

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in favor of
SENATE BILL NO. 2261
House Energy and Natural Resources Committee
March 9, 2023

Chairman Porter 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 2261 because it is a practical solution to an unintended consequence of prior legislation. In 2019 the Legislative Assembly passed Senate Bill 2254, which removed any ability to obtain a lien under chapter 35-27 of the Century Code. This was a very well-timed and important step because it saved many landowners from having significant liens attached to their property as a result of disputes between contractors that had nothing to do with them. The law had the intended effect very shortly after it went into effect and we appreciate the efforts to pass that important legislation.

We have learned that disputes have arisen related to wind projects, however, and that this removal of the liens has resulted in smaller North Dakota subcontractors who do not get paid by large general contractors without important remedies. We have crafted a solution that would allow those developers to attach a lien to the actual improvements they construction, such as the wind towers and turbines, but the lien would not attach to the real property. This preserves the lien remedy for the contractors as to their rights in the towers and turbines, but still protects landowners from having liens placed on their land. We feel it is a practical solution with benefits for everyone and ask you vote do pass on SB 2261.

Thank you,

Troy Coons
Northwest Landowners Association