

2021 HOUSE ENERGY AND NATURAL RESOURCES

HB 1096

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1096

1/14/2021

relating to energy conversion and transmission siting and facilities[]; relating to removal of electrical standards requirements from gas and liquid energy transmission facilities

Chairman Porter opened the hearing on HB 1096 at 9:48 AM. All members were present.

Discussion Topics:

- Holding remote hearings
- Clarifications regarding siting jurisdiction to CO2 lines
- Authority to ensure protection of cultural sites
- Allowance of temporary operations & variances
- Fees to cover costs
- Protecting cultural sites
- Public hearings
- Effects on individual landowners

Written testimony:

John Schuh, Staff Attorney, Public Service Commission #790

Carlee McLeod, president of the Utility Shareholders of ND #756

Scott Skokos, Executive Director, Dakota Resource Council #759

Fern Swenson, State Historical Society of ND #706

Chairman Porter closed the hearing at 10:11 AM.

Kathleen Davis, Committee Clerk

House Bill 1096

Presented by: John Schuh, Staff Attorney
Public Service Commission

Before: House Energy and Natural Resources Committee
The Honorable Todd Porter, Chairman

Date: January 14, 2021

TESTIMONY

Mr. Chairman and committee members, I am John Schuh, appearing on behalf of the Public Service Commission. HB 1096 provides a number of corrections to the Siting Act, clarifications regarding siting jurisdiction to CO2 lines, provides for the authority to hold remote hearings, authority to ensure protection of cultural sites, and allows for temporary operations and variances from certain construction practices and operations.

Section 1, Pg. 1, Line 19 corrects in incorrect subsection reference that resulted from the splitting of the Siting Act between electrical, and petroleum and hydrocarbon during the 2017 legislative session (HB 1144).

Section 2, Pg. 3, Line 28 through Pg. 4, Line 1, provides a clarification that the Commission may provide a waiver of any procedures and time schedules upon a finding that the proposed facility is of such length, design, location, or purpose that it will produce minimal adverse effects, and that the Commission may provide the waiver upon a finding that a demonstrable emergency exists. As the Siting Act currently provides under a separate section, 49-22-13(2), "the Commission shall not be required to hold a public hearing on . . . an application for a waiver of procedures and time schedules, but shall publish a notice of opportunity for public

hearing . . .” The conflict in language has caused confusion for companies and the Commission believes that the amendments will provide additional clarity.

Section 3, Pg. 4, provides that the Commission may hold a remote hearing in the event that an emergency exists that would prevent an in-person hearing in the county of a project. It also provides that if there are no adequate facilities to conduct a public hearing within the county, the hearing must be held in the nearest adequate location. I would like to note that we have been holding remote hearings due to an executive order.

Section 3, Pg. 4, Line 27, provides a minor clarification that this section applies to applications for amendments to certificates and permits just as it does for other applications under the Siting Act.

Section 4, Pg. 5, Line 13, provides the same clarification.

Section 4, Pg. 5, Line 21, provides that in the event that an application fee is less than \$25,000, an *applicant may agree* to pay additional fees that are reasonably necessary for completion of the process. The reason for this amendment is that due to the calculation of the fees, and the \$10,000 minimum, there are unique instances where the amount provided may not be enough to cover the travel, venue, technology, administrative law judge, notices, construction inspections, and sound system costs for the hearing. The Commission works to be thrifty with the fees provided, but there have been many times where funds barely covered the costs.

In the event there is not enough money to process the case, this would require the Commission to gain emergency commission approval for additional

fees. Waiting to present to the emergency commission may slow down the application process. This amendment would allow the company to speed up the process by avoiding the emergency commission.

I would like to emphasize that the additional fees are provided only if the applicant agrees to pay the amount and the commission anticipates its use to cover small shortfalls.

Section 5, Pg. 5, Line 26, provides an amendment for approval for temporary operation or variance of facilities. During this past year, the Commission recognized that there were a number of instances where companies needed flexibility from existing operations to transport product to market on a temporary basis, or there were instances where minor alterations to infrastructure would trigger siting jurisdiction. This amendment would allow the Commission to evaluate the circumstances and provide for temporary approval of operations subject to an application and full review of the project, or short-term variances from existing operations if the Commission deems that there would be no adverse impacts upon the welfare of the citizens of the state or the environment.

Section 6, Pg. 6, Line 6, provides that the Commission may limit access to, and release of, information that contains data related to cultural, archaeological, historical, or paleontological sites. A main benefit of this amendment is that, by allowing the PSC to protect this data, the state archeologists will be more amenable to having this information shared so that cultural resources may be better protected during facility construction. There have been concerns in the past that, due to the open records laws and the manner in which companies provide

this sensitive information to the Commission, certain resources of the state may be at risk of required disclosure. We have worked with the State Historic Preservation Office (SHPO) to protect this as best as possible, but like SHPO, we are requesting that we be allowed to protect this data as well.

Sections 7 through 12 are largely the same for 49-22 and 49-22.1 so I will only address the difference.

Section 7, Pg. 8, Line 21, provides that carbon dioxide storage facility underground equipment, including flow lines subject to 38-22, which is regulated by the Industrial Commission, do not fall under the definition of "Gas or liquid transmission facility", and therefore are not subject to the PSC's siting process.

Section 13, provides for a repeal of a remaining section that did not move correctly during the splitting of the Siting Act into two chapters.

Mr. Chairman, this concludes my testimony. Thank you for the opportunity to present this information. I will be happy to answer any questions.



#756

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House Bill 1096 Testimony by Carlee McLeod in **Support**, with offered amendment

House Energy and Natural Resources Committee, Representative Porter, Chair

January 14, 2021

Chairman Porter, members of the committee, USND supports this bill on behalf of its members which include ALLETE, Montana-Dakota Utilities, Otter Tail Power, and Xcel Energy. We come before you today to support HB 1096.

HB 1096 is a bill comprised of necessary clean-up to the siting chapters 49-22 and 49-22.1, which were separated in the 2017 session, as well as additional components we feel are reasonable.

We would, however, like to offer an amendment for the committee's consideration. Specifically:

Page 8, line 21, after (2), insert "A natural gas distribution system; (3)"

Page 8, line 23, replace (3) with (4)

Page 8, line 27, replace (4) with (5)

Renumber accordingly

This amendment clarifies that a natural gas distribution line does not fall under the definition of "gas or liquid transmission facility." To date, the PSC has consistently treated natural gas distribution lines as not falling under this definition. The commission relies on previous orders and PHMSA guidance for its determination, but each incident of natural gas distribution line expansion prompts a review for commission and utility staff to compile the same determination. This amendment would codify their consistent interpretation, saving staff time and resources.

Thank you for your consideration.

Testimony of Dakota Resource Council
House Bill 1096
January 14th, 2021

1 Chairman Todd Porter & members of the committee, my name is Scott Skokos and I am
2 testifying on behalf of Dakota Resource Council and our members. Thank you for allowing me
3 to testify today. I stand here today to discuss some of the challenges in the bill HB 1096.

4 Dakota Resource Council (DRC) has spent the last 40 years working to empower local
5 people to speak for themselves on issues that affect their families and communities. Public
6 hearings are one of the ways that our members, and other citizens of ND, can express their views
7 on proposed projects. The removal of those hearings for temporary approval, as we believe is
8 proposed in HB 1096, is taking away the voices of people who may be impacted directly, or
9 indirectly, by the project. We understand that public hearings might seem like they are a time-
10 consuming formality, but we believe they are a vital component of our democratic institutions.
11 HB 1096, as it is currently written, is taking away the rights of North Dakotans to have their
12 concerns on a project heard, and be considered, through the hearing process. The feedback given
13 by people can be used to mitigate potential problems that were possibly not identified by the
14 project proposer or utility. Many of DRC's members are landowners and even small projects can
15 have big impacts on them as individuals. If temporary approval is given, without a public
16 hearing, the likelihood that the project will stop if impacts are identified later is very low once
17 construction is underway. It also increases the likelihood for public backlash on a project, if no
18 public hearings were held. HB 1096 takes away the ability for local citizens to give their
19 perspective and we believe that is negligent. We oppose HB 1096 as the process with public
20 hearings is currently working as is. Public hearings are a necessity.

21 On page 6 lines 1-3, HB 1096 states "The commission may issue a temporary approval or
22 variance without the necessity of notice, publication, or public hearing with any additional terms,
23 conditions, or modifications deemed necessary to minimize impacts." We believe that this
24 directly removes the commission's responsibility to hold public hearings to gather public input.
25 It is also concerning that even "notice" and "publication" are also being removed. This is going
26 backwards on government transparency rather forward. Transparency reduces the risk for
27 corruption. DRC advocates for the law to stay as is. There is no reason for a change, as the
28 original process is working.

29 We also believe that the changes in wording of 49-22-07.2. in HB 1096 removes a key
30 definition of what constitutes an emergency. We understand that sometimes, in case of an
31 emergency, a public hearing process would impede leadership's ability to move swiftly on
32 immediately needed action. However, beginning on page 3 line 30 the proposed bill would
33 remove "which requires immediate construction and that adherence to the procedures and time
34 schedules would jeopardize the utility's system." It leaves in "demonstrable emergency exists".
35 We ask, who decides what constitutes an "demonstrable emergency" if not explicitly defined?
36 An emergency is a very subjective concept and this language is ambiguous. The original
37 language defined that a waiver could be issued if the normal process would jeopardize the utility
38 system. We understand that emergency exemptions are necessary, however, the definition is now
39 being removed to become entirely subjective. While we oppose HB 1096, we request that if the

bill is passed, the original language that defines the emergency remain or new language to define what constitutes an emergency be created.

Beginning on page 5 line 29-30, “showing of good cause and receipt of a utility certification that the activities will have no adverse impacts upon the welfare of the citizens of this state or the environment.” DRC asks how is “good cause” going to be determined and what does a utility certification include? We believe this language is again, ambiguous. How can a utility certification be approved without a public hearing? It takes months of research and consulting experts in multiple fields to determine the impacts of projects on the health of citizens and the environment. Is this done by a utility certification? There are very good reasons that public hearings are already included in the law and DRC proposes that the law remain as is.

Finally, on page 4 line 10-12 HB 1096 states “If the commission determines there is an emergency that would prevent an in-person hearing in the county in which any portion of a site, corridor, or route is proposed, a remote public hearing may be held.” We agree with the inclusion of language to clarify when to hold remote hearings, however, we disagree with the use of the word “may” in this context. If there is an emergency in which an in-person hearing cannot be held than a remote hearing must or shall be held. The use of the word “may” is not strong enough to ensure that a hearing is held even during an emergency such as the COVID-19 pandemic. These projects still have impacts on landowners even during emergencies that might prevent an in-person hearing. We believe that if an in-person hearing cannot be held due to an emergency than a remote public hearing must be held.

I urge the committee to oppose HB 1096 or amend it to clarify the definition of emergency and keep public hearings included, I stand for questions.

Written Testimony in Support of HB 1096
Hearing on January 14, 2021
Energy and Natural Resources Committee
Fern Swenson, Director of Archaeology and Historic Preservation
State Historical Society of North Dakota

Chairman Porter and members of the committee. My name is Fern Swenson and am Director of the Archaeology & Historic Preservation Division at the State Historical Society of North Dakota (SHSND).

The SHSND supports the proposed amendment in 49-22-26 and 49-22.1-24 that states:

49-22-26. Protection of cultural or historic site data.

The commission may limit access to, and release of, information that contains data that specifically identifies the location of cultural, archaeological, historical, or paleontological sites.

49-22.1-24. Protection of cultural or historic site data.

The commission may limit access to, and release of, information that contains data that specifically identifies the location of cultural, archaeological, historical, or paleontological sites.

These amendments are consistent with **NDCC 55-02-07.1 Protection of prehistoric or historic locational data**. The director of the state historical society may limit access to, and release of, information from files of the state historical society which contain data that specifically identifies the location of archaeological, historical, or paleontological sites in North Dakota. No access to, or release of, information from files that contain site-specific locational data may be made until the director is satisfied that the applicant has a reasonable need for the information contained in those files and professionally acceptable qualifications to assure that release of the information will not result in unnecessary destruction of the resource.

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1096

1/21/2021

relating to energy conversion and transmission siting and facilities[]; relating to removal of electrical standards requirements from gas and liquid energy transmission facilities

Chairman Porter opened the hearing on HB 1096 at 11:31 AM. Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

Discussion Topics:

- Natural gas use systems and distribution
- Public notification
- Natural gas distribution definition
- Gas or liquid transmission facility definition

Rep Keiser moved to adopt the amendment 21.8080.01001, seconded by Rep Anderson. Voice vote. All voted aye. Motion carried.

Rep Zubke moved a Do Pass as Amended, seconded by Rep Anderson.

Representatives	Vote
Representative Todd Porter	Y
Representative Chuck Damschen	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Bill Devlin	N
Representative Ron Guggisberg	N
Representative Pat D. Heinert	Y
Representative Zachary Ista	N
Representative George Keiser	Y
Representative Mike Lefor	Y
Representative Andrew Marschall	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	AB
Representative Denton Zubke	Y

Motion carried. 10-3-1 Carrier is Rep Bosch.

Chairman Porter closed the hearing at 11:42.

Kathleen Davis, Committee Clerk

January 21, 2021

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1/21/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1096

Page 8, line 21, after "(2)" insert "A natural gas distribution system;

(3)"

Page 8, line 23, replace "(3)" with "(4)"

Page 8, line 27, replace "(4)" with "(5)"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1096: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1096 was placed
on the Sixth order on the calendar.

Page 8, line 21, after "(2)" insert "A natural gas distribution system;

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Renumber accordingly

2021 SENATE ENERGY AND NATURAL RESOURCES

HB 1096

2021 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1096
3/4/2021

A BILL for an Act to create and enact sections 49-22-25, 49-22-26, 49-22.1-23, and 49-22.1-24 of the North Dakota Century Code, relating to energy conversion and transmission siting and facilities; to amend and reenact subsection 3 of section 49-22-03, section 49-22-07.2, subsections 1 and 4 of section 49-22-13, subsection 1 of section 49-22-22, subsections 3 and 7 of section 49-22.1-01, section 49-22.1-05, subsections 1 and 4 of section 49-22.1-10, and subsection 1 of section 49-22.1-21 of the North Dakota Century Code, relating to energy conversion and transmission siting and facilities; and to repeal section 49-22.1-22 of the North Dakota Century Code, relating to removal of electrical standards requirement from gas and liquid energy transmission facilities.

Chairman Kreun called the hearing to order [9:45]

Senators Present: **Schaible, Bell, Roers, Patten, Piepkorn, and Kreun**

Discussion Topics:

- Protection of Cultural Sights in statute
- Natural Gas Storage Procedures

John Schuh, Public Service Commission provided testimony in favor #7340 [9:45]

Additional Written Testimony:

Carlee McLeod, Utility Shareholders provided testimony in favor #7307

Scott Skokos, Dakota Resource Council provided testimony in favor #7372

Hearing Adjourned [9:55]

Dave Owen, Committee Clerk

House Bill 1096

Presented by: John Schuh, Staff Attorney
Public Service Commission

Before: Senate Energy and Natural Resources Committee
The Honorable Curt Kreun, Chairman

Date: March 4, 2021

TESTIMONY

Mr. Chairman and committee members, I am John Schuh, appearing on behalf of the Public Service Commission. HB 1096 provides a number of corrections to the Siting Act, clarifications regarding siting jurisdiction to CO2 lines and distribution lines, provides for the authority to hold remote hearings, authority to ensure protection of cultural sites, and allows for temporary operations and variances from certain construction practices and operations.

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hearing . . .” The conflict in language has caused confusion for companies and the Commission believes that the amendments will provide additional clarity.

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In the event there is not enough money to process the case, this would require the Commission to gain emergency commission approval for additional fees. Waiting to present to the emergency commission may slow down the

application process. This amendment would allow the company to speed up the process by avoiding the emergency commission.

I would like to emphasize that the additional fees are provided only if the applicant agrees to pay the amount and the commission anticipates its use to cover small shortfalls.

Section 5, Pg. 5, Line 26, provides an amendment for approval for temporary operation or variance of facilities. During this past year, the Commission recognized that there were a number of instances where companies needed flexibility from existing operations to transport product to market on a temporary basis, or there were instances where minor alterations to infrastructure would trigger siting jurisdiction. This amendment would allow the Commission to evaluate the circumstances and provide for temporary approval of operations subject to an application and full review of the project, or short-term variances from existing operations if the Commission deems that there would be no adverse impacts upon the welfare of the citizens of the state or the environment.

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be at risk of required disclosure. We have worked with the State Historic Preservation Office (SHPO) to protect this as best as possible, but like SHPO, we are requesting that we be allowed to protect this data as well.

Sections 7 through 12 are largely the same for 49-22 and 49-22.1 so I will only address the difference.

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Section 13, provides for a repeal of a remaining section that did not move correctly during the splitting of the Siting Act into two chapters.

Mr. Chairman, this concludes my testimony. Thank you for the opportunity to present this information. I will be happy to answer any questions.



#7307

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House Bill 1096 Testimony in **Support**

Senate Energy and Natural Resources Committee, Senator Kreun, Chair

March 4, 2021

Chairman Kreun, members of the committee, I am Carlee McLeod, president of the Utility Shareholders of North Dakota. USND supports this bill on behalf of its members which include ALLETE, Montana-Dakota Utilities, Otter Tail Power, and Xcel Energy. We come before you today to support Engrossed HB 1096.

HB 1096 is a bill comprised of necessary clean-up to the siting chapters 49-22 and 49-22.1, which were separated in the 2017 session, as well as additional components we feel are reasonable.

We ask for your support of Engrossed House Bill 1096.

Thank you.



1 Chairman Curt Kreun & members of the committee, my name is Scott Skokos and I am
2 testifying on behalf of Dakota Resource Council and our members. Thank you for allowing me
3 to submit written testimony in opposition to HB 1096. Below are some of our concerns.

4 Dakota Resource Council (DRC) has spent the last 40 years working to empower local
5 people to speak for themselves on issues that affect their families and communities. Public
6 hearings are one of the ways that our members, and other citizens of ND, can express their views
7 on proposed projects. We understand that public hearings might seem like they are a time-
8 consuming formality, but we believe they are a vital component of our democratic institutions.
9 The removal of those hearings for temporary approval, as we believe is proposed in HB 1096, is
10 taking away the voices of people who may be impacted directly, or indirectly, by the project. HB
11 1096, as it is currently written, is taking away the rights of North Dakotans to have their
12 concerns on a project heard, and be considered, through the hearing process. The project
13 proposer or utility cannot always identify and mitigate all potential problems that impact
14 individuals without feedback. Many of DRC's members are landowners and even small projects
15 can have big impacts on them as individuals. If temporary approval is given, without a public
16 hearing, the likelihood that the project will stop if impacts are identified later is very low once
17 construction is underway. It also increases the likelihood for public backlash on a project, if no
18 public hearings were held which can be costly politically and sometimes financially. HB 1096
19 takes away the ability for local citizens to give their perspective and we believe that is negligent.
20 We oppose HB 1096 as the process with public hearings is currently working as is. Public
21 hearings are a necessary part of citizen engagement in our democracy.

22 We also believe that the changes in wording of 49-22-07.2. in HB 1096 removes a key
23 definition of what constitutes an emergency. We understand that sometimes, in case of an
24 emergency, a public hearing process would impede leadership's ability to move swiftly on
25 immediately needed action. However, beginning on page 3 line 30 the proposed bill would
26 remove "which requires immediate construction and that adherence to the procedures and time
27 schedules would jeopardize the utility's system." It leaves in "demonstratable emergency exists".
28 We ask, who decides what constitutes an "demonstratable emergency" if not explicitly defined?
29 An emergency is a very subjective concept and this language is ambiguous. Ambiguous language
30 should not be included in the century code. The original language defined that a waiver could be
31 issued if the normal process would jeopardize the utility system. We understand that emergency
32 exemptions are necessary, however, the definition is now being removed to become entirely
33 subjective. This leaves a lot open to interpretation and could be used to construct projects that are
34 surrounded by political controversy without a public hearing. While we oppose HB 1096, we
35 request that if the bill is passed, that the original language that defines the emergency remain or
36 new language to define what constitutes an emergency be created.

37 In addition, on page 4 line 10-12 HB 1096 states "If the commission determines there is
38 an emergency that would prevent an in-person hearing in the county in which any portion of a
39 site, corridor, or route is proposed, a remote public hearing may be held." We agree with the

inclusion of language to clarify when to hold remote hearings, however, we disagree with the use of the word “may” in this context. If there is an emergency in which an in-person hearing cannot be held than a remote hearing must or shall be held. The use of the word “may” is not strong enough to ensure that a hearing is held even during an emergency such as the COVID-19 pandemic. These projects still have impacts on landowners even during emergencies that might prevent an in-person hearing. We believe that if an in-person hearing cannot be held due to an emergency than a remote public hearing must be held.

Beginning on page 5 line 29-30, “showing of good cause and receipt of a utility certification that the activities will have no adverse impacts upon the welfare of the citizens of this state or the environment.” DRC asks how is “good cause” going to be determined and what does a utility certification include? We believe this language is again, ambiguous. In addition, shouldn’t what constitutes a “demonstrable emergency” to the utility’s system be determined by Independent Systems Operators (ISOs) such as Midcontinent Independent System Operator (MISO) or Southwest Power Pool (SPP), rather than the commission. The lack of clarity is very concerning. It takes months of research and consulting experts in multiple fields to determine the impacts of projects on the health of citizens and the environment. Is this done by a utility certification and in an objective manner? There are very good reasons that public hearings are already included in the law and DRC proposes that the law remain as is.

On page 6 lines 1-3, HB 1096 states “The commission may issue a temporary approval or variance without the necessity of notice, publication, or public hearing with any additional terms, conditions, or modifications deemed necessary to minimize impacts.” We believe that this directly removes the commission’s responsibility to hold public hearings to gather public input. It is also concerning that even “notice” and “publication” are also being removed. This is going backwards on government transparency rather forward. Transparency reduces the risk for corruption. DRC advocates on behalf of our members, many who are landowners in ND, for the law to stay as is. There is no reason for a change, as the original process of public hearings is working for the public even if it seems burdensome or a formality to entities that are supposed involve citizens in its decision to construct a facility.

I urge the committee to oppose HB 1096 or amend it to clarify the definition of emergency and keep public hearings included.

2021 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1096
3/18/2021

A BILL for an Act to create and enact sections 49-22-25, 49-22-26, 49-22.1-23, and 49-22.1-24 of the North Dakota Century Code, relating to energy conversion and transmission siting and facilities; to amend and reenact subsection 3 of section 49-22-03, section 49-22-07.2, subsections 1 and 4 of section 49-22-13, subsection 1 of section 49-22-22, subsections 3 and 7 of section 49-22.1-01, section 49-22.1-05, subsections 1 and 4 of section 49-22.1-10, and subsection 1 of section 49-22.1-21 of the North Dakota Century Code, relating to energy conversion and transmission siting and facilities; and to repeal section 49-22.1-22 of the North Dakota Century Code, relating to removal of electrical standards requirement from gas and liquid energy transmission facilities.

Hearing called to order, all senators are present: **Bell, Schaible Piepkorn, Roers, Patten, and Kreun.** [9:01]

Discussion Topics:

- Reclamation project funds
- Public Service Commission reclamation studies

Senator Bell Moved to add Amendment L.C. 21.8080.02001 [9:02]

Senator Roers Seconded the motion
Vote Passed 5-1-0

Move to Amend HB 1096	Vote
Senator Curt Kreun	Y
Senator Jim P. Roers	Y
Senator Dale Patten	Y
Senator Merrill Piepkorn	N
Senator Donald Schaible	Y
Senator Jessica Unruh Bell	Y

Senator Bell Moved a DO PASS as Amended on HB 1096 [9:06]

Senator Roers Seconded the Motion
Vote Passed 6-0-0

Senator Bell Carried

Vote to DO PASS AS AMEND HB 1096	Vote
Senator Curt Kreun	Y
Senator Jim P. Roers	Y
Senator Dale Patten	Y
Senator Merrill Piepkorn	Y
Senator Donald Schaible	Y
Senator Jessica Unruh Bell	Y

Hearing adjourned [9:08]

Sheila Froehlich, Committee Clerk

CS
3/18
10/1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1096

Page 1, line 3, after the second comma insert "subsection 2 of section 49-22-09.2 as amended in section 1 of House Bill No. 1158, as approved by the sixty-seventh legislative assembly,"

Page 1, line 7, after "facilities" insert "and allocation of moneys paid to mitigate adverse environmental impacts"

Page 4, after line 5, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 49-22-09.2 of the North Dakota Century Code as amended in section 1 of House Bill No. 1158, as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:

2. The agriculture commissioner shall deposit any moneys paid to mitigate the adverse direct environmental impacts of a proposed site, corridor, route, or facility as follows:
 - a. Fifty percent into the environmental impact mitigation fund; and
 - b. Fifty percent into the federal environmental law impact review fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1096, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1096 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second comma insert "subsection 2 of section 49-22-09.2 as amended in section 1 of House Bill No. 1158, as approved by the sixty-seventh legislative assembly,"

Page 1, line 7, after "facilities" insert "and allocation of moneys paid to mitigate adverse environmental impacts"

Page 4, after line 5, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 49-22-09.2 of the North Dakota Century Code as amended in section 1 of House Bill No. 1158, as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:

2. The agriculture commissioner shall deposit any moneys paid to mitigate the adverse direct environmental impacts of a proposed site, corridor, route, or facility as follows:
 - a. Fifty percent into the environmental impact mitigation fund; and
 - b. Fifty percent into the federal environmental law impact review fund."

ReNUMBER accordingly

2021 CONFERENCE COMMITTEE

HB 1096

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1096

4/8/2021

Conference Committee

relating to energy conversion and transmission siting and facilities; relating to removal of electrical standards requirements from gas and liquid energy transmission facilities

3:04 PM Chairman M. Ruby opened the hearing. Roll call was taken. Present: Chairman M Ruby, Rep Marschall, Rep Zubke, Sen Bell, Sen Schaible, Sen Patten.

Discussion Topics:

- Committee work

Sen Bell moved the Senate recede from Senate amendments, seconded by Sen. Patten.
Roll call vote:

REPRESENTATIVES	YES	NO	SENATORS	YES	NO
Chairman M Ruby	y		Senator Bell	y	
Rep Marschall	y		Senator Schaible	y	
Rep Zubke	y		Senator Patten	y	

Motion carried. 6 – 0 – 0

Rep M Ruby is the House carrier.

Sen Bell is the Senate carrier.

3:06 PM Chairman Ruby closed the hearing.

Kathleen Davis, Committee Clerk

Date: 4/8/2021
Roll Call Vote #: _____

**2021 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1096 as (re) engrossed

House Energy and Natural Resources Committee

- Action Taken
- ☐ HOUSE accede to Senate Amendments
 - ☐ HOUSE accede to Senate Amendments and further amend
 - ☒ SENATE recede from Senate amendments
 - ☐ SENATE recede from Senate amendments and amend as follows
 - ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen Bell Seconded by: Sen Patten

Representatives	4/8			Yes	No		Senators	4/8			Yes	No
Chairman M Ruby	✓						Senator Bell	✓				
Rep Marschall	✓						Senator Schaible	✓				
Rep Zubke	✓						Senator Patten	✓				
Total Rep. Vote							Total Senate Vote					

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep Ruby Senate Carrier Sen Bell

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1096, as engrossed: Your conference committee (Sens. Bell, Schaible, Patten and Reps. M. Ruby, Marschall, Zubke) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1314 and place HB 1096 on the Seventh order.

Engrossed HB 1096 was placed on the Seventh order of business on the calendar.