

Testimony of Shirley Gohner, Stutsman County Landowner and Resident

In Opposition to House Bill 1258

Dear Senators,

I write today to express my strong opposition to the passage of House Bill 1258. With the passage of this bill, the North Dakota Public Service Commission (PSC) will have sole authority of siting transmission lines. This bill will enshrine that the PSC will have complete control over zoning regulations and that local townships and counties will be carved out of decision making. Those representatives closest to the people will not have a say in what projects go through their respective areas.

HB 1258 came about in response to some townships denying special easements to the JetX Transmission Line project planned from Jamestown to Ellendale, North Dakota. While the representative from Otter Tail Power appears to imply in his testimony to the committee on January 23, 2025 that the JetX line will provide security to the grid, it is my understanding that this line will provide power solely to Applied Digital in Ellendale. Claire Vigessa, Executive Director of North Dakota Transmission Authority, also referenced a “strong reliable grid” as being of importance in her testimony on January 23, 2025. It is my understanding the landowners along this route will not have access to the power carried by JetX; the communities in this 95-mile corridor will not have access to this power. Yet, the landowners along this route will have their rights extinguished should the PSC exert eminent domain to complete the project(s).

I am not opposed to eminent domain exerted for public use. The JetX transmission line project is not intended for public use.

It is interesting to me that lobbyists from Power Companies of North Dakota as well as the other entities supporting this bill imply that the PSC is somehow uniquely qualified to make such determinations, in fact, they even refer to them and their staff as experts. There is something missing in this assumption. The landowner is the steward of the land. The landowner lives on the land, farms the land, ranches on the land. The one who lives on the land in my humble opinion, is far more of an expert. This is their life. Their hope. Their land.

The Founders of this great country recognized dangers posed by unchecked governmental power arbitrarily controlling or seizing private property. They wisely incorporated vigorous protections against arbitrary confiscation in the Constitution. Alexander Hamilton underscored private property needed safeguarding from legislative overreach and majority tyranny. James Madison expressed that property rights were

akin to personal rights. The Founders believed protecting property rights was fundamental to realizing individual liberty.

For decisions of this importance, is this what our Founders envisioned? That local autonomy and decision making be taken away from landowners and townships and granted to a commission? Is this what you envision and hope for your family in the future? With a pass vote, you are confirming you stand with the out-of-state interests, and sadly, even some within our state, in lieu of the interests of the constituents you were elected to represent.

Thank you for your time.

Shirley Gohner

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County of Stutsman