

2025 HOUSE ENERGY AND NATURAL RESOURCES

HB 1258

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1258

1/23/2025

Relating to energy conversion and transmission facility siting.

9:09 a.m. Chairman Porter opened the hearing.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chairwoman Novak, Representatives: Dockter, Hagert, Headland, Johnson, Marschall, Olson, M. Ruby, Conmy, Foss

Members Absent: Representative Heinert

Discussion Topics:

- Transmission lines.
- Structural specifics
- Gen X Project

9:09 a.m. Representative Brandenburg introduced the bill, testimony #31021.

9:21 a.m. Dennis Pathroff, PCND, testified in support and submitted testimony #30751.

9:23 a.m. Jason Weiers, Manager, Transmission Project Development at Otter Tail Power Company, testified in favor and submitted testimony #30943.

9:35 a.m. Jordan Kannianen, Deputy Director, ND EC, testified in favor and submitted testimony #30799.

9:37 a.m. Andrea Pfennig, Vice President of Government Affairs, Greater Chamber of ND, testified in favor #30921.

Additional written testimony:

Zach Martin, ND Transmission Authority, submitted testimony in favor #30876.

Beth Feldner, Community Relations and Government Affairs Manager, Xcel Energy, submitted testimony in favor #30934.

Justin Dever, Lobbyist for MDU Resources Group, Inc., submitted testimony in favor #30973.

9:39 a.m. Chairman Porter closed the hearing.

Janae Pinks, Committee Clerk for Leah Kuball, Committee Clerk



Good morning, Chairman Porter and members of the House Energy and Natural Resources Committee,

My name is Dennis Pathroff. I'm a lobbyist with the GA Group and here today representing the Power Companies of North Dakota ("PCND").

PCND is a coalition of the state's leading shareholder-owned gas and electric utilities. Our members include MDU Resources Group, Xcel Energy, Otter Tail Power Company, and ALLETE. Together, PCND members serve over 427,000 North Dakota customers, employ over 1,200 North Dakotans, and manage significant power generation and transmission infrastructure across our state.

Today, I express PCND's strong support for HB 1258. Development of electric transmission lines is a matter of state interest—to provide safe, reliable electricity to homes and businesses across the state and region. Accordingly, this bill establishes the Public Service Commission as the authority for siting electric transmission in the state. This change makes sense for several reasons:

- **Objective Oversight** – The PSC is a well-staffed agency very familiar with electric transmission. The PSC provides an impartial, statewide perspective. The PSC's decisions prioritize public interest and the long-term value of projects for all North Dakotans.
- **Expertise and Resources** – The PSC has access to technical staff and participates in regional partnerships, ensuring projects align with both state and broader regional energy needs.
- **Economic and Reliability Benefits** – Improved transmission infrastructure not only supports economic growth by attracting new businesses, but it also enhances grid reliability, helping prevent outages during extreme weather by having more options to get power to where it is needed. We suggest that these statewide interests are important for projects that cover many counties and jurisdictions.

HB 1258 also brings electric transmission siting into alignment and provides parity with the existing siting process for gas and liquid pipelines, ensuring consistency and fairness. PCND stands ready to collaborate with this committee and stakeholders on any proposed amendments to ensure the bill's success.

Behind me are subject matter experts from our member companies who can provide detailed insights on the current process and the benefits HB 1258 will bring. PCND urges a “Do Pass” recommendation on this critical legislation.

Thank you, Chairman Porter and committee members, for your time and consideration

Testimony on House Bill 1258
By Claire Vigesaa
Executive Director
North Dakota Transmission Authority
January 23, 2025 – House Energy and Natural Resource Committee

The North Dakota Transmission Authority (Authority) was created by the North Dakota Legislative Assembly in 2005 at the request of the North Dakota Industrial Commission. The Authority's mission is to facilitate the development of transmission infrastructure in North Dakota. The Authority was established to serve as a catalyst for new investment in transmission by facilitating, financing, developing and/or acquiring transmission to accommodate energy production. The Authority is actively engaged in seeking ways to improve North Dakota's energy export capabilities along with transmission capabilities within the state.

Accordingly, we believe the legislature should strongly consider any legislation that ensures the regulatory and permitting environment within ND is predictable and stable across the state, without the imposition of varying standards of development by local governments. Most strategic transmission projects don't happen just one county or township. They traverse the state. And to encourage development of transmission in ND, for the reliability, resiliency, and growth of the grid, the legislature should support clear, objective, state-wide standards for development. The Public Service Commission is well equipped to host fair, objective, publicly accessible, and technically accurate proceedings for transmission projects.

The authority is also an important voice for North Dakota throughout the various RTOs that cover ND—MISO and SPP. We play an active role in advocating for ND's needs in those markets. MISO and SPP have both recognized the state-level importance of a strong, reliable grid, which as we've informed the committee earlier this session, involves many new transmission projects. Building out these projects of importance to the grid becomes much more difficult if local government impose varying—and in some cases, prohibitive—standards of development.

January 23, 2025

Chair Porter and members of the House Energy and Natural Resources Committee,

On behalf of ALLETE / MN Power, we write in support of House Bill 1258, an important energy infrastructure bill which will improve the permitting process for transmission lines across the state. We thank Rep. Brandenburg and all other sponsors for their leadership on this issue and encourage the committee to approve today's bill.

Our company has a proud history of investing in the state of North Dakota with a strong presence in the energy sector. North Dakota is a leader in energy generation and transmission plays an important role in transporting electrons to market.

However, we are witnessing unworkable county ordinances that could hamstring the energy sector's ability to make further investments into North Dakota's electric grid and add unnecessary cost in construction. These would also negatively impact energy generators and therefore the residents, businesses, and industries that depend on reliable energy on a daily basis.

House Bill 1258 recognizes the importance of transmission by designating the Public Service Commission (PSC) with the sole authority of siting transmission lines. The PSC interacts closely with the Midcontinent Independent System Operator, Southwest Power Pool, and other transmission planners to design and support an electric grid to the benefit of North Dakota. The PSC also employs the staff needed to analyze the cost and benefits of a transmission project and its statewide impacts.

Lastly, transmission boosts sales and property tax revenues to state and local county units, an important source of funding for critical services.

Thank you for incorporating our comments into the committee's decision process and we encourage passage of House Bill 1258.

Sincerely,

/s/
Zach Martin
Government Affairs Manager
ALLETE / MN Power



GREATER NORTH DAKOTA CHAMBER
HB 1258
House Energy & Natural Resources Committee
Chair Todd Porter
January 23, 2025

Mr. Chairman and members of the Committee, my name is Andrea Pfennig, and I am the Vice President of Government Affairs for the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. We stand in **support** of House Bill 1258.

Our members support a business-friendly regulatory environment that is consistent, efficient, cost-effective and promotes investment in infrastructure. Streamlined policies and processes are important to ensure timely permitting of infrastructure projects.

We feel that putting authority of siting transmission lines with the Public Service Commission will maximize consistency and efficiency. This will mirror the existing siting process for gas and liquid pipelines, enabling a uniform approach to infrastructure in the state. Additionally, the PSC has the expertise and procedures to ensure a comprehensive approach to large infrastructure projects that have far reaching impacts.

Transmission is an important component to the availability and delivery of low-cost generation resources to customers. This helps facilitate economic growth and employment opportunities, as well as tax revenues for the state, counties, and townships.

Smart approaches to infrastructure regulation are vital to ensure that North Dakota has the infrastructure necessary to support and grow a thriving economy. We hope you will support HB 1258.





300 16th Street SW
Minot, ND 58701

January 22, 2025

Chairman Todd Porter
Members of House Energy and Natural Resources
North Dakota State Capitol
600 East Boulevard
Bismarck, ND 58505-0360

RE: HB 1258

Chairman Porter and Members of the Energy and Natural Resources Committee,

Thank you for the opportunity to submit testimony in favor of House Bill 1258.

For more than 116 years, Xcel Energy has been proud to be the trusted energy provider for residential and commercial customers in North Dakota. We continue to invest strategically to support our economy, build and maintain energy infrastructure to withstand severe weather events, and to deliver safe, reliable, and affordable service.

HB 1258 will ensure the state has the authority to enable the development of critical electricity transmission infrastructure. Transmission lines are a vital link to deliver electricity over long distances from power sources to transmission substations closer to homes and businesses. A strong transmission system ensures reliable and affordable service. Transmission expansion is critical to ensuring North Dakota's energy future.

Thank you, Chairman Porter and committee members, for your time and consideration.

Sincerely,

Beth Feldner

Beth Feldner
Community Relations Manager

Testimony of Jason Weiers, Otter Tail Power Company, in Support of House Bill 1258**House Energy and Natural Resources Committee****January 23, 2025**

Good morning, Chairman Porter and members of the committee, my name is Jason Weiers and I serve as manager of transmission project development for Otter Tail Power Company.

I have been employed by Otter Tail since 2000 and am a graduate of North Dakota State University with a bachelor's degree in electrical engineering. I am also a registered professional engineer in the State of Minnesota. I have approximately 24 years of experience in the electric utility industry, with more than 22 years of those in electric transmission planning. In my current role, I oversee the permitting of transmission projects, which includes permitting transmission facilities at the local, state, and federal levels. In addition, I am responsible for developing agreements with our co-owners that outline the business arrangements for ownership, development, construction, operations, and maintenance activities related to co-owned transmission projects. In my previous roles at Otter Tail, I was involved in transmission and distribution planning studies, transmission project agreements, regulatory proceedings related to permitting and cost recovery, as well as capital budget development and administration. I have experience throughout the various stages of project development, from conceptual planning all the way to taking a project through construction and placing it in-service.

I am here to testify in support of House Bill 1258. Importantly, lines 11 through 15 on page 1 of House Bill 1258 provide that a state permit from the Public Service Commission for the construction of an electric transmission facility within a designated corridor supersedes and preempts local land use or zoning regulations except for a deference to local political subdivisions on complying with road use agreements.

Lines 16 and 17 on page 1 of House Bill 1258 provides that before an electric transmission facility is approved, the commission would require the applicant to comply with road use agreements of impacted political subdivisions.

Lines 18 through 21 on page 1 of House Bill 1258 further provides that a state permit may supersede and preempt the road use-related requirements of a political subdivision if the applicant shows by a preponderance of evidence that the regulations or ordinances are unreasonably restrictive in view of existing technology, factors of cost or economics, or needs of consumers regardless of location, or that are in direct conflict with state or federal laws or rules.

Lines 3 through 12 on page 2 of House Bill 1258 would also create procedural requirements for the commission to notify counties, cities, and townships that have retained zoning authority along any part of the proposed corridor for the transmission line.

House Bill 1258 would provide parity on substantive and procedural provisions that are already applicable to gas or liquid transmission facilities under Chapter 49-22.1-13. This parity would provide additional certainty to applicants on critical electric transmission facilities needed to support the state and public interests and create consistency for the commission's consideration of such facilities.

More importantly, it would ensure that the public and state interest in reliability, resource adequacy, and economic development outweigh parochial, local opposition to critical electric energy infrastructure. Please allow me to provide an example...

At the present time, Otter Tail and Montana-Dakota Utilities Co. are engaged in the development of an approximately 95-mile, 345-kilovolt (kV) transmission line in North Dakota. The Jamestown to Ellendale transmission line, or JETx, is a significant and critical component of the North Dakota transmission system that will run between Otter Tail's Jamestown Substation and Montana-Dakota Utilities' Ellendale Substation.

JETx is one of 18 new transmission projects in the Midwest identified and approved by the Midcontinent Independent System Operator, also known as MISO, in Tranche 1 of its Long-Range Transmission Plan. This project will help ensure electric reliability, increase resiliency to extreme weather events, reduce transmission congestion, and increase access to low-cost energy in the region. JETx is the only transmission project located in North Dakota in MISO's Tranche 1 portfolio.

By way of background, MISO is essentially the equivalent of the air traffic controller of the regional transmission grid - - which includes transmission facilities in 15 states and the Canadian province of Manitoba. Managing the electric grid is similar to managing air traffic. Air traffic controllers are responsible for moving people from point A to point B safely and reliably, 24/7/365. They don't own the airplanes, they don't own the runways, they only direct the air traffic. Instead of moving people, MISO is responsible for moving electricity from where it is generated to where it is consumed, reliably and at the lowest possible cost 24/7/365. MISO doesn't own the generators, the transmission lines, or any part of the electric grid. The MISO member utilities, such as Otter Tail and Montana-Dakota Utilities, are responsible for owning the generation, transmission and distribution facilities needed to produce and deliver electricity to their customers.

The JETx project kicked off in early 2023, and a series of open houses were held between June and September 2023 throughout the project area to gather landowner information to help us identify a proposed corridor for the transmission line. In February of 2024, an application for a Certificate of Public Convenience and Necessity was submitted to the Public Service Commission and the application was ultimately approved in November 2024. Right-of-way agents have continued to work with landowners and approximately 65% of the necessary land rights for the project have been obtained to date. In early 2025, we plan to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the commission pursuant to Chapter 49-22. The commission will review the application and hold public hearings before making a decision on the combined application. It is anticipated that construction of the JETx Project will begin in the summer of 2026 and be in-service by the end of 2028.

As mentioned earlier, the JETx Project is important to help ensure electric reliability and increase resiliency to extreme weather events. Our company experienced an extreme weather event in the form of an ice storm in December 2023 that resulted in two transmission lines serving the Jamestown area being out of service simultaneously. At that time, the capability of the transmission system was significantly reduced and as a result, our company was forced to only serve a limited number of customers in and around the city of Jamestown. Large customers in the Jamestown area, including Cavendish Farms, Green Bison, Dakota Spirit Ag and Applied Digital, were forced to operate at reduced levels in order to keep the compromised transmission system operating within reliable limits; thereby allowing us to keep the lights on for the rest of the customers in the area. The JETx Project will provide a new transmission line to serve the Jamestown

area that will not only offer additional redundancy but also increase system capability to avoid a similar circumstance in the future.

There have been comparatively small pockets of local opposition to the JETx project. This has manifested itself in at least 2 townships in Stutsman County enacting ordinances requiring a transmission line to have a 2,600-foot setback from occupied rural residences. In addition, the Stutsman County Commission is also considering a similar amendment to its ordinances. There is simply no way to build a project through this rural area of North Dakota while abiding by such an onerous setback requirement.

This sort of local opposition, typically initiated by a limited number of landowners, is hindering the development of critical energy infrastructure in several locations in the state. And the opposition is not contained to electric transmission projects, but several other types of critical energy infrastructure projects that are needed to support state and public interests.

The needs of our modern society require more and more electricity, particularly as we look to add new industrial and agricultural facilities and host high performance computing centers in North Dakota. Additional electric transmission is necessary to move electricity from where it is generated to where it will be consumed in a reliable and cost-effective manner.

Therefore, we urge a DO PASS motion on House Bill 1258. With that, I am happy to stand for any questions, Mr. Chairman.



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Bismarck, ND 58503
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Bismarck, ND 58506-5650
(701) 530-1000
www.MDU.com

TESTIMONY IN SUPPORT OF HOUSE BILL 1258
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
JANUARY 23, 2025

JUSTIN DEVER – SENIOR PUBLIC AFFAIRS SPECIALIST, MDU RESOURCES GROUP, INC.

Good morning, Chairman Porter and members of the Committee.

My name is Justin Dever, and I am here today to testify in support of House Bill 1258 on behalf of MDU Resources Group and its subsidiary, Montana-Dakota Utilities Co. Montana-Dakota proudly serves 158 communities in North Dakota with electricity and natural gas.

House Bill 1258 proposes that the siting process for electric transmission facilities should align with the existing process for gas or liquid transmission facilities.

- Paragraph a remains unchanged, stating that electric energy conversion facilities must adhere to local land use and zoning regulations.
- Paragraph b stipulates that a state permit would override any local land use or zoning regulations, with specific exceptions detailed in the bill.
- Paragraph c mandates that applicants must comply with road use agreements unless deemed unreasonably restrictive by the Public Service Commission.
- Paragraph d contains a notice requirement to townships, cities, and counties and having them provide the Public Service Commission with local requirements for consideration.
- Paragraph e states that applicant must comply with the local requirements that are approved by the Public Service Commission.

This bill aligns procedural requirements for electric transmission facilities with those for gas or liquid transmission facilities, providing consistency and certainty. It offers appropriate state-level oversight while ensuring reliability, resource adequacy, and promoting economic development.

A prime example of the importance of this bill is the Jamestown to Ellendale transmission line (JETx). This significant project will enhance electric reliability and resilience in North Dakota, meeting the region's energy needs and supporting economic growth. This project is being developed by Otter Tail Power Company and MDU. Information about the JETx project can be found at <https://jamestowntoellendale.com/>.

I am accompanied today by Rob Frank, the Director of Electric Transmission Engineering for Montana-Dakota Utilities. He is available to answer any questions you might have regarding MDU's transmission system.

I respectfully urge the committee to recommend a "Do Pass" on HB 1258.

Thank you, Mr. Chairman and members of the committee, for allowing me to speak with you today.

25.0777.01001
Title.

Prepared by the Legislative Council
staff for Representative Brandenburg
January 15, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1258

Introduced by

Representatives Brandenburg, Bosch, Grueneich, Hagert, Nathe, Porter, Headland,
Kempnich

Senators Conley, Kessel, Patten, Wanzek

1 A BILL for an Act to amend and reenact subsection 2 of section 49-22-16 of the of the North
2 Dakota Century Code, relating to energy conversion and transmission facility siting; and to
3 provide a retroactive application.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 49-22-16 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 2. a. A certificate of site compatibility for an electric energy conversion facility may not
8 supersede or preempt any local land use, zoning, or building rules, regulations,
9 or ordinances and a site may not be designated which violates local land use,
10 zoning, or building rules, regulations, or ordinances.

11 A

12 b. Except as provided in this section, a permit for the construction of an electric
13 transmission facility within a designated corridor supersedes and preempts any
14 local land use, or zoning, or building rule, regulation, or ordinance, upon a finding
15 by the commission that the rule, regulation, or ordinance, as applied to the
16 proposed route, is regulations.

17 c. Before an electric transmission facility is approved, the commission shall require
18 the applicant to comply with the road use agreements of the impacted political
19 subdivision. A permit may supersede and preempt the requirements of a political
20 subdivision if the applicant shows by a preponderance of the evidence the

- 1 regulations or ordinances are unreasonably restrictive in view of existing
2 technology, factors of cost or economics, or needs of consumers regardless of
3 location. ~~Without such a finding by the commission, a route may not be~~
4 ~~designated which violates a local land use, zoning, or building rule, regulation, or~~
5 ~~ordinance., or are in direct conflict with state or federal laws or rules.~~
6 d. When an application for a certificate for an electric transmission facility is filed,
7 the commission shall notify the townships with retained zoning authority, cities,
8 and counties in which any part of the proposed corridor is located. The
9 commission may not schedule a public hearing sooner than forty-five days from
10 the date notification is sent by mail or electronic mail. Upon notification, a political
11 subdivision shall provide a listing to the commission of all local requirements
12 identified under this subsection. The listing of requirements must be filed at least
13 ten days before the hearing or the requirements are superseded and preempted.
14 e. An applicant must comply with all local requirements provided to the commission
15 under subdivision d, which are not otherwise superseded by the commission.

16 **SECTION 2. RETROACTIVE APPLICATION.** Section 1 of this Act applies retroactively to
17 January 1, 2025.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1258

2/23/2025

Relating to energy conversion and transmission facility siting.

2:48 p.m. Chairman Porter opened the hearing.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chairwoman Novak,
Representatives: Dockter, Hagert, Johnson, Marschall, Olson, Ruby, Conmy, Foss
Members Absent: Representatives Headland, Heinert

Discussion Topics:

- Retroactive application
- Committee action

3:01 p.m. Representative M. Ruby moved to adopt amendment LC# 25.0777.01003.

3:01 p.m. Representative J. Olson seconded the motion.

3:02 p.m. Voice vote - Motion passed.

3:04 p.m. Representative M. Ruby moved a Do Pass as Amended. 3:04 p.m.

Representative Dockter seconded the motion.

Representatives	Vote
Chairman Todd Porter	Y
Vice Chairman Dick Anderson	Y
Vice Chairwoman Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared Hagert	Y
Representative Craig Headland	AB
Representative Pat Heinert	AB
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y
Representative Jeremy Olson	Y
Representative Matthew Ruby	Y

3:04 p.m. Motion passed 11-0-2

3:04 p.m. Representative D. Anderson will carry the bill.

3:05 p.m. Chairman Porter closed the hearing.

House Energy and Natural Resources Committee
HB 1258
January 23, 2025
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Janae Pinks, Committee Clerk for Leah Kuball, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1258

Introduced by

Representatives Brandenburg, Bosch, Grueneich, Hagert, Nathe, Porter, Headland,
Kempenich

Senators Conley, Kessel, Patten, Wanzek

1 A BILL for an Act to amend and reenact subsection 2 of section 49-22-16 of the of the North
2 Dakota Century Code, relating to energy conversion and transmission facility siting: and to
3 provide for retroactive application.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 49-22-16 of the North Dakota Century
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7 2. a. A certificate of site compatibility for an electric energy conversion facility may not
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9 or ordinances and a site may not be designated which violates local land use,
10 zoning, or building rules, regulations, or ordinances.

11 A

12 b. Except as provided in this section, a permit for the construction of an electric
13 transmission facility within a designated corridor supersedes and preempts any
14 local land use, or zoning, or building rule, regulation, or ordinance, upon a finding
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16 proposed route, is regulations.

17 c. Before an electric transmission facility is approved, the commission shall require
18 the applicant to comply with the road use agreements of the impacted political
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25
2 of 2

- 1 regulations or ordinances are unreasonably restrictive in view of existing
2 technology, factors of cost or economics, or needs of consumers regardless of
3 location. ~~Without such a finding by the commission, a route may not be~~
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6 d. When an application for a certificate for an electric transmission facility is filed,
7 the commission shall notify the townships with retained zoning authority, cities,
8 and counties in which any part of the proposed corridor is located. The
9 commission may not schedule a public hearing sooner than forty-five days from
10 the date notification is sent by mail or electronic mail. Upon notification, a political
11 subdivision shall provide a listing to the commission of all local requirements
12 identified under this subsection. The listing of requirements must be filed at least
13 ten days before the hearing or the requirements are superseded and preempted.
14 e. An applicant must comply with all local requirements provided to the commission
15 under subdivision d, which are not otherwise superseded by the commission.

16 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to January 1,
17 2025.

**REPORT OF STANDING COMMITTEE
HB 1258**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS** ([25.0777.01003](#)) and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). HB 1258 was placed on the Sixth order on the calendar.

2025 SENATE ENERGY AND NATURAL RESOURCES

HB 1258

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1258
3/21/2025

A BILL for an Act to amend and reenact subsection 2 of section 49-22-16 of the of the North Dakota Century Code, relating to energy conversion and transmission facility siting; and to provide for retroactive application.

10:10 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Zoning regulations
- Eminent domain
- Public Service Commission authority
- Infrastructure needs
- Setback requirements for transmission lines

10:11 a.m. Representative Brandenburg introduced the bill.

10:22 a.m. Dennis Pathroff, Lobbyist, Power Companies of North Dakota, testified in favor and submitted testimony #43010.

10:23 a.m. Jason Weiers, Otter Tail Power Company, testified in favor and submitted testimony #43388.

10:45 a.m. Justin Dever, Lobbyist, Montana-Dakota Utilities Co., testified in favor.

10:45 a.m. Robert Frank, Montana-Dakota Utilities Co., testified in favor and submitted testimony #43367.

10:54 a.m. Claire Vigesaa, Executive Director, ND Transmission Authority, testified in favor.

1:58 a.m. Chairman Patten recessed the hearing.

11:02 a.m. Chairman Patten reconvened the hearing.

11:02 a.m. Charlie Sorenson testified in opposition and submitted testimony #43369.

11:18 a.m. Troy Coons, Chairman, Northwest Landowners Association, testified in opposition and submitted testimony #43438.

11:21 a.m. Derrick Braaten, Attorney, Northwest Landowners Association, testified in opposition.

11:31 a.m. Richard Schlosser testified in opposition and submitted testimony #43382.

11:52 a.m. Larry Syverson, Chairman, Board of Supervisors for Roseville Township in Trail County, testified in opposition and submitted testimony #43447.

11:54 a.m. Gaylynn Becker testified in opposition and submitted testimony #43282.

11:56 a.m. Tim Leppert, District 28, testified in opposition and submitted testimony #43412.

12:00 p.m. Darron D. Orr testified in opposition and submitted testimony #43067.

Additional written testimony:

#41662, #41663, #41664, #41709, #41737, #41767, #41798, #41850, #41954, #42222, #42241, #42257, #42302, #42410, #42476, #42503, #42521, #42688, #42734, #42769, #42817, #42834, #42840, #42883, #42918, #42929, #42937, #42947, #42958, #43022, #43149, #43152, #43156, #43181, #43191, #43249, #43304, #43317, #43336, #43339, #43346, #43347, #43350, #43351, #43352, #43356, #43362, #43364, #43373, #43378, #43386, #43400.

12:05 p.m. Chairman Patten adjourned the meeting.

Kendra McCann, Committee Clerk

Dear Members of the Energy and Natural Resources Committee,

HB1258 appears to mirror SB2208 which was recently defeated on the Senate Floor. Granted HB1258 has no monetary punishments, however the objective of this bill, is to quash the voice of local government.

Currently we have County Authority. Mix of Home Rule and Dillon's Rule: In North Dakota, **12 counties have adopted a home rule charter.**

In my opinion, HB1258 is unjustified, on so many levels and could cost ND tax payers, as parts of this bill could open the door to litigation. Certainly, we may not always agree with the development of projects that are being proposed, yet what is the benefit of this bill? This bill sets the tone to stifle local control. Where is the respect for those citizens who have lived and worked hard in this State? Removing the 'Discussions Element' from local government is clearly a repressing act.

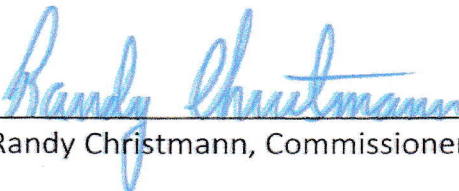
More concerning is the Dissent letter from Randy Christmann. See attached. Please give HB1258 a DO NOT PASS recommendation.

Respectfully,
Sandra Rupp
District 28, Edgeley ND

Throughout the last seven months the explanation has remained vague. MISO's long term transmission study is cited which shows dozens of voltage and thermal problems that this project would relieve. However, the vast majority of the problems are forward looking, meaning they do not exist yet. It will be future actions that will cause most of these problems. No clear information is provided that allows us to determine who will be causing these future actions, whether they are preventable, nor whether they are realistic. One of the few examples provided of the coming changes that would create the need for this transmission is 800 megawatts of solar electric generation, but much of that even appears to be conjecture because no information is provided regarding who would build these nor where they would be built.

One key factor that is known about the future of transmission in this area is a large new load near Ellendale, ND that is already partially operational and partially under development. We know this facility has already relieved congestion in this area of the state. MISO refuses to update their Tranche #1 study, which is more than two years old, or even take this new load into consideration.

Adding costs of this significance to North Dakota ratepayers deserves careful scrutiny. Perhaps this project is a necessity, but there have been multiple opportunities for the applicants to answer more questions and provide more detail. They have not done so. Until better justification is provided this Certificate should be denied.


Randy Christmann, Commissioner

DISSENT**Commissioner Randy Christmann****November 20, 2024**

**Ottertail Power Co. / Montana-Dakota Utilities
Joint Application for CPCN
345 kV Transmission Line**

Case No. PU-24-91

The Certificate of Public Convenience and Necessity for Otter Tail Power Company's and Montana-Dakota Utilities Co.'s 345 kV transmission line from Ellendale to Jamestown should be denied. The applicants have not met their burden to show the necessity for this investment.

This project is one of eighteen being pushed by MISO, the Regional Transmission Organization where OTP and MDU hold membership. The original application (Docket #1) indicates the cost of this project to be approximately \$440 million. It is part of a combination of 18 projects throughout the Midwest known as MISO's Tranche #1. The combined costs for these projects are allocated throughout the region. Tranche #1 is estimated to total over \$10 billion.

Among the benefits emphasized in the application are improved reliability, congestion and fuel savings, improved distribution of renewable energy, and reduced carbon emissions.

Docket #13, filed June 26, 2024, indicates the cost for Tranche #1 will be about \$5.75 / month for the average OTP residential customer and about \$3.15 / month for the average MDU customer for forty years.

The joint application was received February 29, 2024. An Informal Hearing was held in July. Commission Work Sessions followed in August and October. During this entire time the applicants and MISO had opportunities to provide more and better information.

Thank you members of the Senate Energy & Natural Resources committee for allowing me the opportunity to voice my opinion on the upcoming vote on bill 1258. It is imperative that we have a DO NOT PASS vote on that bill. It is nothing more than a blackmail bill created by Representative Brandenburg and it violates the rights of free speech for us as citizens by taking away our ability to govern on a lower level of counties and townships, and transfers that voting to a 3 member PSC committee. In my opinion that means the majority vote of 2 people on that committee can make very important decisions for all of us, rather than having constitutional rights on our local levels.

Thank you for your consideration,

Steve Rupp
District 28

The North Dakota Constitution, specifically **Article I (Declaration of Rights), Section 1** states: "All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness..." This clearly establishes a constitutional basis for citizens to safeguard their property values and personal well-being, which include health concerns tied to industrial development.

Zoning laws, managed by local governments like counties and townships, are a key mechanism for communities to exercise these rights, ensuring land use aligns with residents' interests— if a township restricts industrial development near homes, it's protecting residents from noise, pollution, or plummeting property values—threats to both health and wealth.

HB 1258 seeks to waive or override local zoning authority in favor of industrial shareholder interests, this is infringing on our rights by reducing the people's ability to influence decisions that directly affect their land and health.

Bill 1258 would give a transfer of wealth from ND rural residents to industrial shareholders— often far removed from North Dakota—who will reap the profits, while locals bear the costs.

HB 1258 sacrifices local control without clear, equitable benefits for North Dakotans, it's not just a policy shift—it's a constitutional overreach.

Thank You,

David Fite
6917 23rd St NE
Sheyenne

My name is Sister Lillian Long. I am testifying on my own behalf as someone who lives on a farm within the proposed 'energy corridor'. I am submitting testimony opposed to House Bill 1258.

I have been reviewing the testimony submitted to the House Energy and Natural Resources and want to let you know of what is happening on the ground in our community.

Testimony from Xcel Energy stated that HB 1258 would "ensure the state has the authority to enable development of critical electricity transmission infrastructure. Transmission lines are a vital link to deliver electricity over long distances from power sources to transmission substations closer to homes and businesses. A strong transmission system ensures reliable and affordable service. Transmission expansion is critical to ensuring North Dakota's energy future" then stating "the JETx Project is important to help ensure electric reliability and increase resiliency. The JETx Project will provide a new transmission line to serve the Jamestown area that will not only offer additional redundancy but also increase system capability to avoid a similar circumstance in the future extreme weather events" (referring to an ice storm outage in 2023).

IN REALITY, the JETx Project is a 345 Kilovolt power line which my internet research said can transmit 400-500 Megawatts (.4-.5 GW). The Ottertail Power representative said, at a township meeting, that JETx can actually transmit 1800 Megawatts (1.8 GW). Even if the JETx line COULD transmit the 1.8 GW the Ottertail Power representative said, that is STILL not as much energy as the 2 GW the Ellendale Applied Digital says they will be using (applieddigital.com). They also have a Data Center in Jamestown and we are hearing a proposal for yet another one between Jamestown and Ellendale. Thus, JETx is NOT planned to strengthen the energy grid as they are telling us, but is actually being constructed to provide energy to investor owned Data Centers. AND, in addition to not being constructed to strengthen our energy grid for the whole community, we are now learning that these Data Centers are going to need MORE than the electricity proposed to be carried by JETx. Now we are learning that there are plans to turn our whole community into an energy producing corridor with wind towers, solar panels, transmission substations and battery storage.

So, you can imagine why the land owners in our community are so outraged at HB 1258. HB 1258 provides that a state permit from the Public Service Commission for the construction of an electric transmission facility within a designated corridor supersedes and preempts local land use or zoning regulations. WE, WHO LIVE HERE, should have the say over the future our community. As you can see by my above testimony, we have reason to want to retain that local control and prevent our community from becoming an energy corridor full of wind towers and solar panels for the investor owned Data Centers.

I am not opposed to increased infrastructure FOR THE GOOD OF THE COMMUNITY. But I am so opposed to destroying our whole community for the sake of powering investor owned Data Centers.

For your further information: Ottertail testimony by Jason Weiers said they held open houses since 2023 and Right-of way agents have obtained approximately 65% of the land owners land rights to sign necessary right-of-ways. The information provided to land owners was deceptive in that it did not include the information that this is just the first step and that the expectation is NOT really to strengthen the energy grid for the whole community but to supply energy to those investor owned data centers! Many of those land owners, now after learning more information, are wishing they could rescind those rights they signed over without all of the information that was withheld from them.

I appreciate your attention to this concern and ask that you vote No on HB1258. The changes to century code being proposed are totally wrong for North Dakotans.

Lillian Long, CSJ
9349 72nd St SE
Berlin, ND 58415

Honorable Energy and Resource Committee Members,

I call your attention to the folly of HB 1258, which poses a risk to the free speech of the voices coming from local city townships and local county commissioners in Stutsman, Lamoure and Dickey Counties, et.al., whose knowledge and experience and husbandry of the properties they inhabit and foster, is quickly and overtly being violated by outside investors and District elected officials for purposes other than Agriculture. HB 1258 proposes to give voice to only the 'elected' officials of the PSC, in this matter, and none other. This is the "censorship" folks had under Stalin! Do the right thing, Honorable Energy and Resource Committee members, and recommend DO NOT PASS on HB 1258!

Respectfully,

Ricky B. Schlecht

Senate Lawmakers-

Strongly OPPOSE HB1258. It is unconstitutional as it would take away local control or power and give all the power of decisions to the PSC. It is nothing more than a land and power grab and those who sponsor such bills should be ashamed of themselves because they are trying to sell us out (always the same ones selling us out). You know the life long tax paying citizens, the landowners whose ancestors broke sod here in this state are the ones they are trying to sell out. They are stabbing us in the backs and are taking the sides of these big companies, many that are associated with Blackrock. Money and power are all those sponsoring the bill think about and they know longer care about the constitutional rights of the citizens of this state, which they are paid

by our tax dollars to represent! They are our public servants and their job is to represent our best interests and not the interest of big cooperations from out of state. Our government here needs to take lessons from the great state of South Dakota, where their representatives and the govenor actually listen to the people they represent and care for them. Those sponsoring such horrible bills are time and time again the same ones! Remember that when you vote and send them packing!

HB1258 is a horrible bill and I'm asking as a taxpaying citizen to say a big NO to it! Don't sell us out, stand up and have a backbone! After all, you are paid by my tax dollars, not these companies coming in here. Enough is enough and let's not let this great state slip away and become the new California but rather let's model our

state after South Dakota and stand up
against eminent domain and
unconstitutional laws!

Honorable Energy and Resource Committee Members,

As a concerned citizen of Lamoure County and the City of Kulm, whose roots extend deep into the counties of Logan, Stutsman and Dickey, et.al., and is steeped in generations of farmers and ranchers and land owners whose dedicated and intimate experience and knowledge and skills in providing food to the nation and world that comes from our land, is in danger of being transformed by outside financiers and investors and contractors who will "scorch" our land with power grids, wind towers and CO2 pipelines, with the help of officials of the PSC in District 28, I must passionately and urgently protest a possible [hostile] takeover by said PSC officials to "muzzle" and "censor" the voices of our opposition under HB 1258, which will give said PSC officials Absolute power to make ALL decisions on our behalf! Please, Energy and Resource Committee members, DO NOT PASS on HB 1258!

Respectively,

Kathy Jacobson-Schlecht

Mr. Chairman and members of the committee, my name is Joe Mongeon and am testifying in opposition to House Bill 1258 As a concerned citizen, I believe this bill would have negative consequences for our community, and I urge you to reconsider its passage.

In this bill it states “A permit for the construction of an electric transmission facility superseding and preempting local land use or zoning laws.” For our local state representatives to pass this bill in one legislative branch, let alone the House, is unacceptable for several reasons:

1. **Loss of Local Control** – Local governments best understand the needs of their communities. This bill would strip cities, townships, and counties of their ability to regulate land use in ways that reflect their priorities.
2. **Disregard for Community Impact** – Residents and businesses affected by transmission projects may have concerns about property values, safety, and environmental impact. Local governments provide an essential layer of oversight to address these concerns, which this bill would remove.
3. **Property Rights Violations** – Landowners may find themselves unable to challenge the placement of transmission lines, even if it negatively impacts their property. Preempting zoning laws can force unwanted infrastructure onto private land.
4. **Potential for Overreach** – Once local regulations are overridden, there may be fewer legal avenues for communities to push back against future energy infrastructure projects that they oppose.
5. **Environmental and Economic Harm** – Local zoning laws are often in place to protect farmland, wildlife habitats, and residential areas. Overriding these protections could lead to long-term environmental and economic damage.

It is crucial that we make thoughtful decisions that will benefit all North Dakotans, not create challenges or hardship for vulnerable populations.

I urge you to vote against HB1258, and I respectfully ask that you carefully consider the broader implications of this legislation. Thank you for your time and consideration.

Sincerely,

Joe Mongeon

Chairperson and Members of the Committee,

I am writing to express my strong opposition to House Bill 1258, which threatens the rights of North Dakota residents, weakens local governance, and prioritizes corporate interests over the well-being of our communities. This bill significantly diminishes the power of local governments to regulate energy infrastructure projects, particularly electric transmission lines, and undermines the voices of landowners and residents who will be directly affected.

1. Weakens Local Control and Zoning Authority

One of the most concerning aspects of HB 1258 is that it allows state-issued permits for electric transmission facilities within designated corridors to supersede and preempt local zoning regulations. This effectively strips townships, counties, and municipalities of their ability to make decisions that best serve their communities. Local zoning regulations exist to protect residents, preserve property values, and ensure that development aligns with community priorities. This bill disregards those protections in favor of expedited infrastructure development.

2. Threatens Property Rights and Values

This bill increases the risk of **forced development on private land** without adequate local oversight. Transmission lines have well-documented negative impacts on property values and land usability, yet this legislation makes it easier for energy companies to bypass landowner concerns. The bill's provision allowing companies to override local regulations by arguing that they are "unreasonably restrictive" further weakens the ability of landowners to defend their rights and investments.

3. Increases Risk of Eminent Domain Abuse

By prioritizing transmission line development over local regulations, this bill paves the way for greater **use of eminent domain, where landowners could be forced to allow power lines on their property against their wishes**. This is particularly troubling for North Dakota's farmers and ranchers, whose livelihoods depend on the integrity of their land. Allowing corporations to circumvent local objections

sets a dangerous precedent for future land seizures in the name of corporate convenience.

4. Limits Public Input and Fast-Tracks Approvals

Under HB 1258, townships, cities, and counties have only **45 days to respond** after an application for a transmission facility is filed. Even more concerning, if they do not submit zoning and regulatory concerns **at least 10 days before the public hearing**, those concerns will be **completely disregarded**. This unnecessarily rushed process **reduces meaningful community input** and benefits large energy corporations at the expense of residents. North Dakotans deserve to have a real voice in decisions that impact their communities and properties.

5. Potential Environmental and Agricultural Consequences

Transmission lines and associated infrastructure can have **serious environmental and agricultural impacts**, including habitat disruption, soil degradation, and interference with farm operations. By limiting local control over transmission line placement, this bill risks allowing projects in sensitive areas without proper safeguards. Farmers and rural residents should not have to suffer the consequences of poorly placed infrastructure simply because the state prioritizes corporate interests over community well-being.

6. Retroactive Application Raises Legal and Ethical Concerns

HB 1258's **retroactive application to January 1, 2025**, raises serious concerns about fairness and legal consistency. By making the law apply to projects already in progress, this provision could nullify previously established zoning protections and agreements, leaving affected landowners without recourse. Laws should not be changed after the fact in ways that harm residents who relied on existing regulations.

Conclusion

House Bill 1258 prioritizes corporate interests at the expense of **local governance, property rights, environmental protection, and community involvement**. It strips power from the people who are most affected by these decisions—North Dakota's landowners, farmers, and rural residents—and gives excessive control to

energy corporations. I urge the committee to stand with North Dakota communities and reject this harmful legislation.

Thank you for your time and consideration.

Sincerely,

Johanna Mongeon, Rolette, ND

Dear Committee Members,

My name is Jim Mongeon, and I am testifying in strong opposition to House Bill 1258. This bill threatens local control by allowing state regulators and energy developers to override community zoning and land-use decisions, particularly for electric transmission projects.

Our local governments and residents should have the final say on where and how energy infrastructure is built in our communities. However, this bill gives energy companies a legal path to bypass local restrictions by claiming they are “unreasonably restrictive.” This unfairly favors corporations over the people who actually live in these areas.

Additionally, the bill sets an unreasonable timeline for local governments to respond to transmission projects. If they fail to submit zoning requirements within a short window, their rules are automatically disregarded. This puts communities at a serious disadvantage and limits meaningful public input.

Furthermore, the retroactive nature of this bill creates legal uncertainty and could negatively impact ongoing projects where local governments and residents believed they had protections.

I urge you to **reject House Bill 1258 and protect the rights of local communities** to have a voice in decisions that affect their land, homes, and quality of life.

Thank you for your time and consideration.

Sincerely,

Jim Mongeon

Dear Committee Members,

My name is Barb Mothershead, and I am strongly opposed to House Bill 1258 because it undermines private property rights and local control.

This bill allows state regulators and energy developers to override local zoning laws and land-use decisions, stripping communities of their right to determine what happens on their own land. Property owners could be forced to accept transmission lines on or near their land, even if local governments had rules in place to prevent it. That is a direct attack on property rights.

Local governments are best equipped to make decisions that reflect the needs and values of their communities. However, this bill gives energy companies the ability to bypass local restrictions by arguing that they are “unreasonably restrictive.” This unfairly shifts power away from the people who live and work in these communities and hands it to corporations.

Furthermore, forcing local governments to meet short deadlines to protect their zoning laws—while allowing the state to override them—makes it nearly impossible for communities to defend their land-use policies. This bill sets a dangerous precedent for future state overreach.

I urge you to stand up for private property rights and local decision-making by voting against House Bill 1258.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Barb Mothershead". The signature is written in dark ink and is positioned above the printed name.

Barb Mothershead

Testimony Opposing North Dakota House Bill 1258

To the members of the committee. My name is Michael Long, and I am here today to express my strong opposition to House Bill 1258, particularly the amendment that seeks to make its provisions retroactive to January 2025.

While I am opposed to this entire bill, I believe that retroactively applying its provisions sets a dangerous precedent. Retroactive legislation undermines the principles of fairness and predictability that are fundamental to our legal system. Individuals, businesses, and communities make decisions based on the laws in place at the time. Changing the rules after the fact creates uncertainty and erodes trust in the legislative process.

Specifically, the retroactive application of this bill could have significant negative consequences for landowners. In the case of JETx, the retroactive amendment goes back prior to the utility company's information meetings. This is not only unfair but also counterproductive to fostering a stable and predictable environment for growth and development in our state.

I urge the committee to consider the broader implications of this amendment. The goals of House Bill 1258 would take away landowners, township and county rights and the retroactive application undermines the very principles of justice and fairness that our state prides itself on.

I respectfully request that you reject HB 1258 and amendment making it retroactive.

Thank you for your time and consideration.

Michael Long, landowner
Berlin, ND

Members of the Senate Energy & Natural Resources Committee:

HB 1258 hands energy companies too much power, threatening the very property rights that North Dakotans hold dear. It's no secret that these corporations are hungry for our state's resources, and this bill would make it easier for them to steamroll anyone standing in their way

This bill isn't just another piece of legislation; it's a blatant power grab by big energy companies, prioritizing their profits over the people who call this state home.

Voters put confidence in our elected officials to protect us. Passing HB 1258 would shatter that trust. Our legislators aren't supposed to cozy up to corporate interests—they're supposed to stand up for the people who elected them.

Our legislators need to realize who they really work for—not the lobbyists or energy execs, but the people who live here, work here, and cherish this land.

By passing HB 1258, our legislators would be putting big business ahead of the citizens of North Dakota. A "Do Not Pass" vote is the only acceptable outcome.

Thank you.

Kristi Berdal
Aneta, ND
District 29

Chairman and members of the committee,

My name is Susan R. Long, my husband Richard and I have built our lives on this land and have an obligation to protect the land for future generations. Therefore, I **urge you to oppose HB 1258**. This bill is yet another angle to remove local control and further erode property rights. It completely strips land owners from having a voice and hands over the decision making to three people serving on the Public Service Commission.

This bill undermines fundamental private property rights by allowing state permits for electric transmission projects to override local zoning and land use ordinances. As landowners, we have a vested interest in how our land is used and protected. The right to govern land use at the local level is essential to maintaining property values, ensuring safety, and preserving the character of our communities.

Adding the retroactive date of January 1, 2025 not only disregards current local decisions but potentially invalidates Conditional Use Permit denials. I'll use the real life example of Wano and Willowbank Townships in LaMoure County.

This is state sponsored, corporate takings of private property.

The ad shown below was paid for by District 28 Reps. Brandenburg and Grueneich and appeared in several local papers.

Why would our elected officials promote and pay for a JetX Transmission Line advertisement and completely disregard the concerns of their constituents? The second paragraph states, "We want to preserve the wholesome culture and nurturing environment of our state."

Omitted was: With high voltage transmission lines, substations, wind towers, solar panels, underground battery storage, CO2 carbon pipelines (Google: Kill Zone), data centers, air carbon capture facilities, eFuel facility, etc.

Is this how you envision and define a nurturing environment?

I respectfully ask that you protect local control and property rights by voting **no on HB 1258**.

Thank you for your time.

Susan R. Long, Berlin, ND

Wednesday, February 19, 2025

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JETx transmission line means new opportunities



Representative
Mike
Brandenburg



Representative
Jim
Grueneich

	2000	2025	Net Loss
Dickey	5,757	4,900	857
LaMoure	4,701	4,096	605
Logan	2,308	1,869	439
McIntosh	3,390	2,488	902
Sargent	4,366	3,776	590
District 28	20,522	17,129	3,393

Many of us in rural North Dakota have spent our adult lives working for more opportunities for our young people. That is because we have seen the devastation caused by population loss, and we want to do something about it—churches closing, schools closing, businesses closing and the struggle to provide medical and other vital services.

Our dream has always been to build on our agricultural base, to foster value-added agriculture and to bring good-paying jobs that will allow our children and grandchildren to thrive in rural North Dakota. At the same time, we want to preserve the wholesome culture and nurturing environment of our state.

This part of North Dakota got a badly needed boost when the Edgeley-Kulm Wind Farm was built over 20 years ago. It brought new jobs, new tax revenue for local government and new income for landowners.

The relationship with the wind farm has been a positive one, and the turbines have added electricity to a grid hungry for more.

Our towns and farms have been electrified for around 75 years, so we take electricity for granted. However, ask a North Dakotan in their 90s, and they may recall there was opposition to the power lines that run along our county and township roads and the big lines that criss-cross the countryside. A few landowners thought they were eyesores and might be unhealthy for humans and livestock. Some would not sign leases to allow lines to cross their land.

It would be hard to find anyone

today who would deny the benefits of rural electrification to farms and ranches, businesses and homes. Yet, there is opposition to a 91-mile transmission line from Jamestown to Ellendale that would carry electricity generated by North Dakota coal, hydroelectric, natural gas and wind energy centers to meet growing energy demand in our state and beyond.

Here's what JETx has stated about the transmission line:

"The Jamestown to Ellendale transmission line (JETx) will enhance reliability by creating a high-voltage loop between Jamestown and Ellendale, providing an alternative pathway for electricity to be delivered to the local area. The alternative delivery into Jamestown and Ellendale will make the system more resilient to extreme weather events or when other transmission facilities may be out of service.

"As energy needs continue to rise for all types of customers, JETx will increase transmission capacity, further enabling the delivery of low-cost energy to customers throughout the region.

"OTP (Ottertail) and MDU are estimating that through JETx they will pay:

- Over \$10 million dollars cumulatively to local landowners for acquiring land rights.
- More than \$200,000 in cumulative sales tax to the city of Ellendale.
- More than \$20 million dollars cumulative in state sales tax."

We're at the beginning of new opportunities to bring good-paying

jobs to rural North Dakota. It is likely that many of the jobs will be in the tech industry, an industry that needs reliable sources of electricity.

Already being considered is more wind turbines in Dickey and LaMoure County. There is also talk of value-added ag facilities that will need electricity.

With access to electricity, companies will be considering our area, and new businesses mean new jobs and new opportunities. That means jobs for our children and grandchildren in Ellendale, Oakes, Kulm, Edgeley, Forbes, LaMoure, Guelph, Monango, Ludden and towns across the border in South Dakota.

Leaders in this area were looking to the future with the creation of the Career Tech Education Centers at Oakes and Edgeley. The availability of electricity from the proposed transmission line means students taking tech classes now may have jobs waiting for them when they complete their education. They will have the chance to have a good job and raise a family in rural North Dakota.

We are beginning to see opportunities that we never dreamed of being possible. What else is coming to rural North Dakota that will put more kids in our schools, more people in our churches and provide more jobs?

The Jamestown to Ellendale transmission line is progress we need to embrace.

Advertisement paid for by
Brandenburg and Grueneich

Chairman and committee members,

My name is Marv Abraham, a resident of rural Burleigh County. I urge you to issue a DO NOT PASS recommendation on HB1258.

This bill is an audacious and troubling attempt by a seasoned legislator to quietly strip counties and townships of their authority, all for political or personal gain. It's a betrayal of the trust placed in you by your neighbors, friends, and relatives who elected you to serve. Public claims of being uplifted in church prayers ring hollow when matched against such an obscene and misguided proposal.

HB1258 undermines the values of fairness and community we cherish in North Dakota, tarnishing the "North Dakota Nice" reputation we hold dear. You were elected to represent "We the People" —please honor that duty.

Remember you do work for “ WE THE PEOPLE “

Thank you. I will not be taking questions.

Chairman and Members of the Committee,

I am writing to urge you to vote no on HB1258.

I firmly believe in local governance and the right of townships and counties to make decisions that best serve landowners and residents. HB 1258 undermines this principle by stripping local governments of their authority and allowing energy companies to bypass landowners to push corporate energy projects through—regardless of landowner opposition.

This bill prioritizes corporate interests over the rights of North Dakota's landowners and communities. It takes away local decision-making power and sets a dangerous precedent for disregarding the voices of those most affected.

The retroactive application of this bill is also very concerning. This could nullify decisions that have already been made by townships, like Conditional Use Permit denials, such as in Wano and Willowbank Townships in LaMoure County. Overruling these established decisions would further undermine local governance and public trust.

I strongly urge you to reject HB 1258 and stand with North Dakota landowners in protecting their rights.

Thank you for your time and consideration.

Lucas Wald
Edgeley, ND
District 28

I, as a North Dakota citizen, oppose any legislation that strips power from local governments. As should you be. HB1258 is sponsored by Rep. Brandonberg, whom has a personal gain from this project. The local citizens do not want this transmission line with the minimal set backs to personal residence's and for their wishes to be undermined by their own representative is a travesty. There is no benefit to the state of North Dakota to approve this bill and we the people will be the ones paying for it. I ask for a NO vote on HB1258.

Thank you.

Trina Schweitzer

North Dakota, concerned citizen

Dear Senators,

I am writing to express my **strong opposition** to HB 1258.

Testimony in Opposition to HB 1258

Representative Brandenburg recently stated there is "a lot of emotion out there." Yes—because this issue **cuts to the heart of who we are**. HB 1258 is a direct assault on property rights, local control, and the future of North Dakota's rural families.

My partner's great-grandfather purchased our family's land in 1905. Through decades of hardship, sacrifice, and relentless work, each generation has fought to protect and preserve this land. Now, **corporate interests—enabled by our own legislature—are working to take it away**. HB 1258 prioritizes energy companies over landowners, silencing the very people who have lived on and cared for this land for generations. By the time my farm-loving son—our **fifth-generation steward**—is old enough to carry on this legacy, there may be no land left for him to farm.

HB 1258: A Direct Attack on Property Rights

This bill **strips landowners of their right to have a say** in projects that directly impact their land.

- **Erosion of Property Rights** – North Dakotans take pride in their land. HB 1258 shifts power to **corporations**, sidelining those who have worked for generations to keep their land.
- **Loss of Local Control** – North Dakota values **community-driven decision-making**. HB 1258 **undermines that**, allowing **outside interests to dictate land use**.
- **A Dangerous Precedent** – If passed, HB 1258 opens the door to even **more legislative overreach**, favoring large-scale developers over individual freedoms.

Rushed Through Without Public Awareness

HB 1258 passed through committee and the House quickly and effortlessly—not because it had public support, but because the public was never given a fair chance to weigh in. Landowners, farmers, and rural communities had no idea this bill was moving forward until it was nearly too late. That is not how democracy should work. Legislation that impacts the livelihoods of so many should never be pushed through quietly, without the people's voice being heard.

The Human Cost on North Dakota's Farmers

Farming isn't just a job—it's a way of life. **Losing that legacy isn't just financial—it's emotional**. The mental toll of watching land be taken away—by corporations with the blessing of state lawmakers—will be **devastating**. According to the CDC, agricultural workers already suffer **one of the highest suicide rates in the nation**. What happens when they see a century of work erased with the stroke of a pen?

Stand with North Dakota's Farmers. Vote NO on HB 1258.

North Dakota has always stood for **property rights, local control, and protecting rural communities**. HB 1258 betrays those values. I urge you to **stand with landowners and local governments** by rejecting this bill. **Vote NO on HB 1258.**

Sincerely,

Brittany Fleck
District 28
Edgeley, ND

HB 1258

Senate Energy and Natural Resources

Chairman Patten and Committee Members

I strongly oppose HB 1258. This bill is a state sponsored, corporate taking of private property. Governor Armstrong campaigned on protecting Private Property Rights. Governor Armstrong also said that he defended Landowners and Citizens from Government Overreach, I expect him to follow through with his campaign promises. Local control must be preserved and protected. This bill will take away local control and gives the PSC the power to override local governance. There is a RIGHT to resist oppression inherent in our nature as a free people. It should make us angry when abuses, usurpations, and oppressions remove the Liberty that has been given to us by GOD. This bill also has a retractive clause (applying this law back to January 1, 2025) not only disregards current local decisions but potentially invalidates conditional use permit denials. Resistance to tyranny is the DUTY of a Liberty loving God-honoring people.

I strongly oppose HB 1258

Thank You, Gordon Greenstein

US Navy (Veteran)

US Army-NDNG (Retired)

Dear Senators,

I urge you to vote **Do Not Pass** on **HB 1258**.

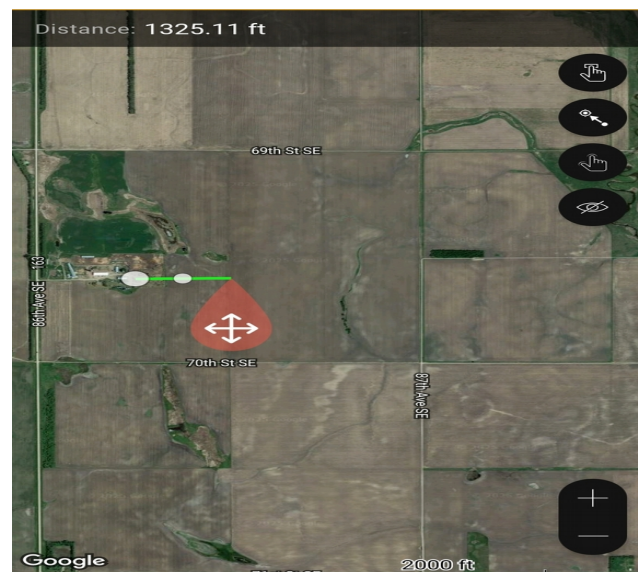
My name is Cody Rupp, and I serve as a supervisor on the Wano Township Board in LaMoure County. I am writing to express our township's serious concerns regarding **HB 1258** and the detrimental impact it would have on local governance, landowners' rights, and public safety.

Our township previously denied the *Conditional Use Permit* for Otter Tail Power Co. regarding the JETx high-voltage transmission line project. This decision was based on clear conflicts with multiple goals and regulations outlined in our township's comprehensive zoning plan:

- *GOAL #1 Preserve the Township's agricultural heritage*
- *GOAL #2 Protect public health, safety and welfare by deterring incompatible land uses from harming conforming land uses.*
- *GOAL #4 Ensure and maintain the public participation in land use decisions affecting the Township.*

Wano Township contains some of the most productive farmland in LaMoure County. High-voltage transmission lines pose a fire risk to crop fields, yet Multiple Peril Crop Insurance does not cover fire damage caused by power lines. This forces landowners to purchase additional insurance—an uncompensated financial burden under Otter Tail Power Co.'s 99+ year easement. Also, any yield loss goes on farmers' Actual Production History (APH) record for the next 10 years. It also creates a visual blight that reduces the value of farmland and farmsteads for the rest of our lifetime. If it was a project that increased land value, owners wouldn't be fighting to stop this unnecessary JETx project.

Beyond property value, the proposed transmission line also threatens the health and safety of established residents. The current route places the line within 1,500 feet of two farmsteads in Wano township alone.



Representative Mike Brandenburg gave testimony that a ½ mile (2,640 ft) setback is “not reasonable.” This is false—there is sufficient space to adjust the route, if it were to happen. Representatives and companies planning future infrastructure need to engage meaningfully with landowners rather than dismissing their concerns as “impossible” to accommodate.

HB 1258 would strip townships and landowners of their right to participate in decisions that directly affect them, by shifting authority to just three members of the Public Service Commission. This creates a severe imbalance of power and contradicts my duty as a township supervisor to uphold public participation in land use decisions. It is troubling that representatives sponsoring this bill—particularly from Districts 12, 28, and 29—have ensured the JETx route avoids their own properties while forcing it upon others.

I strongly urge you to reject **HB 1258**. This bill undermines local governance, disregards landowner rights, and sets a dangerous precedent.

Thank you for your time and consideration.

Sincerely,

Cody M. Rupp
Wano Township Supervisor

I ask that vote a do not pass on house bill 1258. The rights of our counties and town ships has always worked for projects in the past. We cant have the state pushing projects on the citizens of north Dakota. The people know what will work in counties. The people must come first, what amount of money is worth even one death from some of these projects. When elected officials go against their own people and push an unwanted transmission line. These big companies seem to have a green light to ignore property rights and the people are getting no help from our government who took an oath to protect us. Please take a look at what happening to our once beautiful state.

I request that you give a "DO NOT PASS" recommendation for this bill.

This bill takes away our voice and gives it to the PSC so then they may supersede local regulations for powerline construction.

Local control will be overridden, and property rights will be lost.

PSC has no right to override local decisions, such as zoning regulations and land use. The local residents and leadership know best, they know the reasons for their decisions.

I urge a "DO NOT PASS" on this bill, and keep local control intact.

Thank you,
Sandy Denis

March 18, 2025

Please vote no on HB 1258.

As a landowner who is at this time being bullied by a private group of investors for personal gain, I know firsthand what can happen when our local governments lose authority for setbacks and laws to protect its citizens. Our local authority knows best how to take care of its lands and communities.

HB 1258 bill prioritizes corporate interests over the rights of North Dakota's landowners and communities. It takes away local decision-making power and sets a dangerous precedent for disregarding the voices of those most affected.

I believe in local governance and the right of townships and counties to make decisions that best serve their landowners and residents. HB 1258 undermines this principle by stripping local governments of their authority and allowing energy companies to bypass landowners to push corporate energy projects through—regardless of landowner opposition.

I urge a DO NOT PASS HB 1258.

Julia Stramer
Hazelton, ND
Emmons County

Testimony of Shirley Gohner, Stutsman County Landowner and Resident

In Opposition to House Bill 1258

Dear Senators,

I write today to express my strong opposition to the passage of House Bill 1258. With the passage of this bill, the North Dakota Public Service Commission (PSC) will have sole authority of siting transmission lines. This bill will enshrine that the PSC will have complete control over zoning regulations and that local townships and counties will be carved out of decision making. Those representatives closest to the people will not have a say in what projects go through their respective areas.

HB 1258 came about in response to some townships denying special easements to the JetX Transmission Line project planned from Jamestown to Ellendale, North Dakota. While the representative from Otter Tail Power appears to imply in his testimony to the committee on January 23, 2025 that the JetX line will provide security to the grid, it is my understanding that this line will provide power solely to Applied Digital in Ellendale. Claire Vigessa, Executive Director of North Dakota Transmission Authority, also referenced a “strong reliable grid” as being of importance in her testimony on January 23, 2025. It is my understanding the landowners along this route will not have access to the power carried by JetX; the communities in this 95-mile corridor will not have access to this power. Yet, the landowners along this route will have their rights extinguished should the PSC exert eminent domain to complete the project(s).

I am not opposed to eminent domain exerted for public use. The JetX transmission line project is not intended for public use.

It is interesting to me that lobbyists from Power Companies of North Dakota as well as the other entities supporting this bill imply that the PSC is somehow uniquely qualified to make such determinations, in fact, they even refer to them and their staff as experts. There is something missing in this assumption. The landowner is the steward of the land. The landowner lives on the land, farms the land, ranches on the land. The one who lives on the land in my humble opinion, is far more of an expert. This is their life. Their hope. Their land.

The Founders of this great country recognized dangers posed by unchecked governmental power arbitrarily controlling or seizing private property. They wisely incorporated vigorous protections against arbitrary confiscation in the Constitution. Alexander Hamilton underscored private property needed safeguarding from legislative overreach and majority tyranny. James Madison expressed that property rights were

akin to personal rights. The Founders believed protecting property rights was fundamental to realizing individual liberty.

For decisions of this importance, is this what our Founders envisioned? That local autonomy and decision making be taken away from landowners and townships and granted to a commission? Is this what you envision and hope for your family in the future? With a pass vote, you are confirming you stand with the out-of-state interests, and sadly, even some within our state, in lieu of the interests of the constituents you were elected to represent.

Thank you for your time.

Shirley Gohner

506 2nd St

Montpelier, ND

County of Stutsman

I am submitting testimony to oppose House Bill 1258., the proposed energy corridor. I am a land owner in Edgeley, ND.

JETx wants to provide energy to investor owned data centers, not the local community. They want to pay the land owners a small amount for taking their land and giving themselves the opportunity to make millions (billions).

This bill takes away local control and gives big corporations the power to override local governance. It disregards current local decisions.

If this bill is passed, the state of ND is sponsoring corporate taking private property. We need landowners to continue providing our country with food. Why take premium farmland when there is land that is not producing?

Let people who live in the area, determine the future of their community by retaining local control.

Please oppose HB1258.

Linda Methven

Portland, OR

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Please oppose HB1258.

Linda Methven

Portland, OR

Chairman and Members of the Committee,

I strongly urge you to oppose HB 1258. This bill poses a significant threat to the rights of landowners. Decisions regarding zoning and land-use ordinances are best made at the local level by those who are directly impacted and have a vested interest in the outcomes.

Allowing energy companies to override the wishes of landowners in order to advance their projects in favor of corporate interests represents a grave misuse of legislative power. This prioritization of corporate agendas over the rights of North Dakota landowners is unjust.

Please consider the long-term consequences of this legislation and stand with landowners to protect their rights.

Thank you for your time and consideration.

Sincerely,

Jill Wald
Edgeley, ND
District 28



Good morning, Chairman Patten and members of the Senate Energy and Natural Resources Committee,

My name is Dennis Pathroff. I'm a lobbyist with the GA Group and here today representing the Power Companies of North Dakota ("PCND").

PCND is a coalition of the state's leading shareholder-owned gas and electric utilities. Our members include MDU Resources Group, Xcel Energy, Otter Tail Power Company, and ALLETE. Together, PCND members serve over 427,000 North Dakota customers, employ over 1,200 North Dakotans, and manage significant power generation and transmission infrastructure across our state.

Today, I express PCND's strong support for HB 1258, which transfers sole authority for siting electric transmission to the Public Service Commission. This change makes sense for several reasons:

- **Objective Oversight** – Unlike counties and townships, which often face localized pressures, the PSC provides an impartial, statewide perspective. The PSC's decisions prioritize public interest and the long-term value of projects for all North Dakotans.
- **Expertise and Resources** – The PSC has access to technical staff and participates in regional partnerships, ensuring projects align with both state and broader regional energy needs. Local governments may lack the necessary resources to evaluate these complex projects effectively.
- **Economic and Reliability Benefits** – Improved transmission infrastructure not only supports economic growth by attracting new businesses, but it also enhances grid reliability, helping prevent outages during extreme weather. Counties and townships may not fully recognize or plan for these far-reaching benefits.

HB 1258 also brings electric transmission siting into alignment and provides parity with the existing siting process for gas and liquid pipelines, ensuring consistency and fairness.

Behind me are subject matter experts from our member companies who can provide detailed insights on the current process and the benefits HB 1258 will bring. PCND urges a "Do Pass" recommendation on this critical legislation.

Thank you, Chairman Patten and committee members, for your time and consideration.



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Donald W. Longmuir

District 2
P.O. Box 1191
Stanley, ND 58784-1191
dlongmuir@ndlegis.gov

COMMITTEES:

Education
Political Subdivisions, Chairman

Chairman Patten, Vice Chairman Kessel and distinguished Senators of the Energy & Natural Resources Committee. My name is Donald Longmuir and I am a Representative from District 2 which includes Burke County, Divide County, and parts of Mountrail and Williams County.

I am writing you today in opposition to HB1258. As a retired county planning and zoning administrator, I know the importance of planning on how county residents want their county to grow. Today counties have long term growth plans that take into consideration what local residents have done in the past and what they would like to see in the future. Local zoning ordinances take this into account as they develop their ordinances in a logical manner. Not taking local ordinances into account disrupts and, in some cases, negates long term plans the county developed over the years. Who knows better what is best for the county than the local planning and zoning board. HB1258 takes away this fundamental right of the counties to plan their own growth. One size does not fit all.

I would encourage a Do Not Pass on HB1258.

Thank you for your time and consideration.

Chairman and members of the committee, my name is Darron Orr and I am a third generation farmer who resides in Corwin township which is in the SE corner of Stutsman county.

It is my belief that our township, along with our neighboring township, are the reason for the onslaught of bills being introduced by this legislative session to punish and silence not only political sub-divisions, but our citizens who make up this great state. Why do I believe this? Testimony by Jason Weiers of Otter Tail Power Company to the House Energy and Natural Resources Committee, states that there are two townships in Stutsman County that enacted a 2600 foot setback from an "occupied residence".

The current regulations or setbacks with the Public Service Commission pertaining to high voltage transmission lines are antiquated. The current setback is from the 1980's and it doesn't address the size and scope of these new high voltage transmission lines or projects.

The simple fact is this and it has happened to a number of residents in our county. How many of you know the size or height of these transmission poles being sited? They are 155 feet tall or the equivalent of a 15 story building. The current PSC setback is 500 feet from an inhabited residence. If an easement doesn't need to be obtained from that resident, then that resident doesn't need to be notified. The residents of our township found that to be appalling! How can a transmission line of that magnitude with so many negative implications be sited so close to a residence and they are not even notified?

If it wasn't for our township residents passing the 2600 foot setback unanimously, our neighboring township residents passing the 2600 foot setback unanimously or even the Stutsman County zoning committee passing the 2600 foot setback unanimously, after hearing testimony from all parties impacted, then who would of protected those residents who didn't have a voice in the matter?

Mr. Weiers of Otter Tail Power Company states in his testimony and I quote, "There is simply no way to build a project through this rural area of North Dakota while abiding by such an onerous setback requirement." end quote. I find it interesting Mr. Weiers and other proponents of this bill conveniently leave out the fact that our 2600 foot setback actually has a variance built into it which simply means that those residents who will forever be negatively impacted by the sitting of these lines actually get notified and have a seat at the table.

The JetX project is a perfect case why local control is so important. If it weren't for our township officers listening to the concerns of its residents and put in place some ordinances that protect people's health, wealth and personal property, then who would? Township officers spent months working with the Stutsman county zoning committee along with feedback from the Public Service Commission when drafting these zoning ordinances.

Governor Kelly Armstrong stated on BEK television during the gubernatorial race that, "We must protect personal property rights at all costs". He is the leader of our State and our state wants to be a leader in energy development. Instead of bringing forth bills that divide citizens and consolidates power in Bismarck, we bring forth a comprehensive plan that not only informs but includes state, county and township officers.

This bill circumvents local control and shucks the states responsibility to protect its citizens. I humbly ask you to take a moment and remember this commandment, "Thou shalt love thy neighbor as yourself". If you believe in your heart that people aren't smart enough or have the foresight to determine what they want their homes, neighborhoods or communities to look like, then vote for this bill. I, however love my community, respect my neighbors and believe in all the good attributes each of us have to offer and we will determine what's best for our future.

Thank you for your time and consideration. Please vote NO on HB1258.

Senate Energy and Natural Resources Committee

I strongly oppose HB1258. HB1258 is similar to SB2208 which was defeated. Our constitution gives we the people the right to self govern ourselves, which means the townships and counties put in ordinances in order to protect their best interests. You as our elected representatives took an oath to uphold our constitution and serve and protect the people that put you into office. This bill does the exact opposite, it's for private gain, it will not be used for a public utility(common carrier) just like the carbon pipelines, it's all about money. I urge you to vote NO on HB1258

Thankyou Doug Pearson

This whole thing STARTED with, simply stating that 500 feet from a house is TOO close, even YOUR house.

TO THINK, this situation has gotten to this level, is just absurd!

TO THEN, threaten us with taking away future funding and host of other bills;

TO NOW, taking away our FUNDAMENTAL RIGHTS to oversee a township as its people see fit. For instance, I really don't foresee the PSC making sure haul roads will be as good or better than they were before construction.

SURE WISH I KNEW, who went CRYING to who to even get this bill here (I would enjoy a visit with them) I can only imagine you may feel in a tough spot...the LOYALTIES of township officers is to listen to their people and act. Not so much different than yours, except you GET PAID.

You already know you're here because you WANTED to be and WE GAVE YOU THAT RIGHT!

IT'S TIME to remind you, you're her to PROTECT OUR RIGHTS, NOT TAKE THEM AWAY!

I proudly stand with my people of Homer Township: DO NOT GIVE OUT RIGHTS TO THE PSC.

And wherever they build this line, STAY A RESPECTFUL DISTANCE AWAY FROM THEIR KIDS AND HOME.

Diane Carlson

Homer Township 701-269-1253

Dear Congressman,

As lifelong North Dakota citizens and dedicated taxpayers, we are writing to express our profound concern regarding the use of eminent domain to infringe upon the rights of property owners in our state. This practice not only undermines the essential principles of private property ownership but also disregards the voices of those who have invested their lives and livelihoods in these lands.

While we understand that eminent domain is intended to serve the public good, its application must be balanced with the rights and interests of individual property owners. The current approach has left many of us feeling unheard and powerless. Impact letters have already been submitted to county auditors, underscoring the significant consequences this issue has on our communities and our future.

We urge you to champion policies that safeguard property owners from unjust seizures. Enclosed with this letter is a copy of the impact letter submitted to the county auditors, highlighting the gravity of the situation. The heritage and prosperity of North Dakota depend on protecting the rights and dignity of its citizens.

Thank you for your attention to this critical matter. We trust that you will stand with North Dakota residents by ensuring justice and fairness in your representation.

Sincerely,

Cindy and Larry Burkle

October 11, 2024

Larry and Cindy Burkle

8885 38th Street SE

Jamestown, ND 58401

Lcburkle@gmail.com

Auditor's Office

Stutsman County Auditor's Office

511 2nd Avenue SE #102

Jamestown, ND 58401

Dear Auditor's Office,

I am writing to express my concerns regarding the current regulations for the placement of power lines near residential dwellings. While the existing minimum distance of 500 feet may seem adequate, I strongly believe that this distance should be increased to at least 2,500 feet to better protect the health and safety of our community.

Research has shown that living near high-voltage power lines can pose potential health risks, including increased rates of certain cancers and other adverse health effects. The electromagnetic fields generated by these lines have been a subject of extensive study, and while conclusive evidence may vary, many health experts recommend larger buffer zones to mitigate these risks.

Moreover, increasing the distance to 2,500 feet would not only help in addressing health concerns but would also enhance property values in the area. Homebuyers are often wary of properties near power lines, which can lead to decreased demand and lower property prices. By implementing a more stringent distance requirement, we can ensure that our community remains a desirable place to live.

Additionally, there are environmental considerations to take into account. Wider buffer zones can help preserve local ecosystems and reduce the impact on wildlife habitats, contributing to a more sustainable environment for future generations.

I urge you to consider the potential long-term benefits of establishing a minimum distance of 2,500 feet for power lines from residential dwellings. It is essential to prioritize the well-being of our residents and the integrity of our community.

Thank you for your attention to this important matter. I look forward to your response.

Sincerely,

Larry and Cindy Burkle
701-368-8427

Chairman Porter and members of the House Energy and Natural Resources Committee,

My name is Madelyn Orr and I am the fourth generation of Orr Farms from Ypsilanti, ND. Currently I am studying Political Science and Economics, with hopes of one day going into public service. It has always been my goal to serve my community and amplify those voices who others will not hear. I am disappointed to see that this is not the highest priority for some of the elected officials in my home state.

The only testimonies in favor of HB1258 were given by lobbyists and large energy companies. All those in opposition are landowners, farmers, and community members. North Dakotans oppose HB1258. This bill is dangerous as it undermines local control where zoning and land-use ordinances are traditionally made. These laws must continue to be made by those who will be directly impacted and have a personal interest in the outcomes, locally.

The most frequent arguments I have found to build a power line through my home are “resiliency”, “economic growth”, and “reliability”. If resiliency truly is the motivating factor, and *not* profits, then the literature tells us that burying lines is the safest way to ensure the longevity of power lines and our communities. But this is not about burying infrastructure for us, it is about keeping local control local. I am not opposed to electrification, infrastructure, or energy projects. I am not opposed to making North Dakota a business-friendly state. I am opposed to silencing rural communities because they may be perceived as being on the peripheral to some in power. It only takes two out of three members on the PSC committee to approve a life-changing bill. The sunsets, the fields, the sounds, and everything that makes home “home”, will never be the same. Two “yes’s” that somehow outweighs all our “no’s”. Our communities have been marginalized, but we will not be shut out. Local control and private property rights are essential to healthy communities, healthy democracy, and a healthy North Dakota.

Some have called our opposition to these 155-foot, 345 kV towers “parochial” because our property rights and community health matters to us. We are the “limited number of landowners” that packed a room so full in Stutsman County in opposition to these ordinances that residents were forced to stand in the back of the room at a local meeting. We are the “limited number of landowners” that were so eager to speak our minds, that there was a time limit put on us to speak at this meeting. We are the “limited number of landowners” that are apparently so small that we were able to rapidly mobilize our communities to gather testimonies and write op-eds in opposition to this infrastructure project.

We know what is best for us. We have said no, now it is your turn. I urge you to vote **Do Not Pass** on **HB 1258**.

Thank you for your time and consideration.

Sincerely,

Madelyn Orr

Lanny Kenner
District 7

Chairman Luick and members of the Energy and Natural Resources Committee,

I am urging NO votes on HB 1258.

Our ND Constitution gives our Townships and counties more power than the state when it comes to planning and zoning. The local people know what is best for their area.

This session there have been many attempts to take these powers granted by our constitution away from the local townships and counties all in the name of corporate gain.

Township and county zoning are a way to protect landowners rights but it seems this session has been a session of transferring those rights to out of state corporations.

This is completely against what then Congressman Armstrong stated when he was running for ND Governor. At that time he said "We need to protect property rights at all costs". Hopefully he still stands by his statement and it wasn't just campaign promises!

So to preserve landowners, townships and counties rights please vote NO on HB 1258!

Thank you for listening, Lanny Kenner



Contact: Zach Martin
Manager – Government Affairs
ALLETE / MN Power
262.719.9678
zmartin@mnpower.com

March 21, 2025

Chair Patten and members of the Senate Energy and Natural Resources Committee,

On behalf of ALLETE / MN Power, we write in support of House Bill 1258, an important energy infrastructure bill which will improve the permitting process for transmission lines across the state. We thank Rep. Brandenburg and all other sponsors for their leadership on this issue and encourage the committee to approve today's bill.

Our company has a proud history of investing in the state of North Dakota with a strong presence in the energy sector. North Dakota is a leader in energy generation and transmission plays an important role in transporting electrons to market.

However, we are witnessing unworkable county ordinances that could hamstring the energy sector's ability to make further investments into North Dakota's electric grid and add unnecessary cost in construction. These would negatively impact energy generators and therefore residents, businesses, and industries that depend on reliable energy on a daily basis.

House Bill 1258 recognizes the importance of transmission by designating the Public Service Commission (PSC) with the sole authority of siting transmission lines. The PSC interacts closely with the Midcontinent Independent System Operator, Southwest Power Pool, and other transmission planners to design and support an electric grid to the benefit of North Dakota. The PSC also employs the staff needed to analyze the cost and benefits of a transmission project and its statewide impacts.

Lastly, transmission boosts sales and property tax revenues to state and local county units, an important source of funding for critical services. The bill's merits are further indicated by strong support and passage on the House floor in January, 86-7-1.

Thank you for incorporating our comments into the committee's decision process and we encourage passage of House Bill 1258.

Sincerely,

Zach Martin
Government Affairs Manager
ALLETE / MN Power

Senate Energy and Natural Resources Committee

HB 1258

By Gaylynn L. Becker, PhD

March 21, 2025

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Chairman Dale Patten and Members of the Senate Energy and
Natural Resources Committee:

I am Dr. Gaylynn Becker of Bismarck, ND. I'm representing myself. I am here to
testify in opposition to House Bill 1258.

The passage of this bill promotes the taking of:

1. landowner rights,
2. township rights and
3. county rights and duties to its citizens' property.

That is because in doing what is in the bill, you are setting a precedent that a big
company with money and power can do the same thing to anyone.

I ask that you do not pass HB 1258.

Thank you for your time and effort and please do the right thing for the people of
North Dakota.

Senators & Committee Members

Please Oppose HB 1258, this is not a benefit to anyone except Applied Digital

I am urging you to all to VOTE NO on this bill, do what is right for all of us landowners, counties, townships and citizens of North Dakota

Thank you for hearing our concerns

David & Holly Wald

Wano Township District 28



**GREATER NORTH DAKOTA CHAMBER
HB 1258**

**Senate Energy & Natural Resources Committee
Chair Dale Patten
March 21, 2025**

Mr. Chairman and members of the Committee, my name is Amanda Remyse, and I am the Vice President of Strategic Engagement for the Greater North Dakota Chamber (GNDC). GNDC is North Dakota's largest statewide business advocacy organization, representing small and large businesses, local chambers, and trade and industry associations across the state.

We stand in support of House Bill 1258.

Our members strongly support a regulatory environment that is:

- Consistent, ensuring businesses can make long-term investment decisions with confidence.
- Efficient, avoiding unnecessary delays that increase costs.
- Cost-effective, promoting economic growth through infrastructure development.

HB 1258 ensures a streamlined approach to infrastructure permitting by placing the authority for siting transmission lines with the Public Service Commission (PSC). This approach aligns with the current process, creating a uniform and predictable system for critical infrastructure projects.

The PSC has the expertise and procedures necessary to oversee large infrastructure developments, ensuring they are comprehensive, efficient, and beneficial to North Dakota's economy.

Transmission infrastructure plays a key role in:

- Delivering affordable, reliable energy to businesses and residents.
- Attracting investment by ensuring companies have the energy capacity they need.
- Supporting job creation and economic development across the state.
- Generating tax revenue for local communities, counties, and the state.

A smart approach to infrastructure regulation ensures North Dakota remains a top location for business growth and investment. We urge your support for HB 1258.



Dear Chairman and Members of the Committee,

My Name is Wayne Wald and I am a Lamoure County Commissioner and a Wano Township Supervisor. House Bill 1258 is nothing more than a condemnation bill. It is set to supersede any zoning regulations set forth by local government. We have these regulations in place to protect the people, land, environment, and the enjoyment of rural communities. This bill would be the beginning step of industrializing our rural communities and land. This bill would take away landowner's rights of their property that they own. SB 2208, HB1444, and HB1258 are to benefit certain projects and push them through without local government having any control. All three of these bills have common Committee Members that introduced these bills. Senator Patten, Senator Kessel, and Representative Brandenburg. Six other Committee Members also helped introduce two of these bills. Representative Patten said in the hearing of SB2208, that it doesn't pertain to wind and solar projects. According to the Jetx contract, any easement signed is controlled by the company. (Please see the attached page and read sections 12, 13, and 15.) They can sell, transfer, give away, etc. the easements. Therefore, Jetx has the easements that can eventually become in the hands of wind and solar companies and the local government has no authority anymore. HB 1258 would have the same impact on local government as SB2208, but would also have an impact on landowners property rights. Most of the testimony in favor of these bills is from companies such as ALLETE/MN Power, Otter Tail Power Company, MDU Resources Group, and Applied Digital. The honesty and transparency has been little to none on these projects, hence the reason for these outlandish bills. They know what they are doing is wrong. There has been no proof that these projects are justifiable or necessary. It will benefit outside corporations and send power to other states and North Dakota will get no benefits from it. Committee Members, you need to listen to the people that these bills will affect and stop listening to the lobbyist and state legislators that are looking only for personal gain and lining their pockets at the expense of their constituents. They should be representing the citizens and taxpayers that voted them into office and stop supporting corporate companies that have no benefit to North Dakota. Thank you to all that opposed SB 2208 and I ask you to oppose HB1258 also and leave local control in the hands of local government.

12. Assignment. Grantees may at any time, without the consent of Grantors, sell, assign, transfer, convey, grant a sub-easement, encumber, mortgage, pledge, grant a lien upon and/or security interest in, all or any part of its rights, titles and interests in this Agreement, the Option, the Easement, the Electric Line Facilities.
13. Cooperation. Grantors will cooperate with, and shall not in any way, directly or indirectly oppose Grantees' efforts to obtain any permit, approval, or other consent necessary in connection with the electric transmission line and related facilities to be constructed on the Easement. Grantors and Grantees intend to and shall cooperate with each other and take such other actions as may be reasonably necessary to carry out the purposes of this agreement and to fulfill the obligations of the respective parties hereto (at no out-of-pocket costs to Grantors), including, but not limited to, obtaining and/or executing additional documents or taking further actions that may be reasonably requested by Grantees, Grantees' lenders, investors or title company and/or that may be necessary to give effect to the Option or the Easement.
14. Severability. If any provision or a portion of any provision of the Option or the Easement is held to be unenforceable or invalid by a court of competent jurisdiction, the validity and enforceability of the enforceable portion of any such provision and/or the remaining provisions shall not be affected.
15. No Waiver. The failure of Grantors or Grantees to enforce any of the provisions of the Option will in no way be considered a waiver of such provision, or in any way affect the validity of the Option. The failure of Grantors or Grantees to enforce any such provision will not prejudice or prevent Grantors or Grantees from later enforcing or exercising the same or any other provisions, rights, or elections which it may have under the Option.
16. Entire Agreement. This Option contains the entire understanding of the parties hereto with respect to the transactions contemplated hereby and supersedes all prior agreements and understandings between the parties with respect to the subject matter. No representations, warranties, undertakings, or promises, whether oral, implied, written, or otherwise, have been made by either party hereto to the other unless expressly stated in this Option or unless mutually agreed to in writing between the parties hereto after the date hereof, and neither party has relied on any verbal representations, agreements, or understandings not expressly set forth herein.
17. Administrative Agent. Grantees have appointed Otter Tail Power Company as the Administrative Agent for Grantees hereunder (the "Administrative Agent"). The Administrative Agent, pursuant to the terms and conditions of the Administrative Agent Agreement, is designated to act on behalf of Grantees for certain matters relating to this instrument. Grantors shall rely on the actions of the Administrative Agent for Grantees hereunder until Grantors are notified by the Administrative Agent or Grantees that a new Administrative Agent has been appointed.
18. North Dakota Law. This Option shall be construed and enforced in accordance with the substantive laws of the State of North Dakota, notwithstanding any choice of law principles that may direct the application of other law. Any disputes concerning this Option or the Easement shall be resolved exclusively in a state or federal court of competent jurisdiction situated in North Dakota.
19. Signatures in Counterpart. The Parties agree that this Option may be executed in two or more counterparts, each of which when so executed shall be deemed an original, but all of which counterparts together shall constitute one and the same instrument.

February 13, 2025

Dear Committee Members;

I am writing in opposition of Senate Bill 2208 which removes local zoning and land use control regarding energy projects. Local citizens need to retain control of energy development in the county and township they reside in. I call this legislation "blackmail", withholding needed state funds in exchange for energy companies freedom to build as they wish.

Orderly economic development , with input from the local residents through zoning is the democratic way to move forward.

Please do pass this bill.

Sincerely,

Duane R. Andersen

Woodbury Township Supervisor & Stutsman County Zoning Board member

Chairman and members of the Committee, my name is Roger H. Jung and I reside in Homer Township. This is written testimony to oppose. Please vote NO on HB1258

Do not take the residents rights away. People that own **and live** on country land in North Dakota are more than likely 3rd and 4th generations.

Do not take the landowners rights away. We have the right to decide what goes on our property. Especially when we have to look and live with it daily.

We should not be forced to let corporations litter our landscape for their own greed and force us to pay for it.

These 150 foot power poles, followed by wind towers and solar fields will ruin North Dakota landscapes and views for the future generations.

A message for anyone pushing this project and selling out the wide-open spaces of North Dakota to big corporations is this:

Shame on you. You are not giving any child that lives in North Dakota the best chance.

Taking away the rights of the people by government is not a step forward for this state.

Please, VOTE NO on HB1258

Roger H. Jung

Ypsilanti, North Dakota

701-368-9256

Chairman and members of the Committee, my name is Charlene K. Jung and I reside in Homer Township. This is written testimony to oppose. **Please vote NO on HB1258**

Why do our land values need to go down to line the pockets of people that don't even live in North Dakota. Are you thinking and representing the landowners of North Dakota?

We live in the country for the sunrises and sunsets as well as the wildlife. The book *The Invisible Rainbow: A History of Electricity and Life* by Arthur Firstenberg. Documentation and research. From Page 365:

- "At time," says Alfonso Balmori, "I compare what is occurring to a collective ritual of suicide in slow motion." But he does not think it can continue indefinitely. "I don't know when," he continues, "but there will come a day of realization, when society will awaken to the serious problem of electromagnetic contamination and its dangerous effects on sparrows, frogs, bees, trees, and all other living beings, including ourselves."
- We encourage you to read Pages 206 and 305 where North Dakota is specifically listed regarding health issues.
- This book also illustrates several photos of trees damaged.

Let us make choices for the long term....for generations to come that live in North Dakota.

As a human being, we are to leave a place better than we found it.

Do not give our rights away to people that don't live in North Dakota or to the Public Service Commission.

Taking away the rights of the people by government is not a step forward for this state.

Please, VOTE NO on HB1258

Charlene K. Jung

Ypsilanti, North Dakota

Let this serve as my written testimony in opposition to House Bill 1258, the proposed energy corridor.

I was born and raised in Edgeley, my whole entire family of 10 siblings. My parents settled in Edgeley after my dad got out of the Army after serving in WWII. My dad built our farm, every structure, from the first milking barn, the dairy barn and our family home. My parents are deceased and buried in Edgeley. I am a land owner in Edgeley and do not want to see our land destroyed to benefit the corrupt individuals who will make a bloody fortune on shoving this deal through.

Jet X wants to provide energy to the investors/owners of data centers which are not located in our community. They will take our land for next to nothing. Pennies on the dollar while others will stand to make billions and billions and billions of dollars. Where does this money really come from? Foreign investments? Their intent is in no way to benefit the community nor land owners..

This bill removes any and all local control but gives it to the big corporations to override local governance while disregarding local decisions. They are banking on breaking our pocket books to accomplish their agenda. Land owners are at a disadvantage. 6t56c I would like the names of any representative claiming to support the land owner.

If this bill is passed, the State of ND will be sponsoring corporate takeover of private property. If it is not bad enough you sold land to Bill Gates to make fake food and poison us. We need farmers and land owners to continue providing our country with good and healthy food, no GMO. Why steal premium farm land when there is BLM land to be utilized. Our government owns more land but for bullshit reasons.

North Dakota was the undiscovered treasure state, leave us alone to return to our life style, working the land, farming 24 hours a day – 8 days a week – with all of the farmers overtime. Let the locals determine the future of their community and retain local control.

I respectfully request you oppose HB 1258 and be a voice for the people,

Leanne Chalker, Land Owner in LaMoure ND, residing in the crime ridden State of CO flooded with politicians who sold out CO.

Dear Chairman Patten, Vice Chairman Kessel, and Senators of the Energy and Natural Resources Committee,

I am writing in opposition to HB 1258.

In the late 1930s electric lines began to be built in North Dakota and at that time co-ops had to sign up members and ask farmers to give up land for the powers lines. Why now after approximately 88 years of rural electricity in our state is it necessary for the ND PSC to supersede local township and county zoning ordinances for a transmission facility?

Local townships and county commissioners know what is in the best interest of their residents and communities. The most responsive and accountable government is the government closest to the people. HB 1258 takes this control away from the people. When politicians start to undermine their constituents to promote big industry, they fail the people they are elected to represent. Therefore, I ask you to oppose HB 1258.

Thank you.

Sincerely,

Vicki Carpenter

Chair Patten and members of the Senate Energy and Natural Resources Committee

I urge you to DO NOT PASS recommendation for HB 1258.

How this bill got out of the house committee is but a mystery at best. I am in no way a fan of planning and zoning, especially when in the control of people who do not know when enough is enough but I certainly do not ever want to see more local control stripped from the local political subdivisions and given to the PSC. The 69th Session is continually taking away the freedom and incentive to own property and it must stop.

DO NOT PASS 1258

Jaye Sandstrom
New Town, ND

I strongly oppose house bill HB 1258. 500 feet is an insufficient distance between giant powerlines and homes. Vote no

Clint Otto
Homer Township

Members of the Committee:

My name is Richard Long, and I am a farmer/rancher residing in LaMoure County. I am submitting this testimony **in strong opposition to HB 1258**—yet another one of the many bills introduced this year that threatens the fundamental property rights of North Dakotans—particularly those of us who live and work on the land every day.

Rural North Dakotans have fought for generations to protect our rights to manage our own land. HB 1258 threatens to disrupt that balance, giving corporate developers a direct path to override our locally elected township boards and county commissions. If passed, this bill sets a dangerous precedent—where decisions impacting our land, safety, and economic well-being are made by distant authorities under pressure from powerful utilities.

The retroactive clause added by Mike Brandenburg—applying this law back to January 1, 2025—happened as a result of and after Wano & Willowbank townships’ denial for a CUP. Furthermore, HB1258 received no opposition because it was ramrodded through the House after the 2 township meetings and none of us knew about it.

To suggest that local governments are somehow incapable of understanding “the far-reaching benefits” of infrastructure projects is not only patronizing—it’s flat-out wrong. Our communities will *live* with the consequences of high-voltage transmission lines cutting through prime farmland, our pastures, and will be erected dangerously close to homes (with a negligible 500-foot setback from an inhabited residence). We have every right—and every capability—to weigh in. This bill is about making it easier for corporations to bulldoze local opposition. It’s about smoothing the path for corporate profits under the guise of “grid reliability” and “economic growth.”

North Dakota’s heritage is built on private property rights and local control. We should be expanding local involvement, not eliminating it. I urge this committee to listen to the farmers, ranchers, families, and local leaders who know their land, know their communities, and deserve a seat at the table.

I urge you to **vote NO** on this bill and to stand with those who live and work on this land every day.

Thank you for your time and consideration.

Richard Long, Berlin ND

Zach Cassidy

Dakota Resource Council

Organizer

Dear Mr Chairman and Committee Members,

I am writing to express DRC's opposition to HB 1258. This bill simply strips further zoning power away from local governments. It directly targets counties like Burleigh or Emmons, which have stood up for local land rights. To allow pipelines from out-of-state companies, this state has seized power for itself away from local government. As a land rights organization, we oppose this.

As such we ask for a DO NOT PASS on HB 1258.



400 North Fourth Street
Bismarck, ND 58501
(701) 222-7900

TESTIMONY IN SUPPORT OF HOUSE BILL 1258
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
MARCH 21, 2025

ROBERT FRANK - DIRECTOR OF ELECTRIC TRANSMISSION ENGINEERING, MONTANA-DAKOTA UTILITIES CO.

Good morning, Chairman Patten and members of the Committee.

My name is Rob Frank, and I am here today to testify in support of House Bill 1258 on behalf of Montana-Dakota Utilities Co. Montana-Dakota proudly serves 158 communities in North Dakota with electricity and natural gas.

Montana-Dakota has a long-standing tradition of reliably delivering energy for more than 100 years. While electricity is often taken for granted, assumed to be available whenever needed, the reality is that ensuring reliable power requires constant vigilance. It involves meticulous planning and development of generation resources to meet demand, as well as the construction of transmission lines to deliver power where it is needed. This is precisely where House Bill 1258 comes into play.

A current example that underscores the importance of this bill is the Jamestown to Ellendale transmission line (JETx). This project, developed by Otter Tail Power Company and MDU, aims to enhance electric reliability and resilience in North Dakota, meeting the region's energy needs and supporting economic growth. More information about the JETx project can be found at jamestowntoellendale.com.

Regional transmission organizations, such as the Midwest Independent System Operator (MISO), regularly evaluate the transmission system and identify necessary upgrades. The JETx project was identified by MISO as a priority project within its Long-Range Transmission Plan, essential for maintaining grid reliability.

House Bill 1258 seeks to streamline the process for electric transmission lines by applying the same procedures already in place for other linear infrastructure projects, such as pipelines. This bill empowers the Public Service Commission (PSC) to evaluate transmission lines, considering local concerns while weighing the benefits these lines bring to the electrical grid.

Public Interest vs. Self-Interest

As evidenced by the submitted testimony, there is significant emotion and passion at the local level regarding the development of projects like JETx. It is understandable that local officials may desire to impose unreasonable setbacks to halt projects especially when pressured by their neighbors. However, for the reliability of the electric grid, it is essential that such decisions are made by those with a broader perspective.

Addressing Misinformation About Transmission Projects

1. **Safety:** Transmission lines are safe and have a proven track record with no health impacts to those living or working nearby. Farmers have successfully farmed around and under transmission lines without any impact on production. Livestock, such as cows, feed and milk without issues. If there were any adverse effects, they would be well-documented.
2. **Public Hearing Process:** The PSC has a comprehensive hearing process where the public can voice their concerns throughout the transmission line approval process. The law mandates that transmission lines mitigate impacts on the environment, wildlife habitat, and endangered species. The PSC staff is experienced in analyzing these reports and data,
3. **State Authority:** Electric transmission line projects span multiple local jurisdictions. State authority ensures fair application of rules across all areas.
4. **Landowner Rights:** Landowners directly affected by transmission lines retain the right to negotiate and decide what happens on their land. This bill does not infringe upon those rights.
5. **Decision-Making:** A township board or county commission is a small group making decisions for a larger community, similar to elected PSC commissioners. The difference lies in the broader view and expertise of the PSC.
6. **Statewide Impact:** This bill is not limited to the JETx project; it makes sense for all transmission projects to be developed across the state.
7. **Project Scope:** Large transmission projects are not built for a single customer's load, regardless of size.

It is important to note that the process outlined in this bill is not new. It mirrors the procedures already in place for other linear infrastructure projects, such as pipelines. House Bill 1258 aligns procedural requirements for electric transmission facilities with those for gas or liquid transmission facilities, providing consistency and certainty. It offers appropriate state-level oversight while ensuring reliability, resource adequacy, and promoting economic development.

Finally, and as I know this committee has heard before in relation to other legislation that has come before you, the kind of transmission build out represented by JETx is desperately needed to meet the explosive demand for energy across the region and country.

I respectfully urge the committee to recommend a "Do Pass" on HB 1258.

Thank you, Mr. Chairman and members of the committee, for allowing me to speak with you today. I am happy to answer any questions.

Charlie Sorenson
5850 94th Ave NW
Ross, ND 58776
(701) 755-3476
charlie.sorenson@yahoo.com

March 21, 2025

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

March 20, 2025

Dawn Shepard
3470 County Road 87
New Salem, ND 58563

RE: VOTE NO on HB 1258

Chairman and Members of the Energy & Natural Resources Committee;

Here we go again...the State of North Dakota attempting to take more local control away from the citizens of North Dakota in order to help big corporations make larger profits.

What you should be doing is protecting the health and safety of the citizens of the great state of North Dakota.

I urge you all to DO THE RIGHT THING and vote NO on HB 1258.

First of all, taking away setback distance decisions from local authorities for dangerous CO2 pipelines was wrong. A short 500 foot setback for anything doesn't even have a justification for it.

Even hunters are required more distance away from homes for reasons of safety for the residents. CO2 pipelines and electrical transmission should be longer distances than even that for reasons of safety for the homeowners/residents of that home.

Having a state "law" of any lump sum setback distance for anything is wrong. Situations vary. Neighborhoods vary. Numbers of residents in an area vary. Development needs and desires in a community vary. Land use codes written and agreed upon amongst the boards and the residents vary.

What doesn't vary is the fact that all government levels should be putting the health and safety of the public first.

What doesn't vary are the resident's legal rights to protect their lives, their families' lives, and their property from dangers and health risks of transmission lines (and CO2 pipelines!).

Local authorities work with them to do just that. They do that through local meetings, discussions, research, compromises, and local land use standards.

The state doesn't do that. It just looks to the quickest easiest way for another large company to make more profits. Their permitting of the CO2 pipeline right through residential areas has proven that.

In doing so in both situations, and in taking away the right to determine setback distances from the local authorities - city, county, township - and setting a "one size fits all" setback distance for pipelines and transmission lines, the state is violating the rights of home owners to defend and protect their property, their lives, their health, and that of their families.

You don't think transmission lines are dangerous?

The following is from Safe Space Protection Resources:

<https://www.safespaceprotection.com/news-and-info/exposure-to-power-lines-linked-to-cancer/>

Health Risks - Power Line Studies

Facts About Power Lines

High voltage transmission lines (those towering metal power lines you often see usually along highways and across rural landscapes.

- Use high voltage direct current (HVDC) to transmit large amounts of power from the generating station over long distances
- Voltage varies from 138kV to 765kV
- Radiate powerful electromagnetic fields (EMFs)
- Linked to diseases in animals and humans
- There is growing speculation that the values of homes near major power lines will soon begin to decrease because of this threat

Transmission substations, (which often look like a fenced-in thicket of metal structures. Maybe you see one near your home, school or office.):

- Contain circuit breakers, switches and transformers
- Decrease the voltage coming from high voltage transmission lines
- Connect to local, lower voltage distribution lines.
- Reroute power to lines that serve local markets
- Suspected cause of cancer clusters for nearby residents

Lower voltage distribution lines, (or local power poles, which are everywhere):

- Are smaller than the huge high voltage lines
- More likely to be seen in residential areas
- Sometimes buried
- Risk varies with strength of voltage

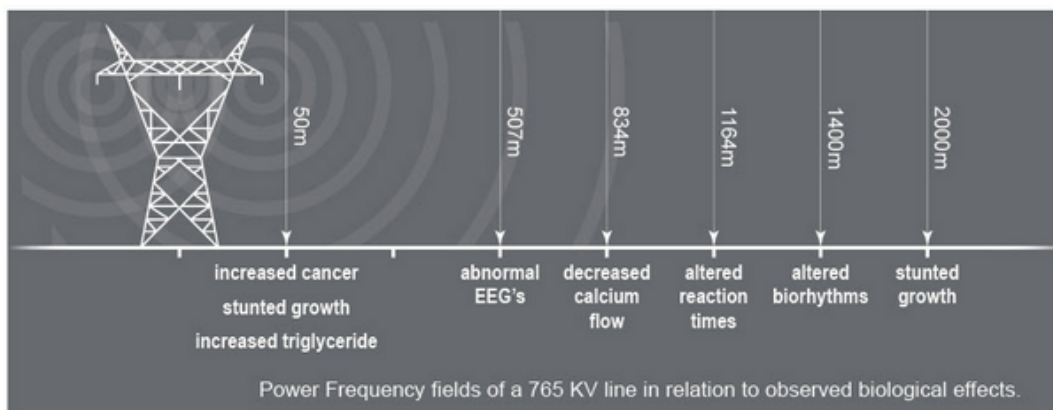
Transformers, (those barrel-like metal trashcans mounted on power poles are EMF factories.):

- Reduces the voltage to the 120-/240 current needed by the nearby homes
- The typical power line feeding the transformer is carrying 4000 to 13,000 volts
- Creates a strong field extending up to a 1/4 of a mile
- The strength of this field decreases significantly with distance (the further away you are the better, even if you are still within a quarter mile)
- Health risk depends on strength of incoming power line

Buried lines and transformers (Recognizable by a metal box located on the ground near the street.):

- Some people contend that burying power lines can mitigate EMF dangers.
- Other experts note that while burying power lines will shield the electric component of the electromagnetic field (EMF), the magnetic component can still pass through the earth—and walls and human or animal bodies.

Research on Power Lines and Health



Living Next To Power Lines Increases The Risk Of Cancer

After hundreds of international studies, the evidence linking EMFs to cancers and other health problems is loud and clear. High Voltage power lines are the most obvious and dangerous culprits, but the same EMFs exist in gradually decreasing levels all along the grid, from substations to transformers to homes.

From the British Medical Journal, June, 2005:

Researchers found that children living within 650 feet of power lines had a 70% greater risk for leukemia than children living 2,000 feet away or more.

From Epidemiology, 2003 Jul;14(4):413-9:

"Several studies have identified occupational exposure to extremely low-frequency electromagnetic fields (EMF) as a potential risk factor for neurodegenerative disease."

From Epidemiology, 2002 Jan;13(1):9-20

There is "strong prospective evidence that prenatal maximum magnetic field exposure above a certain level (possibly around 16 mG) may be associated with miscarriage risk."

From the Internal Medicine Journal, 2007

In a study of 850 lymphoma, leukemia and related conditions, researchers from the University of Tasmania and Britain's Bristol University found that living for a prolonged period near high-voltage power lines increased the risk for these conditions later in life.

- People who lived within 328 yards of a power line up to age 5 were five times more likely to develop cancer as an adult.
- People who lived within 328 yards of a power line at any point up to age 15 years were three times more likely to develop cancer as an adult.

Dr. David Carpenter, Dean of the School of Public Health (SUNY), believes that up to 30% of all childhood cancers come from exposure to high voltage power lines.

Even the Environmental Protection Agency (EPA) cautions citizens that "There is reason for concern" and advises "prudent avoidance" of high voltage power lines.

The California Department of Health concluded that EMFs were responsible for an increase in childhood leukemia, adult brain cancer, Lou Gehrig's disease and miscarriage in the 2002 report, "An Evaluation of the Possible Risks From Electric and Magnetic Fields (EMFs) From Power Lines, Internal Wiring, Electrical Occupations and Appliances."

The studies cited above and dozens of other epidemiological studies specifically link high voltage power lines with:

- Brain tumors
- Leukemia
- Birth defects
- Lymphoma

Members of the Energy & Natural Resources Committee, you were not elected to take away the local authority that voters have also put into place in their communities, that ensure that their health and safety would be considered when companies bringing harm to them come to their area. Voters want local entities and local ordinances to rule.

They do not want the State taking away those rights, or any other rights. This needs to stop right now. It needs to stop with this bill.

You were elected to protect and serve the residents of North Dakota.

I urge you to do just that and VOTE NO on HB 1258.

Respectfully,

Dawn Shepard

Dawn Shepard
New Salem, ND

As a landowner in Corwin Township of Stutsman County, I am hereby submitting my written testimony in opposition to House Bill 1258. My property is located within the proposed JETx energy corridor. I have attended and spoken at public forums where concerned citizens have vociferously and in large numbers been expressing disapproval of the project.

At these forums, the response from JETx representatives reeks of dismissive half-truths, omission of relevant details, and evasive discussion of their underlying ambitions. They are not interested in discussing alternative avenues of development that could preserve those things we landowners hold dear, such as reconductoring existing towers (see [Replacing Wires Could Double How Much Electricity The US Grid Can Handle - CleanTechnica](#)), burying cables, or maintaining a minimum of a half-mile distance from homes. They attempt to shame us for standing in the way of their version of progress –a progress which is primarily designed to put money in the pockets of industrial investors who see our land, the land we cherish, as an empty, undeveloped wasteland.

I want to believe that your dedication to serve your fellow North Dakotans signifies your shared reverence for the pure majesty of our sunrises and sunsets, auroras, and meteor showers unobstructed by hulking metal structures and undimmed by light pollution, the genuine warmth and interconnectedness of our expansive prairie neighborhoods, the enduring dedication to preservation of our bounteous homeland. Please do not allow the transformation of our precious homelands into an industrial park. Please vote no on HB 1258.

Thank you for your commitment to serve your people,

Mary Neva
8644 44th St SE
Ypsilanti, ND
District 29

Chairman Patten and Members of the Senate Energy and Natural Resources Committee.

My name is Richard Schlosser.

I am opposed to HB 1258, which is yet another legislative proposal in a series of past legislative actions, where we have witnessed the gradual erosion of local governance and landowner rights. Specifically these proposals over the years have picked winners, namely utilities, and losers - the landowners.

Just to name a few:

During the 2013 legislative session - SB 2209 was a bill to expedite condemnation proceedings. In 49-22-07, The old language stated: **“A utility may not begin construction of an energy conversion facility or a transmission facility in the state, - or exercise the right of eminent domain - in connection with that construction - without first having obtained a certificate of site compatibility or a route permit from the commission - pursuant to this chapter.”**

The language. **”or exercise the right of eminent domain in connection with that construction”** was stricken in 2209

In section 32-15-21 entitled “Power of the Court.” : The bill added new language,

“.... If a route permit is required under chapter 49-22 or 49-22.1, the court may order the taking by eminent domain conditioned on the receipt of the route permit.”

This allowed the utility to initiate eminent domain proceedings **during** the PSC review of route permit. This replaced the original language - which **prohibited** the utility to exercise eminent domain until the PSC had **approved** the transmission route.

The bottom line is - the expedited process gave **preference** to timeliness of construction by the **utility** - over the extension of the timely **due process rights of landowners.**-

During the 2017 legislative session - SB 2286 was passed - striking existing language -which originally stated in section 49-22-16 subsection 2 a.of section 3. —

“ A certificate of sight compatibility for an energy conversion facility *shall not* supersede or preempt any local land-use, zoning, or building rules, regulations, or ordinances - and no site *shall* be designated which violates local land-use, zoning, or building rules, regulations, or ordinances.”

In that bill, **‘shall’** was replaced with **‘may’** -weakening political subs’ ability to **regulate land use -and the landowner’s right to self determination without outside interference.** It is a matter of legal semantics. - As we all know, **‘shall’** is an imperative command, whereas, **‘may’** is used to indicate a permissive provision.

During the 2019 Session - HB 1383 was passed.

Section 3 of the bill stated, - **“ The commission *may not* identify prime farm land, unique farmland, or irrigated land - -as exclusion or avoidance areas - when evaluating and designating geographical areas for site, - corridor - or route suitability.”**

- However, Several township comprehensive plans and model zoning ordinances - that **predate** that legislative action - speak to the “....**preservation of prime farmland... supporting agriculture, and support farms by being active in legislation affecting agriculture and industrial usage...**”

This brings us to November 2024.

The Public Service Commission, in a 2 to 1 vote, approved a Certificate of Public Convenience and Necessity for a high voltage JetX transmission line from Jamestown to Ellendale.

Commissioner Randy Christman, in his dissent, noted “... **that the Certificate of Public Convenience and Necessity for Ottertail Power Company’s and Montana-Dakota Utilities Co.’s 345 KV transmission line from Ellendale to Jamestown should be denied.**

The applicant’s have not met their burden to show the necessity for this investment.

The applicants and MISO had opportunities to provide more and better information.

Throughout the last seven months, the explanation has remained vague”

Impacted landowners have come to the same conclusion - that the explanation and information they have received, has been misleading and “vague”.

Commissioner Christman’s dissent also mentions the huge energy demand of the data facility near Ellendale. —- The Certificate of Public Convenience and Necessity **implies** the facility is to serve a **public use or purpose.**

Does JetX fall within that criteria of - “**meeting the public use or public purpose**”?

According to JetX representatives - and our legislator’s recent **paid ads** - JetX will serve the data facility, bringing job growth and economic development to this area-

— — This would be **contrary to Section 32-15-01** which states, “**a public use or a public purpose does not include public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health.**”

In addition, an **amendment** to HB 1258 - **adding a retroactive clause to the original bill** - clearly serves the purpose of facilitating JetX’s construction rights, over the rights of land owners, to determine the long term use of their land.

This bill, - once again - the continued erosion of landowner rights, if passed, will serve the **principle purpose** - to ensure the development of the JetX high voltage transmission line to serve this load - all in the name of economic development.

In conclusion, I’m sure that many of us here, are adherents to the principles of **subsidiarity** - that **decisions should be made at the lowest level possible** - which aligns with Jeffersonian democracy’s emphasis on, **limited government and local autonomy**, - where individuals and local communities are empowered to address issues themselves , **without outside intervention.**

Committee members I would ask that you give HB1258 a DO NOT PASS recommendation.

Thank you for the opportunity to appear before you this morning.

To the Committee members:

I strongly oppose HB 1258.

The huge power line that is proposed runs near my house.
Isn't it my right to decide who or what is on my property?

Our township voted to deny the permit for this power line because of the **detriment to the residents living here.**

Takes away local control: HB 1258 would take away the rights of these residents and their local form of government to make decisions for the people who live here. The power would be given to 3 people who sit on the Public Service Commission.

Benefits private corporations, not the public good: The proposals for power generation and transmission (lines, wind farms, solar farms, nuclear waste) are being used for the benefit of a few multi million/billion dollar corporations, not for the good of the general public.

Drop in land values: If power lines are placed across our farmland, the value of that land will likely drop, because it will limit the type of farming that can be done on it (No irrigation, airplane use for spraying, weed control, machinery GPS and electronics, etc, besides having to farm around the structures.). Will the state reimburse me for those costs like it subsidizes the corporations?

HB 1258 is in essence, **State sponsored corporate takings!**

I urge you to give this bill a **DO NOT PASS** recommendation.

Respectfully,
Mary Schlosser

Testimony of Jason Weiers, Otter Tail Power Company, in Support of House Bill 1258**Senate Energy and Natural Resources Committee****March 21, 2025**

Good morning, Chairman Patten and members of the committee, my name is Jason Weiers, and I serve as manager of transmission project development for Otter Tail Power Company.

I have been employed by Otter Tail since 2000 and am a graduate of North Dakota State University with a bachelor's degree in electrical engineering. I am also a registered professional engineer in the State of Minnesota. I have approximately 24 years of experience in the electric utility industry, with more than 22 years of those in electric transmission planning. In my current role, I oversee the permitting of transmission projects, which includes permitting transmission facilities at the local, state, and federal levels. In addition, I am responsible for developing agreements with our co-owners that outline the business arrangements for ownership, development, construction, operations, and maintenance activities. In my previous roles at Otter Tail, I was involved in transmission and distribution planning studies, transmission project agreements, regulatory proceedings related to permitting and cost recovery, as well as capital budget development and administration. I have experience throughout the various stages of project development, from conceptual planning all the way to taking a project through construction and placing it in-service.

I am here to testify in support of House Bill 1258. Importantly, lines 12 through 16 on page 1 provide that a state permit from the Public Service Commission for the construction of an electric transmission facility within a designated corridor supersedes and preempts local land use or zoning regulations except for a deference to local political subdivisions on complying with road use agreements.

Lines 17 and 18 on page 1 provides that before an electric transmission facility is approved, the commission would require the applicant to comply with road use agreements of impacted political subdivisions.

Lines 19 through 21 on page 1 and lines 1 through 4 on page 2 of House Bill 1258 further provides that a state permit may supersede and preempt the road use-related requirements of a political subdivision if the applicant shows by a preponderance of evidence that the regulations or ordinances are unreasonably restrictive in view of existing technology, factors of cost or economics, or needs of consumers regardless of location, or that are in direct conflict with state or federal laws or rules.

Lines 5 through 14 on page 2 would also create procedural requirements for the commission to notify counties, cities, and townships that have retained zoning authority along any part of the proposed corridor for the transmission line.

House Bill 1258 would provide automatic preemption of local land use and zoning ordinances if the commission issues a favorable decision on a siting application. However, road use requirements are not automatically superseded and preempted under House Bill 1258 unless the road use requirements are demonstrated to be unreasonably restrictive or in direct conflict with state or federal laws or rules.

House Bill 1258 is not introducing a novel approach to the commission's consideration of electric transmission facilities but rather creating parity on procedural provisions that are already in place for gas or liquid transmission facilities under Chapter 49-22.1 of the North Dakota Century Code. This parity creates consistency for the commission's consideration of critical electric transmission facilities that are needed to support state and public interests.

More importantly, it would ensure that the public and state interest in reliability, resource adequacy, and economic development outweigh local opposition to critical electric transmission facilities. Please allow me to provide an example.

At the present time, Otter Tail and Montana-Dakota Utilities Co. are engaged in the development of an approximately 95-mile, 345-kilovolt (kV) transmission line in North Dakota. The Jamestown to Ellendale transmission line, or JETx, is a significant and critical component of the North Dakota transmission system that will run between Otter Tail's Jamestown Substation and Montana-Dakota Utilities' Ellendale Substation.

Otter Tail and Montana-Dakota Utilities Co. first identified the JETx project as an essential part of the transmission grid that was needed for continued electric reliability and energy security in eastern North Dakota. Ultimately, JETx became one of 18 new transmission projects that was later approved by the Midcontinent Independent System Operator, or MISO, as an integral part of its Long-Range Transmission Plan because of its local and regional benefits. The JETx project will help ensure electric reliability, increase resiliency to extreme weather events, reduce transmission congestion, and increase access to low-cost energy in the region. These benefits allow for economic development across all of North Dakota because the interconnected transmission grid serves the whole state and beyond.

By way of background, MISO is essentially the equivalent of the air traffic controller of the regional transmission grid - - which includes transmission facilities in 15 states and the Canadian province of Manitoba. Managing the electric grid is similar to managing air traffic. Air traffic controllers are responsible for moving people from point A to point B safely and reliably, 24/7/365. They don't own the airplanes, they don't own the runways, they only direct the air traffic. Instead of moving people, MISO is responsible for moving electricity from where it is generated to where it is consumed, reliably and at the lowest possible cost 24/7/365. MISO doesn't own the generators, the transmission lines, or any part of the electric grid. The MISO member utilities, such as Otter Tail and Montana-Dakota Utilities, are responsible for owning the generation, transmission and distribution facilities needed to produce and deliver electricity to their customers.

Electricity is an essential public service of increasing importance that requires the construction of new facilities from time to time. Representatives of our company, who live and work in the communities we serve, work tirelessly to understand and address landowner concerns about the placement of new facilities. Because we live and work here too, our approach with our neighbors involves collaboration with landowners, which distinguishes our company from some of the other entities involved in infrastructure projects. The placement of new facilities requires careful consideration and thoughtfulness to address the concerns of landowners, whose partnership is essential to the success of constructing new facilities.

The JETx project kicked off in April 2023, and since that time, we have mailed over 9500 invitations to landowners and stakeholders across approximately 1200 square miles to attend two rounds of open houses that were held between June and September 2023. Since April 2023, we have also attended more than 65 meetings with townships, cities and counties along with having

over 300 individual landowner meetings throughout the project area. These efforts have allowed us to gather over 45 different reroute requests from landowners that have helped us identify a proposed route for the transmission line. In February of 2024, an application for a Certificate of Public Convenience and Necessity was submitted to the Public Service Commission and the commission ultimately approved the Certificate of Public Convenience and Necessity in November 2024. Right-of-way agents have continued to work with landowners and approximately 67% of the necessary land rights for the project have been obtained to date. In the second quarter of 2025, we plan to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the commission pursuant to Chapter 49-22 of the North Dakota Century Code. The commission will review the application and hold public hearings before making a decision on the combined application. It is anticipated that construction of the JETx Project will begin in the summer of 2026 and be complete by the end of 2028.

The December 2023 ice storm in the Jamestown area highlighted the need for the JETx project. Our company experienced an extreme weather event in December 2023 that resulted in two transmission lines serving the Jamestown area being out of service simultaneously. At that time, the capability of the transmission system was significantly reduced and as a result, our company was forced to only serve a limited number of customers in and around the city of Jamestown. Large customers in the Jamestown area, including Cavendish Farms, Green Bison, Dakota Spirit Ag and Applied Digital, were forced to operate at reduced levels in order to keep the lights on for the rest of the customers in the area. Once completed, the JETx Project will provide a new transmission line to serve the Jamestown area that will not only offer additional redundancy but also increase system capability to avoid a similar reliability issue in the future.

During our outreach efforts, there have been some areas of local opposition to the JETx project. This has manifested itself in at least 2 townships in Stutsman County enacting ordinances requiring a transmission line to have a 2,640-foot setback from occupied rural residences unless a waiver is received from the landowner. In addition, the Stutsman County Commission is also considering a similar amendment to its ordinances. Imposing a half-mile setback from occupied rural residences creates excessive exclusion zones, increases impacts, results in redundant regulation, and forces utilities to avoid placing transmission lines along section lines and roadways where most rural residences exist, and instead likely requiring transmission lines to be routed through the middle of valuable farmland.

This sort of local opposition, typically initiated by a comparatively limited number of landowners, is hindering the development of critical energy infrastructure in several locations in the state. The opposition is not limited to electric transmission projects but includes several other types of critical energy infrastructure projects necessary to support state and public interests. In these situations, the requirements of one political subdivision can have widespread consequences to other political subdivisions and therefore should be decided by the commission given their specialized knowledge of the electric grid and their role in public interest determinations.

The commission already has both the technical expertise and procedural requirements in place for electric transmission facilities that govern the siting process while allowing for landowners and stakeholders to participate in public hearings. Separate siting requirements and public hearings required by local political subdivisions for new electric transmission facilities are duplicative and unnecessary. The commission is in the best position to hold public hearings and perform an objective review of new electric transmission facilities that considers the impacts upon all North Dakota customers.

The needs of our modern society require more and more electricity, particularly as we look to add new industrial, agricultural, and data facilities in North Dakota. Additional electric transmission is necessary to move electricity from where it is generated to where it will be consumed, and the commission is in the best position to ensure that this occurs in a reliable and cost-effective manner.

Therefore, we urge a DO PASS recommendation on House Bill 1258. With that Chairman Patten, I thank you and the committee members for your time and consideration. At this time, I am happy to stand for any questions.

Chairman Porter and members of the House Energy and Natural Resources Committee,

I am writing today in opposition of HB1258. Our local township has worked hundreds of hours for essentially zero pay because of issues dealing with sighting transmission lines. We worked hand and hand with the staff at the PSC, legal officials, professionals in the area, and most important of all, the citizens that live here. As township officials, we listened to our constituents. Would we put in the hours and work for essentially free to do it all again, yes, yes we would. We love our community and the people that live here.

I look at the previous testimonies and see two sides. The large companies that would like to bulldoze their way through and have nothing in their way, and the local communities that care and love where they live. The testimonies from these companies are all well paid people doing a job they are told to do. All of the testimonies from the other side, are people that live here, and are worried their voices are not being heard. I look at the testimonies of these companies, where they say “unnecessary delays” and “supporting jobs”, well what about the hundreds of open jobs we cant fill the way it is? Is an unnecessary delay answering a concerned citizens question?

Passing HB1258 is telling townships and counties, and all who live there, their opinions do not matter and move out of the way.

Please vote no on HB1258.

Why I am against HB1258

House Bill 1258 was introduced by Rep. Brandenburg in response to Stutsman and LaMoure county township's efforts to protect their citizens from high voltage power lines, wind farms, solar farms and AI data centers.

- 1.) Ottertail and MDU have NOT been honest or transparent with the landowners, counties, townships or the Public Service Commission concerning their JetX Jamestown to Ellendale powerline project. Reference Stutsman County public meetings with county commission, MDU and Ottertail, LaMoure county townships Wano and Willowbank public meetings with MDU and Ottertail.
- 2.) Public Service Commission Chairman, Randy Christman said in his letter of dissent and I quote, "Throughout the last seven months the explanation has remained vague." "Perhaps this project is a necessity, but there have been multiple opportunities for the applicants to answer more questions and provide more detail. They have not done so. Until better justification is provided this Certificate should be denied." See Attachment.
- 3.) So now state legislators are sponsoring legislation that enables corporate takings of private property and seeks to take away any local government control. This is unconstitutional and will be challenged in court on many points including due process and the takings clause of the Fifth amendment.
- 4.) So I would like to ask you honorable Senators, why has this legislative session been part of the most intense effort ever, by you, our representatives, to introduce bills that will take away property rights and severely limit or eliminate county and township government in favor of Corporate interests? I can only draw one conclusion from all this. Someone or some entity has an agenda for our state, and they must take away property rights from the citizens, and eliminate local government to accomplish their goals.

Tim Leppert, District 28

DISSENT
Commissioner Randy Christmann
November 20, 2024

Ottertail Power Co. / Montana-Dakota Utilities
Joint Application for CPCN
345 kV Transmission Line

Case No. PU-24-91

The Certificate of Public Convenience and Necessity for Otter Tail Power Company's and Montana-Dakota Utilities Co.'s 345 kV transmission line from Ellendale to Jamestown should be denied. The applicants have not met their burden to show the necessity for this investment.

This project is one of eighteen being pushed by MISO, the Regional Transmission Organization where OTP and MDU hold membership. The original application (Docket #1) indicates the cost of this project to be approximately \$440 million. It is part of a combination of 18 projects throughout the Midwest known as MISO's Tranche #1. The combined costs for these projects are allocated throughout the region. Tranche #1 is estimated to total over \$10 billion.

Among the benefits emphasized in the application are improved reliability, congestion and fuel savings, improved distribution of renewable energy, and reduced carbon emissions.

Docket #13, filed June 26, 2024, indicates the cost for Tranche #1 will be about \$5.75 / month for the average OTP residential customer and about \$3.15 / month for the average MDU customer for forty years.

The joint application was received February 29, 2024. An Informal Hearing was held in July. Commission Work Sessions followed in August and October. During this entire time the applicants and MISO had opportunities to provide more and better information.

Throughout the last seven months the explanation has remained vague. MISO's long term transmission study is cited which shows dozens of voltage and thermal problems that this project would relieve. However, the vast majority of the problems are forward looking, meaning they do not exist yet. It will be future actions that will cause most of these problems. No clear information is provided that allows us to determine who will be causing these future actions, whether they are preventable, nor whether they are realistic. One of the few examples provided of the coming changes that would create the need for this transmission is 800 megawatts of solar electric generation, but much of that even appears to be conjecture because no information is provided regarding who would build these nor where they would be built.

One key factor that is known about the future of transmission in this area is a large new load near Ellendale, ND that is already partially operational and partially under development. We know this facility has already relieved congestion in this area of the state. MISO refuses to update their Tranche #1 study, which is more than two years old, or even take this new load into consideration.

Adding costs of this significance to North Dakota ratepayers deserves careful scrutiny. Perhaps this project is a necessity, but there have been multiple opportunities for the applicants to answer more questions and provide more detail. They have not done so. Until better justification is provided this Certificate should be denied.



Randy Christmann, Commissioner

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in opposition to
HOUSE BILL NO. 1258
Senate Energy and Natural Resources Committee
March 21, 2025

Chairman Patten and members of the committee, thank you for taking my testimony into consideration today.

My name is Troy Coons and I am the Chairman of the Northwest Landowners Association. Northwest Landowners Association represents hundreds of farmers, ranchers, and property owners in North Dakota. Northwest Landowners Association is a nonprofit organization, and I am not a paid lobbyist.

We oppose this legislation because the language used in this bill is language being litigated in the courts right now. This bill imports the language from North Dakota Century Code § 49-22.1-13 and places the same language in North Dakota Century Code § 49-22-16, with the obvious intent being to make the law regarding liquid or gas transmission facilities apply for electrical transmission lines as well. The problem is that the meaning of the language being used from 49-22.1-13 is being litigated right now in *APH Farms et al. v. ND PSC*, Burleigh County Case Number 08-2024-CV-03622, and *Burleigh County et al. v. ND PSC et al.*, Burleigh County Case Number 08-2024-CV-03614. The parties in this litigation have very different views of what this language means, and ultimately the district court and North Dakota Supreme Court will make that determination. It would seem wise to wait until the courts rule on the meaning of this language before adding it into other chapters of the Century Code. Given this uncertainty, Northwest Landowners Association cannot support this bill and urges a do not pass on HB 1258.

Thank you,

Troy Coons
Northwest Landowners Association

In Opposition of HB1258

Senate Energy and Natural Resources Committee

March 21, 2025

Chairman Patten and Committee Members,

I am Larry Syverson from Mayville. I grow soybeans on my farm in Traill County. I am the Chairman of the Board of Supervisors for Roseville Township in Traill County and the Executive Director of the North Dakota Township Officers Association. NDTOA represents 6,000 Township Officers serving more than 1,400 dues-paying member townships.

NDTOA recognizes the need for powerlines and that additional lines will be needed to market the energy produced in the state and for grid reliability. However, we note that the PSC decision on the project, which was the impetus for HB1258, was not unanimous. Commissioner Christman, the most experienced commissioner who has worked extensively with powerlines and grid reliability, was in dissent.

The opening line of Commissioner Christman's letter of dissent.

"The Certificate of Public Convenience and Necessity for Otter Tail Power Company's and Montana-Dakota Utilities Co.'s 345 kV transmission line from Ellendale to Jamestown should be denied. The applicants have not met their burden to show the necessity for this investment."

We believe this casts sufficient doubt about the project that a PSC ruling on it should not supersede local control.

Therefore, NDTOA requests that HB1258 be amended to require unanimity in PSC decisions that would supersede local control.

Chairman Patten and Committee members, thank you for this opportunity to address the committee today. Please consider our requested amendment to HB1258. That concludes my prepared statement, I will stand for your questions.

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1258
4/3/2025

A BILL for an Act to amend and reenact subsection 2 of section 49-22-16 of the of the North Dakota Century Code, relating to energy conversion and transmission facility siting; and to provide for retroactive application.

9:31 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Public Service Commission authority
- Local zoning authority
- Setback regulations

9:31 a.m. Chairman Patten updated the committee on the background of the bill.

9:38 a.m. Committee discussed impact of transmission line setbacks and fairness of preempting local control.

9:41 a.m. Senator Van Oosting discussed the previous testimony and explained her vote.

9:49 a.m. Senator Enget discussed electricity cost concerns needed to develop energy needs and how this benefits ND citizens.

9:55 a.m. Senator Boehm discussed tools available to transmission line and wanted an investigation into setbacks.

10:01 a.m. Senator Beard moved a Do Not Pass.

10:01 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Dale Patten	N
Senator Greg Kessel	N
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Justin Gerhardt	N
Senator Desiree Van Oosting	Y

Motion Passed 4-3-0.

10:01 a.m. Senator Van Oosting will carry the bill.

10:02 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1258 ([25.0777.02000](#))**

Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1258 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.