



March 13, 2025

Chairman Porter and House Energy and Natural Resources Committee Members,

Thank you for the opportunity to testify on behalf of the Lignite Energy Council in opposition to SB 2379. The current framework provides an effective balance between landowner rights and the need for efficient project planning. Under existing law, authorized entities may enter land to conduct necessary surveys while ensuring the location of proposed facilities maximizes public benefit and minimizes private injury. This is sound public policy, as it respects landowner rights while allowing infrastructure development to proceed efficiently.

This bill, however, would require written landowner consent or a court order before conducting surveys, leading to significant project delays, increased costs, and unnecessary burdens on developers and the courts. Critical infrastructure projects—such as energy transmission lines, pipelines, and utility expansions—rely on timely survey work to determine feasibility, environmental impact, and engineering needs. If landowners deny access and developers must seek court orders, projects could face extended legal battles, adding weeks or months of delays. This disrupts construction schedules, increases costs, and creates uncertainty for investors and planners.

Infrastructure projects often span multiple land parcels. If even a few landowners refuse access, developers would need to seek multiple court orders, compounding legal expenses and administrative burdens. These delays could push projects beyond planned timelines, impacting supply chains, workforce scheduling, and seasonal construction windows—ultimately increasing costs for consumers. Moreover, requiring court orders would strain the judicial system, diverting resources from other pressing legal matters.

For practical purposes, developers already seek landowner consent whenever possible. The current law strikes a reasonable balance between protecting property rights and ensuring efficient project development. Adding unnecessary regulatory hurdles would slow infrastructure progress, raise costs, and discourage investment in North Dakota's energy and transportation sectors. For these reasons, we urge the committee to oppose SB 2379, with a "Do Not Pass" recommendation and maintain the effective balance that already exists in the law.

Sincerely,
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