

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

March 19, 2019
ND Tax Department, 8th Floor Conference Room, Capitol
600 E. Boulevard
Bismarck, ND 58501

Members present:

Michelle Kommer, Jason Bohrer, Al Christianson,
Dale Niezwaag, Danette Welsh, David Straley, Ron
Ness

Ex Officio Members present:

Julie Voeck

Others present:

See Appendix A for additional public

CALL TO ORDER/WELCOME

Chairwoman Kommer called the meeting to order
Members and guests on the phone and around the
room were introduced.

APPROVAL OF MINUTES

Motion made by Ness and seconded by
Christianson to approve the minutes of March 5,
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.**

WATCH BILL

PASSED HOUSE

SENATE APPROPS - INTRODUCED

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

SUPPORT BILL

PASSED HOUSE

SENATE APPROPS – INTRODUCED

**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.**

WATCH BILL

PASSED HOUSE

PASSED SENATE

**HB 1091 – Operation of the Dept. of Emergency
Services**

WATCH BILL

PASSED HOUSE

PASSED SENATE

SIGNED BY GOVERNOR

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

OPPOSE BILL

HOUSE DEFEATED

**HB 1171 – Development & implementation of a
skilled workforce student grant program;
providing a continued appropriation.**

WATCH BILL

PASSED HOUSE

SENATE EDUCATION - INTRODUCED

**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

PASSED HOUSE

SENATE FIN&TAX - INTRODUCED

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

WATCH BILL

PASSED HOUSE

SENATE ENR – DO NOT PASS

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HB 1238 – Relating to a fee for electric vehicles.
WATCH BILL
PASSED HOUSE
SENATE TRANSPORT - INTRODUCED

HB 1362 – Right of utilities to cross over or under a railroad right of way and to provide for application.
WATCH BILL
HOUSE INTRODUCED
SENATE PASSED

HB 1383 – Creation of an environmental impact mitigation fund and an environmental impact advisory board.
WATCH BILL
PASSED HOUSE
SENATE ENR - INTRODUCED

HB 1439 – Oil extraction tax exemption for the incremental production from tertiary recovery projects using carbon dioxide and to provide an effective date
SUPPORT BILL
PASSED HOUSE
SENATE INTRODUCED

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

HB 1474 – Relating to the authority of a county or city to levy an infrastructure tax in lieu of special
HOUSE INTRODUCED
PASSED SENATE

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.
OPPOSE BILL
PASSED HOUSE
SENATE - INTRODUCED

SB 2008 – An act to provide an appropriation for defraying the expenses of the public service commissions; and to provide for a transfer.
WATCH BILL
PASSED SENATE
HOUSE INTRODUCED

SB 2037 – Relating to the disposal and storage of high-level radioactive waste and subsurface and storage retrieval of nonhydrocarbons.
PASSED SENATE
HOUSE INTRODUCED – POSSIBLE DO PASS

SB 2038 – Energy Conversion and Transmission Facility Siting, gas & liquid energy conversion, and gas & liquid transmission facility siting.
WATCH BILL
PASSED SENATE
PASSED HOUSE

SB 2039 – Relating to the development and implementation of a skilled workforce scholarship program to provide a continuing appropriation & to provide a transfer.
WATCH BILL
PASSED SENATE
HOUSE APPROPRIATIONS

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SB 2044 – Relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.
SUPPORT BILL
PASSED SENATE
HOUSE INTRODUCED

SB 2061 – Road use fee for electric & hybrid vehicles
WATCH BILL
PASSED SENATE
PASSED HOUSE

SB 2100 – Relating to the decommissioning of solar energy conversion facilities.
WATCH BILL
PASSED HOUSE
SENATE INTRODUCED

SB 2109 – Relating to the duties and responsibilities of the Dept of Environmental Quality; to amend and reenact sections. – (primacy bill)
SUPPORT BILL
PASSED SENATE
HOUSE INTRODUCED

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

SB 2207 – Removal of term limits for members of the ND Ethanol Council.
SUPPORT BILL
PASSED SENATE
HOUSE INTRODUCED

SB 2209 – Protection for records related to critical infrastructure and security planning, mitigation or threats.
SUPPORT BILL
PASSED SENATE
HOUSE INTRODUCED

SB 2249 – State energy research center and the state energy research center fund; and to provide a continuing appropriation.
SUPPORT BILL
PASSED SENATE
HOUSE INTRODUCED

SB 2254 – Relating to liens and wind energy property rights.
WATCH BILL
PASSED SENATE
HOUSE INTRODUCED

SB 2274 – Relating to integration of fractional tracts.
WATCH BILL
DEFEATED
REPORTED BACK Do Not Pass

SB 2282 – Relating to legacy fund earnings; to provide for a report to the legislative management; and to provide an appropriation.
WATCH BILL
PASSED SENATE
HOUSE INTRODUCED

SB 2296 – Relating to the Bank of ND loan guarantee program.
SUPPORT BILL
PASSED SENATE
PASSED HOUSE

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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.

SUPPORT BILL
~~PASSED SENATE~~
HOUSE INTRODUCED

SB 2319 – Relating to indemnity agreements in oil and gas production contracts.

WATCH BILL
~~DEFEATED~~

SB 2322 – Relating to Net Metering

WATCH BILL
~~DEFEATED~~

SB 2327 – Relating to license exception for outsourcing facility regarding certain sales.

WATCH BILL
~~PASSED SENATE~~
~~PASSED HOUSE~~

SB 2331 – Relating to allocation of wind generation tax revenue.

WATCH BILL
~~PASSED SENATE~~
HOUSE INTRODUCED

SB 2332 – Relating to restricting the flaring of gas.

WATCH BILL
~~DEFEATED~~

SB 2334 – Relating to the creation of a senior year tuition waiver program for students attending North Dakota university system institutions.

WATCH BILL
~~DEFEATED~~

SB 2344 – Relating to injection or migration of substances into pore space; and to amend sections of NDCC.

SUPPORT BILL
~~PASSED SENATE~~
HOUSE INTRODUCED

SB 2350 – Relating to county auditor verification of information reported by public utility companies and electric generation, distribution, and transmission companies.

WATCH BILL
~~PASSED SENATE~~
~~PASSED HOUSE~~
~~SIGNED BY GOVERNOR~~

SB 2354 – Relating to restoration of real property as a measure of damages.

WATCH BILL
~~DEFEATED~~

SB 2359 – Relating to the regulation of electricians and power limited technicians; and to provide a penalty.

WATCH BILL
~~PASSED SENATE~~
HOUSE INTRODUCED

HCR 3048 – A concurrent resolution directing the Legislative Management to consider studying the feasibility and desirability of establishing a wind reclamation fund.

~~HOUSE PASSED~~
SENATE INTRODUCED

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OTHER

Chairwoman Kommer reminded members that when a position is held regarding bills; support or oppose, that position will remain unchanged while the bills move through conference committee.

FUTURE MEETING

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

In a reply to Chairwoman Kommer' s comment to reengage EmPower topics with the commission once session ends; Jason Bohrer commented that the commission should start with the subcommittee work that started a year ago, while Ron Ness reminded members of the upcoming event; Energizing ND's Future, held in Grand Forks in May.

PUBLIC COMMENT

No comments

ADJOURNMENT

A motion was made by Niezwaag and seconded by Straley to adjourn the meeting. With no further discussion, the meeting was unanimously adjourned at 4:00 p.m.



Chairwoman Kommer

Date



Sherri Frieze, Recording Secretary

3-26-19

Date

EMPOWER LEGISLATIVE MEETING ROSTER

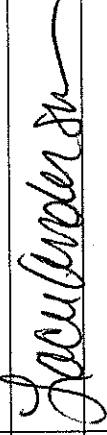

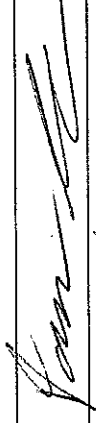

Meeting Date

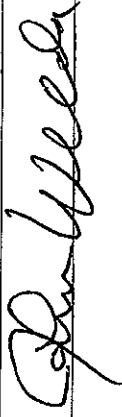
3-19-19

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		
Al Christianson	Great River Energy	Empower Legislative Meeting	3:00 pm	4:00 pm	3	
Ron Day	Andeavor Refining and Marketing Company	Empower Legislative Meeting	3:00 pm	4:00 pm		
Ronald Ness	ND Petroleum Council	Empower Legislative Meeting	3:00 pm	4:00 pm	6	
Dale Nierzwaag	Basin Electric Power Cooperative	Empower Legislative Meeting	3:00 pm	4:00 pm	10	
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		
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		
Danette Welsh	ONEOK	Empower Legislative Meeting	3:00 pm	4:00 pm	167	
EX-OFFICIO 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	5	

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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		
Anderson, Lacey	Odney	EmPower Legislative Meeting	3:00 pm	4:00 pm	9	
Andrist, Levi	GA Group	EmPower Legislative Meeting	3:00 pm	4:00 pm		
Barrett, Brian	APT, Inc	EmPower Legislative Meeting	3:00 pm	4:00 pm		
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		
Dever, Justin	MDU- R	EmPower Legislative Meeting	3:00 pm	4:00 pm		
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		
Frieze, Sherri	Commerce	EmPower Legislative Meeting	3:00 pm	4:00 pm	4	
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	15	
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	8	
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		
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, John	Olson Effertz Law Firm	Empower Legislative Meeting	3:00 pm	4:00 pm		
Martinson, Rudie	PSG	Empower Legislative Meeting	3:00 pm	4:00 pm		
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		
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		
Weeda, John	NDTA	Empower Legislative Meeting	3:00 pm	4:00 pm	3:45	
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		

