



100 West Broadway, Ste. 200 | P.O. Box 1395 | Bismarck, ND 58501-1395  
701.223.6380 | ndpc@ndoil.org | www.NDOil.org

**Engrossed House Bill 1059**  
**Testimony of Brady Pelton**  
**Senate Political Subdivisions Committee**  
**February 18, 2021**

Chairman Burckhard and members of the Senate Political Subdivisions Committee, my name is Brady Pelton, general counsel and director of government affairs for the North Dakota Petroleum Council (“NDPC”). The North Dakota Petroleum Council represents more than 650 companies in all aspects of the oil and gas industry, including oil and gas production, refining, pipeline, transportation, mineral leasing, consulting, legal work, and oilfield service activities in North Dakota. I appear before you today in support of Engrossed House Bill 1059.

This bill, introduced at the request of the North Dakota Public Service Commission, would require an excavator to immediately call 911 emergency services and notify the operator of an underground facility if strike damage to that underground facility resulted in a release of flammable, toxic, or corrosive gas or liquid. The addition of this requirement is necessary to maintaining a satisfactory determination of North Dakota’s One-Call program by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”), which the oil and gas industry strongly supports.

However, we do request committee consideration of removing the requirement for an excavator to report such a release to the state’s unified spill reporting system. Amended into House Bill 1059 by the House at the request of the North Dakota Department of Environmental Quality (“DEQ”), this requirement is duplicative and unwarranted. Existing law already requires the immediate reporting of spills or releases by the operator, and requiring that an excavator do the same for a single event is unnecessarily redundant. Concerns with this language will be described in greater detail by those following me in testimony.

Thank you for the opportunity to share information with you today. We respectfully urge the committee to remove the language on page 1, line 15 of the engrossed bill and a subsequent **Do Pass as Amended** recommendation on Engrossed House Bill 1059. I would be happy to try to answer any questions.