

Testimony of Julie Voigt in opposition to HB 1459

Chairman Patten and Committee members:

I am Julie Voigt, a land and mineral owner from Mercer County. I currently have an active coal mine on my land. I support coal mining and the energy industry in our great state of North Dakota. I also support the intent to develop regulatory measures of rare earth minerals. However, I do NOT support HB 1459.

I am opposed to HB 1459 for various reasons:

HB 1459 is trying to supersede and change the intent of private coal leases.

I currently have a "SURFACE AND COAL LEASE AGREEMENT" to mine coal on my land. HB 1459 is trying to make the inclusion of minerals the same in a coal lease as in a general conveyance of mineral rights by deeming that minerals will now automatically be included in all coal leases. This is nothing short of an attempt to steal valuable minerals from the rightful mineral owner.

North Dakota Century Code ND CC 47-10-24 states, "No lease of mineral rights in this state shall be construed as passing any interest to any minerals except those minerals specifically included and set forth by name in the lease". HB 1459 takes a huge stab at our ND Century Code by simply changing "shall" to "may not" and adding its own section 3 in order to include minerals and elements in all coal leases. This goes so far as to try to change the intent of private leases between mineral owners and corporate developers.

HB 1459 is attempting to take away the rights of mineral owners by encroaching on the binding agreement of the lease terms between the mineral owner and the corporate developer. It also attempts to illegally fix a blanket price for all the minerals of all mineral owners. In doing so it removes the mineral owner's right to negotiate a fair market price for their product.

HB 1459 states that it "is declared to be an emergency measure", in order to add a sense of urgency to its act, and it uses the blanket terminology "critical minerals" and "rare earth elements", along with the verbiage "embedded, commingled, included, contained within, or in any way associated with a coal seam or coal deposit", to simply allow corporate developers the opportunity to encase not only all minerals, but even single-atom elements from mineral owners in one blanket sweep.

HB 1459 places very little emphasis on reclamation.

I was taken back by the obvious intent of HB 1459 in its attempt to transfer valuable mineral rights from mineral owners like myself to corporate developers in the coal industry. Upon reading HB 1459 in its entirety, I have to say that I am ashamed of my State Representatives responsible for this bill, and their lack of public representation.

Rather than helping orchestrate a means for corporate coal companies to fulfill their intent to deprive mineral owners of their valuable minerals, perhaps State Representatives can create actual regulatory measures to regulate the development and production of minerals in our state.

Thank you for your time.

~Julie Voigt