

2025 SENATE ENERGY AND NATURAL RESOURCES

SB 2159

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2159
1/17/2025

Relating to projects the state energy research center is permitted to pursue.

10:26 a.m. Chairman Patten opened the meeting.

Members present:

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

Discussion Topics:

- Nuclear energy development and research
- Nuclear waste disposal

10:28 a.m. Majority Leader David Hogue introduced the bill.

10:41 a.m. Tyler Hamman, Assistance Vice President for Strategic Partnerships, EERC testified in favor and submitted testimony #29660.

10:45 a.m. Chairman Patten closed the hearing.

10:49 a.m. Senator Beard moved a do pass.

10:49 a.m. Senator Kessel seconded the motion.

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

Motion Carried 6-0-1

10:49 a.m. Senator Enget will carry the bill.

Additional written testimony:

Zach Cassidy, Lobbyist, DCR, submitted in opposition testimony #29554.

Senate Energy and Natural Resources Committee

SB 2159

1/17/25

Page 2

10:50 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2159 ([25.0797.01000](#))

Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2159 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

Testimony SB 2159

Zach Cassidy
DRC Lobbyist

Dear Mr. Chair and members of the Senate Natural Resources Committee.

I am Zachary Cassidy, Carbon Pipeline Organizer and lobbyist for Dakota Resource Council. I am here to express my and Dakota Resource Council's opposition to SB 2159. We are opposed to the use of taxpayer funds for this purpose. If North Dakota is to allow the use of nuclear energy in our state, we should not be using taxpayer funds to explore the creation of an industry that will bring in out-of-state corporations and cause North Dakota to be the dumping ground for other states' nuclear waste. The transportation and disposal of nuclear waste come with significant public health risks. North Dakota does not need to be the dumping ground for other states' nuclear waste, as such we urge a do not pass on this bill. Thank you for your time.



Energy & Environmental Research Center

15 North 23rd Street, Stop 9018 • Grand Forks, ND 58202-9018 • P. 701.777.5000 • F. 701.777.5181
www.undeerc.org

Chairman Patten, members of the committee, thank you for this opportunity to offer comments on Senate Bill 2159. As the legislature continues to explore options to improve our state's energy security and grid reliability, nuclear energy has become a topic for which a legislative management study is currently being considered – House Bill 1025. Senate Bill 2159 is a complementary proposal that would allow the EERC and State Energy Research Center to lend its expertise to this effort.

As this committee just heard from my colleague Tom Erickson, the State Energy Research Center was established within the EERC by the North Dakota legislature in 2019 to conduct research that *advances future energy opportunities* for the state of North Dakota. That authorizing statute also included a limitation on research or projects relating to “exploration, storage, treatment, or disposal of high-level radioactive waste.” North Dakotans have rightfully expressed caution on matters relating to nuclear waste, and the legislature has accordingly set policy to maintain careful oversight of this issue.

However, any discussion pertaining to nuclear energy by its nature extends to how to manage spent fuel rods either through on-site storage or a long-term facility. In that case, this provision can, and has been interpreted, such that it prohibits the State Energy Research Center – and EERC by association - from engaging on the topic of nuclear generally. Given the legislature's efforts to study this issue, removal of this provision in the century code is necessary should legislative management want the option to utilize its state energy research institution in development of the report. This bill would also enable the State Energy Research Center to fully meet the legislature's direction to help advance future energy opportunities for the State of North Dakota.

Finally, I would add that there is an additional backstop within the century code regarding nuclear waste. Chapter 38-23-01 sets a general prohibition on the “placement, storage, exploration, testing, or disposal of high-level radioactive waste within the exterior boundaries of North Dakota.” This prohibition remains in full force and effect regardless of the bill before you today and any subsequent study of the issue.

Thank you again for this opportunity to offer comment and thank you to Senator Hogue and sponsors of this legislation for your efforts to reconcile this issue. I would be happy to answer any questions.

2025 HOUSE ENERGY AND NATURAL RESOURCES

SB 2159

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2159

3/14/2025

Relating to projects the state energy research center is permitted to pursue.

9:08 a.m. Chairman Porter called the hearing to order.

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

Members Absent: Representative Heinert, Representative M. Ruby.

Discussion Topics:

- Nuclear Energy
- Nuclear Waste Sites

9:08 a.m. Senator Hogue introduced the bill and submitted testimony. #41426

9:16 a.m. Tyler Hamman, EERC, testified in favor and submitted testimony. #41435

9:22 a.m. Murik Petrovitch, Agricultural Community Representative, ND High Level Radioactive Waste Council, testified in favor.

9:37 a.m. Todd Leake, Leake Bros Farms, testified in opposition and submitted testimony. #41193

9:46 a.m. Blane Schmaltz, testified in opposition on behalf of Rebecca Leier and read submitted testimony. #41262

10:01 a.m. Sam Wagner, Dakota Resource Council, testified in opposition and submitted testimony. #41328

10:03 a.m. Chairman Novak closed the hearing.

Leah Kuball, Committee Clerk

Testimony of Todd Leake

SB2159

ND House Energy and Natural Resource Committee

March 14, 2025

Chairman and committee members:

My name is Todd Leake, I farm in central Grand Forks County near Emerado ND.

Since 2016 the legislature has been wrestling with the issue of whether or not to allow the State Energy Research center, and by association the EERC to conduct research or pursue projects that will result in the exploration, storage, treatment, or disposal of high-level radioactive waste in North Dakota. Previous research was into the matter of Deep Borehole Storage of High Level Nuclear Waste in Pierce County

Deep borehole disposal involves drilling a hole about 5 km (3 mi) down into the Earth's crust. High level waste, such as spent nuclear fuel would be sealed in strong steel containers and lowered down the borehole, filling the bottom one or two kilometers of the hole. Current technology limits the diameter of the borehole to less than 50 centimetres (20 in). It is estimated that roughly **800 boreholes** would be needed to store the entire existing nuclear waste stockpile of the US.

The Trump Administration terminated deep borehole programs in 2017. ENERCON company had been working on a potential site near Nara Visa, in Quay County, New Mexico. DOE gave written confirmation on May 23, 2017 to the four contractors working on the borehole program that due to shifting funding priorities, DOE has chosen to defund the Deep Borehole research, citing the need to support funding requests to further Yucca Mountain and interim storage options. The Donald Trump Administration requested \$150 million for 2018 across the Energy Department and the Nuclear Regulatory Commission to restart DOE's application to license Yucca Mountain in Nye County, Nev., as a nuclear waste repository.

The Biden administration affirmed the first Trump administrations' interpretation of high-level radioactive waste, but reversed policy, which allowed again for the possibility of using deep borehole disposal as a method for disposing of such waste.

Yucca Mountain in Nevada was named in the amended Nuclear Waste Policy Act (NWPA) of 1982 as the only location in the United States where commercial spent nuclear fuel could be disposed. Ending the ban on the State Energy Research Center to conduct disposal alternatives for high level waste disposal is pursuing the recent Biden

administrations misguided policy of Borehole disposal, and thus counteracting the Trump Administration's policy of completing and opening the Yucca Mountain site.

Major isotopes of plutonium, americium, neptunium, iodine, technetium, and uranium daughter products will remain radioactive for **several million years**. Yet from the standpoint of radio- toxicity, the greatest concern extends over about 10 000 years. That's still a long time

North Dakota did not create this spent fuel problem, yet, because of the politics around completing and opening Yucca Mountain, utilities and the Federal Government are looking for other states, like low population ND, to dispose of this High Level Waste. According to the General Accountability Office website :

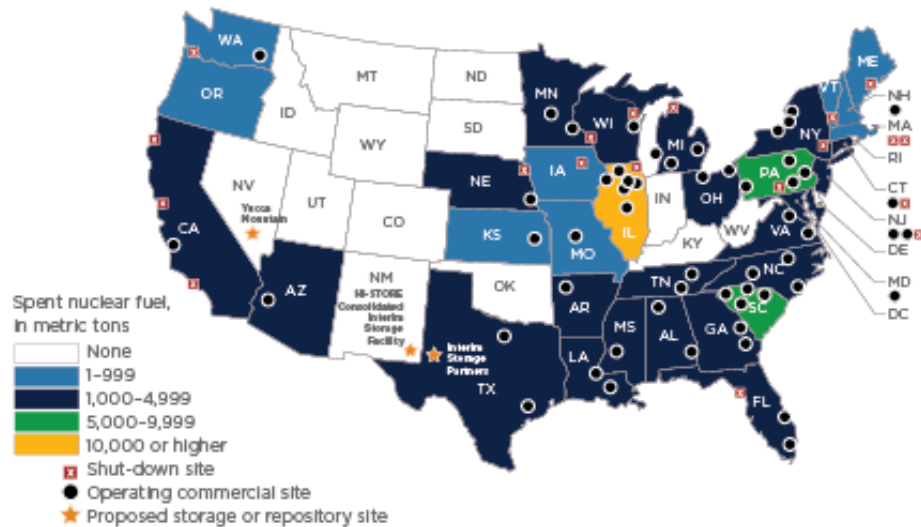
“Spent nuclear fuel. The nation has over 90,000 metric tons of spent nuclear fuel from commercial nuclear power plants. DOE is responsible for disposing of this high-level waste in a permanent geologic repository but has yet to build such a facility because policymakers have been at an impasse over what to do with this spent fuel since 2010. As a result, the amount of spent nuclear fuel stored at nuclear power plants across the country continues to grow by about 2,000 metric tons a year. Meanwhile, the federal government has paid billions of dollars in damages to utilities for failing to dispose of this waste and may potentially have to pay tens of billions of dollars more in coming decades. If Congress were to authorize a new **consent based** process for siting a repository, it could help break the impasse over a permanent solution for commercial spent nuclear fuel.”

In my conversations with a former US Dept. of Energy Official, Deep Borehole HLW Disposal has never been done anywhere on the globe and was discarded as an option in the 1960's. Yucca Mountain was scientifically determined to be the best and safest scenario.

Deep Borehole disposal is risky, as the material placed at the bottom of the borehole is designed to create “Hot Zone”, to melt the granite surrounding the borehole casing and as it eventually cools, create a sealed granite zone around the borehole. No research has been done to understand what might happen in that scenario.

“The concept of deep borehole disposal for high-level nuclear waste has faced considerable public opposition and technical challenges, leading to its cancellation in some instances, and remains unproven in the field.” - Center on Global Energy policy at Columbia University SIPA

Figure 2: Stored commercial spent nuclear fuel amounts, through 2019, and locations, as of June 2021



Source: Government Accountability Office, "Commercial Spent Nuclear Fuel: Congressional Action Needed to Break Impasse and Develop a Permanent Disposal Solution," September 2021.

As can be seen in the figure above ND did not create this problem and should not be asked to be the disposal site for this problem. Please vote a **Do Not Pass** on 2159 and help the Trump Administration fulfill the Reagan Administration's policy of completing and opening Yucca Mountain as the Nations' single HLW disposal site.

Todd Leake, 2371 10th Ave NE, Emerado, ND

SB2129**Rebecca Leier****March 14, 2025****Testimony**

Good Morning Chariman Patten and Distinguieshed members of the Natural Resources Committee.

My name is Rebecca Leier. I am a resident of rural Southern Pierce County, and a past Agricultural Represenative on the North Dakota High Level Radioactive Waste Council.

I am submitting testimony today to express my oposition to SB2159.

SB2159 seeks to remove a paragraph from ND Century Code 15-11-40. This paragraph governs the use of North Dakota EERC funds as they pertain to possible storage of High Level Radioactive Waste in North Dakota

At this time it is important to note that ND Century Code 15-11-40 is in alignment with ND Century Code 38-23. 38-23 is the North Dakota Century Code that governs issues, concerns and procedures regarding future proposed High Level Radioactive Waste disposal and exploration and testing for disposal sites, inside the boarders of North Dakota.

Alignment between ND Century Code 15-11-40 and ND Century Code 38-23 is achieved with the paragraph that SB2159 seeks to remove.

ND Century Code 38-23 governs compliance and state regulations for all entities that would seek High Level Radioactive Waste site exploration, treatment, storage or disposal in our state.

ND Century Code 15-11-40, as it now stands, insures the EERC is in compliance with NDCC 38-23 through a crucial paragraph #4. This paragraph states “*The state energy research center may not conduct research or pursue projects that will result in the exploration, storage, treatment, or disposal of high-level radioactive waste in North Dakota.*” This is the paragraph that insures ND EERC’s compliance with state law governing High Level Radioactive Waste disposal and this is the paragraph that SB2159 seeks to remove.

SB2159 is passed it opens a door for the future possibility of EERC funds being used for proposed exploration of High Level Radioactive waste storage and disposal in North Dakota.

In 2019 the state of North Dakota took strong steps to clarify the legislative intention of North Dakota, to the Nuclear Waste Industry and to the EERC, with the revision of our exisiting centruy code governing the potintial disposal of highlevel radioactive waste .

If private or public funds are permitted for exploration or testing for the potential storage of high level radioactive waste in North Dakota, there will be data collected. This data will be accessible to the Nuclear Waste Industry and Federal Government. The Federal government needs a highlevel radioactive waste disposal site and needs data to predict the potential site. North Dakota has been looked at as a potential sight for high level radioactive waste since the 1980's. In 2015-2017 our state was actively explored for a waste exploration project, in southern Pierce County through the ERC Southern Pierce County bore hole project.

I object to SB2159 because, if passed, it removes a mandate against the use of funds for exploration and testing for potential high level radioactive sites by the EERC. If passed this opens possibilities for testing and data collection from exploration for a test site. This creates the potential of Federal involvement in a site for the disposal of High-level Radioactive waste.

We all understand that there is little, our state, or any state, can do if the Federal Government targets a state for High-Level Radioactive Waste disposal. But it is crucial to understand that the chances of becoming a viable targeted site for Highlevel Radioactive waste begins with the ability of the Federal government to gain data that supports a potential site as a viable location for storage. Exploration and testing is where that data will come from. Access to funding for site exploration and testing is where this process begins.

Through investigations into the experiences in other states, we see that historically, states that have begun the exploration process for potential highlevel radioactive waste disposal sites spend millions of dollars and years in litigation once the process for exploration and testing for a site has begun. Currently we see this intensive and expensive litigation playing out with Texas and New Mexico in a fight to hold off the international HOLTEC group, whose permit to explore for an interim Highlevel Radioactive Waste site has been in litigation process since 2017 and has been litigated all the way through the United States Supreme Court last week. (*NRC v. Texas*. March 5, 2025)

I have actively pursued education for my community and community action through the legislative process during and after the 2015-2017 exploratory bore hole project in Southern Pierce County. I believe that had the ERC Experimental Borehole been successful in Pierce County, the NRC and DOE would now have data in hand for the Federal government to ramp up consideration of North Dakota as a potential High Level Radioactive Waste state. To stop this process, once exploration has started, takes years of litigation at the cost of millions of dollars.

High Level Radioactive Waste is not an industry that benefits our state and rural communities.

I am asking the committee to recommend a DO NOT PASS on SB2159.

Testimony SB 2159

Sam Wagner

Dakota Resource Council

Dear Mr. Chair and members of the Senate Natural Resources Committee.

I am Sam Wagner, representing Dakota Resource Council. Dakota Resource Council is a family farm and conservation organization representing more than 600 members statewide.

I am here to express my and Dakota Resource Council's opposition to SB 2159. We are opposed to the use of taxpayer funds for this purpose. If North Dakota is to allow the use of nuclear energy in our state, we should not be using taxpayer funds to explore the creation of an industry that will bring in out-of-state corporations and cause North Dakota to be the future dumping ground for other states' nuclear waste. The transportation and disposal of nuclear waste come with significant public health risks. North Dakota does not need to be the dumping ground for other states' nuclear waste, as such we urge a **do not pass** on this bill. Thank you for your time

TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2159
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
COTEAU AB; 9:00 AM
March 14, 2025

Good morning Chairman Porter and members of the House Energy and Natural Resources Committee. My name is David Hogue. I am a North Dakota state senator representing District 38, which includes northwest Minot and the city of Burlington. I appear before your committee to seek support for Senate Bill 2159.

SB 2159 is a bill that would authorize the North Dakota energy and environmental research center ("EERC") to study nuclear energy. It authorizes study by removing a prohibition against EERC studying nuclear energy that is found in section 15-11-40(4) of the North Dakota Century Code. SB 2159 is a companion bill to HB 1025, which your committee passed on a 13-0 Do Pass recommendation to the House floor on January 17, 2025. HB 1025 is the bill that establishes a study committee to consider the advisability and desirability of encouraging the development of nuclear energy within the state of North Dakota.

The inspiration for SB 2159 comes from the work of the interim Energy Development and Transmission Committee ("EDT"). The EDT was given a full range of study subjects during the last interim, including a broad directive to study the development of nuclear energy within the state of North Dakota. As we began our study of all EDT's assigned studies, we realized that the Committee could not fully devote the necessary time to adequately study the potential for development of nuclear energy in

1 the state of North Dakota. We toured the Coal Creek plant owned and operated by
2 Rainbow Energy near Center, North Dakota. We visited the EERC in Grand Forks and
3 reviewed the projects that the EERC is working on. We also toured the Dakota
4 Gasification plant owned by Basin Electric. Finally, we arranged for an informal tour of
5 Xcel's nuclear facility in Monticello, Minnesota. The Xcel tour was a highly informative
6 review of the facility and its integration with the community of Monticello.

7 We came to a consensus that the study of nuclear energy must be on North
8 Dakota's energy development agenda and that the complexity and rigors of nuclear
9 energy development required a study all its own that should be on-going, akin to other
10 standing interim committees, such as the Water Topics Overview Committee.

11 So the committee submitted HB 1025 for consideration. One of the subjects of
12 proposed study was to consider many of the impediments to studying nuclear energy.
13 We quickly identified the EERC prohibition in statute as a major impediment. SB 2159
14 removes that impediment. We expect to get study expertise from the private sector.
15 We also would encourage study from the EERC, one of the nation's premier energy
16 research centers.

17 One question that may arise with this proposal is why now? Why study the
18 development of nuclear energy in North Dakota? We have abundant (but not infinite)
19 supplies of coal, natural gas to generate electricity well into the 21st century.
20 Furthermore, nuclear energy is considerably more expensive than coal generation or
21 natural gas generation, so what's the point?

1 Well, I would ask a counterquestion: when will the war on coal end, and will be
2 the outcome? We do know there are consistent efforts in Europe, the West, and other
3 locations to decarbonize electricity generation. We also know that our base load power
4 demand is expanding at unprecedented rates. I have visited with one electric
5 distribution cooperative in the northwest quadrant of our state who informs that its
6 baseload demand has doubled in the last ten years, and the distribution cooperative
7 expects another doubling in the next ten years. I've also seen a report that electricity
8 energy demand will increase six times faster than overall energy demand.

9 Spending by tech giants on AI is also contributing to rising electric energy
10 demand. Some data centers are consuming as much energy as nuclear power plants
11 generate.

12 We often are told that China continues to make massive investment in coal fired
13 generation plants, so why should the United States unilaterally "disarm" from coal fired
14 generation. But the truth is China is pursuing an "all of the above" energy policy. Of the
15 60 nuclear plants under construction around the world today, 45 of them are in China.
16 All of these include the so-called "fourth generation" nuclear reactors, those that avoid
17 use of long fuel rods and cope with extremely high temperatures without melting. China
18 strategy is to reduce its dependence on imported oil and natural gas.

19 As many of you know, big tech is bringing nuclear power back to prominence as
20 well. Microsoft will spend \$ 1.6 billion to bring a Three Mile Island nuclear reactor back
21 on line and purchase its power for 20 years. Microsoft expects to consume 6 times the
22 electricity is projected in 2020.

1 Of course, the Vogtle nuclear plant in Georgia gives the industry pause. That
2 reactor cost \$35 billion, more than double the initial estimate. That, one expects, is an
3 anomaly related to the absence of efficient manufacturing and construction processes.

4 In Wyoming, Terra Power, an SMR startup backed by Bill Gates, has broken
5 ground on its first plant in Wyoming in August of 2024. There are more SMRs planned
6 or under construction in the United States than anywhere else in the world, owing in
7 large measure to the tech industry.

8 Mr. Chairman, if we are going to study the desirability of developing nuclear
9 energy, why should we do so with one of our arms tied behind our back? We should
10 authorize the EERC to study nuclear energy if it so desires.

11 Chairman Porter and committee members, I urge a do pass recommendation on
12 SB 2159.



Energy & Environmental Research Center

15 North 23rd Street, Stop 9018 • Grand Forks, ND 58202-9018 • P. 701.777.5000 • F. 701.777.5181
www.undeerc.org

Chairman Porter, members of the committee, thank you for this opportunity to offer comments on Senate Bill 2159. As the legislature continues to explore options to improve our state's energy security and grid reliability, nuclear energy has become a topic for which a legislative management study is currently being considered – House Bill 1025. Senate Bill 2159 is a complementary proposal that would allow the EERC and State Energy Research Center to lend its expertise to this effort.

As this committee heard earlier in the session, the State Energy Research Center was established within the EERC by the North Dakota legislature in 2019 to conduct research that *advances future energy opportunities* for the state of North Dakota. That authorizing statute also included a limitation on research or projects relating to “exploration, storage, treatment, or disposal of high-level radioactive waste.” North Dakotans have rightfully expressed caution on matters relating to nuclear waste, and the legislature has accordingly set policy to maintain careful oversight of this issue.

However, any discussion pertaining to nuclear energy by its nature extends to how to manage spent fuel rods either through on-site storage or a long-term facility. In that case, this provision can, and has been interpreted, such that it prohibits the State Energy Research Center – and EERC by association - from engaging on the topic of nuclear generally. Given the legislature's efforts to study this issue, removal of this provision in the century code is necessary should legislative management want the option to utilize its state energy research institution in development of the report. This bill would also enable the State Energy Research Center to fully meet the legislature's direction to help advance future energy opportunities for the State of North Dakota.

Finally, I would add that there is an additional backstop within the century code regarding nuclear waste. Chapter 38-23-01 sets a general prohibition on the “placement, storage, exploration, testing, or disposal of high-level radioactive waste within the exterior boundaries of North Dakota.” This prohibition remains in full force and effect regardless of the bill before you today and any subsequent study of the issue.

Thank you again for this opportunity to offer comment and thank you to the sponsors of this legislation for your efforts to reconcile this issue. I would be happy to answer any questions.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2159

3/27/2025

Relating to projects the state energy research center is permitted to pursue.

9:09 a.m. Chairman Porter called the meeting to order.

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

Members absent: Representative M. Ruby

Discussion Topics:

- Committee action

9:11 a.m. Vice Chairman Anderson proposed Page 2 Line 9 'Removes all the overstrike and adds a comma and goes on to say without approval from the North Dakota Commission or Legislative Management and in consultation with the High-Level Radioactive Waste Advisory Council.'

9:11 a.m. Vice Chairwoman Novak seconded the motion.

Voice vote: Motion carried

9:13 a.m. Vice Chairman Anderson moved a Do Pass as Amended.

9:13 a.m. Representative Hagert seconded the motion.

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

Motion carried: 11-0-2

Bill Carrier: Representative Dockter

9:19 a.m. Chairman Porter closed the hearing.

This bill was reconsidered on 3-38-25.

Leah Kuball, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2159

3/28/2025

Relating to projects the state energy research center is permitted to pursue.

10:23 a.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, M. Ruby,
Conmy, Foss

Discussion Topics:

- Committee action

10:23 a.m. Representative Dockter moved to reconsider action on SB 2159.

10:23 a.m. Vice Chairman D. Anderson seconded the motion.

Voice vote: Motion carried

10:25 a.m. Vice Chairman D. Anderson moved to adopt amendment 25.0797.01006,
testimony #44377.

10:25 a.m. Representative Foss seconded the motion.

Voice vote: Motion carried

10:25 a.m. Vice Chairman D. Anderson moved a Do Pass as Amended.

10:25 a.m. Representative J. Olson seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
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: 13-0-0

Bill Carrier: Representative Dockter

10:26 a.m. Chairman Porter adjourned the meeting.

Leah Kuball, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

VG 3/28/25
1 of 2

SENATE BILL NO. 2159

Introduced by

Senators Hogue, Kessel, Patten

Representatives D. Anderson, Hagert, Porter

1 A BILL for an Act to amend and reenact section 15-11-40 of the North Dakota Century Code,
2 relating to projects the state energy research center is permitted to pursue.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15-11-40 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15-11-40. State energy research center - Report.**

- 7 1. The state energy research center at the university of North Dakota energy and
8 environmental research center is created to conduct exploratory, transformational, and
9 innovative research that advances future energy opportunities and benefits the state's
10 economy and environment through:
- 11 a. Exploratory research of technologies and methodologies that facilitate the
12 prudent development, and clean and efficient use, of the state's energy
13 resources;
- 14 b. Greater access to energy experts for timely scientific and engineering studies to
15 support the state's interests; and
- 16 c. Education and outreach related to the state's energy resources.
- 17 2. The state energy research center shall report all research activities and
18 accomplishments annually to the interim legislative energy development and
19 transmission committee and the industrial commission. Upon request, the state energy

- 1 research center shall report all research activities and accomplishments to the
- 2 appropriations committees of the legislative assembly.
- 3 3. To carry out the purposes of this section, the energy and environmental research
- 4 center may:
 - 5 a. Select the research topics and projects to be pursued;
 - 6 b. Enter contracts or agreements with other North Dakota institutions of higher
 - 7 education to support select research topics and projects;
 - 8 c. Enter contracts or agreements with federal, private, and nonprofit organizations
 - 9 to carry out selected research topics and projects; and
 - 10 d. Accept donations, grants, contributions, and gifts from any source to carry out the
 - 11 selected research topics and projects.
- 12 4. If approved by the industrial commission and conducted in consultation with the
- 13 high-level radioactive waste advisory council, the state energy research center may
- 14 ~~not~~ conduct research or pursue projects that will result in the exploration, storage,
- 15 treatment, or disposal of high-level radioactive waste in North Dakota.

**REPORT OF STANDING COMMITTEE
SB 2159**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS** ([25.0797.01006](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2159 was placed on the Sixth order on the calendar.

25.0797.01006
Title.

Prepared by the Legislative Council
staff for Representative Porter
March 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2159

Introduced by

Senators Hogue, Kessel, Patten

Representatives D. Anderson, Hagert, Porter

- 1 A BILL for an Act to amend and reenact section 15-11-40 of the North Dakota Century Code,
2 relating to projects the state energy research center is permitted to pursue.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1. AMENDMENT.** Section 15-11-40 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15-11-40. State energy research center - Report.**

- 7 1. The state energy research center at the university of North Dakota energy and
8 environmental research center is created to conduct exploratory, transformational, and
9 innovative research that advances future energy opportunities and benefits the state's
10 economy and environment through:
- 11 a. Exploratory research of technologies and methodologies that facilitate the
12 prudent development, and clean and efficient use, of the state's energy
13 resources;
- 14 b. Greater access to energy experts for timely scientific and engineering studies to
15 support the state's interests; and
- 16 c. Education and outreach related to the state's energy resources.
- 17 2. The state energy research center shall report all research activities and
18 accomplishments annually to the interim legislative energy development and
19 transmission committee and the industrial commission. Upon request, the state energy

research center shall report all research activities and accomplishments to the appropriations committees of the legislative assembly.

3. To carry out the purposes of this section, the energy and environmental research center may:

- a. Select the research topics and projects to be pursued;
- b. Enter contracts or agreements with other North Dakota institutions of higher education to support select research topics and projects;
- c. Enter contracts or agreements with federal, private, and nonprofit organizations to carry out selected research topics and projects; and
- d. Accept donations, grants, contributions, and gifts from any source to carry out the selected research topics and projects.

4. The
high-level radioactive waste advisory council, the state energy research center may
not conduct research or pursue projects that will result in the exploration, storage, treatment, or disposal of high-level radioactive waste in North Dakota.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2159

4/3/2025

Relating to projects the state energy research center is permitted to pursue.

9:03 a.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, M. Ruby,
Conmy, Foss

Discussion Topics:

- Committee action

9:04 a.m. Representative Dockter moved to reconsider action on SB 2159.

9:04 a.m. Representative Hagert seconded the motion.

Voice vote: Motion carried

9:07 a.m. Representative Marschall proposed adding the words 'above ground' after the word 'waste'.

9:07 a.m. Representative J. Olson seconded the motion.

Voice vote: Motion carried

9:13 a.m. Representative J. Olson moved a Do Pass as Amended.

9:13 a.m. Vice Chairman D. Anderson seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
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

House Energy and Natural Resources Committee
SB 2159
03-28-25
Page 2

Motion carried: 13-0-0

Bill Carrier: Representative Dockter

10:26 a.m. Chairman Porter closed the hearing .

Leah Kuball, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

VC 4/3/25
1 of 2

SENATE BILL NO. 2159

Introduced by

Senators Hogue, Kessel, Patten

Representatives D. Anderson, Hagert, Porter

In place of the amendments (25.0797.01006) adopted by the House, Senate Bill No. 2159 is amended by amendment (25.0797.01009) as follows:

- 1 A BILL for an Act to amend and reenact section 15-11-40 of the North Dakota Century Code,
2 relating to projects the state energy research center is permitted to pursue.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15-11-40 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15-11-40. State energy research center - Report.**

- 7 1. The state energy research center at the university of North Dakota energy and
8 environmental research center is created to conduct exploratory, transformational, and
9 innovative research that advances future energy opportunities and benefits the state's
10 economy and environment through:
11 a. Exploratory research of technologies and methodologies that facilitate the
12 prudent development, and clean and efficient use, of the state's energy
13 resources;
14 b. Greater access to energy experts for timely scientific and engineering studies to
15 support the state's interests; and
16 c. Education and outreach related to the state's energy resources.
17 2. The state energy research center shall report all research activities and
18 accomplishments annually to the interim legislative energy development and
19 transmission committee and the industrial commission. Upon request, the state energy

1 research center shall report all research activities and accomplishments to the
2 appropriations committees of the legislative assembly.

3 3. To carry out the purposes of this section, the energy and environmental research
4 center may:

5 a. Select the research topics and projects to be pursued;

6 b. Enter contracts or agreements with other North Dakota institutions of higher
7 education to support select research topics and projects;

8 c. Enter contracts or agreements with federal, private, and nonprofit organizations
9 to carry out selected research topics and projects; and

10 d. Accept donations, grants, contributions, and gifts from any source to carry out the
11 selected research topics and projects.

12 4. If approved by the industrial commission and conducted in consultation with the
13 high-level radioactive waste advisory council, the state energy research center may
14 ~~not~~ conduct research or pursue projects that will result in the exploration, storage,
15 treatment, or disposal of high-level radioactive waste above ground in North Dakota.

**REPORT OF STANDING COMMITTEE
AMENDED SB 2159**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS** ([25.0797.01009](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2159, as amended, was placed on the Sixth order on the calendar.