

2025 SENATE ENERGY AND NATURAL RESOURCES

SB 2208

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2208
2/13/2025

Relating to the municipal infrastructure fund and the county and township infrastructure fund.
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2:30 p.m. Chairman Patten opened the hearing.

Members present:

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

Discussion Topics:

- Landowners' fatigue
- Carbon capture
- Federal carbon mandates
- Local delays
- Energy reliability
- Landowner rights
- Environmental concerns
- Current regulations
- Legislative reform

2:31 p.m. Senator Patten introduced the bill.

2:36 p.m. Pete Hanebutt, NDFB, testified in favor.

2:39 p.m. Ron Ness, President of NDPC, testified in favor and submitted testimony #37662.

2:44 p.m. Jason Bohrer, President and CEO of Lignite Energy Council, testified in favor and submitted testimony #37654.

2:52 p.m. Eric Spencer, President of the Greater ND Chamber, testified in favor.

2:53 p.m. Jade Koski, ND Stockmen's Association, testified in favor.

2:55 p.m. Leslie Icenogle, ND Corn Growers Association, testified in favor.

2:56 p.m. Charlie Sorenson testified in opposition and submitted testimony #37640.

3:04 p.m. Matt Perdue, ND Farmers Union, testified in opposition and submitted testimony #37665.

3:09 p.m. Aaron Birst, Executive Director of the NDACo, testified in opposition.

3:11 p.m. Larry Syverson, Executive Director of Government Relations, testified in opposition.

3:11 p.m. Ladd Erickson, State Attorney of Washburn, testified in opposition.

3:22 p.m. Erin Magrum, Commissioner of Emmons County, testified in opposition and submitted testimony #37669.

3:27 p.m. Troy Coons, Chairman of the Northwest Landowners Association, testified in opposition and submitted testimony #37671.

3:29 p.m. Dustin Gawrylow, ND Watchdog Network, testified in opposition and submitted testimony #37340.

3:31 p.m. Craig Miller, County Commissioner of Emmons County Commission, testified in opposition and submitted testimony #37659.

3:36 p.m. Thomas Beadle, ND State Treasurer, testified as neutral.

Additional written testimony:

#36159, #36319, #36321, #36340, #36346, #36679, #37277, #36859, #36912, #36945, #36966, #36968, #36992, #37028, #37033, #37070, #37072, #37103, #37140, #37171, #37173, #37214, #37223, #37355, #37360, #37372, #37381, #37432, #37434, #37464, #37482, #37486, #37505, #37520, #37537, #37545, #37547, #37556, #37579, #37594, #37598, #37604, #37619, #37632, #37634, #37643, #37644, #37646, #37647, #37649, #37651, #37656.

3:39 p.m. Chairman Patten adjourned.

Kendra McCann, Committee Clerk

To the members of the Energy and Natural Resources Committee,

My name is Dr. Travis Kuhlka, I am a beef cattle veterinarian and a local landowner, from District 36. I am writing in OPPOSITION to SB 2208.

The language of the paragraph starting on page 5, line 28, seems like a gross overreach of government. Local municipalities should not have their authority stripped to govern themselves, specifically regarding ordinances related to energy infrastructure projects. The language in this paragraph tells me that local planning and zoning boards could have their decision forced on them in fear of losing critical funding for rural areas. When has it come to be that the state government of North Dakota thinks it knows how to utilize the land better than the people that live on it.

Due to federal government tax incentives, there has been a drastic increase in out of state agencies trying to place new, unproven, and in many situations, dangerous green energy projects in rural areas. In most cases there are no ordinances or zoning parameters in the books, which is known by these outside interests. North Dakota is a great state to live in, one of the positive aspects is the low population of the rural areas, hence a common reason these projects are aimed for us. Firsthand, I witnessed outside influence disrupt the regulatory process in Oliver County at a planning and zoning meeting just last year. It was an example of a landowner wanting to express their concerns through accepted protocols related to ordinances or the lack thereof regarding an energy project. That landowner was rudely excluded from the agenda, illegally, at the start of the meeting. I was appalled.

With no regulations in place green energy projects can get approved with fanfare for the cash they hand out to landowners and local towns. The unseen risk to the lives and health of the people living nearby is real, but disregarded thanks to the lack of critical ordinances.

I live in Mortin County, where recently a moratorium was enacted to allow zoning ordinances to be drawn from scratch related to Direct Air Carbon Capture. There were no regulations in existence guiding the zoning or permitting for this project. If this bill was enacted at the time the commissioners made their decision, they would have had to weigh the option of losing critical funding for infrastructure against safe permitting of the proposed project. In this example a company from Denver, CO wanted to place an unproven, first of its kind facility in a rural area. They garnered local support through large payouts to landowners, but in the end could not show proof of nor be honest when questioned on the safety of the technology.

This bill is simply not in the best interests of anyone, I am left wondering why it is being proposed at all. I am not against green energy, but not when it is forced into their lives and backyards by the state government.

I urge you to stop this bill and recommend DO NOT PASS. Thank you for your time.

Respectfully submitted,

Dr. Travis Kuhlka

TK Veterinary Service

Glen Ullin, ND 58631

tckuhlka@gmail.com

701-400-2953

Dear Senators,

2/08/2025

DO NOT PASS SB2208

This bill takes away the voice of the people. The Rupp land has been farmed, in North Dakota, for nearly 120 years. To have no say in what infrastructure comes into our townships, cities or counties is wrong on so many levels. We may not be suits at the Bismarck State Capitol, but we are the Backbone of North Dakota and should not be muted or threatened with loss of tax-payer dollars. More than ever, right now our North Dakota Landowners are under attack. Legislation should not be presented to push for Giant Energy Corporations, that will have little to no benefit, for our local farms and rural businesses.

As quoted most recently by Sarah Vogel, *Letter to Inforum*:

Don't gamble with ND's farmland

"By expanding who can legally own farmland, this change creates an open door for foreign governments, like China, or billion-dollar investment funds to acquire North Dakota farmland," writes Sarah Vogel, who served as ag commissioner from 1988 to 1996.

Respectfully,
Sandra J Rupp
District 28
Edgeley, ND 58433
701 709 0300

February 8, 2025

Dear Senators,

I urge you DO NOT PASS SB2208. Our constitution is based on personal rights and free speech. SB2208 bill takes away rights of the local landowners. To take State Funding, as leverage against those who have a different view is nothing short of Blackmail.

Thank-You for your attention.

Sincerely,

Steve M Rupp
3rd Generation Farmer in District 28
Edgeley, ND
701 709-0299

Dear Senators,

"I am in OPPOSITION to SB 2208, Relating to the municipal infrastructure fund and the county and township infrastructure fund, being Passed!" Enticing and/or imposing Eminent Domain onto farmers to give up their rich crop-producing farmland to run your project(s) for out-of-state special interest groups is a gross misuse of said land and an encroachment on the lives of farmers and ranchers! ~
"Do NOT Pass SB 2208!" ~

Ricky B. Schlecht
Kulm, ND
U.S Army & U.S Air Force, Retired

Dear Senators,

"I am OPPOSED to SB 2208!" In it's current form, this 'bill' has the power to seize lands under Eminent Domain if conditions to satisfy its' demands are not met. "We are talking about family-owned farming land that has been held for generations will be swiftly seized upon without regard. Our ancestors in Bessarabia in the late 1800's know this betrayal by their government all too well! "Please, Do NOT Pass SB 2208!"

Kathy Jacobson-Schlecht

Kulm ND

Dear North Dakota Senators,

I am writing to express my strong opposition to SB 2208.

Testimony in Opposition to SB 2208

SB 2208 represents a dangerous overreach, stripping local governments of their authority, coercing communities through financial threats, and prioritizing corporate interests over the well-being 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 keep this land in the family. Now, corporate interests—enabled by our own state legislature—threaten to take it away. SB 2208 forces local governments into compliance by withholding critical state funding, effectively silencing the people who have lived on and cared for this land for generations.

SB 2208: Coercion Through Financial Threats

This bill forces cities, townships, and counties to approve energy projects by threatening to withhold essential state grant funding.

- **Stripping Local Authority** – Local governments exist to represent their residents. SB 2208 pressures them into compliance, disregarding community concerns.
- **Unfair Financial Punishment** – State grants fund infrastructure, emergency services, and community programs. Withholding them as leverage is coercive and harmful.
- **Prioritizing Special Interests** – The bill forces local governments to approve projects without the ability to assess economic and environmental impacts.
- **A Slippery Slope** – If the state can withhold funding to force compliance now, what will they demand next?

The Human Toll on North Dakota's Farmers

Farmers pour their blood, sweat, and tears into their land. Watching it be taken away by corporations—with the backing of state lawmakers—will have devastating effects on their mental health. According to the CDC, agricultural workers already have one of the highest suicide rates in the U.S. What will happen when generations of sacrifice are erased by the stroke of a pen?

Take a Stand for North Dakota's Landowners

What is happening is unjust. Landowners are being pushed aside, their concerns ignored. I urge you to take a stand. Vote NO on SB 2208. Protect the land, livelihoods, and legacies of North Dakota's farmers and rural communities. Please feel free to reach out for further discussion.

Sincerely,

Brittany Fleck
District 28
Edgeley, ND

Vote no on SB 2208.

Senate Energy and Natural Resources

I stand before you today to emphasize the vital importance of private property rights, local control, and the clear division of federal, state, and local rights within our governance structure.

Private property rights are fundamental to our societal structure, promoting personal freedom, economic growth, and responsible land management. Coupled with this, local control is essential because it allows communities to govern themselves in ways that best fit their unique circumstances, values, and future visions.

The division of rights among federal, state, and local governments, as intended by our Constitution, is designed to protect against the overreach of power and ensure that decision-making is as close to the people affected by those decisions as possible. Local municipalities are meant to handle local issues, states to manage broader regional concerns, and the federal government to address national interests. This layered governance system fosters accountability and responsiveness.

The proposed measure to penalize cities by withholding state grants for adopting ordinances that conflict with state-approved energy projects disrupts this delicate balance. It's an overstep into local governance, compelling cities to align with state agendas at the expense of local governance and autonomy. This not only undermines the rights of local governments to make decisions that reflect their community's consensus but also blurs the lines of authority, potentially leading to a scenario where local governance is merely an extension of state or federal will rather than a distinct layer of government.

By penalizing cities in this manner, we are effectively saying that local voices do not matter when they oppose state or federal initiatives, regardless of the local impact or community agreement. This approach could set a precedent where local governance is continuously held hostage to state or federal pet projects, diminishing the very essence of what local control and the division of governmental rights are meant to uphold.

We must protect the integrity of each governmental level, ensuring that local decisions are made by those most intimate with local conditions, and with the people who have the most to gain and lose from these decisions. We **MUST** preserve local municipalities rights to protect their property, people, and environment if needed from ill-advised taxpayer-sponsored pet projects.




This bill is loaded with "unintended consequences" and a massive power grab and centralization of power. Many times in the last 4 years, right here in North Dakota, even though a proposed bill it is good for the rights of the people, but has been shut down with the phrase, "We will lose federal funding." This is exactly what this would do to local governments. It would keep local public servants from doing what may be right for their people under the pressure and threat of withholding taxpayer funds that they've grown accustomed to relying upon.

Thank you for your time and consideration.

Dr. Steve Nagel, DC

Bismarck, ND

Geophysical Research Letters

Research Letter  Open Access  

Carbon Dioxide Migration Along Faults at the Illinois Basin—Decatur Project Revealed Using Time Shift Analysis of Seismic Monitoring Data

I. Bukar  R. Bell, A. H. Muggeridge, S. Krevor

First published: 18 January 2025 | <https://doi.org/10.1029/2024GL110049>

Key Points

- 4D seismic time shift attributes reveal previously unidentified CO₂ migration behavior where traditional amplitude attributes could not
- The CO₂ migrates from the injection interval, upwards along permeable faults and re-emerges in overlying permeable reservoir units
- This behavior has been previously theorized but not yet directly observed from a CO₂ storage site

Plain Language Summary

Large scale deployment of carbon dioxide storage in the pores of underground rocks is underway around the world to reduce greenhouse gas emissions to the atmosphere. It has since been theorized that sequestered carbon dioxide could migrate up faults or cracks within these underground rocks. However, this has not yet been directly observed until now. In this study, we have identified such migration at a commercial-scale demonstration project, where the sequestered carbon dioxide flows from the region of the rock it was injected into, up through these cracks and later emerges in shallower permeable regions of the rock. Previous interpretations of the data collected for monitoring this process was based on a standard analysis technique, however, a number of contributing factors including properties of the rock and data quality rendered this approach ineffective. We have successfully interpreted the carbon dioxide plumes using an alternative approach by measuring different attributes of the data. Through this work, we have provided field observations of previously theorized behaviors of carbon dioxide sequestered in underground rocks and demonstrated the effectiveness of an alternative approach to overcome challenges in the interpretation of data used for monitoring these plumes.

<https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2024GL110049>

Senate Energy and Natural Resources Committee

I strongly oppose SB2208. This bill takes local control from the Townships and Counties. Our constitution was written for the people to self govern themselves. We put people in these local positions to write ordinances to protect our communities and neighborhoods where we live. But when the people of a community stand up to these big corporations and companies that want to come in and make a buck our elected officials at a state level try to put in unconstitutional laws to strong arm the people that elected them, that's not right. Please vote NO on SB2208

Thank you Doug Pearson

This is a gross over-reach. DO NOT PASS SB 2208. As a rancher, farmer, and engineer, I ask you to remember that our strength and resilience as a State depends on maintaining local decision making and local control. And in case you need reminding, *local* is at the City and Township levels, not Statewide from Bismarck!

Before I moved home, I worked as an energy management engineer for Puget Sound Energy. This experience, combined with being a highly involved community member in my small town, instilled the understanding that successful projects must first have local support. Yes, even if this is “inconvenient” for project timelines and investors. A top-down approach is harmful to everyone in the long run and only damages trust and causes other issues. And if you pass this type of policy for energy development this time, it sets a terrible precedence for outside groups to come in and lobby for similar assurances for their projects in the future. Have a backbone and say no to outside interests and say no to the Governors’ office telling us what we should put up with out here. DO NOT PASS SB 2208.

Joanna Larson
L-B Ranch
Sheyenne, ND
1701.381.9123

Dear ND Senators,

I am writing to urge you to vote NO on SB2208. This bill unfairly strips local governments of their rights by penalizing them for adopting ordinances that protect landowners and serve the best interests of their communities.

No community should be forced to comply with corporate energy projects just to receive essential state funding. Tying financial support to forced compliance undermines local decision-making and threatens the well-being of residents who deserve a voice in what happens to their land.

I strongly urge you to stand with North Dakota landowners and local governments by rejecting SB2208.

Respectfully,
Lucas Wald
District 28
Edgeley, ND 58433

Dear ND Senators,

I am writing to express my opposition to SB2208. This bill threatens to withhold state funding from local communities simply because we choose to uphold our rights as landowners and refuse to comply with corporate energy projects that do not align with our best interests.

Local municipalities should have the authority to make decisions that protect the well-being, livelihoods, and property rights of their residents without the fear of financial retaliation from the state. Forcing communities into compliance through the threat of withholding crucial funding undermines the principles of local governance.

Landowners and local governments should not be coerced into accepting projects that may have long-term consequences on our environment, economy, and way of life.

I urge you to stand with North Dakota's landowners and local communities by voting against SB2208.

Respectfully,

Jill Wald

District 28

Edgeley, ND 58433

Committee Members:

I am here Testifying against SB2208, This is Government overreach at its worst!!!! This is what communism stems from, strong arm the local Governments by taking funding away if you don't do what the dictatorship tells you to do!!! The people that wrote this bill should be Tarded and Feathered every month for a decade, or until they figure out that we have a Republican form of Government, not a dictatorship!! This country was founded on the principles of local control, and now the Dictatorship wants to be like Britain!! I find this appalling and offensive to our existence as Republicans, and I would ask for the resignations of all the people who support this bill on the grounds of trying to overthrow our Republican form of Government!! This is Directly against Our Constitution, and our way of life as we know it!! You pass this bill it will come with enormous consequences, unforeseen by anyone!!!! I plead with you all to vote no on SB2208!!!

Respectfully yours,

Jerol Gohrick
Lindahl Township

DO NOT PASS Testimony for SB 2208

February 11, 2025

From Everett Duckworth, citizen of West Fargo, ND

1536 8th ST E

Dear chairman and members of the senate.

I believe this bill will be tragic and not democratic, forcing local agencies to accept controversial development like bit coin and Ai and solar farms or else loose monies. That kind of thing only happens in 3rd world nations. The will of the people spoke through president Trump who said Drill ! not harvest wind and solar. I propose a do NOT pass for this legislation.

Thanks for your consideration !

Dear Members of the Senate Energy and Natural Resources Committee,

I am writing to express my opposition to SB2208. This Bill will have negative consequences for our communities. It imposes stringent reporting requirements on cities that receive grants from the municipal infrastructure fund. While accountability is important, the deadlines and format requirements may be overly burdensome for smaller cities with limited administrative resources. This could result in cities being unfairly penalized and losing access to much-needed funding for essential infrastructure projects. It includes punitive measures for cities that fail to comply with the reporting requirements or use the funds inconsistently with the bill's provisions. These measures, such as a two-year ineligibility period for future grants, are excessively harsh and could severely impact the ability of cities to maintain and improve their infrastructure. A more balanced approach that provides support and guidance to cities in meeting the requirements would be more effective.

SB2208 prohibits local governments from receiving grants if they adopt ordinances or policies that interfere with state-approved energy infrastructure projects. This is state government overreach and essentially punishing local government for trying to protect its citizens. It is crucial to respect the authority of local governments to address the unique needs and concerns of their communities.

In conclusion, SB2208 introduces measures that could hinder the ability of cities and counties to effectively manage and improve their infrastructure. I urge a DO NOT Pass on SB2208 and ask the Senate Energy and Natural Resources Committee to work towards a more supportive approach to local governments when working on energy and infrastructure projects.

Thank you for your consideration.

Sincerely,

Josey Milbradt

Mr. Chairman,
and members of the Senate Energy and Natural Resources committee,

My name is Richard Schlosser. My wife and I farm near Edgeley in Lamoure county with our son and his family. Last year Jet X representatives asked us to sign an easement for a high voltage transmission line that would pass through our property near our residence. We didn't commit to a lease because we needed more information

We attended their information meetings and learned that the JetX project was an extra high voltage 345KV transmission line with 1800MW capacity. Later during a township meeting we learned that the line will eventually provide service to an Applied Digital facility near Ellendale. According to Applied Digital's website its energy demand will ramp up to about 2 GW the equivalent to the energy demand of 1.5 million homes. We eventually decided not to agree to the JetX lease agreement.

How can JetX justify its claim that it will serve a 'public benefit' when most of its capacity will serve one load owned by an out of state corporation, Applied Digital and its partner, Marcquarie Group, an Australian asset management group? The question before the committee is, why is the emergency funding to repair our infrastructure withheld so that Applied Digital and its foreign partner can enjoy the benefits of this legislation that could potentially force landowners to sign easements through the condemnation process? Does this not override our constitutionally guaranteed right to property under the takings clause of the fifth amendment? Finally, moving local control powers to a three person panel removed from those impacted by the project overrides a basic tenet of democracy which is governance by the consent of the governed. I strongly urge the committee to give this bill a Do Not Pass recommendation.

Respectfully,

Richard and Mary Schlosser
District 28
Edgeley, ND

LEGISLATIVE BILL TRACKING

SB 2208: The "Blackmailing Local Government" Act

SB 2208 appears to be a vindictive and retaliatory bill seeking to blackmail local government into not exercising local control.



DUSTIN GAWRYLOW

JAN 15, 2025 · PAID



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Share



Citizens: To contact your legislators about the following bill [click here](#).

Elected Officials: If you do not want your hands to be tied on this or any other issue, please contact the sponsors of this bill. Here are their email addresses: dpatten@ndlegis.gov, bbekkedahl@ndlegis.gov, mbrandenburg@ndlegis.gov, rerbele@ndlegis.gov, tkporter@ndlegis.gov

What do citizens do when their state elected officials want to tie the hands of their local elected officials?

That is the dilemma that citizens, their legislators, and their local government officials will have to wrestle with when discussing [Senate Bill 2208](#).

[Senate Bill 2208](#) is a rather simple and devious bill.

It states that if a city, county or township: “adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the city is not eligible to receive any grants from the fund beginning on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project.”

If a city adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the city is not eligible to receive any grants from the fund beginning on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project.

requirements.

- c. If a county or township adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the county or township is not eligible to receive any grants from the fund beginning

ninth
lative Assembly

on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project.



It is pretty obvious what this bill is trying to do.

It is trying to blackmail cities, counties, and townships to with the threat of withholding state funding from the “municipal infrastructure fund and the county

and township infrastructure fund” if they dare to oppose projects that the state of North Dakota wants to see happen.

The two things that local government have been opposing at the behest of their voting citizens are wind farms, the Summit Carbon Solutions CO2 pipeline, and other “green” projects.

On wind farms, several counties have pushed back on development:

- In 2019, [Mercer and McLean counties pass moratoriums](#).
- In 2019, [Burleigh and Emmons counties took up the issue](#).
- In 2021, [Stark County transitioned between moratoriums](#).
- In 2023, [Grand Forks County passed a 90-day moratorium](#).

Ironically, at one point, [some legislators wanted to try to tax wind power and the federal subsidies that subsidize it](#).

Beyond wind farms, in 2021, [the Coal Conversion Counties Association objected to the hydrogen project that was intended to take over the DGC Coal Gasification plant at Beulah](#).

Coal Counties Protest Proposed Hydrogen Project, But Were Silent During Legislative Session

DUSTIN GAWRYLOW • DECEMBER 12, 2021

[Read full story →](#)

And of course, the elephant in the room is the Summit Carbon Solutions CO2 pipeline - which both Emmons and Burleigh County, as well as the City of Bismarck, have taken strong actions to protect their citizens from just in case there is a catastrophic problem.



North Dakota Energy Council

Burleigh County Adopts Zoning Ordinance Attempting To Protect Residents From Carbon Pipeline Project

Originally posted by the North Dakota Watchdog Network on March 22nd, 2023...

[Read more](#)

2 years ago · Dustin Gawrylow



North Dakota Energy Council

Bismarck City Commission Votes 5-0 To Urge PSC To Move CO2 Pipeline Route

In a big victory for rural-Bismarck residents and developers, the Bismarck City Commission has decided to back up the Burleigh County Commission's work to defend its citizens from the impending carbon dioxide pipeline boondoggle currently planned to be routed just outside of Bismarck's current Extra-Territorial Zone...

[Read more](#)

2 years ago · 4 likes · Dustin Gawrylow

This situation is still not over, as Burleigh County is pursuing appeals the PSC decision.



North Dakota Energy Council

Breaking News: Burleigh County Commission Votes To Stand Up Against PSC And Summit

Last month, the North Dakota Public Service Commission approved the permit for the Summit Carbon Solutions CO2 pipeline...

[Read more](#)

2 months ago · 4 likes · 1 comment · Dustin Gawrylow

Senate Bill 2208, as introduced by [Sen. Patten](#), [Sen. Bekkedahl](#), [Rep. Brandenburg](#), [Sen. Erbele](#), [Sen. Kessel](#), [Rep. Porter](#), would seek to muzzle local elected officials attempting to stand up for and advocate for their citizens.

By withholding state funds, [this bill would put the State of North Dakota in the same category as the federal government when it comes to blackmailing lower levels of government with funding.](#)

None of this is shocking, since the state is spending \$300,000 on a plan to re-educate the public on the CO2 agenda.



North Dakota Energy Council

NDIC Receives CO2 Re-Education Report

This afternoon, the North Dakota Industrial Commission will receive a report on the re-education effort to convince North Dakotans on the need to change their minds on the CO2 Agenda...

[Read more](#)

2 months ago · 2 likes · Dustin Gawrylow

The sponsors of this bill should consider withdrawing it from consideration.

To send a message to the sponsors encouraging them to do so, cut and paste the following email addresses and send them a message directly:

dpatten@ndlegis.gov, bbekkedahl@ndlegis.gov, mbrandenburg@ndlegis.gov,
rerbele@ndlegis.gov, tkporter@ndlegis.gov

Senate 2208 is a massive overreach and a power-grab. If it is passed, it is the type of bill that citizens should consider referring to the voters.



9 Likes · 1 Restack

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Discussion about this post

Comments

Restacks



Write a comment...

Dear Senators,

I oppose SB 2208 and recommend a no vote on this bill. SB 2208 is trying to silence the voice of the people by withholding state funds. Controlling local governments is not good for North Dakota. The people have the right to be heard and our local governments should not be blackmailed by the state by withholding funds.
Do not pass SB2208!!

Sincerely,
Jason Hildenbrand
Monango,ND
District 28
701-32-4641

Testimony in opposition to SB2208

Dear Senators,

I am writing to express my strong opposition to SB 2208. As a landowner in LaMoure and Dickey Counties, it makes me sad and upset to see what is happening to our community. Our legislators are introducing and supporting bills benefiting corporate interests instead of watching out for the people they represent. It is unfortunate that landowner's legitimate concerns are completely disregarded. It is wrong and unjust.

We, the residents who live and work here, pay taxes, who attend church, send our kids to school, shop and support local businesses, sit on township boards, etc., have a vested interest in how our communities should be run. This bill forces counties, townships and cities by threatening to withhold critical state grant funding. Our townships struggle enough as it is, so blackmailing them does not bode well for anyone.

SB 2208 is an unjustifiable attack on local autonomy and a blatant attempt to force communities into submission for the benefit of corporate interests. Legislators must reject this bill and instead support policies that promote responsible energy development while preserving the right of local governments to serve their residents without fear of financial retaliation.

I ask that you take a moment and envision what YOU want the future of our state to look like.

I urge you to reject SB 2208 and recommend a **DO NOT PASS** vote.

Thank you for your time and consideration.

Richard Long, Berlin, ND

Testimony SB2228

Sam Wagner
President of the Casselton City Council
31 8th Ave N
Casselton ND 58012
Testimony In Opposition for SB2208

To the Senate Natural Resources Committee,

Mr Chairman,

I'm writing to you as President of the Casselton City Council in Casselton North Dakota speaking on behalf of myself. The way that this bill is written is way too broad and can be interpreted in many different ways. It doesn't specify exactly what energy infrastructure or interference means and could leave a wide net open for interpretation.

This could also have a chilling effect that would force cities to think twice about ordinances they pass severely limiting local government. It takes away our flexibility to pass ordinances if our city has a problem that our citizens need us as the city council to solve. And there are just as many legitimate reasons to pass ordinances. Local Government protecting the citizens has to be able to counterbalance business interests and state interests. The two should work together to find positive solutions. The state or industry should not be able to impose their will or exploit the locals because ideally we should be working together to find solutions. But in the end local governments should be able to make decisions based on the evidence and mitigate any risk to their people who have to live by the infrastructure every day.

I also feel that backdating loss of funding to the date previous ordinances were passed would seem to violate our constitutional rights against ex post facto laws. Or to put it simply put, laws that make actions illegal or increase criminal punishment after the actions took place. Because it is poorly worded some communities would likely be robbed of state funding for something a previous city council could've passed through no fault of their own. Settle this in the courts if there is conflict, not with coercion.

This bill seems poorly written and would take away our local control.

Thank you for your Consideration and DO NOT PASS this bill.

Zachary Cassidy

Organizer

Dakota Resource Council

Greetings Mr. Chairman and Committee Members,

I am Zachary Cassidy, of Dakota Resource Council, here to express our opposition to SB 2208. Simply put, this bill punishes committees if they wish to create additional restrictions for state energy infrastructure for safety or public nuisance. If a community wishes for their elected officials to pass additional safety standards, they ought not be punished for it. Additionally, this bill may punish communities for laws that are already on the books.

Communities ought to have the right to impose additional reasonable safety measures, if doing so is what the citizens of a community want. Carbon pipeline and other energy infrastructure may indeed be a part of this states future, but shouldn't communities be able to decide on them for themselves if they want them, or how close to their community it should go?

Thank you,
Zach Cassidy

Testimony SB2228

Sam Wagner
President of the Casselton City Council
31 8th Ave N
Casselton ND 58012
Testimony In Opposition for SB2208

To the Senate Natural Resources Committee,

Mr Chairman,

I'm writing to you as President of the Casselton City Council in Casselton North Dakota speaking on behalf of myself and expressing concern for SB2208. This bill is written way too broadly and can be interpreted in many different ways. It doesn't specify exactly what energy infrastructure or interference means and could leave a wide net open for interpretation.

This could also have a chilling effect that would force cities to think twice about ordinances they pass severely limiting local government. It takes away our flexibility to pass ordinances if our city has a problem that our citizens need us as the city council to solve. And there are just as many legitimate reasons to pass ordinances. Local Government protecting the citizens has to be able to counterbalance business interests and state interests. The two should work together to find positive solutions. The state or industry should not be able to impose their will or exploit the locals because ideally we should be working together to find solutions. But in the end local governments should be able to make decisions based on the evidence and mitigate any risk to their people who have to live by the infrastructure every day.

I also feel that backdating loss of funding to the date previous ordinances were passed would seem to violate our constitutional rights against ex post facto laws. Or to put it simply, laws that make actions illegal or increase criminal punishment after the actions took place. Because it is poorly worded some communities would likely be robbed of state funding for something a previous city council could've passed through no fault of their own. Settle this in the courts if there is conflict, not with coercion.

This bill seems poorly written and would take away our local control.

Thank you for your Consideration and DO NOT PASS this bill.

Testimony in opposition to SB2208

Dear Senators,

I am writing to express my strong opposition to SB 2208. Local counties and townships should retain the right to govern themselves, particularly regarding ordinances related to energy infrastructure projects that directly impact those that reside near such facilities. This bill will strip that authority away, effectively forcing the decisions of local planning and zoning boards under the threat of losing critical funding for rural areas. It is not acceptable for our state government officials to assume it knows how to manage land better than the people who live here, work on the land and pay taxes.

The rural areas of North Dakota have seen a major increase in out-of-state corporations attempting to establish energy infrastructure projects. These companies specifically target low populated regions where there is an abundance of absentee landowners, who typically are the first to sign easements and contracts, because “they don’t have to live here.” Corporations – encouraged by our local politicians – also seek out counties or townships with little to no zoning laws and ordinances.

Without proper local regulations in place, these energy projects can move forward unchecked, despite increasing concerns of the people who live nearby. The long-term risks to residents’ health and safety are completely ignored and/or dismissed.

SB 2208 would remove local control, making it even easier for outside interests to dictate the future of our communities. This bill does not serve the best interests of LaMoure County, let alone the state of North Dakota.

I ask those making decisions to envision what’s truly at stake here. This land is more than just a resource. It’s a way of life. It’s our life. And once all of the infrastructure is put in place, once that hum becomes part of our everyday life, we will never get back what we’ve lost.

I urge you to reject SB 2208 and recommend a **DO NOT PASS** vote.

I appreciate your time and consideration.

With resounding concern,

Susan R. Long, Berlin, ND

SB 2208

Senate Energy and Natural Resources

Chairman Patten, I Strongly Urge a Do Not Pass on SB 2208. This bill is intended to restrain the voice of our local governments, so that these local commissioners cannot stand up for us. I believe this bill sponsored by the Gang of Six is to shut us up. This bill supported by the Gang of Six (Patton, Bekkedahl, Brandenburg, Erbele, Kessel, and Porter is an over reach of the state government.

Resistance to tyranny is the Duty of Liberty loving, God-honoring people. There is a right to resist oppression inherent in our nature as free people. It should make us angry when abuses, usurpations, and oppressions remove the Liberty that has been given to us by God.

We The People are charged with defending our Liberty, we are the strongest guard against the abuse of power that is about to inflicted by the Gang of Six.

I Strongly Urge a Do Not Pass on SB 2208

Thank You, Gordon Greenstein

US Navy (Veteran)

US Army-NDNG (Retired)

SB 2208 - Testimony by Dustin Gawrylow, ND Watchdog Network (#266)

Mr. Chairman,

Senate Bill 2208 is one of the most blatantly vindictive bills I've seen be proposed by legislators in my 10th legislative session of lobbying.

It states that if a city, county or township: *"adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the city is not eligible to receive any grants from the fund beginning on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project."*

If a city adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the city is not eligible to receive any grants from the fund beginning on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project.

requirements.

- c. If a county or township adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the county or township is not eligible to receive any grants from the fund beginning

The legislature should reject this power grab and seek ways to empower local governments to better represent their constituents, not silence them based on threats of defunding based on policy disagreements.

North Dakota does not like it when the Federal Government acts this way, and it should not act this way towards local government.

Furthermore, legislators should seek to represent the interests of their local elected officials, not fight against them, and propose laws that would muzzle them and prevent them from representing their constituents.

Thank you for your time.

Testimony in opposition to SB2208

Dear Senators,

I am writing to express my strong opposition to SB2208.

This bill sets a troubling precedent for state overreach. By requiring automatic approval of energy projects, this bill gives free rein to corporate developers while silencing the voices of the people most affected. Energy projects carry significant implications for land use, property values, and community health. Forcing local governments to rubber-stamp projects without due process prioritizes corporate profits over responsible development and public input.

Withholding critical funding if townships or counties adopt ordinances or policies that interfere with state-approved energy infrastructure projects is state government overreach and punishes local government for trying to protect their citizens. This bill denies our local communities the critical funding which is so necessary for rural areas to survive.

How will you play a role in shaping the future and survival of rural North Dakota?

I urge a **DO NOT PASS** vote on SB2208.

I appreciate your time and consideration.

Joe Mongeon

Rolette, ND

Dear North Dakota Senators,

I strongly disagree with the legislation you are trying to pass namely SB2208. I want to remind you, especially Rep.

Brandenburg, that your purpose is to represent us, not further your own agenda. I researched to find that some of the very businesses trying to take our land for their own gain have donated money to some of you along with other utilities outside of our state. You are generating bills to help outside interests throwing us under the bus. It is not your job to lobby for these multimillion-dollar businesses that are not in this state. You are letting strangers come in and take what multigenerational farmers and citizens of the State of North Dakota have religiously worked and paid for during good and bad times. We kept this state, the land, and the environment preserved and well cared for and this is how you want to repay us. I want a no, a firm no, on this bill. Those of you who received money from these outside interests need to account for it and make an honest effort to explain yourselves.

Debra Sue Wald
6962 County Road 163
Edgeley, ND 58433
701-709-0190

Testimony in opposition to SB2208

Dear Senators,

I am writing to express my strong opposition to SB2208.

This legislation undermines the fundamental principle of local decision-making, prioritizing corporate interests over the well-being and autonomy of communities.

At its core, SB2208 strips local governments of their ability to make decisions that best serve their residents. Land use and energy development decisions should be made by those most familiar with the specific needs and concerns of their communities—not by state legislators pushing a one-size-fits-all mandate. Local officials, who are directly accountable to their constituents, must retain the ability to weigh the benefits and drawbacks of energy projects based on factors such as environmental impact, public health and safety, and economic development.

I do not oppose green energy, but when our property, township and county rights are threatened with unconstitutional and unjust laws solely for the benefit of out-of-state corporations, seeking private gain, it is beyond wrong!

We are at a pivotal moment in our state's history. It's time to reflect on what your role is in shaping the future of our great state of North Dakota. It's in your hands, do the right thing and reject SB2208.

I urge a **DO NOT PASS** vote.

Thank you for your time and consideration.

Johanna Mongeon

Rolette, ND

Dear ND Lawmakers-

I am writing to encourage you to strike down SB2208. It basically strips away any rights or power of our counties and wants to strong arm our small towns into complying with large private companies for so called energy projects or they will loose state funding! Each county and small town should have a voice in local projects as we pay taxes and are citizens of this state! This bill is communism and blackmail! Anytime you strip away peoples voices that is what it is! The sponsors of this bill should be ashamed of themselves and go live in a communist country where they have no voices or rights!

Blackmail is illegal I thought?! Please vote no on disastrous 2208!

February 12, 2025

Senators,

My name is Clinton Hoggarth, mayor of LaMoure, ND. I do not think the part of this bill that ties a city's ability to govern themselves and instead gives the authority to the PSC or the legislature is appropriate. Making decisions for our communities that penalizes us is truly an overreach of government authority.

Refer to Section 3 paragraph C: DO NOT PASS

Clinton Hoggarth
LaMoure ND

February 12, 2025

Dear Senators please DO NOT PASS Bill SB2208

I do not want local authority voices, to be removed.

SB2208 takes away our Constitutional Rights

Signed
District 28
Chelsey Wald



Board of Commissioners

104 1st Street NW, Suite 1
Bowman, ND 58623
T: 701-523-3130
F: 701-523-4899

February 11, 2025

SB 2208 (Hearing on 2/13/2025)

Dear Members of the Senate Energy and Natural Resources Committee:

The Bowman County Commission is requesting a **DO NOT PASS** vote on SB 2208 relating to the municipal infrastructure fund and county and township infrastructure fund.

This bill takes local control away from townships and counties. Each county has elected officials along with planning and zoning boards that represent their local constituents. Local officials know what is good or bad for their communities. This bill would strip local control away from one of the most important functions of counties, cities, and townships, which is determining what works best for their respective communities.

Bowman County Commission appreciates your time and consideration for a **DO NOT PASS** on SB 2208.

Sincerely,

Rick Braaten, Chairman
Bowman County Board of Commissioners

Senator Patten and Members of the Senate Energy and Natural Resources Committee,

I've been warned by the chair that I must address him with civility, or he will no longer communicate with me so here goes a try. Please, give a **DO NOT PASS** recommendation to SB 2208. The intent of this bill should be obvious to anyone "who have eyes to see and ears to hear." Pretty gutsy bill that is for sure.

SB 2208 has been referred to by many different titles and names from private citizens and government entities around the state. Most common is the Blackmail Bill but I refer to it as the CCP Fufeng and Oil Industry Land Repatriation Act.

All members of this committee are so called Republican so the balance of this email may offend members of the other parties not to mention Republicans that are incognito. This offensive bill goes against several of the ideals of the NDGOP Platform to mention a few, such as:

INDIVIDUAL LIBERTY

The rights of American citizens proceed from The Creator, not from government. Government authority proceeds only from the consent the People. Individuals, including the unborn, have the intrinsic right to life, liberty, and the pursuit of happiness.

PERSONNAL RESPONSIBILITY

Individuals and families are responsible for their behavior. Public policy should encourage and empower their efforts to provide for their own health, safety, education, moral fortitude and personal wealth.

LIMITED GOVERNMENT

Federal, state, and local governments should be transparent and limited to their respective roles, in accordance with the Tenth Amendment. The size of government, government regulations, and entitlement and transfer programs, should be limited to essential, inherently governmental functions.

AND LAST BUT CERTAINLY NOT LEAST.

LEGISLATIVE INTEGRITY

Legislators should lead through personal moral integrity and should consider this Platform responsibly before supporting or opposing legislation.

The Republican Party Chairperson along with a district committee censured a representative because he called a Jew, a Jew on a social media platform this week, stating, that "the post and previous behavior do not align with the party's expectation of legislative integrity." Given that degree of quibble, I cannot see how passage of SB 2208 can in any way stand up to the level of integrity we should be granted as citizens and property owners of this State. We are considering some very extreme usurpation of power from all forms of local governance from 2208.

Thank you for your consideration in this matter.

Dear Senators,

I would like to testify against SB2208. I believe this bill represents a political corruption and an abuse of political power at state level of our local legislature. Our District 28 legislators should be representing the citizens, taxpayers, and landowners that have elected them into office and not representing outside corporate companies. This energy infrastructure that they are trying to steamroll everyone with will not help our local power cooperatives. It is to supply enough power to Applied Digital and by pass local communities. They can lie and turn it however they want. Local citizens are researching this and calling out these companies and have found they are manipulative and lying corrupt snakes. They are ruthless and don't care about endangering anybody's health or lives. If they want to take away our funding for cities, townships and counties, does that mean we can pay less taxes? If we don't get funding that our taxes support, why pay taxes? We are not implementing ordinances and having meetings to harass these companies. We are doing this to represent the residents that have elected us to local government that have concerns because these companies are lying and not being transparent. It's their way or the highway. They told a resident there is no negotiation. Our local government is representing the citizens, landowners and taxpayers. That is what we are elected to do. We wish our District 28 legislators would back us up and represent us which they are supposed to do, but instead, refuse to answer phone calls or return emails of the public. Why doesn't Mike Brandenburg put the proposed transmission line on his property that he claims is essential infrastructure? That's because he has been bought out and has signed up for wind towers and possibly a solar farm. Wind towers have to be a certain distance from the transmission line so he can't have it on his property, but wants it on his neighbor's property because property owners with the transmission line get a one-time payment for a 99-year easement on a quarter section of land for roughly \$55000. Wind towers pay annually or bi-annually for many years. Please understand why he introduced this bill. It's not to benefit local communities, it's to benefit himself and does not care about his neighbors or communities. You can go to the North Dakota Secretary of State website and see the contributions that NextEra Energy, MDU, Ottertail Power Company and others that have paid and bought out which politicians. That's not including any under the table money that has been thrown at them to threaten local government with this bill. Please, please do not pass this bill!

Greetings Mr./Madam Chair, members of the Committee, I'm Kathrin Volochenko of the **Nonpartisan League**

I request that this committee bring **SB 2208** to the floor with a **"Do Not Pass"** recommendation. The reasons are as stated:

I see that there are two very problematic additions to the current law;

The first is under section "57-51.1-07.7. Municipal infrastructure fund - Continuing appropriation - State treasurer - Reports"

Page 2 lines 8-12:

"3, "c. If a city adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the city is not eligible to receive any grants from the fund beginning on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project."

The second is: "SECTION 2. AMENDMENT. Section 57-51.1-07.8 of the North Dakota Century Code is amended and reenacted as follows:"

"57-51.1-07.8. County and township infrastructure fund - Continuing appropriation - State treasurer - Reports"

Pages 5-6 Lines 28-30 pg. 5, and lines 1-2 pg. 6:

"c. If a county or township adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the county or township is not eligible to receive any grants from the fund beginning on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project."

This is a direct and blatant attack on the ability of a Township, Municipality, and County, even with a "Home Rule" charter, to self-govern i.e. adopting ordinances, and enacting or revising zoning laws to suit that jurisdiction's unique

needs. These revisions are further endangering the freedoms of all North Dakota citizens.

I interpret item "c... energy infrastructure project" as **ANY** infrastructure project such as, though limited to; oil, gas, Co2, LNG, diesel, etc. Also, this would include power line/grid projects, substations, wind farms, and solar farms.

The aforementioned jurisdictions need to continue to have the rights and means to either allow or disallow projects to enter.

Please help to preserve the rights of local governments and send **SB 2208** to the floor with a "**Do Not Pass**" recommendation.

Thanks for your time and attention

Dear Senators,

I hope this letter finds you well and in good spirits. I'd like to thank you for your service and for taking the time away from your families to represent your communities and make sound, ethical, and fair laws.

I'm writing today in opposition of Bill 2208. It is quite clear that it is a bill written and proposed by a large entity trying to quietly and forcibly retaliate against the landowners and communities that are resistant to their proposed transmission line route. I believe these entities and landowners are capable of negotiating in the free market with the oversight of the local government.

My wife and I have learned, over the past 10 years of growing our feed manufacturing and distribution companies to multiple locations, that one set of rules does not always pertain to multiple locations. We have to rely on our location managers to produce and facilitate rules and procedures that are effective in their respective region. Just as the public service commission does for the state of North Dakota in the matter of overseeing routes of transmission lines and pipelines. My wife and I have learned it's best to oversee the rules and procedures our local leaders make and support them in implementing them in a fair and productive manner. I see no need to threaten our local governments with lack of funding to appease a large entity in their quest for profit. If an idea is profitable and sound, capitalism will prove it to be so without any help from the government.

I ask you to remember three things when voting:

1. You represent land owners and local government at a state level, not control or supremely rule over them.
2. Capitalism is the truest measure of feasibility (if it's truly beneficial and profitable they'll find a route that works).
3. The difference between 500' and 1,500' is much more detrimental to tax-paying homeowners like myself than a large entity trying to increase its market share.

Thank you again for your service,

Ben Mickelson
Jamestown, ND

SENATE BILL NO. 2208

Representatives of the Senate Energy and Natural Resources Committee,

There is a lot to this bill that potentially benefits every citizen of our great state of North Dakota, and I would encourage you to adopt it accordingly with the exception of the sections copy and pasted below:

Page 2: Line 8 through 12

If a city adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the city is not eligible to receive any grants from the fund beginning on the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project.

Page 5: Line 28 through 30 and Page 6: Line 1 and 2

If a county or township adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the county or township is not eligible to receive any grants from the fund beginning Page No. 5 25.1104.01000 1 Sixty-ninth Legislative Assembly on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project.

This is a power grab and a slap in the face to every citizen of North Dakota when it will apply to them. We all pledge allegiance to the Republic for which we stand, and we have a government based on checks and balances. For that to happen we allow space for disagreement, civil discourse, and negotiation. Mandates, ultimatums, and strong arm leverage lead government in a bad direction that is not representative of a nation that holds the banner for "Life, Liberty, and the Pursuit of Happiness".

Robbing people of their own money resources is a sure sign that any level of our government should not be trusted with it to begin with. We just got done seeing to much of the from the Biden administration with business shutdowns, vaccine mandates, and mask mandates. Five years later we are still not in a better place, and who knows if we get it back.

Having the above two areas in this bill is “**playing dirty pool**” as the state elevates their right to represent the citizens as they take away the rights of citizens to be represented at a local level. Why have elected officials at all if they are not allowed to represent?

I must have grown up differently than the individuals adding in such language when I was instructed to take the high road and state things in a way that held a high standard. I did not need to covet what opposition to be brought to the table by manipulating rules to give my side all it needed to win a desire every time. This is gross, and benefits a few at the legalized thievery of other citizens of potentially their rights and their land, whilst using a restriction of their own money to strangle them out of their choice to live in communities where local government is addressing their needs.

Prove you represent all citizens in North Dakota by passing SB2208 after removing the following language:

Page 2: Line 8 through 12

If a city adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the city is not eligible to receive any grants from the fund beginning on the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project.

Page 5: Line 28 through 30 and Page 6: Line 1 and 2

If a county or township adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the county or township is not eligible to receive any grants from the fund beginning Page No. 5 25.1104.01000 1 Sixty-ninth Legislative Assembly on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project.

Have a Blessed Day,

Mike Connelly (701-400-1839)

Bismarck Citizen sharing my own views on this bill and all testimony is not an official statement for the city of Bismarck. For official positions of the city of Bismarck you may contact the Mayor of Bismarck or the City Administrator.

SB 2208 takes away local authority and decision making. It prioritizes energy developers over local governments and people. It threatens to withhold State funds so would set a precedence of the state doing this for other things also. Do not pass

Lanny Kenner
District 7

Chairman Patten and committee members.
I am requesting a DO NOT PASS
On Senate bill 2208.

I don't know what kind of power trip the sponsors and writer of this bill are on but this is nothing but a blackmail bill taking local control away from townships, counties and municipalities!

Will remember the false commercials from KEEP IT LOCAL North Dakota but now it is okay to take away local control?

This bill completely takes away the power given to us by God and the North Dakota Constitution.

This bill smells like big money trying to shove an unwanted and unnecessary pipeline down the throats of the ND citizens!

This bill smells of unnecessary and unwanted GREEN NEW DEAL projects made possible by the 45Q tax credits.

This bill smells of mob rule and bullying to get what you want no matter what the cost is to the innocent people of North Dakota.

The sponsors of this bill should be ashamed of themselves to even propose a bill like this to threaten the locals into giving them what they want by withholding funds.
I don't think your mother would be proud of you for doing such a thing!
You can do better than this and I am praying that you change your ways! There is still hope for you, you can still vote NO and DO n
NOT pass SB 2208.

Thank you, Lanny Kenner

Senate Energy and Natural Resources Committee

I oppose Senate Bill 2208. Our system of counties was set up to take care of the safety and needs of the people. So you have local, state, and federal and you all work for us. Its our money and we do not need someone sitting in Bismarck telling us what we need and how to spend are money. Every part of the state has different needs bridges roads special projects so leave us alone give us are money when we ask. We still have a state constitution and rights so lets start following it. So please vote no on SB2208

Thank you David Moch

Testimony in Opposition to SB 2208

Matt Herman
Ashley ND

Chairman Patten, Vice Chair Kessel, and members of the committee, my name is Matt Herman. I'm a retired high school principal currently ranching in western Dickey County. I serve as the Clerk/Treasurer and code administrator for Spring Valley Township and am on the zoning committee for Dickey County. I testify on behalf of myself and stand in opposition to SB 2208.

On too many occasions (and one time is too many) as a principal it was necessary to deal with a bullying situation. In most cases, I attempted to approach a bullying situation as an opportunity for growth and learning for both the victim and the oppressor. For the victim we attempted to build skills in self-advocacy. For the oppressor, we attempted to build awareness of and respect for the individual rights of others.

Members of the committee, SB 2208 is a bullying bill. This bill oppresses the rights of individuals and local government to self-advocate through local zoning ordinances. Furthermore, SB 2208 threatens to inflict harm on those who attempt to stand up for themselves by withholding a funding mechanism crucial to development and maintenance of local infrastructure.

As I would tell a bully, your actions are wrong, they need to stop NOW, and you will not retaliate against the victim. The same is true with SB 2208. This bill needs a DO NOT PASS.

Thank you.

February 12, 2025

Senate Energy and Natural Resources Committee

Re: Testimony in Opposition to SB2208

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

My name is Levi Taylor and presently serve as vice-chairman for Stutsman County Commission. I write to you today as a concerned citizen of North Dakota and urge your committee with “Do Not Pass” of SB2208.

SB2208 has the potential to take away local zoning and ordinance authority in exchange for maintaining grant funding, such as Prairie Dog funding, that is critical for all political subdivisions. The language in the bill says “If a county or township adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the county or township is not eligible to receive any grants from the fund.”

What is considered “permitted” or “approved”? Many energy infrastructure projects require numerous permits and multiple steps to approval. This open end and vague language leaves broad interpretation up to any state agency. Could this law mean the Department of Education is going to approve all public schools to install solar panels or wind turbines where they wish regardless of local zoning ordinances? Consider all the current zoning ordinances enacted across the state, if this law was passed would all political subdivisions be required to change their current zoning to maintain compliance? Do the zoning ordinances in question only pertain to projects that are brought up on a case-by-case basis?

Counties are the collectors of Prairie Dog funds for all townships within said county. Theoretically, if SB2208 is law and a county is not in compliance but townships that have zoning and ordinance authority maintain compliance, how would these counties receive their respectful Prairie Dog funds if the funds can be no longer sent to the county? Furthermore, many townships within counties have relinquished their zoning and ordinance authority to the counties they reside in. If a county is out of compliance and is not to receive grant funding are those counties going to be penalized as well?

I respectfully ask your committee to consider these questions when discussing SB2208 and urge a “Do Not Pass.”

Respectfully,

Levi Taylor

Ypsilanti, ND

February 13, 2025

Senators of ND Please Do Not Pass Bill 2208

SB2208.

The bill takes away our Constitutional rights to be heard.

We do not want our local authorities voices removed.

Holly Wald

District 28

Dear Members of the Senate Energy & Natural Resources:

DO NOT PASS SB 2208

Last night a meeting was held in Edgeley, ND pertaining to **SB 2208** and **HB 1258**. The turnout of land owners, renters, and concerned citizens was unbelievable. The crowd of people, along with currently over 5,000 views on Facebook group Everything Edgeley USA shows that these bills are a crucial topic. However, obviously not crucial enough to have any attendance by our local (District 28 & 29) Senate or House members. Even though some of these members are sponsors of the bill. These members have been contacted and well aware of numerous meetings happening within their districts.

The amount of testimonies (In Opposition) and the amount of citizens with grave concern visiting last night showed we have a situation with no representation. This shows how well our representatives will represent their people if these bills were to pass.

Cody M Rupp
Edgeley, ND

Mr. Chairman and Committee.

Dave Berger, County Commissioner from Oliver County

I am writing in opposition of SB 2208. This Bill appears to me to represent a sign of Communism. The intent is to take away the voice of the local people who were elected to represent what the constituents feel is in their best interest. Then to add insult to injury, certain individuals add blackmail wording by taking away funding away from City's and County's if they don't agree with State Legislatures on issues. This makes me question, why would County's and City's need Boards if the State thinks they have all the answers, which is far from the truth.

Again, I am in opposition of SB 2208.

David Berger,

2531 37th Ave SW

Center, ND 58530

Dberger@westriv.com

7012208862

Oliver County Commissioner

Concerned Citizen

Written Testimony for the
Senate Energy & Natural Resources Committee
February 11, 2025
Jaden Schmidt, Oliver County Auditor/Planning & Zoning and County Resident

RE: OPPOSITION to SB 2208

Mr. Chairman and members of the Senate Energy & Natural Resources Committee,

My name is Jaden Schmidt, Oliver County Auditor, Planning & Zoning and a resident of Oliver County where I farm and ranch alongside my husband. I would like to express my opposition of Senate Bill 2208.

As an official elected to local government as well as a resident in a county that has become the heart of many energy infrastructure projects, I find the wording of SB 2208 to be very broad and open for interpretation in a variety of ways. There is no wording that spells out what type of energy infrastructure or interference means.

This bill takes away the ability of the local government, and moreover removes the rights of the citizens that live in these cities and counties, to have a say in what they want or do not want in their backyard. Local governments are in place to be a voice for the citizens that live there and are crucial to address the needs of those citizens.

The people working for these local governments also live in these areas and understand the needs and concerns of the area much better than the state government. Penalizing the cities and counties and therefore the people that live there for adopting ordinances that are put in place to protect these people is a gross overreach of state government. The local and state governments should be able to work together to find ideal solutions

It is disheartening to see legislators acting in the best interests of corporate entities, many of whom are only coming to North Dakota due to federal government tax incentives, rather than acting for the people they were elected to represent.

It is high time we stop catering to the almighty dollar and start listening to the people that live in these areas that will be the most affected by these projects, as they know the land there better than anyone else.

Thank you for your time and consideration and I urge a DO NOT PASS on SB 2208.

February 13, 2025

Senate Energy and Natural Resources Committee

Re: Testimony in Opposition to SB2208

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

I oppose SB 2208 and recommend a no vote on this bill. SB 2208 is trying to take away the voice of the people by withholding state funds. People have the right to be heard, and our local governments of cities, townships and counties are the people living in these areas, way of being heard and represented properly.

I urge a do not pass on SB2208.

Respectfully,

Jacob Emo

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

February 13, 2025

RE: Opposition to SB2208

TO: Senate Energy and Natural Resources Committee

Mr. Chairman and members of the committee,

My name is Charlie Sorenson, a farmer, landowner, and mineral owner from Ross, ND. I come today with 2 years of first hand energy industry experience as a roughneck, 10 years on my county planning and zoning board, 12 years on my township board, and 32 years of farming experience.

SB2208 is an unprecedented removal of local control and must be denied. I urge all of you to forward this bill to the senate floor with a DO NOT PASS recommendation. This bill is riddled with multiple problems, which cannot be improved by any changes or amendments.

In my high school government class, I learned that the foundation of all laws centers on the notion that "Your rights end where someone else's begin." In North Dakota, we have the right to zone and defend property rights and existing uses of property. SB 2208 is an attempt to squash these rights contrary to the fundamental foundation of law while dismantling the legal framework used to shape our local communities and our great state.

This bill is filled under the improper chapter of century code. As it essentially takes zoning authority away, it should be filed under chapters 11, 40, and 58 dealing with county, city, and township zoning.

This bill reeks of ambiguity. "Energy infrastructure project" is not defined in this chapter. The words "interfere" and "conflict" are not backed by any description of what constitutes these words. This lack of definition would only result in unneeded legal costs for cities, townships, counties, and even the state as a court attempts to define them.

Assuming that "interfere" and "conflict" could also mean restrict, we have a real problem. All areas zoned in North Dakota restrict. Every zoning district has some sort of restriction or restrictions associated with it. A setback is an example of a restriction. This leads me to

conclude that this bill takes funding from any zoned area in North Dakota that has new state approved energy infrastructure. It effectively ends zoning in North Dakota and coerces communities to accept the energy infrastructure without regards to their needs, wishes, and special circumstances.

SB 2208 is unreasonable, lacks a rational basis, and is not supported by evidence. Cities, townships, and counties have local codes, laws, rules, and guidelines and have had enforced these for years. Removing funds collected from energy taxes because of a zoning restriction is simply unjust. Imagine if 2208 stated, "No city, township, or county shall receive grant funding if they enforce speeding laws upon any member of the ND Senate." Most would agree this is ridiculous. For similar reasons, ND SB2208 is ridiculous.

I live between the cities of Watford City, Williston, and Minot. When I cannot find items needed for my farm in these towns, I'm forced to look elsewhere. When I cannot find items in the state or in the nation I continue looking. Because I can't find certain goods does not mean I do without them, it just means I need to look in other places. I've had to source both farm labor and some machinery in other countries, as I can't find these locally. I never considered asking the North Dakota Legislative Assembly to pass a bill forcing my local area to provide my farm items, it's simply un-American and unnecessary. Yet SB2208 is attempting to do just that, legislatively forcing a local area to provide something not available, unrestricted zoning. Any industry is free to conduct their business in any other parts of the state, nation, or world if they are unwilling to comply with local zoning.

I have the privilege of being part of an estimated 1500 hearings as a member of my county's planning and zoning board. I can only think of 4 hearings that were denied. We strive to follow our Land Development Code. This code conforms to our Comprehensive Plan. The Comprehensive Plan is created publicly by residents, industry representatives, and any other entities wishing to participate. After being part of all the meetings that helped to craft our Comprehensive Plan, I do not remember seeing any State of North Dakota representation at any of the meetings. In my zoning experience, we have worked to approve all projects upon complying with our Land Development Code and have approved over 99% of all applications. SB 2208 is an attempt to override our properly created local rules and above all is unnecessary.

ND SB2208 must be denied. This bill is poorly written, filled with ambiguity, is simply unreasonable and irrational, it's unnecessary, and overrides local rules and codes. Passage of this bill would be a shameless and cheap blow below the belt to local entities and the hundreds of North Dakotans working in planning and zoning. Forward SB2208 with a DO NOT PASS recommendation.

Sincerely,



Charlie Sorenson

February 13, 2025

Senators,

DO NOT PASS SB2208

This bill removes the local government decisions. We need to preserve the rights of the people. This bill will erode our constitutional rights.

Tausha and Brandon Schweigert
District 28
Edgeley ND

Please DO NOT PASS SB 2208!!!!

This is clearly an abuse of leadership and power! This proposed bill does not respect the rights and opinion of most of the citizens of North Dakota!!!

“If a city adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the city is not eligible to receive any grants from the fund beginning on the later of the date on which the city adopted the ordinance or policy, or the date on which the state agency permits or approves the project”...

What city would even consider wanting this passed???

PLEASE VOTE NO on 2208!!!

Thank you!!!

Testimony in Opposition of SB 2208

Mr. chairman and members of the Senate Energy and Natural Resources committee. My name is Tim Leppert and I am here before you today, on my own behalf, to testify in opposition to SB2208.

My family and I farm near Edgeley in LaMoure county. Much of our family farm lies within the PSC approved corridor of the JetX 345 KV transmission line, connecting an Ottertail substation near Jamestown, to a MDU substation near Ellendale.

I have attended several of the JetX information meetings. I, and other landowners, were told from the outset that the transmission line was being built at the request of MISO for grid reliability and resilience. My family, and I'm sure many of my neighbors, understand the need for orderly development of grid infrastructure to serve a public benefit.

My brother serves as a Russell township supervisor. When JetX approached our township officers requesting a Conditional Use Permit, the supervisors approved the permit because they were lead to believe this facility was designed to serve the public benefit.

Over the last year and a half, the utility's narrative has changed. Recently, representatives of JetX have stated that the line is being built to also serve Applied Digital, a data collection facility near Ellendale. During a recent township meeting we were told that 345 KV line will have a capacity of approximately 1800 Mega Watts.

We have also learned of Applied Digital's recent partnership with an Australian asset management group (Macquarie Group). According to Applied Digital's website, the plan for future growth of the facility will take it from its present power consumption of 400 MW to a 2 GW facility.

To put this in perspective 1 GW would power 750,000 homes. Imagine the energy to power approximately 1.5 million homes going to serve one facility! Honestly, will that transmission line serve the public benefit? We and many of our neighbors have become skeptical of JetX's ever changing and less than transparent information.

As landowners we will be impacted by, not only the footprint of the transmission line, but we also understand that much of the generation will come from a large proposed wind farm and a rumored solar farm in our area.

My family and I love the vocation we have chosen - farming! We enjoy the open spaces, working together as family, spring calving, watching the spring migration of eagles and other birds, and taking a moment to take in a beautiful ND sunset. This bill is a heavy handed maneuver to destroy all that.

As I said, my brother serves as a township supervisor. We have experienced some very wet springs that have literally washed out culverts, ruined township roads and flooded farm yards. Without those grant funds mentioned in this bill, our township, like most townships, would be hard pressed to repair the damaged infrastructure.

The most heavy handed part of this bill is subsection 3c, page 5, beginning on line 28, which speaks to the withholding of those emergency funds from those political subs that exercise their right to address local citizen concerns with these large projects.

SB2208 removes a basic tenant of democratic governance - that which is driven by the consent of the governed. Like most farmers, that which is produced on our farm must get to market on well maintained township roads. These roads are critical not only to the conduct of agricultural production but to the quality of rural life.

Finally, the utility leases offered to landowners are forever! Again, speaking of the quality of life, if this line goes through, we will be forced to live with the impact of this high voltage electrical power for generations - It will affect our electronic equipment - such as cell phones, GPS and precision Ag guidance systems, there is the difficulty of farming around facility structures, the chronic noise, and the ultimate devaluation of the property, besides the cluttered view of our landscape.

Therefore, I humbly ask you to oppose this bill. Thank you for your time and I would stand for questions.

Tim Leppert
District 28.
Edgeley, ND
701-709-0940

I am concerned with SB2208 as it reads the cities, counties, and townships will be ineligible for grants if they adopt conflicting policies from the State regarding energy infrastructure. It seems to me that the State of North Dakota would then be deciding how the people living in particular cities/counties/townships have their places of residence look like. In addition, denying grants because the city/county/township goes against the State Legislature is PUNISHMENT for not agreeing with the legislators that we have elected. You are elected to REPRESENT THE VOTERS, not energy companies! Why would cities have City Councils, Counties have County Commissions, and townships have Boards if they can't make decisions for their constituents and have to bow down to the State? This doesn't make sense. You will be taking away the voice of the people not to mention destroying the landscape of the State that we love. You should not want nor get the power to make decisions for landowners whose property these energy infrastructure projects will be affecting for generations of families. You are trampling on personal property rights, do you have something to gain by doing this? I understand energy needs of ND and surrounding states. I understand that this particular bill is probably focused on the JetX and Nexterra projects (which the state gave \$125,000,000) - which affects the next projects coming to our area (fertilizer plant and the wind towers project). I also understand that the wind towers power will be sold to MN because it is considered green energy; someone is selling out ND - MN gets their "green" energy and we get the ugly red poles, wires, noise, the mayhem of building and maintaining said poles, and loss of productive land. Are there constituents who are for this bill whose personal property rights are in jeopardy or is it just the energy companies who are backing you on this bill? Who are you listening to? Who should you be?

I am writing in opposition to SB2208, there is no need to strip local control. Locals know their area and are fully capable of governing themselves. Please vote no on SB 2208

Respectfully,

Shawn Paczkowski

Abercrombie

To the Members of the Energy and Natural Resources Committee,

My name is Erik Olson and I am a resident of Abercrombie Township. I am writing in OPPOSITION to Senate Bill 2208.

The language proposed in this bill is a complete overreach of Government. Small communities are what make up most of North Dakota. Stripping these such communities of being able to govern themselves and threatening to remove their funding, is not what the State of North Dakota or even the United State of America is all about. The negative consequences and the abuse of power that would be inflicted on the communities, is nothing to take lightly and should not even be considered.

There is a reason that Townships and Counties have elected officials. Those representatives are there to protect the residents and environment and know what is good or bad for their communities.

I strongly urge a DO NOT PASS on Senate Bill 2208 .



February 13, 2025

Chairman Patton and members of the Senate Energy and Natural Resources Committee,

Thank you for the opportunity to provide testimony on Senate Bill 2208. I am here today on behalf of the Lignite Energy Council to highlight a critical and unfortunate challenge facing North Dakota's energy industry and local governments. While we recognize the complexities of this issue, LEC finds itself in the middle between policy choices made by the state and by the counties. We are the ones who live with the policies given to us by each body, with the goal to develop the resources to bring prosperity to the region and electricity to the world. Our goal today is to find a constructive path forward—one that ensures a strong future for energy development while maintaining the vital role energy production plays in supporting both state and county revenues. This discussion is not about choosing sides but about finding solutions that allow responsible energy projects to move forward while preserving the economic stability that benefits communities across North Dakota.

For decades, North Dakota's lignite industry has led the way in research, development, and infrastructure investments to ensure responsible and sustainable energy production. These efforts have directly benefited the state's economy and its citizens. Through strong public-private partnerships, the industry has worked with state agencies and the legislature to craft policies that foster economic growth while ensuring compliance with evolving regulations. A prime example of this progress is North Dakota's achievement of primacy from the Environmental Protection Agency (EPA) for Class VI wells, which allows for the safe and effective sequestration of carbon dioxide. Additionally, economic incentives and regulatory frameworks have been carefully designed to support the long-term viability of energy projects across the state.

One of the most significant advancements in this space is the development of carbon capture and sequestration projects. These projects have garnered overwhelming support from local landowners, with over 95% voluntarily signing agreements that provide valuable compensation to rural communities. This strong participation highlights the widespread recognition of the economic and environmental benefits these projects offer. Beyond the benefits to landowners, carbon capture presents a major economic opportunity for the coal industry—not just by attracting new investments but also by maintaining and increasing coal severance and coal conversion tax revenues, which are critical county distributions that directly support local government budgets. These revenues fund essential county services, including road maintenance, schools, emergency response, and other public infrastructure. By enabling existing coal facilities to capture and store carbon, these projects ensure that coal remains a critical part of North Dakota's energy mix, securing jobs, local tax revenues, and long-term economic stability.

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Moreover, the EPA's Greenhouse Gas Rule mandates that every coal plant in the nation must install carbon capture by 2032 or be forced to shut down. This federal requirement places enormous pressure on the coal industry to implement carbon capture technologies, making timely project approvals even more crucial. If these projects face unnecessary delays, regulatory uncertainty, or obstruction at the local level, the economic future of coal-dependent communities will be at risk. Additionally, a reduced coal fleet will lead to grid instability, potential blackouts, and skyrocketing energy costs for ratepayers as reliable baseload power is diminished. These consequences will not only impact coal-producing regions but will be felt statewide as energy affordability and reliability decline.

All of these factors—economic opportunity, energy security, regulatory mandates, and consumer affordability—must be carefully considered by both state and local elected officials when evaluating carbon capture projects. Delays, shifting ordinances or local moratoriums do not just stall individual projects; they jeopardize North Dakota's energy future, economic stability, and the affordability of electricity for every household and business. Local governments should work collaboratively with state agencies to address concerns and facilitate progress, rather than imposing unnecessary roadblocks to projects that have already met the highest regulatory standards.

The energy industry is not just a key pillar of North Dakota's economy—it is the foundation of the state's financial stability. Since the Bakken oil boom began in 2008, oil extraction and production tax revenues have generated more than \$32 billion in direct benefits for North Dakotans, funding critical infrastructure, schools, roads, and essential public services. However, studies conducted by the ND Department of Mineral Resources indicate that without enhanced oil recovery (EOR), Bakken oil production could enter a terminal decline by the mid-2030s. Carbon capture projects from the coal industry provide a vital solution, supplying the CO₂ necessary for EOR, which extends the life of Bakken wells and ensures continued oil production that provides massive amounts of tax revenue to the state and county government budgets.

However, these carbon capture projects require over \$1.5 billion in investment and must navigate complex challenges in research and development, market economics, federal tax policy, and regulatory compliance. For these projects to move forward, investors require certainty—a stable regulatory environment that allows them to minimize risk and commit capital with confidence. If local governments prolong permitting processes, shift regulatory requirements, impose moratoriums or create an environment of uncertainty, these projects will struggle to attract the necessary investment, as well as create conflicting priorities with the State of North Dakota. As the industry that works under both bodies, we can testify that such conflict and misalignment will create ripple effects that will be far-reaching, jeopardizing oil production, reducing state revenues, and ultimately undercutting North Dakota's ability to maintain a balanced budget.



This bill highlights a stark reality: the Prairie Dog funding mechanism, which provides counties and cities with \$59,750,000 per biennium, rely on for infrastructure projects, may not exist in the future if energy development is hindered by county and state misalignment. The lignite industry is a partner with the counties in providing funds through severance and conversion taxes for roads, schools and infrastructure and sees the positive leverage these funds provide. If North Dakota fails to provide a predictable and stable framework for advancing critical energy projects, the state's economic momentum could stall, leading to revenue shortfalls that would impact every level of government.

These are difficult but essential discussions. North Dakota's future depends on a balanced approach—one that respects local oversight while ensuring the continued advancement of responsible energy development. We urge thoughtful dialogue to preserve North Dakota's leadership in energy production and maintain the economic stability that benefits communities across the state.

Thank you for your consideration,

Jason Bohrer
President and CEO
Lignite Energy Council

SB 2208

Our District Representatives and Senators need to be to be supporting the city, county, and township governments of our state. Not Trying to undermine the local governments by threats of withholding funding that is needed.

Good afternoon Committee chairman, members of the board.

Craig Miller, Emmons County Commission. Why I came to North Dakota.

My wife and I moved to North Dakota almost twenty years ago. We bought a dairy farm to continue our operation. We moved here for the clean air and rural lifestyle we both love. We love this state and our local community. That is why I became a county commissioner.

S.B 2208 is bad legislation. It takes away local control. It goes against the Century Code of North Dakota. Century Code 11:33 states that commissioners have the responsibility of keeping our residents safe. "For the purpose of promoting health, safety, morals, public convenience, general prosperity and public welfare." It also states "the location and use of buildings and structures and the use, condition of use, or occupancy of lands for residents, recreation and other purposes."

11-33-03 Object of regulations.

These regulations shall be made in accordance with a comprehensive plan and designed for any or all of the following purposes:

1. To protect and guide the development of non-urban areas.
2. To provide for emergency management. "Emergency Management" means a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment.
3. To regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and the size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings structures, and land for trade, industry, residence, or other purposes.
4. To lessen governmental expenditures.
5. To conserve and develop natural resources.

These regulations shall be made with a reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses. The comprehensive plan shall be a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

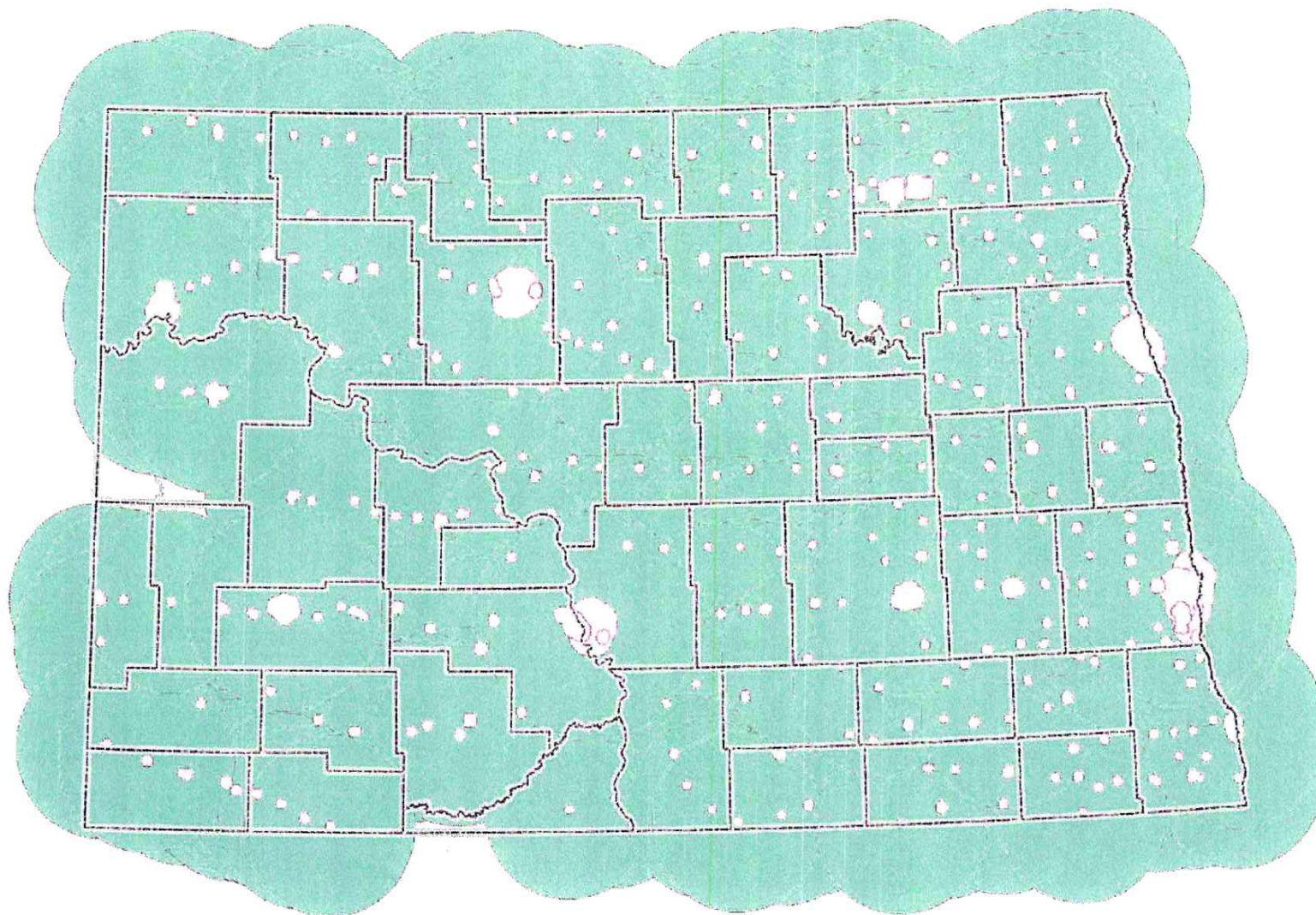
At the PSC hearing, Chairman Christman stated that the PSC does not have the authority to control safety. Well then, who does? It's the county! As stated by the century code, which you just heard.

S.B 2208 is a power grab for out of state interest. The sponsor of this bill are not looking out for the safety of North Dakota, they are turning North Dakota into an industrial dumping ground and turning our landscape into an eye sore, at the expense of our residents safety!

So in closing, I would ask that you carefully consider the choice you have before you. A safe North Dakota, or a dangerous eyesore!

"The sheep live in fear of the wolf, only to be eaten by the shepherd"

Extraterritorial Jurisdiction +25 miles





Contact:

Matt Perdue, Lobbyist

mperdue@ndfu.org | 701.641.3303

**Testimony of
Matt Perdue
North Dakota Farmers Union
Regarding SB 2208
Senate Energy and Natural Resources Committee
February 13, 2025**

Chairman Patten and members of the committee,

Thank you for the opportunity to testify on Senate Bill No. 2208. My name is Matt Perdue, and I am testifying on behalf of North Dakota Farmers Union's (NDFU) members. NDFU is opposed to SB 2208.

SB 2208 would prohibit the granting of Operation Prairie Dog (OPD) funds to political subdivisions who adopt local ordinances that have some negative impact on energy and agriculture development. We appreciate the sponsors' frustration with opposition to some projects in our state. Our priority is to build healthier local conversations about these projects. We are concerned that SB 2208 will prevent that local discourse and limit political subdivisions' ability to respond to their constituents' concerns.

Lack of Clarity and Local Engagement

SB 2208 triggers a loss of OPD funds for a local ordinance that "exceeds state statute, administrative rule, or policy, or interferes, unreasonable restricts, or conflicts with an agriculture or energy infrastructure project." It is unclear what would be considered a state policy that is not otherwise detailed in state statute or administrative rule. It is also unclear how to interpret the meaning of "interferes, unreasonable restricts, or conflicts." We believe the language will create confusion and prevent adoption of even well-intentioned ordinances.

We are also concerned by the legislation's lack of local engagement with the reporting and determination of a violation. There is no requirement that any person reporting a violation must first attempt to address the concern with the political subdivision. The political subdivision does not have an opportunity to modify an ordinance that creates a conflict. The legislation also lacks clarity on if and how the political subdivision's eligibility for OPD funds can be restored.

Animal Agriculture

Our member-driven Policy & Action supports "locally led livestock development." While SB 2208 might make it easier to site animal ag facilities, we are concerned it will undermine efforts to promote local acceptance. Put simply, we do not think SB 2208 is the right solution for animal agriculture.

During the 68th Legislative Assembly, the legislature established the Regional Livestock Planning Grants program, a Livestock Friendly County program, and the Agriculture Infrastructure Grant program. This session, SB 2177 would establish a new Animal Agriculture Facility Infrastructure Fund. Together, these programs support local planning and address infrastructure concerns related to livestock development.



Last session, the legislature also passed HB 1423, which prohibits political subdivisions from exceeding state setbacks for animal feeding operations (AFOs). In response to concerns that some townships and counties knowingly exceed their statutory authority, HB 1423 requires townships or counties to pay legal fees for the prevailing party if a lawsuit invalidates local zoning ordinances.

During the interim, NDFU participated in the Model Zoning Task Force to update the state's model zoning ordinance for AFOs. The Senate Agriculture and Veterans Affairs (AVA) Committee rejected most of the task force's recommendations, because it restricted local authority further than the committee was willing to support. This morning, AVA passed one key provision of that bill, authorizing use of an odor footprint tool as an alternative, science-based tool to determine AFO setbacks. This legislation may be understood to restrict the application of that tool if it determines setbacks should be greater than statutory limits, which may be viewed as interfering or conflicting with development.

Infrastructure Impacts

Finally, NDFU has been a strong supporter of investments in rural infrastructure. A strong network of farm-to-market roads is critical to the success and safety of family farmers and ranchers. In many communities where new developments have sparked controversy, there are many farmers and ranchers who support those projects. This legislation would negatively impact supportive farmers and ranchers as much as those who oppose a given project.

Conclusion

While we appreciate the sponsors' desire to address opposition to some projects. We believe the best solution is to promote healthier, neighbor-to-neighbor conversations about new development. We simply believe this legislation is too punitive to achieve that goal.

We respectfully request a "Do Not Pass" recommendation on SB 2208. Thank you for your consideration. I will stand for any questions.

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

My name is Erin Magrum, I am a county commissioner from Emmons County, a business owner, landowner and a law-abiding tax paying citizen of this state. I am here today to speak in opposition of SB 2208. I am just a humble servant, whether its my family, my customers, my constituents or my Lord Jesus Christ, I am here to serve. This proposed bill is an attempt to prevent me from doing my necessary service and obligation to the people of my county. There are times when the State of ND has sued the US government when we believe the Feds are wrong. There are times when the state is wrong, and the local subs need to be a check against the state just as the state is a check against the local subs. We are all responsible for the system of checks and balances in government. The local subs are the closest connection to the people and have a great understanding of what the people in their areas want and to take away the ability for us to defend our rights and property is a gross overreach and should not be allowed. The actions my county has taken were in response to landowners crying out for help because they felt threatened, manipulated, and/or coerced into contracts or proceedings with Summit Carbon Solutions and wanted help from their local elected officials. That's our job right? I swore an oath to defend the Constitution of the USA and the State of ND, and that oath pertains to the defense of rights of the people of Emmons County. The ordinances we passed were meant to protect our landowners and give them the abilities to negotiate in good faith knowing they had the support of their local government. We have never seen a CO2 pipeline before and needed updates to our ordinances as well as in other areas of energy development as they are coming in faster than we have ever seen. Our ordinances may not be perfect, but our hope was that our legislature would take notice and possibly amend some of their state statutes to reflect in some way the ideas we put forward. Instead, we are met with contempt and vindictive bills such as SB2208. We are now forced to defend our landowners INALIENABLE RIGHTS from the very government that is supposed to protect us. It would seem that between bills like SB 2208 and HB 1258, the state legislature is more concerned with industry benefits than their oath to defend the rights of its citizens. I was here two years ago arguing that the state needed to help the counties to manage these projects. Since then, all the industries have done is grow stronger and bolder due to the legislature's unwillingness to even budge on some of the setbacks and regulations to give citizens a fighting chance to defend themselves against these industrial giants. You may be bringing money into the state, but it is coming at the cost of our freedoms, and the local subdivisions are the only ones actually looking out for landowners because we are the landowners. If you were as bold toward corporations like Summit as you are towards your own people, more projects would probably get done with less fighting. We would feel like our government had our back and wanted to work with us and we wouldn't have to be so bold in defending ourselves. I urge a Do Not Pass recommendation from this committee because it is wrong to attack the very citizens you are sworn to defend and start looking at ways to meet in the middle with local subs to site and regulate these projects for the good of the citizens of this state. There has to be local control on these projects to ensure our voice is heard.

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in opposition to
SENATE BILL NO. 2208
Senate Energy and Natural Resources Committee
February 13, 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.

This bill is not exactly a property rights or landowner issue. But we feel compelled to speak against it because our members look to their local governments as their most direct and responsive form of government. Members of our board have often been local township officers or have served in their local governments in other ways. We support local government and believe that the government that is closest to the people knows the people best.

This bill seems like it is intended to punish local governments by removing their ability to get grant funding for serious infrastructure. We would rather see energy infrastructure promoted in other ways that do not potentially put our local governments at risk. If our local community leaders pass an ordinance in response to concerns from their citizens, that shouldn't put them at risk of losing critical infrastructure funding because someone decides it interfered with an energy infrastructure project. There must be better ways to promote energy infrastructure with less risk to our local communities and their community leaders.

We ask you to vote DO NO PASS on SB 2208.

Thank you,

Troy Coons
Northwest Landowners Association

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2208
2/20/2025

Relating to the municipal infrastructure fund and the county and township infrastructure fund.

9:57 a.m. Chairman Patten opened the hearing.

Members present:

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

Discussion Topics:

- Energy infrastructure
- Political subdivision regulations
- Oil and gas tax revenue

9:58 a.m. Chairman Patten proposed amendment and submitted testimony #38240.

10:07 a.m. Senator Kessel moved amendment LC# 25.1104.01004.

10:08 a.m. Chairman Patten seconded the motion.

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

Motion Passed 4-3-0.

10:24 a.m. Senator Kessel moved a Do Pass as amended.

10:24 a.m. Chairman Patten seconded the motion.

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

Motion Failed 2-5-0.

10:25 a.m. Senator Beard moved a Do Not Pass as amended.

10:25 a.m. Senator Enget 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	Y
Senator Desiree Van Oosting	Y

Motion Passed 5-2-0.

10:26 a.m. Senator Boehm will carry the bill.

10:27 a.m. Chairman Patten adjourned the meeting.

Kendra McCann, Committee Clerk

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2208

Introduced by

Senators Patten, Bekkedahl, Erbele, Kessel

Representatives Brandenburg, Porter

2-20-25
1089
Jm

1 A BILL for an Act to amend and reenact subsection 9 of section 57-51.1-07.5 and sections
2 57-51.1-07.7 and 57-51.1-07.8 of the North Dakota Century Code, relating to the state share of
3 oil and gas tax revenue allocations, the municipal infrastructure fund, and the county and
4 township infrastructure fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 **SECTION 1. AMENDMENT.** Subsection 9 of section 57-51.1-07.5 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 9. The next fifty-nine million seven hundred fifty thousand dollars, or the amount
9 necessary to provide for twice the amount of the distributions under subsection 24 of
10 section 57-51.1-07.7, into the funds designated for infrastructure development in
11 non-oil-producing counties under sections 57-51.1-07.7 and 57-51.1-07.8 with fifty
12 percent deposited into the municipal infrastructure fund and fifty percent deposited into
13 the county and township infrastructure fund;

14 **SECTION 2. AMENDMENT.** Section 57-51.1-07.7 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **57-51.1-07.7. Municipal infrastructure fund - Continuing appropriation - State**
17 **treasurer - Reports.**

18 1. There is created in the state treasury the municipal infrastructure fund. The fund
19 consists of all moneys deposited in the fund under section 57-51.1-07.5. All moneys in
20 the fund are appropriated to the state treasurer on a continuing basis for the purpose

1 of providing grants to cities located in non-oil-producing counties. The grant funding
2 may be distributed only to cities located in non-oil-producing counties, excluding hub
3 cities, and may be used only for essential infrastructure projects.

4 ~~1-2.~~ By November thirtieth of each even-numbered year, ~~starting in 2022~~, a city that
5 receives a grant from the fund shall provide a report to the state treasurer on the use
6 of the funding. The state treasurer shall notify cities of the reporting requirement by
7 November first of each even-numbered year, ~~starting in 2022~~. Upon request, the state
8 treasurer may provide an extension of up to fifteen days for a city to submit the report.
9 The state treasurer shall determine the format of the report. The report must include
10 the amount of grant funding received and spent by the city and a description of the
11 infrastructure projects completed in part or in whole with the grant funding. The state
12 treasurer shall make the reports available to the public on the state treasurer's
13 website.

14 3. a. A city that does not provide the report in a timely manner or in the correct format
15 is not eligible to receive a grant from the fund for a period of two years starting
16 from the date the report was due.
17 b. If a city uses the funding in a manner inconsistent with the requirements of this
18 section as identified in any financial audits conducted by the state auditor or an
19 independent accounting firm, the state treasurer shall reduce any future grants to
20 that city by the amount spent that was inconsistent with the requirements.
21 c. If a city adopts an ordinance or policy that exceeds state statute, administrative
22 rule, or policy or interferes, unreasonably restricts, or conflicts with an agriculture
23 or energy infrastructure project that is required to be permitted or approved by a
24 state agency, as reported under this subdivision, the city is not eligible to receive
25 any grants from the fund beginning on the later of the date on which the city
26 adopted the ordinance or policy, or the date on which the state agency permits or
27 approves the project treasurer is notified by the board of university and school
28 lands of a determination of a violation under this subdivision.

29 (1) For purposes of this subdivision, an agriculture or energy infrastructure
30 project includes a project permitted or approved under chapter 4.1-25,
31 23.1-06, 38-08, 38-22, 49-22, 49-22.1, or 61-28 or under administrative

rules related to the implementation of those chapters but excludes wind and solar projects approved or permitted under chapter 49-22.

(2) A person may report a suspected violation under this subdivision to the board of university and school lands in the form and manner prescribed by the board. The report must include the name of the city, the city's ordinance or policy suspected of violating state statute, administrative rule, or policy, and the state statute, administrative rule, or policy which the person suspects is violated by the city's ordinance or policy. Within thirty days after receiving the report, the board shall investigate the suspected violation, in consultation with a state agency having jurisdiction over the relevant state statute, administrative rule, or policy, and shall provide a written determination to the person who submitted the report and to the city named in the report. The board shall notify the state treasurer if the determination identifies a violation. Any person aggrieved by the determination may appeal the determination using the procedure under chapter 28-32.

2.4. Within forty days after the fund balance is greater than or equal to the amount needed for the grants under this subsection or by September thirtieth of each odd-numbered year, whichever is earlier, the state treasurer shall distribute moneys in the fund as grants to cities for essential infrastructure projects. The state treasurer shall distribute the grants only if the fund balance is at least ten percent of the amount needed for distributions under this subsection based on the following:

- a. Two million five hundred thousand dollars to each city with a population of at least five thousand;
- b. Five hundred thousand dollars to each city with a population of at least two thousand but less than five thousand; and
- c. One hundred twenty-five thousand dollars to each city with a population of at least one thousand but less than two thousand.
- d. If, at the time of the distributions, the moneys in the fund are less than the amount needed for the grants under this subsection, the state treasurer shall distribute the grants under this subsection on a pro rata basis.

- 1 e. For the purposes of determining the city's population under this subsection, the
2 state treasurer shall use the most recent actual or estimated census data
3 published by the United States census bureau.
- 4 ~~3-5.~~ Within sixty days after the fund receives its statutory limit of oil and gas tax allocations
5 under section 57-51.1-07.5 or by September thirtieth of each odd-numbered year,
6 whichever is earlier, the state treasurer shall distribute the moneys in the fund as
7 grants to cities for essential infrastructure projects. The state treasurer shall distribute
8 the grants only if the fund balance is at least ten percent of the amount needed for
9 distributions under this subsection based on the following:
- 10 a. One hundred fifty dollars per person of the city's population.
- 11 b. In addition to the amounts in subdivision a, for a city with a positive average of
12 the annual percentage increase in population from three years prior, a dollar
13 amount equal to the product of the following:
- 14 (1) The amount calculated in subdivision a; and
- 15 (2) The average of the annual percentage increase in population from three
16 years prior, multiplied by ten.
- 17 c. In addition to the amounts in subdivisions a and b, for a city with a positive
18 average of the annual percentage increase in taxable property values from three
19 years prior, a dollar amount equal to the average of the annual property valuation
20 percentage increase for the three most recent years, multiplied by twenty-five
21 thousandths.
- 22 d. Grants may be distributed under this subdivision only if the grant distributions
23 under subsection ~~24~~ are completed. If the moneys in the fund are insufficient to
24 provide for the grants, the state treasurer shall distribute the grants under this
25 subsection on a pro rata basis. If any moneys remain in the fund after the
26 distribution of grants under this subsection, the state treasurer shall distribute any
27 remaining moneys in the fund in proportion to the combined total distributed to
28 each city under this section relative to the combined total distributed to all the
29 cities under this section.

- 1 e. For the purposes of determining the city's population under this subsection, the
2 state treasurer shall use the most recent actual or estimated census data
3 published by the United States census bureau.
- 4 f. For the purposes of determining taxable property values, the state treasurer shall
5 use the most recent data published by the tax commissioner in the tax levy
6 report.
- 7 4.6. For purposes of this section:
- 8 a. "Essential infrastructure projects" means capital construction projects to construct
9 new infrastructure or to replace existing infrastructure, which provide the fixed
10 installations necessary for the function of a city. Capital construction projects
11 exclude debt repayments and routine maintenance and repair projects, but
12 include the following:
- 13 (1) Water treatment plants;
14 (2) Wastewater treatment plants;
15 (3) Sewer lines and water lines, including lift stations and pumping systems;
16 (4) Water storage systems, including dams, water tanks, and water towers;
17 (5) Storm water infrastructure, including curb and gutter construction;
18 (6) Road and bridge infrastructure, including paved and unpaved roads and
19 bridges;
20 (7) Airport infrastructure;
21 (8) Electricity transmission infrastructure;
22 (9) Natural gas transmission infrastructure; and
23 (10) Communications infrastructure, excluding fiber optic infrastructure.
- 24 b. "Fiscal year" means the period beginning September first and ending August
25 thirty-first of the following calendar year.
- 26 c. "Non-oil-producing county" means a county that received no allocation of funding
27 or a total allocation of less than five million dollars under subsection 2 of section
28 57-51-15 in the most recently completed even-numbered fiscal year before the
29 start of each biennium.

30 **SECTION 3. AMENDMENT.** Section 57-51.1-07.8 of the North Dakota Century Code is
31 amended and reenacted as follows:

**57-51.1-07.8. County and township infrastructure fund - Continuing appropriation -
State treasurer - Reports.**

1. There is created in the state treasury the county and township infrastructure fund. The fund consists of all moneys deposited in the fund under section 57-51.1-07.5. All moneys in the fund are appropriated to the state treasurer on a continuing basis for the purpose of providing grants to non-oil-producing counties and townships located in non-oil-producing counties. The grant funding may be distributed only to non-oil-producing counties and townships located in non-oil-producing counties and may be used only for road and bridge infrastructure projects.

~~1.2.~~ By November thirtieth of each even-numbered year, ~~starting in 2022~~, a county that receives a grant from the fund shall provide a report to the state treasurer on the use of the funding. The state treasurer shall notify counties of the reporting requirement by November first of each even-numbered year, ~~starting in 2022~~. Upon request, the state treasurer may provide an extension of up to fifteen days for a county to submit the report. The state treasurer shall determine the format of the report. The report must include the amount of grant funding received and spent by the county and a description of the road and bridge infrastructure projects completed in part or in whole with the grant funding. The state treasurer shall make the reports available to the public on the state treasurer's website.

3. a. A county that does not provide the report in a timely manner or in the correct format is not eligible to receive a grant from the fund for a period of two years starting from the date the report was due.

b. If a county uses the funding in a manner inconsistent with the requirements of this section as identified in any financial audits conducted by the state auditor or an independent accounting firm, the state treasurer shall reduce any future grants to that county by the amount spent that was inconsistent with the requirements.

c. If a county or township adopts an ordinance or policy that exceeds state statute, administrative rule, or policy or interferes, unreasonably restricts, or conflicts with an agriculture or energy infrastructure project that is required to be permitted or approved by a state agency, as reported under this subdivision, the county or

township is not eligible to receive any grants from the fund beginning on ~~the later~~
~~of the date on which the city adopted the ordinance or policy, or the date on~~
~~which the state agency permits or approves the project~~ treasurer is notified by the
board of university and school lands of a determination of a violation under this
subdivision.

(1) For purposes of this subdivision, an agriculture or energy infrastructure
project includes a project permitted or approved under chapter 4.1-25,
23.1-06, 38-08, 38-22, 49-22, 49-22.1, or 61-28 or under administrative
rules related to the implementation of those chapters but excludes wind and
solar projects approved or permitted under chapter 49-22.

(2) A person may report a suspected violation under this subdivision to the
board of university and school lands in the form and manner prescribed by
the board. The report must include the name of the county or township, the
county's or township's ordinance or policy suspected of violating state
statute, administrative rule, or policy, and the state statute, administrative
rule, or policy which the person suspects is violated by the county's or
township's ordinance or policy. Within thirty days after receiving the report,
the board shall investigate the suspected violation, in consultation with any
state agency having jurisdiction over the relevant state statute,
administrative rule, or policy, and shall provide a written determination to the
person who submitted the report and to the county or township named in the
report. The board shall notify the state treasurer if the determination
identifies a violation. Any person aggrieved by the determination may appeal
the determination using the procedure under chapter 28-32.

2-4. Within sixty days after the fund receives its statutory limit of oil and gas tax allocations
under section 57-51.1-07.5 or by September thirtieth of each odd-numbered year,
whichever is earlier, the state treasurer shall distribute moneys in the fund as grants to
counties for road and bridge infrastructure projects. The state treasurer shall distribute
the grants only if the fund balance is at least ten percent of the amount needed for
distributions under this section.

- 1 ~~3.5.~~ The state treasurer shall distribute the lesser of thirteen percent of the balance of the
2 fund or sixteen million one hundred thousand dollars to non-oil-producing counties for
3 the benefit of the organized and unorganized townships within each non-oil-producing
4 county. The distribution to each non-oil-producing county must provide for an equal
5 allocation to each organized and unorganized township. The amount allocated to
6 organized townships under this section must be paid by the county treasurer to each
7 organized township. The amount allocated to unorganized townships under this
8 section must be credited by the county treasurer to a special fund for unorganized
9 township roads. A township is not eligible for an allocation of funds under this section if
10 the township does not maintain any township roads.
- 11 ~~4.6.~~ After the distributions in subsection ~~35~~, the state treasurer shall distribute the
12 remaining money in the fund to non-oil-producing counties based on the most recent
13 data compiled by the upper great plains transportation institute regarding North
14 Dakota's county, township, and tribal road and bridge infrastructure needs. The
15 distribution to each non-oil-producing county must be proportional to each
16 non-oil-producing county's total estimated road and bridge investment needs relative
17 to the combined total estimated road and bridge investment needs of all the
18 non-oil-producing counties. The total estimated road and bridge investment needs for
19 each county is the twenty-year estimate for unpaved and paved road and bridge
20 needs as identified by the upper great plains transportation institute. If the data
21 compiled by the upper great plains transportation institute includes more than one
22 twenty-year estimate for the total needs of each county, the state treasurer shall use
23 an average of the twenty-year estimates for each county.
- 24 ~~5.7.~~ If the moneys in the fund are insufficient to provide for the grants under this section,
25 the state treasurer shall distribute the grants on a pro rata basis.
- 26 ~~6.8.~~ For purposes of this section:
- 27 a. "Fiscal year" means the period beginning September first and ending August
28 thirty-first of the following calendar year.
- 29 b. "Non-oil-producing county" means a county that received no allocation of funding
30 or a total allocation of less than five million dollars under subsection 2 of section

- 1 57-51-15 in the most recently completed even-numbered fiscal year before the
- 2 start of each biennium.
- 3 c. "Road and bridge infrastructure projects" means the projects associated with the
- 4 construction of new unpaved and paved road and bridge infrastructure or
- 5 associated with the maintenance, repair, or replacement of existing unpaved and
- 6 paved road and bridge infrastructure.

**REPORT OF STANDING COMMITTEE
SB 2208**

Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS** ([25.1104.01004](#)) and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2208 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.1104.01004
Title.

Prepared by the Legislative Council
staff for Senator Patten
February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2208

Introduced by

Senators Patten, Bekkedahl, Erbele, Kessel

Representatives Brandenburg, Porter

1 A BILL for an Act to amend and reenact subsection 9 of section 57-51.1-07.5 and sections
2 57-51.1-07.7 and 57-51.1-07.8 of the North Dakota Century Code, relating to the state share of
3 oil and gas tax revenue allocations, the municipal infrastructure fund, and the county and
4 township infrastructure fund.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 9 of section 57-51.1-07.5 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 9. The next fifty-nine million seven hundred fifty thousand dollars, or the amount
9 necessary to provide for twice the amount of the distributions under subsection 24 of
10 section 57-51.1-07.7, into the funds designated for infrastructure development in
11 non-oil-producing counties under sections 57-51.1-07.7 and 57-51.1-07.8 with fifty
12 percent deposited into the municipal infrastructure fund and fifty percent deposited into
13 the county and township infrastructure fund;

14 **SECTION 2. AMENDMENT.** Section 57-51.1-07.7 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **57-51.1-07.7. Municipal infrastructure fund - Continuing appropriation - State**
17 **treasurer - Reports.**

18 1. There is created in the state treasury the municipal infrastructure fund. The fund
19 consists of all moneys deposited in the fund under section 57-51.1-07.5. All moneys in
20 the fund are appropriated to the state treasurer on a continuing basis for the purpose

1 of providing grants to cities located in non-oil-producing counties. The grant funding
2 may be distributed only to cities located in non-oil-producing counties, excluding hub
3 cities, and may be used only for essential infrastructure projects.

4 ~~4.2.~~ By November thirtieth of each even-numbered year, ~~starting in 2022~~, a city that
5 receives a grant from the fund shall provide a report to the state treasurer on the use
6 of the funding. The state treasurer shall notify cities of the reporting requirement by
7 November first of each even-numbered year, ~~starting in 2022~~. Upon request, the state
8 treasurer may provide an extension of up to fifteen days for a city to submit the report.
9 The state treasurer shall determine the format of the report. The report must include
10 the amount of grant funding received and spent by the city and a description of the
11 infrastructure projects completed in part or in whole with the grant funding. The state
12 treasurer shall make the reports available to the public on the state treasurer's
13 website.

14 3. a. A city that does not provide the report in a timely manner or in the correct format
15 is not eligible to receive a grant from the fund for a period of two years starting
16 from the date the report was due.

17 b. If a city uses the funding in a manner inconsistent with the requirements of this
18 section as identified in any financial audits conducted by the state auditor or an
19 independent accounting firm, the state treasurer shall reduce any future grants to
20 that city by the amount spent that was inconsistent with the requirements.

21 c. If a city adopts an ordinance or policy that exceeds state statute, administrative
22 rule, or policy or interferes, unreasonably restricts, or conflicts with an agriculture
23 or energy infrastructure project that is required to be permitted or approved by a
24 state agency, as reported under this subdivision, the city is not eligible to receive
25 any grants from the fund beginning on the later of the date on which the city
26 adopted the ordinance or policy, or the date on which the state agency permits or
27 approves the project, treasurer is notified by the board of university and school
28 lands of a determination of a violation under this subdivision.

29 (1) For purposes of this subdivision, an agriculture or energy infrastructure
30 project includes a project permitted or approved under chapter 4.1-25,
31 23.1-06, 38-08, 38-22, 49-22, 49-22.1, or 61-28 or under administrative

1 rules related to the implementation of those chapters but excludes wind and
2 solar projects approved or permitted under chapter 49-22.

3 (2) A person may report a suspected violation under this subdivision to the
4 board of university and school lands in the form and manner prescribed by
5 the board. The report must include the name of the city; the city's ordinance
6 or policy suspected of violating state statute, administrative rule, or policy;
7 and the state statute, administrative rule, or policy which the person
8 suspects is violated by the city's ordinance or policy. Within thirty days after
9 receiving the report, the board shall investigate the suspected violation, in
10 consultation with any state agency having jurisdiction over the relevant state
11 statute, administrative rule, or policy, and shall provide a written
12 determination to the person who submitted the report and to the city named
13 in the report. The board shall notify the state treasurer if the determination
14 identifies a violation. Any person aggrieved by the determination may appeal
15 the determination using the procedure under chapter 28-32.

16 ~~2.4.~~ Within forty days after the fund balance is greater than or equal to the amount needed
17 for the grants under this subsection or by September thirtieth of each odd-numbered
18 year, whichever is earlier, the state treasurer shall distribute moneys in the fund as
19 grants to cities for essential infrastructure projects. The state treasurer shall distribute
20 the grants only if the fund balance is at least ten percent of the amount needed for
21 distributions under this subsection based on the following:

- 22 a. Two million five hundred thousand dollars to each city with a population of at
23 least five thousand;
24 b. Five hundred thousand dollars to each city with a population of at least two
25 thousand but less than five thousand; and
26 c. One hundred twenty-five thousand dollars to each city with a population of at
27 least one thousand but less than two thousand.
28 d. If, at the time of the distributions, the moneys in the fund are less than the
29 amount needed for the grants under this subsection, the state treasurer shall
30 distribute the grants under this subsection on a pro rata basis.

1 e. For the purposes of determining the city's population under this subsection, the
2 state treasurer shall use the most recent actual or estimated census data
3 published by the United States census bureau.

4 3-5. Within sixty days after the fund receives its statutory limit of oil and gas tax allocations
5 under section 57-51.1-07.5 or by September thirtieth of each odd-numbered year,
6 whichever is earlier, the state treasurer shall distribute the moneys in the fund as
7 grants to cities for essential infrastructure projects. The state treasurer shall distribute
8 the grants only if the fund balance is at least ten percent of the amount needed for
9 distributions under this subsection based on the following:

10 a. One hundred fifty dollars per person of the city's population.

11 b. In addition to the amounts in subdivision a, for a city with a positive average of
12 the annual percentage increase in population from three years prior, a dollar
13 amount equal to the product of the following:

14 (1) The amount calculated in subdivision a; and

15 (2) The average of the annual percentage increase in population from three
16 years prior, multiplied by ten.

17 c. In addition to the amounts in subdivisions a and b, for a city with a positive
18 average of the annual percentage increase in taxable property values from three
19 years prior, a dollar amount equal to the average of the annual property valuation
20 percentage increase for the three most recent years, multiplied by twenty-five
21 thousandths.

22 d. Grants may be distributed under this subdivision only if the grant distributions
23 under subsection 24 are completed. If the moneys in the fund are insufficient to
24 provide for the grants, the state treasurer shall distribute the grants under this
25 subsection on a pro rata basis. If any moneys remain in the fund after the
26 distribution of grants under this subsection, the state treasurer shall distribute any
27 remaining moneys in the fund in proportion to the combined total distributed to
28 each city under this section relative to the combined total distributed to all the
29 cities under this section.

- 1 e. For the purposes of determining the city's population under this subsection, the
2 state treasurer shall use the most recent actual or estimated census data
3 published by the United States census bureau.
- 4 f. For the purposes of determining taxable property values, the state treasurer shall
5 use the most recent data published by the tax commissioner in the tax levy
6 report.
- 7 ~~4-6.~~ For purposes of this section:
- 8 a. "Essential infrastructure projects" means capital construction projects to construct
9 new infrastructure or to replace existing infrastructure, which provide the fixed
10 installations necessary for the function of a city. Capital construction projects
11 exclude debt repayments and routine maintenance and repair projects, but
12 include the following:
- 13 (1) Water treatment plants;
- 14 (2) Wastewater treatment plants;
- 15 (3) Sewer lines and water lines, including lift stations and pumping systems;
- 16 (4) Water storage systems, including dams, water tanks, and water towers;
- 17 (5) Storm water infrastructure, including curb and gutter construction;
- 18 (6) Road and bridge infrastructure, including paved and unpaved roads and
19 bridges;
- 20 (7) Airport infrastructure;
- 21 (8) Electricity transmission infrastructure;
- 22 (9) Natural gas transmission infrastructure; and
- 23 (10) Communications infrastructure, excluding fiber optic infrastructure.
- 24 b. "Fiscal year" means the period beginning September first and ending August
25 thirty-first of the following calendar year.
- 26 c. "Non-oil-producing county" means a county that received no allocation of funding
27 or a total allocation of less than five million dollars under subsection 2 of section
28 57-51-15 in the most recently completed even-numbered fiscal year before the
29 start of each biennium.

30 **SECTION 3. AMENDMENT.** Section 57-51.1-07.8 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **57-51.1-07.8. County and township infrastructure fund - Continuing appropriation -**
2 **State treasurer - Reports.**

3 1. There is created in the state treasury the county and township infrastructure fund. The
4 fund consists of all moneys deposited in the fund under section 57-51.1-07.5. All
5 moneys in the fund are appropriated to the state treasurer on a continuing basis for
6 the purpose of providing grants to non-oil-producing counties and townships located in
7 non-oil-producing counties. The grant funding may be distributed only to
8 non-oil-producing counties and townships located in non-oil-producing counties and
9 may be used only for road and bridge infrastructure projects.

10 ~~1-2.~~ By November thirtieth of each even-numbered year, ~~starting in 2022~~, a county that
11 receives a grant from the fund shall provide a report to the state treasurer on the use
12 of the funding. The state treasurer shall notify counties of the reporting requirement by
13 November first of each even-numbered year, ~~starting in 2022~~. Upon request, the state
14 treasurer may provide an extension of up to fifteen days for a county to submit the
15 report. The state treasurer shall determine the format of the report. The report must
16 include the amount of grant funding received and spent by the county and a
17 description of the road and bridge infrastructure projects completed in part or in whole
18 with the grant funding. The state treasurer shall make the reports available to the
19 public on the state treasurer's website.

20 3. a. A county that does not provide the report in a timely manner or in the correct
21 format is not eligible to receive a grant from the fund for a period of two years
22 starting from the date the report was due.

23 b. If a county uses the funding in a manner inconsistent with the requirements of
24 this section as identified in any financial audits conducted by the state auditor or
25 an independent accounting firm, the state treasurer shall reduce any future
26 grants to that county by the amount spent that was inconsistent with the
27 requirements.

28 c. If a county or township adopts an ordinance or policy that exceeds state statute,
29 administrative rule, or policy or interferes, unreasonably restricts, or conflicts with
30 an agriculture or energy infrastructure project that is required to be permitted or
31 approved by a state agency, as reported under this subdivision, the county or

township is not eligible to receive any grants from the fund beginning on ~~the later~~
~~of the date on which the city adopted the ordinance or policy, or the date on~~
~~which the state agency permits or approves the project~~ treasurer is notified by the
board of university and school lands of a determination of a violation under this
subdivision.

(1) For purposes of this subdivision, an agriculture or energy infrastructure
project includes a project permitted or approved under chapter 4.1-25,
23.1-06, 38-08, 38-22, 49-22, 49-22.1, or 61-28 or under administrative
rules related to the implementation of those chapters but excludes wind and
solar projects approved or permitted under chapter 49-22.

(2) A person may report a suspected violation under this subdivision to the
board of university and school lands in the form and manner prescribed by
the board. The report must include the name of the county or township; the
county's or township's ordinance or policy suspected of violating state
statute, administrative rule, or policy; and the state statute, administrative
rule, or policy which the person suspects is violated by the county's or
township's ordinance or policy. Within thirty days after receiving the report,
the board shall investigate the suspected violation, in consultation with any
state agency having jurisdiction over the relevant state statute,
administrative rule, or policy, and shall provide a written determination to the
person who submitted the report and to the county or township named in the
report. The board shall notify the state treasurer if the determination
identifies a violation. Any person aggrieved by the determination may appeal
the determination using the procedure under chapter 28-32.

~~2-4.~~ Within sixty days after the fund receives its statutory limit of oil and gas tax allocations
under section 57-51.1-07.5 or by September thirtieth of each odd-numbered year,
whichever is earlier, the state treasurer shall distribute moneys in the fund as grants to
counties for road and bridge infrastructure projects. The state treasurer shall distribute
the grants only if the fund balance is at least ten percent of the amount needed for
distributions under this section.

1 ~~3.5.~~ The state treasurer shall distribute the lesser of thirteen percent of the balance of the
2 fund or sixteen million one hundred thousand dollars to non-oil-producing counties for
3 the benefit of the organized and unorganized townships within each non-oil-producing
4 county. The distribution to each non-oil-producing county must provide for an equal
5 allocation to each organized and unorganized township. The amount allocated to
6 organized townships under this section must be paid by the county treasurer to each
7 organized township. The amount allocated to unorganized townships under this
8 section must be credited by the county treasurer to a special fund for unorganized
9 township roads. A township is not eligible for an allocation of funds under this section if
10 the township does not maintain any township roads.

11 ~~4.6.~~ After the distributions in subsection ~~35~~, the state treasurer shall distribute the
12 remaining money in the fund to non-oil-producing counties based on the most recent
13 data compiled by the upper great plains transportation institute regarding North
14 Dakota's county, township, and tribal road and bridge infrastructure needs. The
15 distribution to each non-oil-producing county must be proportional to each
16 non-oil-producing county's total estimated road and bridge investment needs relative
17 to the combined total estimated road and bridge investment needs of all the
18 non-oil-producing counties. The total estimated road and bridge investment needs for
19 each county is the twenty-year estimate for unpaved and paved road and bridge
20 needs as identified by the upper great plains transportation institute. If the data
21 compiled by the upper great plains transportation institute includes more than one
22 twenty-year estimate for the total needs of each county, the state treasurer shall use
23 an average of the twenty-year estimates for each county.

24 ~~5.7.~~ If the moneys in the fund are insufficient to provide for the grants under this section,
25 the state treasurer shall distribute the grants on a pro rata basis.

26 ~~6.8.~~ For purposes of this section:

- 27 a. "Fiscal year" means the period beginning September first and ending August
28 thirty-first of the following calendar year.
- 29 b. "Non-oil-producing county" means a county that received no allocation of funding
30 or a total allocation of less than five million dollars under subsection 2 of section

- 1 57-51-15 in the most recently completed even-numbered fiscal year before the
- 2 start of each biennium.
- 3 c. "Road and bridge infrastructure projects" means the projects associated with the
- 4 construction of new unpaved and paved road and bridge infrastructure or
- 5 associated with the maintenance, repair, or replacement of existing unpaved and
- 6 paved road and bridge infrastructure.