

Testimony of Dakota Resource Council

SB 2314

January 27, 2023

Chairman Patten, Vice-Chairman Magrum, and members of the committee:

My name is Eliot Huggins and I am testifying on behalf of the Dakota Resource Council and our members. Thank you for allowing me to testify in support of SB 2314.

I would like to focus my testimony specifically on section two of this proposed legislation:

SECTION 2. Section 49-19-12.1 of the North Dakota Century Code is created and enacted as follows: 49 - 19 - 12.1. Approval for use of eminent domain - Notice - Hearing. 1. A common carrier may not exercise eminent domain without first having obtained approval from the commission. 2. Upon receipt of a common carrier's filing of acceptance of the provisions of this chapter, the commission shall hold a public hearing in the county seat of each county potentially impacted by the common carrier's proposed project. 3. Before approving a common carrier's use of eminent domain, the commission shall: a. Review the general location of the proposed project; b. Confirm the common carrier has the financial resources needed to complete the proposed project; and c. Consider any issues raised during the public meetings related to the proposed project

DRC and our members think it is an excellent bill that would allow for more public participation in matters that go before the Public Service Commission. There has been much discussion surrounding the proposed Summit Carbon Solutions Pipeline here in North Dakota— and many valid points have been raised by all parties that are here today. I want to highlight that in South Dakota for projects like Summits: public hearings are required throughout the pipeline route before the official proceedings occur. In Iowa: the IUB must hold a public hearing in each county before being allowed to obtain voluntary easements. Let's open this process up to the public when making hard decisions about what projects constitute a public use and what projects should have the right to eminent domain. Any utility or pipeline company can also make their case to the commission at the public hearing. This section of legislation still allows for common carriers to exercise eminent domain and it doesn't eliminate the official PSC hearing process— all it does is give the public and local governments a greater opportunity to address the PSC early on in the process. Under this legislation: the PSC still has the final say and broad discretion to grant a project common carrier status.

I respectfully request the committee render a DO PASS on SB 2314. I am happy to answer any questions.