

EXHIBIT 3

DATE 1/30/13

HB 295

Northern Plains Resource Council Testimony

HB 295

by Beth Kaeding

January 30, 2013

Mr. Chairman and members of the Committee, my name is Beth Kaeding. I live in Bozeman. This testimony is submitted on behalf of Northern Plains Resource Council. We are a grassroots conservation and family agriculture organization that focuses on land stewardship, land and water rights, and promoting strong rural economies.

Northern Plains supports HB 295.

Eminent domain is a very powerful authority and should only be used as a last resort. Negotiation between willing parties in a true and honest effort to avoid condemnation should be the primary focus of any project because the use of eminent domain means that a landowner's private property is being taken. Unfortunately, there are many times that this does not happen, and private property owners are most often at a disadvantage.

HB 295 helps level the playing field as it prescribes that the condemnor provide the owner of the property sought with an initial written offer for their private property. This written offer is to given before negotiations begin. This is only fair. Northern Plains believes that being open and honest, especially at the beginning of discussions, is the right thing to do.

HB 295 also would ensure that the condemnor is truly honest and fair by mandating that if a private property owner prevails in litigation about the condemnation and wins an award that is 50% greater than the original written offer, the condemnor would be required to pay the private property owner's attorney fees.

Northern Plains urges Committee members to vote "Yes" on HB 295. Thank you for allowing me this opportunity to speak today.

Beth Kaeding