

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in opposition to
HOUSE BILL NO. 1258
Senate Energy and Natural Resources Committee
March 21, 2025

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

We oppose this legislation because the language used in this bill is language being litigated in the courts right now. This bill imports the language from North Dakota Century Code § 49-22.1-13 and places the same language in North Dakota Century Code § 49-22-16, with the obvious intent being to make the law regarding liquid or gas transmission facilities apply for electrical transmission lines as well. The problem is that the meaning of the language being used from 49-22.1-13 is being litigated right now in *APH Farms et al. v. ND PSC*, Burleigh County Case Number 08-2024-CV-03622, and *Burleigh County et al. v. ND PSC et al.*, Burleigh County Case Number 08-2024-CV-03614. The parties in this litigation have very different views of what this language means, and ultimately the district court and North Dakota Supreme Court will make that determination. It would seem wise to wait until the courts rule on the meaning of this language before adding it into other chapters of the Century Code. Given this uncertainty, Northwest Landowners Association cannot support this bill and urges a do not pass on HB 1258.

Thank you,

Troy Coons
Northwest Landowners Association