



Testimony Prepared for the
House Energy and Natural Resources Committee

March 13, 2025

By: Casey Einrem, Burleigh County Senior Assistant County Engineer & NDACE Legislative Committee

RE: Opposition for SB 2379 – Relating to the surveying process during eminent domain proceedings

Chairman Porter and members of the House Energy and Natural Resources Committee, thank you for the opportunity to provide testimony on SB 2379. I am Casey Einrem, the Burleigh County Senior Assistant Engineer, and I also serve as a member of the Legislative Committee for the ND Association of County Engineers (NDACE).

Although eminent domain is not often used for county road projects, we do want to provide some information for consideration. We sympathize with the citizens of North Dakota that have or will go through eminent domain proceedings. Eminent Domain is a process that can be frustrating to many and it is a choice of last resort after all other options have been exhausted.

At the beginning stages of roadway projects, counties may not know if a survey to gather information has the potential for eminent domain proceedings. Due to this, every survey would need to be treated as if eminent domain proceedings might occur with this bill. During the design of roadways, counties try to minimize any impacts to adjacent landowners. It is not always possible to avoid building roadways into adjacent property due to design requirements or requirements in the law. Also, surveys are not always conducted at advantageous times. A good example occurred this year in my county. A new gas station was proposed at a busy intersection in Burleigh County (outside of the City of Bismarck) and after a Traffic Operations Report, it was determined that turn lanes would be required at this intersection. The proposed plans and report were presented in October of 2024. If 30 days' notice was required prior to survey, because we didn't know if adjacent landowners would be impacted by the new roadway footprint prior to design, the survey would have occurred in later November. This winter was nice and we could have done the survey, but this winter is not a typical one. In a typical winter, with the proposed amendment, the survey would have needed to be delayed until Spring to obtain accurate ground information for design. This would have brought delays to the roadway project while the construction of a gas station would have possible impacts to the traveling public.

The proposed amendment is unclear in determining if an item was missed in the initial survey, would a new survey notice need to be sent to obtain the item that was missed or would it still be covered under the initial notice while still being within the 90 days?

The proposed residential address in line 14 of the amendment seems unclear if it means the business address in North Dakota and not a PO Box, or the personal address of the person in charge of the public use. If it means the personal address, I can only speak for myself and NDACE on this point. I will not include my personal address due to the number of threats received at numerous public input meetings and public hearings I have done over the years. I have had citizens call my home number enough times that we have an unlisted phone number. I have had citizens come to my home, with my family present, to make their very strong opinions known about projects they did not like. I do not feel it is appropriate to make threats to my family because they disagree with a project. We request the amendment would



include a physical business address within the state of North Dakota, where citizens can address their concerns in a business environment.

Chairman Porter and Committee Members, we understand this committee is trying to strike a balance in the best way possible while providing protection to the public. We also recognize this is a difficult job with competing viewpoints and appreciate your time and consideration of our concerns.