

SB2228 Testimony (In Favor Of)

Good morning, Mr. Chairman and Committee Members.

My name is Craig Ballensky, I live in Princeton MN with my wife Amanda and our two son's Camden and Mack. I was born in Dickinson North Dakota, was raised much of my childhood in Oliver County and moved to Minnesota as a youth. We have the good fortune of returning to North Dakota for years to enjoy the land that we own in Oliver County. Land that has been passed down from generation to generation and something my wife and I look forward to with our sons. The land that we enjoy has been in our family for over a century. During our time with the land, we have continued to improve the land by planting hundreds of trees to restore the homestead wind break, made fencing improvements, and have future water improvements and habitat planting projects for livestock and wildlife on the books. All of this is threatened with the legislation as written today.

SB2228 as proposed today will help in allowing us to continue to exercise our constitutional rights as private landowners as well as help in protecting the land for future generations, including our sons.

We are writing to you today to share our thoughts regarding carbon disposal and the processes involved. We are not against the idea of the carbon disposal in anyway, albeit, we are greatly offended by the process being used by a developer to procure land needed for this project. Our dealings with the developer up to this point have been disappointing at best. The lease that was presented at the beginning of this journey to us was extremely one sided with the bare minimum required of the developer. The current lease offered seems to be lacking in insurance coverages, offers below market compensation, onerous warranty and representation clauses, and allows the developer to install any equipment they deem necessary, anyplace on our property regardless of our wishes and they can pay us whatever they want for that surface use – with our only recourse to be to sue them at our cost if we don't agree.

In our best efforts to negotiate, we presented the developer with a lease we would sign in January of last year. We received no formal written offers to modify their lease to address our concerns until the SB2228 was circulated. It feels as if the developer was, or is, relying on assistance from the Government to "TAKE" our land without our consent. With their developer favored state statute NDCC 38-22-10 threatened, the developer was willing to talk with us about one of the many issues that pertain to the lease offered.

It is offensive that the government would allow the developer to **physically invade** our private property without our consent and unconstitutional that the government would help the developer with their statutory language to force non-consenting landowners to give up their private property without **due process**. It is far too common in this day and time for the government to take the side of big business, leaning on the private landowner and taking whatever is needed to achieve the government's goal through their alliance with big business. Today's unconstitutional process of the Industrial Commission stealing our property will result in benefits given to its' allies of big business at the sole expense of landowners.

Today you can balance the playing field for landowners and stop allowing the government / big business alliance to act and do whatever they feel necessary and in the words of Summit Carbon Solutions testimony on SB2313 on January 26th of accomplishing an "**unlawful taking**" from landowners in this case, by "**picking winners and losers**" with the losers being landowners in this case, by the "**state**

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legislature fingers on the scale of justice” in in favor of big business in this case. Decisions made today will allow for future generations to enjoy all the great things North Dakota lands have to offer. Thank you for taking the time to read this testimony, we encourage a “Do-Pass” on SB2228.

Sincerely,

Craig and Amanda Ballensky, Oliver County North Dakota landowners.