

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in favor of
SENATE BILL NO. 2251
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 2251 because it is not right to allow invasions of a landowner's property only because they are temporary. According to our legal counsel, the United States Supreme Court issued the *Cedar Point Nursery v. Hassid* decision in 2021, and under that ruling it is considered an automatic taking if a law authorizes physical access to a landowner's property without just compensation. In that case, a California labor union was allowed to go onto a farmer's property under a California labor law, so that the labor union could organize the farm workers. The United States Supreme Court said that forcing the farmer to allow the organizers onto his land "appropriates a right to invade the growers' property and therefore constitutes a *per se* physical taking." 141 S. Ct. 2063, 2072 (2021). This law allows companies to access our property to conduct their surveys, some of which might determine that we are hosts to things like Dakota Skipper habitat. It is unfair to force us to accept these unwanted guests just as it was unfair for California to require farmers to host labor organizers. If the government or a developer wants to access private property for a public project, there are appropriate legal mechanisms for doing that, but allowing this access without condemnation or payment of just compensation should not be allowed.

Thank you,

Troy Coons
Northwest Landowners Association