



# North Dakota Senate

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## Senator Keith Boehm

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**COMMITTEES:**  
Industry and Business  
Energy and Natural Resources

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Chairman Porter and members of the Energy and Natural Resources committee.

I am Keith Boehm, Senator from District #33. I am introducing SB 2379. This bill is to amend and reenact Section 32-15-06 of the North Dakota Century Code, clarifying the surveying process in eminent domain proceedings. The bill allows a person, corporation, or their agents to enter private land to survey and locate areas needed for public use, provided they have the landowner's written consent or a court order. The survey must prioritize public benefit while minimizing private harm. The landowner cannot seek legal action for the entry itself, except in cases where negligence, recklessness, or malicious intent caused damage.

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 on 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. Eminent domain is a necessary but delicate process—one that requires balancing the needs of the public with the rights of private landowners. This bill strengthens that balance by ensuring that before any land is surveyed for potential public use, landowners must either provide written consent or a court must approve the entry. This is a critical safeguard for property owners while still allowing necessary public projects to move forward efficiently.

Additionally, this bill reinforces the principle that surveyors must act responsibly and in good faith. It explicitly states that any claim for relief is limited to cases of negligence, wantonness, or malice. This ensures that landowners are protected from careless or reckless actions while also preventing frivolous claims that could delay important infrastructure projects.

Finally, by requiring that projects be planned in a way that maximizes public benefit while minimizing private harm, this bill upholds the fundamental fairness that should guide all eminent domain proceedings. This is a bill rerun without an emergency clause. Last session this bill sailed through the Senate chamber with almost unanimous support from the chamber and the energy industry. We again have energy industry support on this bill. We did try to get some other parts of the survey producers in on support, but it was a bridge too far and would have neutered the legislation. The removal of the emergency clause does give all involved time to plan

and get the proper permission, in other words get ahead of it. I am asking for committee support from members of the House Energy and Natural Resources Committee, this is a commonsense measure that respects the rights of landowners while ensuring that necessary public projects can proceed in an orderly and fair manner. I urge a do-pass vote on SB2379.