a lawsuit seeking to overturn the legislation.

SIRM 2020, the statewide interoperable radio network aimed at addressing communication and coverage issues among the state's emergency responders, received final approval this week. The bill ([HB 1435](#)) provides \$40 million in direct funding and an \$80 million loan from the bank of North Dakota to cover the state's share of the cost. The remaining \$86 million cost of the multi-year project will be the responsibility of local governments throughout the state.

Additional details about the 2019 legislative session and other energy-related issues affecting western North Dakota can be found in WDEA's [weekly newsletter](#) published every Friday. Click [here](#) to subscribe.