

Chairman Patten and members of the Energy and natural resources committee

I would like to introduce SB2379 a measure that strengthens **property rights** while ensuring that public projects can proceed in a fair and transparent manner. To understand why this bill is necessary, we must take a brief look at North Dakota's history—specifically, the influence of Alexander McKenzie.

McKenzie, as many of you know, was a dominant political figure in North Dakota's early years, wielding immense power behind the scenes. He orchestrated land deals, controlled judicial appointments, and heavily influenced policies on land use and surveying. His influence helped shape North Dakota's eminent domain laws in ways that often-favored **powerful interests over private landowners**. The legacy of those laws is still felt today, as landowners often find themselves the losing end of government takings and development projects.

One area where this influence remains is in **surveying laws** related to eminent domain. Historically, those in charge of public projects could enter private land to conduct surveys without meaningful consent from landowners. This practice, rooted in a time when political bosses like McKenzie could use the law to their advantage, has persisted—leaving landowners with little say in who can access their property and when.

This bill seeks to correct that by requiring **written landowner consent or a court order before entry for surveys**. It ensures that the rights of property owners are respected while allowing necessary public projects to move forward in a structured and lawful manner. Additionally, it clarifies that landowners may seek damages only in cases of **negligence, wantonness, or malice**, preventing frivolous claims while still holding bad actors accountable.

~~Members of the committee, this is more than a procedural change, it is a **step toward restoring balance** between public interest and private property rights. I urge a **Do Pass** recommendation on this bill.~~

- **Land Entry for Surveying:**

- Previously, entities needing land for public use could enter and survey it.
- The amendment requires **written consent** from the landowner **or a court order** before entry.

- **Project Location Considerations:**

- The project must be **compatible with the greatest public benefit** and cause the **least private injury**.
- It remains subject to **existing legal provisions** under section 32-15-21.

• **Legal Protections for Landowners:**

- Entry for surveying **does not** create a legal claim unless the landowner suffers damage due to **negligence, wantonness, or malice** by the entity conducting the survey.

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