



Western Dakota Energy Association
Legislative Report #4, January 30, 2021
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There's a new sign on the door of the Pioneer Room, one of about a dozen meeting rooms of legislative committees. We told you in [last week's report](#) about the [tongue-in-cheek move](#) by Human Services Committee Chairman Robin Weisz, posting a sign on the committee room door, warning those entering that if they didn't plan to testify, they were subject to a \$20 fine. This week the sign was replaced with one delivering a similar but less threatening message. The print's too small to read here (click for a larger image), but its basic message is that seating in committee rooms is extremely limited due to physical distancing requirements, so only those wishing to testify should attend in person. Others are encouraged to [watch committee meetings online](#) via legislative video.



Monday was the deadline for Senators to introduce bills, and let's just say when all was said and done, the hopper was pretty full. Legislators to date have introduced 886 bills and resolutions. The stack of bills is keeping committees busy, and the length of floor calendars is beginning to grow. The House and Senate seldom get through the full list of bills on the calendar, so they're carried over to the following day, sometimes producing calendars a dozen or more pages long.

There are several bills in the last batch that are of significant interest to western North Dakota communities. One of the more noteworthy is [SB 2291](#), introduced by Beulah Senator Jessica Bell. The bill responds to the fossil fuel divestment movement, in which investors and large corporations are boycotting investments in oil, gas and coal. Bell's legislation directs the Department of Commerce to identify those companies and firms that "boycott energy commodities," that the department encourage state agencies to avoid contracting with companies that do so, and that Commerce study the implications of a complete divestment of state funds from companies that boycott energy or commodities. The bill will receive its first hearing Thursday morning in the Senate Energy and Natural Resources Committee. Another significant bill is [SB 2313](#), sponsored by Senate Majority Leader Rich Wardner and his House counterpart Chet Pollert. The bill's basic requirement is that all electricity generated in the state must be dispatchable or demonstrate backup capacity through the use of firming. It empowers the Industrial Commission to adopt rules that require entities that rely on non-dispatchable energy to demonstrate that they've secured sufficient firming capacity to meet the reliability standard.

Several non-binding resolutions have also been introduced, one of which is a reaction to a series of anti-oil and anti-pipeline orders issued by President Biden. [HCR 3027](#) urges Biden to continue oil development on federal land. Senator Rich Wardner sponsored [SCR 4012](#), which would "establish a state policy to support the reliability and resilience of the electric grid, ensure price transparency to consumers in electric markets, and incentivize carbon capture utilization and storage as an alternative to preserve dispatchable thermal electric generation."

Legislation that would establish a "clean sustainable energy authority," received its first hearing Thursday in the House Energy and Natural Resources Committee. Like SB 2291 mentioned above, [HB 1452](#) is a response to the anti-fossil fuel investment crusade, otherwise known as the ESG movement – Environmental and Social Governance. Large investment firms are grading companies on their "sustainability," more or less suggesting that fossil fuels will soon be a thing of the past, so investing in them is discouraged. Publicly-traded oil and coal companies are routinely scored in the "severe" ESG category. The legislation, which includes both House and Senate majority leaders among its co-sponsors, emerged from interim discussions by the EmPower Commission. Its members believe the state needs to take a pro-active approach to support research and new technology that demonstrates that oil, gas and coal are "clean and sustainable." WDEA [joined](#) oil and coal industry lobbyists, and the Energy & Environmental Research Center to testify in support of the bill.

Education funding, particularly to support new school construction, is always uppermost in the mind of WDEA's education members. We were disappointed with the action of the House Finance and Taxation Committee, which gave a 10-2 Do Not Pass recommendation to [HB 1350](#), which would make it slightly easier for districts to pass a bond issue. Members of the Appropriations Committees say they are awaiting the outcome of debate on several bonding bills to determine what actions they might take to support school construction. [SB 2327](#), which directs the Department of Public Instruction to pay off bonded indebtedness of all school districts using money from the Common Schools Trust Fund, will be heard in Senate Education on Wednesday. It's unlikely to pass, but will generate a lot of discussion. Suffice to say, there is considerable interest among legislators to tap the trust fund to address the need for school construction.

It will be an extremely busy week ahead. Click [here](#) to see our schedule of hearings. WDEA members who wish to submit testimony can do so by finding the bill on the [committee schedule page](#). Click [here](#) to see WDEA's bill tracking list.