



Good afternoon, Chairman Porter and members of the House Energy and Natural Resources Committee,

The Power Companies of North Dakota (“PCND”) urges a “Do Not Pass” recommendation on SB 2379.

PCND is a coalition of the state’s leading shareholder-owned gas and electric utilities. Our members include MDU Resources Group, Xcel Energy, Otter Tail Power Company, and ALLETE. Together, PCND members serve over 427,000 North Dakota customers, employ over 1,200 North Dakotans, and manage significant power generation and transmission infrastructure across our state.

Senate Bill 2379 proposes changes to existing law relating to entry for survey and location purposes when land is required for public use. Existing law authorizes entry for survey and location of proposed facilities, but location must be in the manner which will be compatible with the greatest public benefit and the least private injury. This is sound public policy, because the prospect of obtaining voluntary consent seems unlikely when the condemning authority is poised to institute eminent domain proceedings. SB 2379 would require written consent from landowners or a court order before conducting necessary surveys. This would lead to delay and additional costs, jeopardizing projects necessary for public use and ultimately increasing costs to consumers of products for which public use is sought.

For practical purposes, landowner consent is already obtained whenever possible.

Adding unnecessary regulatory hurdles could cause delays in critical energy infrastructure projects, increasing costs and impeding timely service to North Dakota residents. The current process balances landowner rights with the need for efficient project planning, making this proposed change unnecessary, burdensome and, in the case of requiring a court order, potentially very costly. Moreover, requiring a court order for entry to survey and locate would unnecessarily and unduly increase workload for the court system.

Accordingly, PCND urges a “Do Not Pass” recommendation on SB 2379.

Thank you, Chairman Porter and committee members.