



House Bill 1055 **House Energy and Natural Resources Committee**

January 15, 2021

Testimony of Bruce E. Hicks, Assistant Director—NDIC—DMR—Oil and Gas Division

Chairman Porter and members of the House Energy and Natural Resources Committee, our department introduced this bill and we offer the following information in support:

HB 1055 amends North Dakota Century Code Section 38-08-11(4) to be consistent with the Administrative Agencies Practice Act under Chapter 28-32.

38-08-11(1) was amended in 1991 (HB 1194) to provide:

“The commission may adopt rules governing the practice and procedure before the commission, which rules shall be adopted pursuant to the provisions of chapter 28-32.”

Chapter 28-32 (Administrative Agencies Practice Act) was amended in 2001 (HB 1030) and created Section 28-32-39, which paragraph (2) reads in part:

“The agency shall serve a copy of the final order and the findings of fact and conclusions of law on which it is based upon all the parties to the proceeding within thirty days after the evidence has been received, briefs filed, and arguments closed, or as soon thereafter as possible, in the manner allowed for service under the North Dakota Rules of Civil Procedure.”

38-08-11(4) currently reads in part:

“Upon the filing of a petition of any interested party, the commission must enter its order within thirty days after a hearing. A copy of any order of the commission must be mailed to all the persons filing written appearances at the hearing.”

Issues:

- IC meetings are not always within thirty days of the hearing
- Orders should be sent to all parties in the matter, not just those filing written appearances
- “Mailing” an order is currently required—if Rules of Civil Procedure allow electronic service, our agency can avoid printing and mailing costs

We believe the Legislative Assembly intended on the Commission complying with the Administrative Agencies Practice Act and it was an oversight in 2001 when 38-08-11 was not amended to make it consistent with the Act. Please give this bill a “do pass”.