

Minutes of the
EMPOWER NORTH DAKOTA COMMISSION
HELD MONTHLY DURING LEGISLATIVE SESSION

January 22, 2019
ND Tax Department, 8th Floor Conference Room, Capitol
600 E. Boulevard
Bismarck, ND 58501

Members present:

Jason Bohrer, Al Christianson, Ron Day, David Straley,
Danette Welsh, Mike Rud, Ron Ness

Ex Officio Members present:

Julie Voeck

Others present:

See [Appendix A](#) for additional public

CALL TO ORDER/WELCOME

Commission member Ron Day chaired the meeting in place of Chairwoman Kommer. Meeting was called to order; commission members and guests were welcomed.

APPROVAL OF MINUTES

Motion made by Christianson and seconded by Welsh to approve the minutes of January 15th, 2019. Motion carried.

REVIEW OF TRACKED BILLS

Members discussed the list of bills, stating consensus for, "watch bill," "support bill," or "oppose bill."

[Appendix B](#)

HB 1014 – Defraying the expenses of the Industrial Commission.

COMMITTEE HEARING – 01/23
WATCH BILL

HB 1024 – Defraying the expenses of the Dept. of Environmental Quality (budget bill)

SUPPORT BILL
01/10 - Deputy Commerce Commissioner Kessel testified on behalf of EmPower to support bill. Ness commented that he and Rud also testified.

HB 1066 – Infrastructure funds; to amend and reenact subsections of NDCC, relating to oil & gas tax revenue allocations; to provide a continuing appropriation & provide a report.

COMMITTEE HEARING – 01/15
WATCH BILL

HB 1091 – Operation of the Dept. of Emergency Services

COMMITTEE HEARING – PASSED HOUSE
WATCH BILL

HB 1167 – Exclusion and avoidance areas for a wind turbine; and to provide application

COMMITTEE HEARING – 01/18
OPPOSE Bill

Deputy Commerce Commissioner Kessel was not able to testify on behalf of EmPower.

HB 1205 – Sales and Use Tax Exemption for materials used to construct a fertilizer or chemical processing facility and to provide an effective date.

SUPPORT BILL

HB 1225 – Provide for a legislative management study of future energy innovation; and to provide appropriation.

COMMITTEE HEARING – 01/18
WATCH BILL

HB 1238 – Relating to a fee for electric vehicles.

REFERRED TO TRANSPORTATION CMTTEE
WATCH BILL

HB 1299 – Duration of easements on the use of real property for pipelines.

COMMITTEE HEARING – 01/18
WATCH BILL

HB 1362 – Right of utilities to cross over or under a railroad right of way and to provide for application.

REFERRED TO POLITICAL SUBDIVISIONS
WATCH BILL

HB 1383 – Creation of an environmental impact mitigation fund and an environmental impact advisory board.

COMMITTEE HEARING – 01/14
WATCH BILL

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HB 1438 – Bonds for reclamation of well sites.
REFERRED TO ENERGY & NATURAL RESOURCES
COMMITTEE HEARING – 01/24
WATCH BILL

HB 1439 – Oil extraction tax exemption for the incremental production from tertiary recovery projects using carbon dioxide and to provide an effective date.

COMMITTEE HEARING – 01/24

Bohrer to testify and would like Deputy Commerce Commissioner to testify.

Motion: It was moved by Bohrer and seconded by Straley to support HB 1439. Motion carried.

HB 1440 – Protection of groundwater and other responsibilities of a mineral developer.

COMMITTEE HEARING – 01/24

WATCH BILL

HB 1449 – State aid distribution fund and the oil extraction tax rate and distribution; and to provide an effective date.

COMMITTEE HEARING – 01/23

WATCH BILL

HB 1474 – Relating to the authority of a county or city to levy an infrastructure tax in lieu of special assessments.

REFERRED TO POLITICAL SUBDIVISIONS

WATCH BILL

HB 1480 – Relating to Compressed natural gas fueling stations; creation of a compressed natural gas conversion fund, flaring reduction, and compressed natural gas conversion fund, flaring reduction, and compressed natural gas motor vehicle excise tax rebates.

REFERRED TO TRANSPORTATION COMMITTEE

Motion: It was moved by Welsh and seconded by Ness to oppose HB 1480. Motion carried.

Commerce Commissioner or Deputy Commissioner to testify on opposing bill.

HB 1490 – Loss of oil and gas production payments
COMMITTEE HEARING – 01/24
WATCH BILL

SB 2008 – An act to provide an appropriation for defraying the expenses of the public service commissions; and to provide for a transfer.

REFERRED TO APPROPRIATIONS

WATCH BILL

SB 2038 – Energy Conversion and Transmission Facility Siting, gas & liquid energy conversion, and gas & liquid transmission facility siting.

PASSED SENATE

WATCH BILL

SB 2039 – Relating to the development and implementation of a skilled workforce scholarship program to provide a continuing appropriation & to provide a transfer.

COMMITTEE HEARING – 01/09

WATCH BILL - ADD HB 1171 in relation to SB 2039

SB 2044 – Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.

COMMITTEE HEARING – 01/18

SUPPORT BILL

SB 2061 – Road use fee for electric & hybrid vehicles

COMMITTEE HEARING – 01/10

WATCH BILL

SB 2100 – Relating to the decommissioning of solar energy conversion facilities.

COMMITTEE HEARING – 01/04

WATCH BILL

SB 2109 – Relating to the duties and responsibilities of the Dept of Environmental Quality; to amend and reenact sections. – (primacy bill)

COMMITTEE HEARING – 01/10

SUPPORT BILL

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SB 2123 – Confiscation of equipment & recovery for costs of plugging & reclamation of sites with bonds held by the ND Industrial Commission.

PASSED SENATE
COMMITTEE HEARING – 01/17
WATCH BILL

SB 2207 – Removal of term limits for members of the ND Ethanol Council.

REFERRED TO AGRICULTURE COMMITTEE
SUPPORT BILL

SB 2209 – Protection for records related to critical infrastructure and security planning, mitigation or threats.

DO PASS – 1/21
SUPPORT BILL

SB 2249 – State energy research center and the state energy research center fund; and to provide a continuing appropriation.

REFERRED TO APPROPRIATIONS
WATCH BILL

SB 2254 – Relating to liens and wind energy property rights.

COMMITTEE HEARING – 01/24
WATCH BILL

SB 2274 – Relating to integration of fractional tracts.

COMMITTEE HEARING – 01/24
WATCH BILL

SB 2296 – Relating to the Bank of ND loan guarantee program.

COMMITTEE HEARING – 01/22

Motion: It was moved by Christianson and seconded by Straley to support SB 2296. Motion carried.

SB 2312 – Relating to the allocation of revenue from oil and gas production and oil extraction taxes imposed on production and extraction activity on a reservation in the state.

COMMITTEE HEARING – 01/17
WATCH BILL

REFERRED TO FINANCE & TAXATION COMMITTEE
Tax Commissioner and Ness to have more discussion points for next meeting on January 29th.

PUBLIC COMMENT

It was mentioned to add bills: HB 1171, SB 2282, 2322, 2327, 2331, 2332, 2336, 2344 to the roster of tracked bills for the EmPower ND Commission.

FUTURE MEETING

Legislative bill updates will be held at the Tax Department on 8th floor until further updates.

ADJOURNMENT

With no further discussion, the meeting was unanimously adjourned at 3:45 p.m.

Ron Day, Chair	Date
on behalf of Chairwoman Kommer	

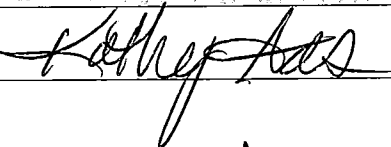
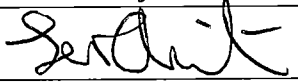

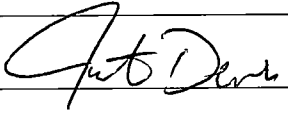

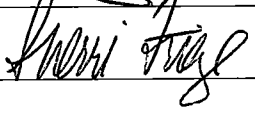


Sherri Frieze, Recording Secretary	Date
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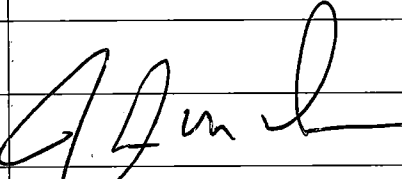

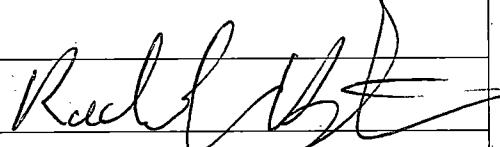
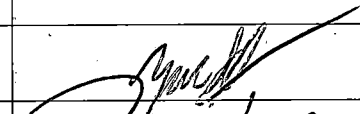
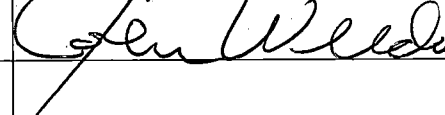
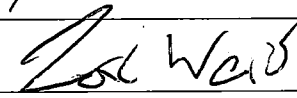
EMPOWER LEGISLATIVE MEETING ROSTER

Meeting Date January 22, 2019

VISITOR NAME	COMPANY	PURPOSE OF VISIT	TIME OF ENTRY	TIME OF EXIT	VISITOR ID #	SIGNATURE
Shawn Kessel or Michelle Kommer	ND Department of Commerce	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Jason Bohrer	Lignite Energy Council	EmPower Legislative Meeting	3:00 pm	4:00 pm	E4	<i>Jason Bohrer</i>
Al Christianson	Great River Energy	EmPower Legislative Meeting	3:00 pm	4:00 pm	E7	<i>Al Christianson</i>
Ron Day	Andeavor Refining and Marketing Company	EmPower Legislative Meeting	3:00 pm	4:00 pm	E6	<i>Ron Day</i>
Ronald Ness	ND Petroleum Council	EmPower Legislative Meeting	3:00 pm	4:00 pm	13	<i>Ronald Ness</i>
Dale Niezwaag	Basin Electric Power Cooperative	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Mark Nisbet	Xcel Energy	EmPower Legislative Meeting	3:00 pm	4:00 pm		
David Douglas	Farmer	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Mike Rud	ND Petroleum Marketers	EmPower Legislative Meeting	3:00 pm	4:00 pm		<i>M. Rud E30</i>
Jeff Zueger	Midwest Ag. Energy Group	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Jay Skabo	MDU	EmPower Legislative Meeting	3:00 pm	4:00 pm		
David Straley	North American Coal	EmPower Legislative Meeting	3:00 pm	4:00 pm	E17	<i>David Straley</i>
Danette Welsh	ONEOK	EmPower Legislative Meeting	3:00 pm	4:00 pm	E4	<i>Danette Welsh</i>
Ex-OFFICO Members						
VISITOR NAME	COMPANY	PURPOSE OF VISIT	TIME OF ENTRY	TIME OF EXIT	VISITOR ID #	SIGNATURE
Brent Sanford	Lt. Governor – Office of the Governor	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Wade Boeshans	BNI Coal	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Stacey Dahl	Minnkota	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Julie Voeck	NextEra Energy Resources, LLC	EmPower Legislative Meeting	3:00 pm	4:00 pm		

ADDITIONAL VISITORS

VISITOR NAME	COMPANY	PURPOSE OF VISIT	TIME OF ENTRY	TIME OF EXIT	VISITOR ID #	SIGNATURE
Aas, Kathy	Xcel Energy	EmPower Legislative Meeting	3:00 pm	4:00 pm	E9	
Anderson, Lacey	Odney	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Andrist, Levi	GA Group	EmPower Legislative Meeting	3:00 pm	4:00 pm	E11	
Barrett, Brian	APT, Inc	EmPower Legislative Meeting	3:00 pm	4:00 pm	E10	
Bogar, Brent	Jadestone Consulting	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Cieplati, James	Harris Corp	EmPower Legislative Meeting	3:00 pm	4:00 pm	E15	
Dever, Justin	MDU- R	EmPower Legislative Meeting	3:00 pm	4:00 pm	E52	
Effertz, Kleven, Kayla	Olson Effertz	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Fine, Karlene	I. C.	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Fong, Cory	MDU-R	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Fortner, Jonathan	LEC	EmPower Legislative Meeting	3:00 pm	4:00 pm	E22	
Frieze, Sherri	Commerce	EmPower Legislative Meeting	3:00 pm	4:00 pm	12	
Gilbertson, Joel	GA Group	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Goettle, Dominick	Odney	EmPower Legislative Meeting	3:00 pm	4:00 pm	E21	
Goettle, Shane	Odney	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Grieve, Mindy	NDARE	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Haase, Reice	Gov. Office	EmPower Legislative Meeting	3:00 pm	4:00 pm	18	
Harms, Bob	Harms Group	EmPower Legislative Meeting	3:00 pm	4:00 pm		

Kelley, Roger	Continental Resources	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Kirov, George	Harris Corp	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Kringstad, Justin	NDPA	EmPower Legislative Meeting	3:00 pm	4:00 pm	20	
Kommer, Michelle	Commerce	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Lunde, Amy	GA Group	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Pelton, Brady	NDPC	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Pfennig, Andrea	I.C.	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Olson, Effertz Kayla	Olson Effertz Law Firm	EmPower Legislative Meeting	3:00 pm	4:00 pm	E5	
Martinson, Rudie	PSG	EmPower Legislative Meeting	3:00 pm	4:00 pm	E3	
Matthern, Retha	BSC	EmPower Legislative Meeting	3:00 pm	4:00 pm		
McLeod, Carlee	USHND	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Retterath, Rachael	GRE	EmPower Legislative Meeting	3:00 pm	4:00 pm	E16	
Rising, Scot	NDSGA	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Schafer, Jean	BEPC	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Simon, Geoff	NDWEA	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Smith, Zac	NDAREC	EmPower Legislative Meeting	3:00 pm	4:00 pm	E1	
Weeda, John	NDTA	EmPower Legislative Meeting	3:00 pm	4:00 pm	E14	
Wiese, Deanna	ND Ethanol Producers	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Weis, Zac	Marathon Oil	EmPower Legislative Meeting	3:00 pm	4:00 pm	E32	
		EmPower Legislative Meeting	3:00 pm	4:00 pm		

<input type="checkbox"/>	Status	Title	Description	Comment
<input type="checkbox"/> HB 1014	House: INTRODUCED 01/17 H Committee Hearing - 02:00 PM 01/23 H Committee Hearing - 08:30 AM	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer.		
<input type="checkbox"/> HB 1024	House: INTRODUCED 01/03 H Introduced, first reading, referred Appropriations Committee 01/10 H Committee Hearing - 02:00 PM	A BILL for an Act to provide an appropriation for defraying the expenses of the department of environmental quality.		SUPPORT - Shawn to testify at next hearing
<input type="checkbox"/> HB 1066	House: INTRODUCED 01/03 H Introduced, first reading, referred Finance and Taxation Committee 01/15 H Committee Hearing - 10:00 AM	Relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; and to provide an effective date.		
<input type="checkbox"/> HB 1091	House: PASSED 01/16 H Second reading, passed, yeas 92 nays 0 01/17 S Received from House	Relating to the operations of the department of emergency services.		
<input type="checkbox"/> HB 1167	House: INTRODUCED 01/03 H Introduced, first reading, referred Political Subdivisions Committee 01/18 H Committee Hearing - 09:00 AM	Relating to exclusion and avoidance areas for a wind turbine; and to provide for application.		
<input type="checkbox"/> HB 1205	House: INTRODUCED 01/03 H Introduced, first reading, referred Finance and Taxation Committee 01/14 H Committee Hearing - 10:00 AM	Relating to a sales and use tax exemption for materials used to construct a fertilizer or chemical processing facility; and to provide an effective date.		
<input type="checkbox"/> HB 1225	House: INTRODUCED 01/03 H Introduced, first reading, referred Energy and Natural Resources Committee 01/18 H Committee Hearing - 09:00 AM	A BILL for an Act to provide for a legislative management study of future energy innovation; and to provide an appropriation.		
<input type="checkbox"/> HB 1238	House: INTRODUCED 01/03 H Introduced, first reading, referred Transportation Committee	Relating to a fee for electric vehicles.		
<input type="checkbox"/> HB 1299	House: INTRODUCED 01/03 H Introduced, first reading, referred Energy and Natural Resources Committee 01/18 H Committee Hearing - 09:00 AM	Relating to the duration of easements on the use of real property for pipelines.		
<input type="checkbox"/> HB 1362	House: INTRODUCED 01/10 H Introduced, first reading, referred Political Subdivisions Committee	Relating to the right of utilities to cross over or under a railroad right of way; and to provide for application.		

<input type="checkbox"/>	Status	Title	Description	Comment
<input type="checkbox"/>	HB 1490 01/14 H Introduced, first reading, referred Energy and Natural Resources Committee 01/24 H Committee Hearing - 02:00 PM	Relating to loss of oil and gas production payments.		
<input type="checkbox"/>	SB 2008 Senate: INTRODUCED 01/03 S Introduced, first reading, referred Appropriations Committee 01/08 S Committee Hearing - 02:00 PM	A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to provide for a transfer.		
<input type="checkbox"/>	SB 2038 Senate: PASSED 01/08 S Second reading, passed, yeas 47 nays 0 01/09 H Received from Senate	Relating to energy conversion and transmission facility siting, gas and liquid energy conversion, and gas and liquid transmission facility siting.		
<input type="checkbox"/>	SB 2039 Senate: INTRODUCED 01/03 S Introduced, first reading, referred Education Committee 01/09 S Committee Hearing - 10:00 AM	Relating to the development and implementation of a skilled workforce scholarship program; to provide a continuing appropriation; and to provide for a transfer.		
<input type="checkbox"/>	SB 2044 Senate: INTRODUCED 01/03 S Introduced, first reading, referred Energy and Natural Resources Committee 01/18 S Committee Hearing - 09:00 AM	Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.		SUPPORT - Shawn testified Friday, 01-18-19
<input type="checkbox"/>	SB 2061 Senate: INTRODUCED 01/04 S Committee Hearing - 09:30 AM 01/10 S Committee Hearing - 09:30 AM	Relating to a road use fee for electric and hybrid vehicles.		
<input type="checkbox"/>	SB 2100 Senate: INTRODUCED 01/03 S Introduced, first reading, referred Energy and Natural Resources Committee 01/04 S Committee Hearing - 10:45 AM	Relating to decommissioning of solar energy conversion facilities.		
<input type="checkbox"/>	SB 2109 Senate: INTRODUCED 01/03 S Introduced, first reading, (emergency), referred Energy and Natural Resources Committee 01/10 S Committee Hearing - 10:00 AM	Relating to the duties and responsibilities of the department of environmental quality; to amend and reenact section 23.1-01-11, subsection 6 of section 23.1-04-15, and section 23.1-08-10 of the North Dakota Century Code, relating to the duties and responsibilities of the department of environmental quality; to repeal section 23.1-06-03 and chapters 23.1-09 and 61-20 of the North Dakota Century Code, relating to the duties and responsibilities of the department of environmental quality; to provide an effective date; and to declare an emergency.		
<input type="checkbox"/>	SB 2123 Senate: PASSED 01/16 S Second reading, passed, yeas 47 nays 0	Relating to the authorization to enter contracts, abandoned oil and gas well plugging and site reclamation fund, and confiscation of equipment and recovery for costs of plugging and reclamation of sites with bonds held by the North Dakota industrial commission.		
<input type="checkbox"/>	SB 2207 Senate: INTRODUCED 01/10 S Introduced, first reading, referred Agriculture Committee	Relating to the removal of term limits for members of the North Dakota ethanol council.		
<input type="checkbox"/>	Senate: INTRODUCED			

	Status	Title	Description	Comment
<input type="checkbox"/> SB 2209	01/11 S Introduced, first reading, referred Industry, Business and Labor Committee 01/21 S Committee Hearing - 10:45 AM	Relating to protection for records related to critical infrastructure and security planning, mitigation, or threats.		
<input type="checkbox"/> SB 2249	Senate: INTRODUCED 01/14 S Introduced, first reading, referred Appropriations Committee	Relating to the state energy research center and the state energy research center fund; and to provide a continuing appropriation.		
<input type="checkbox"/> SB 2254	Senate: INTRODUCED 01/14 S Introduced, first reading, referred Energy and Natural Resources Committee 01/24 S Committee Hearing - 09:30 AM	Relating to liens and wind energy property rights.		
<input type="checkbox"/> SB 2274	Senate: INTRODUCED 01/14 S Introduced, first reading, referred Energy and Natural Resources Committee 01/24 S Committee Hearing - 10:00 AM	Relating to integration of fractional tracts; and to provide a penalty.		
<input type="checkbox"/> SB 2296	Senate: INTRODUCED 01/14 S Introduced, first reading, referred Industry, Business and Labor Committee 01/22 S Committee Hearing - 09:45 AM	Relating to the Bank of North Dakota loan guarantee program.		
<input type="checkbox"/> SB 2312	Senate: INTRODUCED 01/17 S Introduced, first reading, referred Finance and Taxation Committee	Relating to the allocation of revenue from oil and gas production and oil extraction taxes imposed on production and extraction activity on a reservation in this state; and to provide an effective date.		