2025 SENATE ENERGY AND NATURAL RESOURCES

SB 2059

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Peace Garden Room, State Capitol

SB 2059
1/16/2025

Relating to hearing and appeals processes of the department of water resources.

10:00 a.m. Chairman Patten opened the meeting.

Members present:
Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Notification process clarity
- Certified mail usage
- Appeal procedures for water resource decisions

10:05 a.m. Andrew Nygren, Division Director, Water Appropriation Division, Department of Water Resources, testified in favor and submitted testimony #29156.

10:05 a.m. Chairman Patten closed the hearing.

10:05 a.m. Senator Kessel moved a Do Pass.

10:06 a.m. Senator Enget seconded the motion.

Senators	Vote
Senator Dale Patten	Y
Senator Greg Kessel	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Justin Gerhardt	Y
Senator Desiree Van Oosting	Y

Motion Passed 7-0-0.

10:06 a.m. Senator Enget will carry the bill.

10:09 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2059 (25.8036.01000)

Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2059 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

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Testimony in Support of
SB 2059
Senate Energy and Natural Resources
January 16, 2025

TESTIMONY OF
Andrew Nygren, Division Director, Water Appropriation Division

Chairman Patten, and members of the Senate Energy and Natural Resources Committee, I am Andrew Nygren, the Water Appropriation Division Director of the Department of Water Resources (Department). I'm here today to provide testimony in support of SB 2059.

Section 1 of the bill before you today focuses on clarifying how the Department of Water Resources notifies people about hearings related to conditional water permit applications. There are two situations where a hearing might happen.

First, when the Department decides to hold a public hearing to gather more input on a water permit application. The bill clarifies the Department will notify the necessary parties about the time and place of the hearing using certified mail. The present language states the service under the ND Rules of Civil Procedure.

The other situation is when someone requests an adjudicative proceeding to challenge the Department's recommendation on a water permit application, like a recommendation to approve a permit. The bill ensures the same notification process applies here, with certified mail used to inform the required parties about the time and place of the proceeding.

These changes are straightforward and aim to make the notification process clearer and more consistent.

Sections 2 and 3 of SB 2059 add clarity to the process of appealing Water Resource District decisions to the Department of Water Resources for construction (Section 2) and drainage (Section 3) complaints. The proposed changes to both sections of North Dakota Century Code (N.D.C.C.) are identical, aside from drainage vs construction subject matter, and achieve clarity through reorganization and language modification of existing text. The proposed changes make explicit both the notification process the Department undertakes if a complaint appeal is dismissed as well as make consistent the timing for requesting a hearing of a Department decision within N.D.C.C.

Thank you for the opportunity to testify, and I'm happy to answer any questions.

2025 HOUSE ENERGY AND NATURAL RESOURCES

SB 2059

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Coteau AB Room, State Capitol

SB 2059
3/6/2025

Relating to hearing and appeals processes of the department of water resources.

2:01 p.m. Chairman Porter called the meeting to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak, Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby, Conmy, Foss

Discussion Topics:

- Construction subject matter
- Rules of civil procedures
- Certified Mail

2:02 p.m. Andrew Nygren, Division Director, Department of Water Resources, testified in favor and submitted testimony. #38908

2:08 p.m. Arron Carranza, Division Director, Department of Water Resources, answered questions for the committee.

2:10 p.m. Chairman Porter closed the hearing.

Leah Kuball, Committee Clerk

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Testimony in Support of
SB 2059
House Energy and Natural Resources
March 6, 2025

TESTIMONY OF
Andrew Nygren, Division Director, Water Appropriation Division

Chairman Porter, and members of the House Energy and Natural Resources Committee, I am Andrew Nygren, the Water Appropriation Division Director of the Department of Water Resources (Department). I'm here today to provide testimony in support of SB 2059.

Section 1 of the bill before you today focuses on clarifying how the Department of Water Resources notifies people about hearings related to conditional water permit applications. There are two situations where a hearing might happen.

First, when the Department decides to hold a public hearing to gather more input on a water permit application. The bill clarifies the Department will notify the necessary parties about the time and place of the hearing using certified mail. The present language states the service under the ND Rules of Civil Procedure.

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Thank you for the opportunity to testify, and I'm happy to answer any questions.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Coteau AB Room, State Capitol

SB 2059
3/6/2025

Relating to hearing and appeals processes of the department of water resources.

3:01 p.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak, Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby, Conmy, Foss

Discussion Topics:

- Committee action

3:02 p.m. Representative Dockter moved a Do Pass.

3:02 p.m. Representative Heinert seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	AB
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	Y
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	Y

Motion carried: 12-0-1

3:03 p.m. Representative Dockter moved to place on the consent calendar.

3:03 p.m. Representative Olson seconded the motion.

Voice vote: motion carried

Bill carrier: Representative Dockter

3:04 p.m. Chairman Porter closed the hearing.

Leah Kuball, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2059 (25.8036.01000)

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2059 was placed on the Tenth order on the calendar.