

WATER COMMISSION → ← LEGISLATIVE UPDATE

The 67th Legislative Session concluded in April 2021 with the successful passage of several important water bills. Over \$1 billion in investment of state resources were allocated this session to water funding. Legislators continue to work in the interim and recognize the importance of advancing water policies and allocating necessary funding to meet the state's ever-increasing water management and development needs.

Featured below are several pieces of legislation that impact the Water Commission during the 2021-2023 biennium.

HOUSE BILL 1020

STATE WATER COMMISSION BUDGET BILL

Within House Bill 1020, the Legislature directed \$466.3 million toward water development projects with an additional \$295.4 million in carryover authority. The Bill designates specific funding amounts for the following:

- Salaries and Operating Costs - \$63.9M
- Capital Assets - \$148.5M
- Water Supply - \$125M
- Rural Water Supply - \$59.6M
- Flood Control - \$48M
- General Water - \$14.2M
- BND Line of Credit - \$50M
- Basin-wide Plan - \$1.1M
- Discretionary Funding - \$6M

HOUSE BILL 1353

REORGANIZATION OF THE OFFICE OF THE STATE ENGINEER AND WATER COMMISSION

Effective August 1, 2021, House Bill 1353 restructures the agency into the Department of Water Resources.

- Reorganizes the Office of the State Engineer and the State Water Commission.
- Changes the agency name to the Department of Water Resources (DWR).
- A director will be appointed by the Governor and the agency will become a Member of the Governor's Cabinet.
- The 129-page bill places the State Engineer and associated regulatory roles into a division within the DWR.



HOUSE BILL 1431

BONDING FOR WATER PROJECTS

This major water infrastructure bonding authority bill was signed by Governor Burgum in late April 2021 and includes the following:

- Provides \$50M and creates the Water Infrastructure Revolving Loan Fund (WIRLF)
- Mouse River Flood Control - \$74.5M
- Western Area Water Supply (WAWS) - Loan Repayment - \$74.5M
- Fargo Flood Control - \$435.5M

Many water projects will benefit from reduced competition for SWC financial backing through the Resources Trust Fund when major water projects are funded through bonding.



The United States Army Corps of Engineers preliminary design concept model of the FM Area Diversion Project Red River Control Structure.

HOUSE BILL 1437

DRAINAGE-RELATED BILL

House Bill 1437 amends the existing subsurface water management (i.e. tile) permitting process in North Dakota Century Code (NDCC) 61-32-03.1 (tile statute). The new statute, outlines a new process for Water Resource Districts (WRD) to follow when reviewing and approving subsurface water management permit applications.

- Modifies the drain tile approval process.
- Requires an application to install a subsurface water management system.
- The State Engineer will develop an updated subsurface water management permit application.
- Requires landowners to notify WRDs of projects less than 80 acres.
- Allows the Water Commission to fund drainage improvements again.

SENATE BILL 2208

DRAINAGE-RELATED BILL

Senate Bill 2208 establishes an interim study to examine many important water management policy issues including: updating NDCC; making assessment procedures uniform; establishing an appeals and mediation process; managing water by watershed; reviewing responsibility of culvert sizing; cost-benefit analyses on projects; water permits and irrigation permit processes; and the relationship between the Water Commission and Water Resource Districts.

For more information regarding the 67th Legislative Assembly and to view a complete list of Bills, please go to: www.legis.nd.gov/assembly/67-2021.