

**2021 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1055**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1055  
1/15/2021

relating to service of signed commission orders

Chairman Porter opened the hearing on HB 1055 at 10:30 AM. Roll call was taken, all members were present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

### Discussion Topics:

- Current statute
- Telephonic testimony

Bruce Hicks, Oil and Gas Division, DMR #866

Rep. Lefor moved a Do Pass, Rep Zubke seconded. 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

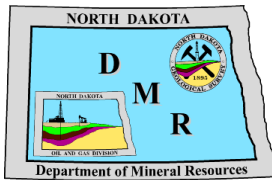
Motion carried. 14-0-0 Rep Lefor is the carrier.

Chairman Porter closed the hearing at 10:35 AM.

*Kathleen Davis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1055: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB  
1055 was placed on the Eleventh order on the calendar.



**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”.

**2021 SENATE POLITICAL SUBDIVISIONS**

**HB 1055**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Sakakawea, State Capitol

HB 1055  
2/18/21

A Bill for an Act to amend and reenact subsection 4 of section 38-08-11 of the North Dakota Century Code, relating to service of signed commission orders.
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**Chairman Burckhard** opened Hearing on HB 1055 at 8:30 AM. Senators present: Burckhard, Anderson, Heitkamp, Kannianen, Lee, Larson, Oban.

### Discussion Topics:

- notice procedure
- electronic printing
- mailing costs

**[8:36:34]** Senator Lee made a motion DO PASS

**[8:36:41]** Senator Heitkamp seconded the motion

**[8:37:04]** Roll call Vote passed 7-0-0

**[8:37:08]** Senator Burckhard will carry

	Vote
Senator Randy A. Burckhard	Y
Senator Howard C. Anderson, Jr.	Y
Senator Jason G. Heitkamp	Y
Senator Jordan Kannianen	Y
Senator Diane Larson	Y
Senator Judy Lee	Y
Senator Erin Oban	Y

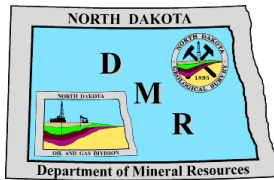
**Testimony Bruce Hicks Assistant Director – NDIC-DMR- Oil and Gas Division – in favor #6908**

**[8:37:09]** Meeting Adjourned

*Patricia Lahr, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1055: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1055 was placed on the Fourteenth order on the calendar.



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

February 18, 2021

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

Chairman Kreun and members of the Senate 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:

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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”.