



February 12, 2025

Chairwoman Larson and members of the Senate Judiciary Committee,

Thank you for the opportunity to testify in opposition to Senate Bill 2321 on behalf of the Lignite Energy Council. Our organization represents North Dakota's lignite industry, which plays a crucial role in providing affordable and reliable energy. While we support fair and just eminent domain proceedings, SB 2321 introduces unnecessary financial burdens that will increase costs for utilities, infrastructure developers and North Dakota consumers.

By expanding the requirement for public entities and organizations with eminent domain authority to cover litigation costs, including attorney's fees and expert witness expenses, this bill will drive up expenses for critical infrastructure projects and discourage much-needed investment in energy development. These added costs will inevitably be passed down to consumers, leading to higher electricity rates and increased financial strain on ratepayers.

Furthermore, the bill undermines the balance in current eminent domain laws, which already ensure landowners are treated fairly while allowing projects in the public interest to proceed. By expanding the scope of financial liabilities for utilities and project developers, this bill increases the risk of litigation, delays essential projects and creates uncertainty in an industry that relies on long-term stability to make investment decisions.

For these reasons, the Lignite Energy Council urges the committee to oppose SB 2321 with a "Do Not Pass" recommendation.

Thank you for your consideration,

Jonathan Fortner
VP of Government Relations
Lignite Energy Council