

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in favor of
SENATE BILL NO. 2313
Senate Energy and Natural Resources Committee
January 26, 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 2313 because market value is often not “just” compensation for a landowner whose land was not for sale. As landowners, we are able to sell our land on the market for market value at most any time we want. Although it is not always the case, just compensation in eminent domain proceedings is most often measured by looking at market values, whether for a residential property or a pipeline easement. When a landowner is being forced to sell his land against his will, it is unfair that the remedy is merely what he would have received if he had chosen to sell his land. The point is that he did not and the land was not for sale, and this should be recognized when we compensate the landowner in an eminent domain proceeding.

I would also like to address the percentage in this bill because our organization helped suggest that percentage. I will admit that there is no magic to this number. Some people believed it should be 25 percent, some people believed it should be 100 percent. We chose something we felt was more middle of the road, but that recognizes the difference between a forced sale and willing seller.

We also believe that the most important effect of this legislation would be to reduce the use of eminent domain proceedings as a threat and encourage more settlements and resolutions instead of litigation.

Thank you,

Troy Coons
Northwest Landowners Association