

Senate Bill 2117

Presented by: Jonathan Emmer, Director, Reclamation and AML Division
Public Service Commission

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

Date: March 14, 2025

TESTIMONY

Good morning, Chair Porter and members of the House Energy and Natural Resources Committee. For the record, my name is Jonathan Emmer, the Reclamation and Abandoned Mine Lands Division Director for the Public Service Commission, here to testify on SB 2117.

The Public Service Commission (PSC) administers the state's Abandoned Mine Land Reclamation (AML) program with federal oversight from the Office of Surface Mining Reclamation and Enforcement (OSMRE). Abandoned mine lands are coal mines that were mined before August 3, 1977 and left abandoned or unreclaimed. SB 2117 is a housekeeping bill that proposes modifications to N.D.C.C. ch. 38-14.2 to mirror the federal regulations since rules and laws adopted by the PSC must be as effective as the counterpart federal rules issued by the OSMRE within the Department of the Interior.

On February 16, 2024, OSMRE submitted a review of the PSC's AML program to ensure our program is consistent with Title 30, Chapter VII, Subchapter R of the Code of Federal Regulations (CFR). The changes proposed in SB 2117 reflect OSMRE's review of N.D.C.C. ch. 38-14.2 and incorporate updates to the CFR and the United States Code (U.S.C.) made since the chapter's original approval.

On November 15, 2021, the Bipartisan Infrastructure Law (BIL), Pub. L. No. (117-58), also known as the Infrastructure Investment and Jobs Act, was enacted. The BIL authorized and appropriated \$11.293 billion for deposit into the AML fund administered by OSMRE that expands project eligibility, allowing for the reclamation of lower-priority AML sites. The additional BIL funding is available to eligible states over a 15-year period and states are allowed to set aside 30% of the annual BIL grants in a long-term set aside account for future AML projects. Currently, our program receives approximately \$3.1 million per year in BIL funding.

This concludes my testimony. I am available to stand for questions.