

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in favor of
SENATE BILL NO. 2314
Senate Energy and Natural Resources Committee
January 27, 2023

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 over 525 farmers, ranchers, and property owners in North Dakota. Northwest Landowners Association is a nonprofit organization, and I am not a paid lobbyist.

We support SB 2314 because we have heard from members and other landowners who are very upset by the threat of eminent domain as a negotiating tactic. This problem has not gone away and it is not only a problem in only one part of the state – landowners around the state are finding themselves forced to take unfavorable terms and unfair compensation because their choice is to take it or spend large sums and years of their lives on litigation.

Eminent domain is sometimes necessary for public projects with a public benefit. But in too many situations it is being used to force landowners to accept unfavorable terms rather than having a real negotiation, and that is not how eminent domain should be used. We support legislation that limits the use of eminent domain and encourages development to occur through private contracts.

While we believe that developers must prove their common carrier status in court to comply with Chapter 32-15 and the North Dakota Constitution, we also believe that this law makes this a clear requirement for developers up front. This is helpful and important because it would limit the use of eminent domain as a threat merely because the developer filed a one-page paper with the PSC, which we understand to be happening.

Thank you,

Troy Coons
Northwest Landowners Association