

2021 HOUSE ENERGY AND NATURAL RESOURCES

HB 1061

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1061
1/14/2021

Relating to extending time for scheduling an informal conference and application for a permit renewal

10:00 AM

Chairman Porter opened the hearing on HB 1061 at 10:41 am. All members were present.

Discussion Topics:

- Applications for mining companies for permit renewal
- Timing of scheduling an informal conference
- Increasing from 30 to 45 days

Rep Zubke moved a Do Pass, seconded by Rep D. Anderson. Roll call vote.

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

14-0-0 Motion carried. Rep. Zubke is the carrier.

Written testimony:

Dean Moos, Director of AML/Reclamation Divisions, Public Service Commission #785

Chairman Porter closed the hearing at 9:47.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1061: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB
1061 was placed on the Eleventh order on the calendar.

House Bill 1061

Presented by: Dean Moos, Director of AML / Reclamation
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 Dean Moos, Director of the AML / Reclamation Divisions of the Public Service Commission.

HB 1061 proposes two amendments to North Dakota's Surface Mining and Reclamation Law. These proposed amendments deal with the timing of scheduling an informal conference and applications of mining companies for permit renewal.

The first proposed amendment changes Subsection 1 of Section 38-14.1-19, specifically the timing for scheduling an informal conference on a permit, significant permit revision, or permit renewal application from 30 days to 45 days. Subsection 2 of Section 38-14.1-19 requires that notice of the informal conference be published at least two weeks prior to the scheduled conference in the official county newspaper and newspapers of general circulation in the general area. Currently, depending on when a request for an informal conference is received and the official county newspaper's publication schedule, the Commission has less than a 10 day window in which to schedule the informal conference.

If a request for an informal conference is received, staff must first determine if the request is valid and applicable. Once it is decided that an informal conference will be held, the various parties to the conference must be contacted to coordinate the date of the informal conference. This includes the party or parties requesting the informal conference, an administrative law judge, mining company personnel, and Commission staff. Once the date, time, and location of the informal hearing is agreed upon, the notice must be published in the official county newspaper and newspaper of general circulation at least 2 weeks prior to the scheduled conference date.

The short time set for scheduling an informal conference has caused difficulties for the Commission, permittee, and affected landowners. Increasing this time from 30 to 45 days will allow more flexibility in scheduling the informal conference and still meet the required public notice requirements.

The amendment to Subsection 3 of Section 38-14.1-22 changes the time in which a mining company must apply for permit renewal from 120 days prior to permit expiration to 180 days prior to permit expiration. If there is no request for an informal conference on a permit renewal application, 120 days may be adequate to complete the review of the permit renewal application; however, it is not adequate in the event there is a request for an informal conference.

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

2021 SENATE ENERGY AND NATURAL RESOURCES

HB 1061

2021 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1061
2/18/2021

A BILL for an Act to amend and reenact subsection 1 of section 38-14.1-19 and subsection 3 of section 38-14.1-22 of the North Dakota Century Code, relating to extending time for scheduling an informal conference and application for a permit renewal.

Chairman Kreun called the hearing to order at 11:33am
Senators Bell, Kreun, Schaible, Piepkorn, and Roers Present
Senator Patten Absent

Discussion Topics:

- Amendment
- Permits and Revisions

Dean Moos, Director of AML/Reclamation, Public Service Commission, testified in favor #6867 (11:35am)

Chairman Kreun closed the hearing at 11:40am

Dave Owen, Committee Clerk

House Bill 1061

Presented by: Dean Moos, Director of AML / Reclamation
Public Service Commission

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

Date: January 18, 2021

TESTIMONY

Mr. Chairman and committee members, I am Dean Moos, Director of the AML / Reclamation Divisions of the Public Service Commission.

HB 1061 proposes two amendments to North Dakota's Surface Mining and Reclamation Law. These proposed amendments deal with the timing of scheduling an informal conference and applications of mining companies for permit renewal.

The first proposed amendment changes Subsection 1 of Section 38-14.1-19, specifically the timing for scheduling an informal conference on a permit, significant permit revision, or permit renewal application from 30 days to 45 days. Subsection 2 of Section 38-14.1-19 requires that notice of the informal conference be published at least two weeks prior to the scheduled conference in the official county newspaper and newspapers of general circulation in the general area. Currently, depending on when a request for an informal conference is received and the official county newspaper's publication schedule, the Commission has less than a 10 day window in which to schedule the informal conference.

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

2021 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1061
2/18/2021

Relating to extending time for scheduling an informal conference and application for a permit renewal

Chairman Kreun called the hearing to order at 3:42pm
Senators present: Kreun, J. Roers, Patten, Piepkorn, Schaible, Bell

Discussion Topics:

- Vote on bill

Senator Schaible, moved DO PASS (3:42pm)

Senator Roers, seconded DO PASS (3:42pm)

DO PASS HB 1061	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

Motion Passed 6-0-0

Senator Bell will carry.

Chairman Kreun called the hearing to a close at 3:44pm

Dave Owen, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1061: Energy and Natural Resources Committee (Sen. Kreun, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB
1061 was placed on the Fourteenth order on the calendar.