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RE: Opposition to HB1258

TO: Senate Energy and Natural Resources Committee

Mr. Chairman and members of the committee,

My name is Charlie Sorenson, a farmer and land owner from Ross, ND. I am strongly opposed to HB1258.

I have been a panelist for the Midwest Governors Association Mid-Grid 2035, a regional multi-state transmission and planning effort. As the chairman of the Mountrail County Planning and Zoning I've seen many applications and approvals of transmission lines. As a township chairman, I've approved section line crossings for three different transmission lines. As the chairman of my counties soil committee, I've seen the reduction in usable farmland due to transmission lines and facilities. As the chairman of my local ambulance, I've worked to maintain staffed paramedics and first rate equipment in case of injury along these high voltage lines. As a landowner, after testimony and negotiations, I signed easements for a 230kV and a 345kV line crossing my land.

This bill would largely turn over the control of local zoning to the PSC. I testified in front of the PSC when a transmission line without an easement was proposed across my property. I was told by the PSC that they do not get involved in easements and are only involved in environmental impacts. In this case the PSC allowed an incomplete application to be heard as it was lacking several other's easements. PSC hearings tend to drown out any opposing views by beginning with hours and hours of scripted and prepared testimony by the pro side in hopes that any opposition will give up and leave. The PSC does not understand local conditions, local codes, and local comprehensive plans.

Under this bill, the local political subdivision shall provide a listing of all local requirements. My zoning board places its Land Development Code on their website for all to see and applicants are charged a fee to submit an application. This fee covers administrative cost associated with the application for things like providing requirements to the applicant amongst other things.

There is no provision in this bill to reimburse local political subdivisions for their work in providing requirements. This clearly constitutes a theft of services by the state.

Taking over by the PSC is simply less efficient. This bill would require, at a minimum, for the three person PSC to learn local codes, comprehensive plans, and past minutes. Past minutes tend to carry as much weight as code, so they must be provided. If efficiency is paramount, this bill should be amended to give the PSC approval process to the local political subdivision. The locals already have regular hearings, they are closer for nearby residents and landowners, and their meetings have a much lower carbon footprint than PSC hearings that require travel to and from Bismarck.

This bill is unnecessary as we have a permitting system that currently works well.

Step 1: Negotiating routes and easements with landowners, with possible eminent domain.

Step 2: Obtaining a local Conditional Use Permit (CUP) with variance if necessary.

Step 3: PSC approval.

It's quite important to work in this order as routes may change early on in the negation phase resulting in necessary alterations to be made in the CUP and PSC application. Eminent domain can be an option for the power company when they encounter unwilling landowners, but I must highlight that wind farms do not have emanate domain rights yet they always find a place to build their transmission lines.

Individual ownership and property rights are older than our state and even our country. William Bradford, one of the original pilgrims witnessed his fellow pilgrims produce meager amounts of food for the commonwealth. This socialistic system required food assistance from some friendly and benevolent Native Americans. Seeing these problems, Bradford developed a system of individual ownership in which each pilgrim owned their own land or business and benefited directly from the product of their own toil. Soon, food production increased, starvation ended, and our modern day system of owning property and property rights was born. Now after more than 400 years, HB1258 attempts to remove our tried and true system of individual property and property rights.

Later, during American Revolution, British soldiers assumed the right to use our property and homes. This unjust act resulted in the 3rd Amendment. HB1258 attempts to do the same as the British, use our property and homes as power companies wish. Approval of this bill will only sprinkle the seeds of a revolution across our state.

We all make a bad decision now and then, after all humans are not perfect. The higher road means admitting that you made a mistake and reversing your position. For those who support this bill, I forgive you, but only after you reverse your position on 1258. Please forward HB1258 with a DO NOT PASS recommendation and then DEFEAT it on the Senate floor.

Sincerely,



Charlie Sorenson