

ND Legislature Hits Crossover; Lots Left to do in Second Half

The North Dakota House and Senate adjourned Thursday reaching crossover, the halfway point of the 2017 legislative session. Lawmakers will return to Bismarck to resume their work on March 1.

There is much left to do in the second half as the Senate discusses bills passed by the House, and the House debates Senate bills. Chief among them for WDEA will be securing funds to address oil industry impacts in the Hub Cities of Dickinson, Minot and Williston, as well as fulfilling previous commitments to provide oil impact grants to other communities in the Bakken. Legislative leaders have pledged to address the financial needs of western North Dakota, but will have to attach funding provisions to an existing bill because Hub City legislation was defeated in the House. That vehicle will most likely be [SB 2013](#), the budget bill of the state office of university and school lands.

Another top priority for WDEA will be [HB 1320](#), legislation aimed at improving the operation of the association's Uniform Truck Permit Program. The bill received unanimous approval in the ND House, and will next be heard in the Senate Transportation Committee. Among other provisions the legislation contains an amendment advocated by the ND Petroleum Council that requires the ND Department of Transportation during frost law season to "utilize the most direct route requested or notify the city, county, or township the request to use state highways is denied." The provision is aimed at addressing complaints among oil industry trucking companies that the Highway Patrol's e-permit system routinely diverts truck traffic off state highways when frost laws are in effect. The practice not only creates impacts to county and township roads, but can also mean truckers have to travel additional miles to reach their destination.

Also still on the table is [SB 2286](#), a bill intended to streamline the siting process of natural gas and oil transmission pipelines. As amended, it requires the Public Service Commission to consider local planning and zoning issues such as road usage, dust control and safety requirements. Its current provisions will require companies to meet and negotiate with local planning boards to be sure "they have all the boxes checked" before submitting a permit application. However, the legislation also asserts that the PSC's decision "must supersede and pre-empt any local land use or zoning regulation." WDEA is concerned that the PSC may not have sufficient information or historical background to adequately address local concerns and protect the interests of affected landowners.

A couple dozen other legislative issues remain on WDEA's radar, the progress of which will be following during the session's second half. Among them:

[HB 1151](#) – The so-called spill bill that would no longer require spills of less than 10 barrels to be reported so long as the spill is contained to a well pad with an impermeable liner.

[HB 1166](#) – The bill removes the "big trigger," a provision now in law that would raise the extraction tax from 5% to 6% if the price of oil exceeds \$90/bbl for three consecutive months.

[HB 1255](#) – The so-called Truck Harmonization bill which would allow trucks weighing up to 129,000 pounds on Highways 2, 83 and 85, and Highway 52 from Minot to the Canadian border. Interstates 29 and 94 would also be included, subject to federal approval.

[HB 1347](#) – Provides a \$5 million appropriation to the abandoned oil and gas well plugging and site reclamation fund, brine pond and soil remediation studies, and an ongoing study of pipeline leak detection technology.

[SB 2045](#) – Allows counties to continue to receive penalties from overweight load enforcement on county roads.

[SB 2327](#) – Carves out from the Health Department a separate Department of Environmental Quality.

[SB 2341](#) – Originally would have required trucks to have mud flaps, and use tarps if they are installed. It was amended and currently just requires all commercial trucks to have mud flaps.