



Chairman Larson and members of the Senate Judiciary Committee,

The Power Companies of North Dakota (“PCND”) urges a “Do Not Pass” recommendation on SB 2321.

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 2321 proposes amendments to sections of the North Dakota Century Code concerning eminent domain proceedings. Specifically, section 1 of SB 2321 adds defendant’s costs for expert witness fees to the already substantial costs required to be borne by the condemning entity when proceedings are dismissed or withdrawn. While the bill aims to protect landowners, it ultimately imposes financial burdens on utility companies, which must ultimately be recovered from electric consumers in rates.

Section 2 of SB 2321 adds defendant’s costs for expert witness fees to the list of costs for which a court may authorize recovery from the condemning entity. Again, these are costs that would ultimately be borne by electric consumers in rates.

Eminent domain is a necessary tool to ensure reliable and affordable electric service, particularly in the development of transmission infrastructure. The added costs mandated by SB 2321 could increase project expenses, delay infrastructure investments, and result in higher costs for North Dakota electric consumers.

Accordingly, PCND urges a “Do Not Pass” recommendation on SB 2321.

Thank you, Chairman Larson and committee members.